

City of Ovilla City Council

Rachel Huber, Place One

Dean Oberg, Place Two

David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four

Michael Myers, Place Five

John R. Dean, Jr. City Manager

NOTICE OF CITY COUNCIL BRIEFING SESSION 105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, December 10, 2018

6:00 P.M.

Council Chamber Room

AGENDA

- I. CALL TO ORDER
- II. CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.
- III. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the December 10, 2018 Briefing Session Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 07th day of December 2018 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.





Pamela Woodall, City Secretary

DATE OF POSTING: 12.07.18 TIME: 10:00 am/ pm
DATE TAKEN DOWN: _____ TIME: _____ am/ pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

City of Ovilla City Council

Rachel Huber, Place One

Dean Oberg, Place Two

David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four

Michael Myers, Place Five

John R. Dean, Jr. City Manager

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, December 10, 2018

6:30 P.M.

Council Chamber Room

AGENDA

NOTICE is hereby given of a **Regular Meeting** of the City Council of the City of Ovilla, to be held on **Monday, December 10, 2018** at **6:30 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items:

I. CALL TO ORDER

- Invocation
- US. Pledge of Allegiance and TX Pledge

II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS

▪ Citizen Comments

The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.

- Share results of the Annual Christmas Tree Lighting event

III. CONSENT AGENDA

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration on the regular agenda during this meeting.

C1. October 2018 Financial Transactions over \$5,000

C2. Minutes of the November 12, 2018 Briefing Session and Regular Meeting.

III. REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-36 of the City of Ovilla, Texas, setting the date and time for the Christmas Tree Lighting event held annually in December, providing an effective date.

ITEM 2. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-37 of the City of Ovilla, Texas, setting the date and time for the Heritage Day event held annually in September, providing an effective date.

ITEM 3. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-38 of the City of Ovilla, Texas, setting the date and time for the Ovilla Clean Up Day event held annually in April, providing an effective date.

ITEM 4. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-39 adopting the Employee Policies Handbook, providing for the repeal of all previous employee policies

City of Ovilla City Council

Rachel Huber, Place One

Dean Oberg, Place Two

David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four

Michael Myers, Place Five

John R. Dean, Jr. City Manager

handbooks, providing for the distribution of the revised employee handbook and providing an effective date.

ITEM 5. ***DISCUSSION/ACTION*** – Consideration of and action to authorize the City Manager to approve an interlocal agreement between the City of Ovilla and Ellis County Elections Office to conduct Ovilla Municipal Elections.

ITEM 6. ***DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2018-33 of the City of Ovilla, Texas, Amending Ordinance NO. 2018-19 providing for Budget Amendment Number Two (2) in order to amend the 2019 Fiscal Year Operating Budget for the City of Ovilla; providing for the incorporation of premises; providing a savings clause; providing a cumulative repealer clause; providing for severability; providing for engrossment and enrollment; providing for publication of this ordinance and providing an effective date.

ITEM 7. ***DISCUSSION***–Discuss the application of a Fire Grant.

ITEM 8 ***DISCUSSION/ACTION*** – Consider the City's role in maintaining the pavers at the Veterans Memorial at Heritage Park.

ITEM 9 ***DISCUSSION/ACTION*** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

IV. DEPARTMENT REPORTS

- **Department Activity Reports / Discussion**
 - Police Department Chief B. Windham
 - Monthly Report
 - Fire Department Chief B. Kennedy
 - Monthly Report
 - Public Works Director B. Piland
 - Monthly Report
 - 1. Monthly Park Maintenance Reports
 - Finance Department Accountant L. Harding
 - October 2018 Financials
 - Bank Balances through December 05, 2018
 - Administration Code/AC Officer M. Dooly
 - Monthly Code/Animal Control Reports
 - Monthly Municipal Court Report
 - City Manager Reports City Secretary P. WoodallCity Manager, John R. Dean, Jr.

VI. EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

VII. REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF

City of O'VILLA City Council

Rachel Huber, Place One

Dean Oberg, Place Two

David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four

Michael Myers, Place Five

John R. Dean, Jr. City Manager

VIII. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the December 10, 2018 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 07th day of December 2018 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



A handwritten signature in blue ink that appears to read "Pamela Woodall".

Pamela Woodall, City Secretary

DATE OF POSTING: 12.07.18 TIME: 10:00 am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

CONSENT ITEMS C1 – C2

Meeting Date: December 10, 2018

Department: Administration/Finance

Discussion Action

YES NO N/A

Submitted by: Staff

Amount: N/A

Attachments:

- C1. October 2018 Financial Transactions over \$5,000
- C2. Minutes of the November 12, 2018 Briefing Session and Regular Meeting.

Discussion / Justification:

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve the consent items as presented.



DATE: December 10, 2018

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

SUBJECT: Transactions Over \$5,000 For October 2018

**City of Ovilla Expenditures Over \$5,000
for the Month of OCTOBER 2018**

General Fund				
Date	Check#	Payee	Description	Amount
10/31/2018	48357	City of Midlothian	Dispatch	\$22,750.00
10/31/2018	48310	Progressive Waste Solutions of TX, Inc.	Solid Waste	\$20,615.76
10/31/2018	48297	Blackboard Inc.	Software/Subscription	\$5,349.00
10/31/2018	48315	Ellis Central Appraisal District	Appraisal Fee	\$4,537.75
10/31/2018	48316	State Comptroller	Criminal Cost Fees	\$23,549.13
10/25/2018	48292	Prosperity Bank	Property	\$248,228.28
10/19/2018	48260	Sam Pack's Five Star Ford	Community Service Vehicle	\$24,288.00
10/19/2018	48270	Fund Accounting Solutions Technologies	Software/Subscription	\$9,500.00
10/19/2018	48315	City of Midlothian	Emergency Service	\$15,889.75
10/09/2018	48407	Clifford Power Systems, Inc.	Generator Repair	\$8,238.38
10/05/2018	48318	NetGenius, Inc.	Council room - Support	\$7,520.76
10/05/2018	48253	RDC Construction, LLC	FD Bay and City Hall Rapair and Paint	\$14,771.00
10/05/2018	48244	Deerskin Mfg. Inc.	Community Service Vehicle	\$13,500.00

Total General Fund Transactions \$5,000 and Over \$ 418,737.81

Water & Sewer Fund				
Date	Check#	Payee	Description	Amount
10/15/2018	17372	Peterson Pump and Motor Service	Pump Repair	6,500.00

Total Water & Sewer Fund Transactions \$5,000 and Over \$ 6,500.00

CITY OF OVILLA MINUTES

Monday, November 12, 2018

City Council Briefing Session

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier, called the Council Briefing Session of the Ovilla City Council to order at 6:00 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Dean Oberg	Council Member, Place 2
Doug Hunt	Council Member, Place 4
Michael Myers	Council Member, Place 5

Absent: David Griffin Mayor Pro Tem, Place 3

Mayor Dormier announced that Mayor Pro Tem Griffin was absent and that all remaining Council members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors, and staff were also present.

CALL TO ORDER

CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

Mayor Dormier and City Manager John Dean gave a brief review of each item on the agenda. Questions to Items 4, 5, 6 and the consent items were briefly discussed.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:10 p.m.

ATTEST:

Pamela Woodall, City Secretary

Richard Dormier, Mayor

Approved December 10, 2018

CITY OF OVILLA MINUTES

Monday, November 12, 2018

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code*, *persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Dean Oberg	Council Member, Place 2
Doug Hunt	Council Member, Place 4
Michael Myers	Council Member, Place 5

Absent: David Griffin Mayor Pro Tem, Place 3

Mayor Dormier noted the absence of Mayor Pro Tem Griffin and that the remaining Council members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

Mayor Dormier gave the invocation. PL1 Huber led the oration of the U.S. Pledge of Allegiance and the oration of the Pledge to the Texas Flag.

COMMENTS & PRESENTATIONS

Citizen Comments

1. Isaul Salinas, 628 King Street, spoke of his desires to rezone 744 S. Cockrell Hill Road for future development.

Presentation:

- Mayor Dormier read a Proclamation – Veterans Day.
- Staff gave an update on the Annual Christmas Tree Lighting: Saturday, December 08, 2018 at 6:00 pm, Heritage Park.

CONSENT AGENDA

- C1. September 2018 Financial Transactions over \$5,000
- C2. Investment Report for quarter ended September 30, 2018
- C3. Committed Fund Balance Report as of September 30, 2018
- C4. Annual Interlocal Cooperation Contract between the County of Ellis and Ovilla
- C5. Minutes of the October 18, 2018 Special Council Meeting
- C6. Minutes of the October 09, 2018 Briefing Session and Regular Meeting.

PL4 Hunt requested to pull Consent Item 3 for review. Mayor Dormier pulled it for discussion and action labeled as Item 10 on the Regular Agenda.

PL4 Hunt moved to approve the remaining consent items C1, C2, C4, C5 and C6, as presented, seconded by PL2 Oberg.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

PUBLIC HEARING

PUBLIC HEARING – Receive public comment on the consideration of a replat request to divide 8.361 acres into two residential properties, being Lot 1, Block A (6.063 acres) and Lot 2, Block A (2.298 acres) located at 918 Slippery Elm Drive, in the extraterritorial jurisdiction of the City of Ovilla, Texas 75154. Application submitted by Matt and Rachael James, on behalf of Noma Lankford, owner of said property.

- **Staff Presentation** - Applicants, Matt and Rachael James, on behalf of MS Noma Lankford filed an application with the City and the County to replat 8.361 acres into two residential lots. MS James is the grand-daughter of MS Lankford and plans to build a home on one lot. Legal notices were met with 14-letters to property owners within the vicinity. The City received one response in opposition, in writing. No other responses in favor or opposition were received.

Mayor Dormier opened the Public Hearing at 6:42 PM

- **Public Comment** – Mr. Davies, 505 Ovilla Oaks, advised he was the individual that submitted the written opposition because he didn't think he had sufficient information on the replat to decide in favor, and that he preferred to view open land from his residence.

Applicant MS James and her grandmother, MS Lankford were both present. They advised the home would be located down a private drive not visible from Mr. Davies property. MS James wished to be close to her grandmother. The home they proposed to build would be about 2700 sf.

PH - ITEM 1. DISCUSSION/ACTION – Consideration of an action on the replat request to divide 8.361 acres into two residential properties, being Lot 1, Block A (6.063 acres) and Lot 2, Block A (2.298 acres) located at 918 Slippery Elm Drive, in the extraterritorial jurisdiction of the City of Ovilla, Texas 75154.

PL4 Hunt moved to approve the replat request submitted by Matt and Rachael James, on behalf of Noma Lankford, to divide 8.361 acres into two residential properties, being Lot 1, Block A (6.063 acres) and Lot 2, Block A (2.298 acres) located at 918 Slippery Elm Drive, in the extraterritorial jurisdiction of the City of Ovilla, Texas 75154 and direct staff to forward recommendation to Ellis County, seconded by PL1 Huber.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of an action on volunteer board appointment(s) to serve a term on the Ovilla Park Board Advisory Committee.

Staff received applications from Dr. Angie Knight and Matt Edwards, both willing to serve on the Park Board.

PL1 Huber moved to appoint the following to the Ovilla Park Board Advisory Committee: Angelia Knight as Place One to serve a term on the Ovilla Park Board Advisory Committee, and Matthew Edwards as Place Four to serve a term on the Ovilla Park Board Advisory Committee, seconded by PL4 Hunt.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on volunteer board appointment(s) to serve a term as an alternate position on the Ovilla Zoning Board of Adjustment.

One alternate position, Place ,7 is vacant. Staff shared an application received from Mr. Mark Clark willing to serve on the Board of Adjustment.

PL2 Oberg moved to appoint Mark Clark to serve a term as Place 7 (an alternation position) on the Board of Adjustment, seconded by PL4 Hunt.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action to approve Circle H Contractors, L.P. to install a lining to the manholes on the new wastewater line at Westmoreland and Red Oak Creek Roads, being constructed by Circle H Contractors, L.P.

The City recently approved new design standards for wastewater lines and manholes. At that time, the need for the city to pay for the new line to comply with new standards was discussed by the Mayor. Staff received a quote from the contractor to install the line to line the manholes. This is needed to increase the life of the line and make the line compliant with the new standards.

PL5 Myers moved to approve Circle H Contractors, LP to install a lining to the manholes on the new wastewater line as presented, seconded by PL4 Hunt.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-30 of the City of Ovilla, Texas, amending the 2018-2019 Fiscal Year Water and Sewer Fund Budget, to install lining to the manholes on the new wastewater line services along Westmoreland and Red Oak Creek Roads, for an adjustment of \$47,360, providing for publication of this Ordinance and providing an effective date.

An ordinance and contractor's proposal were presented for a budget amendment of \$47,360 for the cost of the manhole lining for the sewer line being constructed for Hidden Valley Estates.

PL4 Hunt moved that Council approve Ordinance 2018-30 of the City of Ovilla, Texas, amending the 2018-2019 Fiscal Year Water and Sewer Fund Budget, to install lining to the manholes on the new wastewater line services in association with Hidden Valley Estates, for an adjustment of \$47,360, providing for publication of this Ordinance, effective immediately, seconded by PL2 Oberg.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-31 of the City of Ovilla, Texas, repealing Ordinance 2018-26 in its entirety, and amending the Fiscal year 2018-2019 Water and Sewer Fund Budget and annual program of services to allow for an adjustment of \$260,000 for the purchase of real properties being identified as Ellis Cad Property ID's 187744, 187748, and 187741; providing for publication of this ordinance and providing for an effective date.

No Action.

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-32 of the City of Ovilla, Texas, granting to ATMOS Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Ovilla, Dallas and Ellis Counties, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees; and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.

Atmos sent Ovilla a revised ordinance that replaces Ordinance 2018-13 (approved August 2018) in its entirety. The City Attorney has reviewed the ordinance.

PL5 Myers moved that Council approve Ordinance 2018-32 of the City of Ovilla, Texas, granting to ATMOS Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Ovilla, Dallas and Ellis Counties, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees; and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances, seconded by PL2 Oberg.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 7. **DISCUSSION/ACTION**–Consideration of and action on approval of a contract by and between the City of Ovilla and Perdue, Brandon, Fielder, Collins and Mott, LLP for the collection of delinquent utility accounts.

The City currently contracts with Perdue, Brandon, Fielder, Collins and Mott, LLP for the collection of municipal court warrants. They also have the capability to assist in the collection of delinquent utility accounts. Currently, Ovilla doesn't have a service contract for the collection of debts other than warrants. This contract will be similar to the current contract for the collection of warrant debt. It has been reviewed and approved by the City Attorney.

PL5 Myers moved that Council approve/deny contract by and between the City of Ovilla and Perdue, Brandon, Fielder, Collins and Mott, LLP for the collection of delinquent utility accounts as presented, seconded by PL1 Huber.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 8. **DISCUSSION/ACTION**–Receive recommendation from the Ovilla Park Board Advisory Committee to consider of and act on Resolution 2018-35 for the naming of an open park space located behind the municipal buildings at 105 S. Cockrell Hill Road, Ovilla, Texas, as Founders Park.

Park Board Advisory Chair Treadaway shared a notable presentation with Council on a concept plan for improvements to the downtown area as well as park areas and open space, that included the naming of the open space behind the municipal buildings at 105 S. Cockrell Hill Road. The Park Board met on November 05 to confirm their recommendation to the naming of the open space area to hopefully become a park area in the near future. This concept plan follows the City's Strategic Plan as well as the recently approved and adopted 2018 Parks Master Plan.

The Park Board recommended the naming of the open space to be *Founders Park*. Staff presented a resolution for Council's consideration. Mayor Dormier directed staff to revise a section of the resolution that noted 4" sidewalks to state "trails" that will connect to Heritage Park.

PL2 Oberg moved to approve Resolution R2018-35 for the naming of an open park space located behind the municipal buildings at 105 S. Cockrell Hill Road, Ovilla, Texas, as *Founders Park* and to include the revision to replace the word "sidewalks" with the word "trails", seconded by PL4 Hunt. *No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.*

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 9. DISCUSSION—Review of Cindy Jones Park compliance.

It was noted the swings were not in compliance. That would be corrected.

Discussion Only.

ITEM 10. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Pending discussion regarding capital assets and the formatting of Consent Item C3, PL4 Hunt moved to approve the Consent Item, seconded by PL2 Oberg.

No oppositions, no abstentions. Mayor Pro Tem Griffin noted absent.

VOTE: The motion to approve carried unanimously: 4-0.

DEPARTMENT REPORTS

- Department Activity Reports / Discussion
 - Police Department
 - Monthly Report – discussed and reviewed.
 - Fire Department
 - Monthly Report - discussed and reviewed.
 - Public Works
 - Monthly Report - discussed and reviewed.
 - 1. Monthly Park Maintenance Reports
 - Finance Department
 - September 2018 Financials – Monuments will soon be complete.
 - Bank Balances through November 06, 2018
 - Administration
 - Monthly Code/Animal Control Reports
 - 1. 101 Oakwood: Abatement will be conducted tomorrow morning.
 - Monthly Municipal Court Report- reviewed.
 - City Manager Reports- reviewed.

Chief B. Windham

Chief B. Kennedy

Superintendent D. Durham

Accountant L. Harding

Code/AC Officer M. Dooly

City Secretary P. Woodall

City Manager, John R. Dean, Jr.

EXECUTIVE SESSION - None

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF

1. Mayor Dormier	Heritage Park-stones faded
2. PL1 Huber	None
3. PL2 Oberg	None
4. PL3 Griffin	None
5. PL4 Hunt	None
6. PL5 Myers	None
7. City Manager	None

ADJOURNMENT

PL4 Hunt moved to adjourn the meeting of November 12, 2018, seconded by PL2 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 8:07 p.m.

ATTEST:

Pamela Woodall, City Secretary

Attachments: Citizens Forum sheet

Richard Dormier, Mayor

Approved December 10, 2018

Mayor Richard Dormier
Place One Council, Rachel Huber
Place Two Council, Dean Oberg
Place Three Council/ Mayor Pro Tem, David Griffin



Place Four Council, Doug Hunt
Place Five Council, Michael Myers
City Manager, John R. Dean, Jr.

WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

The Ovilla City Council and City Staff welcome you to a meeting of the Ovilla City Council.
Ovilla Council Meetings are open to the public and residents are encouraged to attend.

It is the policy of the City of Ovilla to give all individuals and lawful organizations an opportunity to formally address the Mayor and Council regarding any posted Agenda item or items not on the agenda. Each participant will be permitted to speak for a maximum of three minutes. Regarding non-agenda items, please be advised that the Mayor and Council cannot respond but may direct inquiries to staff for current policy or for later review.

The form must be complete.

DATE: 11/12/18

PHONE: (469) 235-5977

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA? YES NO

NAME: Isaui Salinas

ORGANIZATION / DEPARTMENT: _____

ADDRESS: 1028 King St.

CITY / ZIP: Cedar Hill, TX 75164

Persons wishing to address the Mayor and Council concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary at least 10 minutes prior to the beginning of the scheduled meeting. **The form must be complete.** At the discretion of the Mayor, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.

I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER:

I wish to address the Council on this agenda item(s).

I do not wish to address the Council, but would like to register the following opinion.

(Circle one) FOR AGAINST

Comments: requesting information on re-zoning for subdivision
@ 744 S. Cockerell Hill Rd. Ovilla, TX

Would you be interested in serving on an appointed board or commission of the City of Ovilla?

Yes No

The City Council convenes in regular session on the second Monday of each month at 6:00 P.M. unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City.

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature Isaui Salinas"

AGENDA ITEM REPORT Item 1

Meeting Date: December 10, 2018

Department: Administration/PW

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: John R. Dean, Jr.

Amount: N/A

Reviewed By: City Manager City Secretary City Attorney

Accountant

Other: PW Director, B. Piland

Attachments:

1. Resolution R2018-36

Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-36 of the City of Ovilla, Texas, setting the date and time for the Christmas Tree Lighting event held annually in December, providing an effective date.

Discussion / Justification:

To aid in the preparation of the annual event, staff is presenting a Resolution to set the date and time.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve Resolution R2018-36, setting the date and time for the Christmas Tree Lighting event held annually in December, effective immediately.

RESOLUTION NO. R2018-36

A RESOLUTION OF THE CITY OF OVILLA, TEXAS, SETTING THE DATE AND TIME FOR THE CHRISTMAS TREE LIGHTING EVENT HELD ANNUALLY IN DECEMBER, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla Mayor, governing body, employees and citizens have enjoyed the festivities of music, a visit from Santa, story-telling, refreshments provided by the Ovilla Service League, and the lighting of the Christmas Tree for many years; and

WHEREAS, the City of Ovilla Mayor, governing body, employees and citizens have shared family time and fellowship with friends and neighbors, and making new acquaintances during this event; and

WHEREAS, the City Council has determined the importance of future planning and preparation for this annual event to ensure success.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby approves and sets the date and time of the Annual Christmas Tree Lighting Event to be held on the first Saturday in December at 6:00 p.m.

SECTION 2.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 10th day of December 2018.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

AGENDA ITEM REPORT
Item 2

Meeting Date: December 10, 2018

Department: Administration/PW/Code

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: John R. Dean, Jr.

Amount: N/A

Reviewed By: City Manager City Secretary City Attorney

Accountant

Other: PW Director, B. Piland

Attachments:

1. Resolution R2018-37

Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-37 of the City of Ovilla, Texas, setting the date and time for the Heritage Day event held annually in September, providing an effective date.

Discussion / Justification:

To aid in the preparation of the annual event, staff is presenting a Resolution to set the date and time.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve Resolution R2018-37, setting the date and time for the Heritage Day Celebration event held annually in September, effective immediately.

RESOLUTION NO. R2018-37

A RESOLUTION OF THE CITY OF OVILLA, TEXAS, SETTING THE DATE AND TIME FOR THE HERITAGE DAY CELEBRATION EVENT HELD ANNUALLY IN SEPTEMBER, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla Mayor, governing body, employees and citizens have enjoyed the festivities of music, shopping booths from arts and crafts to gift shops of all kinds, bounce houses, petting zoos and lots of food; and

WHEREAS, the City of Ovilla Mayor, governing body, employees and citizens have shared family time and fellowship with friends and neighbors, and making new acquaintances during this event; and

WHEREAS, the City Council has determined the importance of future planning and preparation for this annual event to ensure success.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby approves and sets the date and time of the Annual Heritage Day Celebration Event to be held on the fourth Saturday in September beginning at 9:30 a.m.

SECTION 2.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 10th day of December 2018.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

AGENDA ITEM REPORT Item 3

Meeting Date: December 10, 2018

Department: Administration/PW

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: John R. Dean, Jr.

Amount: N/A

Reviewed By: City Manager City Secretary City Attorney

Accountant

Other: PW Director B. Piland

Attachments:

1. Resolution R2018-38.

Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-38 of the City of Ovilla, Texas, setting the date and time for the Ovilla Clean Up Day event held annually in April, providing an effective date.

Discussion / Justification:

To aid in the preparation of the annual event, staff is presenting a Resolution to set the date and time.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve Resolution R2018-38 of the City of Ovilla, Texas, setting the date and time for the Ovilla Clean Up Day event held annually in April, effective immediately.

RESOLUTION NO. R2018-38

A RESOLUTION OF THE CITY OF OVILLA, TEXAS, SETTING THE DATE AND TIME FOR THE OVILLA ANNUAL CLEAN UP DAY EVENT HELD ANNUALLY IN APRIL, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla Mayor, governing body, and employees have served the residents of Ovilla annually with a special spring clean-up day, ridding residents' homes of brush, bulky items, tires, paints, chemicals, and refuse by providing residents a one-time drop off area; and

WHEREAS, the City of Ovilla Mayor and governing body have determined that all residents (proven residents with water bill stub and/or driver's license) benefit from this annual spring-clean up service; and

WHEREAS, the City Council has determined the importance of future planning and preparation for this annual event to ensure success.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby approves and sets the date and time of the Annual Ovilla Spring Clean-Up to be held on the fourth Saturday in April beginning at 8:00 a.m. until noon.

SECTION 2.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 10th day of December 2018.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

AGENDA ITEM REPORT

Item 4

Meeting Date: December 10, 2018

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: John R. Dean, Jr.

Amount: N/A

Reviewed By: City Manager City Secretary City Attorney

Accountant

Other: All departments

Attachments:

1. Resolution R2018-39 and Attachment (handbook)
2. List of various changes to the policy

Agenda Item / Topic:

ITEM 4. **DISCUSSION/ACTION** –Consideration of and action on Resolution R2018-39 adopting the Employee Policies Handbook, providing for the repeal of all previous employee policies handbooks, providing for the distribution of the revised employee handbook and providing an effective date.

Discussion / Justification:

This new handbook includes all approved updates made since the adoption of the 2014 Handbook, Resolution R2014-002, and revisions necessary according to statutes. Specific updates incorporated into the new manual also include resolutions previously approved and intended for the revised handbook:

1. Methodology of Employee evaluations
2. Employee buy-pay/back program
3. Weapons carry
4. Language corrections throughout the handbook

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve Resolution R2018-39 adopting the Employee Policies Handbook, providing for the repeal of all previous employee policies handbooks, providing for the distribution of the revised employee handbook, effective immediately.

RESOLUTION NO. R2108-39

A RESOLUTION ADOPTING A REVISED EMPLOYEE POLICIES HANDBOOK; PROVIDING FOR THE REPEAL OF ALL PREVIOUS EMPLOYEE POLICIES HANDBOOKS; PROVIDING FOR DISTRIBUTION OF THE REVISED EMPLOYEE HANDBOOK TO ALL CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has determined that the personnel policies for employees of the City of Ovilla required revision in order to conform more fully with current laws and policies; and

WHEREAS, the City Council has reviewed the revised Employee Policies Handbook, as attached, and determined that it more adequately meets the needs of the City of Ovilla.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby approves and adopts the "Employee Policies Handbook" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

SECTION 2.

This Resolution shall supersede and repeal any previous ordinance and/or resolution of the City Council regarding an employee handbook, to the extent there is any conflict.

SECTION 3.

The City Manager's office is hereby directed to distribute a copy of the Employee Policies Handbook to each employee of the City of Ovilla.

SECTION 4.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 10th day of December 2018.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

Article I.

City of Ovilla
Employee Policies Handbook

OVILLA
**EMPLOYEE POLICIES
HANDBOOK 2018**

Approved and adopted
December 10, 2018

RESOLUTION R2018-39

WELCOME AND INTRODUCTIONS

To the Employees of the City of Ovilla:

Whether you have just joined our staff or have been an employee at the City of Ovilla for a while, we are confident that you will find our organization a rewarding place to work, and we look forward to a productive and successful association. We consider employees of the City to be one of our most valuable resources and therefore, strive to maintain an environment of respect, dignity, and open communication. We appreciate our current employees and their contributions to our City, and appreciate you, our new employees for joining our organization. By all of us working together to achieve our goals we can be successful.

This Handbook has been written to serve as the guide for our employer and employee relationship. There are several things to keep in mind about this Employee Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific concerns or questions to the Human Resources designee. Neither this Handbook nor any other company document confers any contractual right, either expressed or implied, to remain in the company's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will with or without cause and without prior notice by the City of Ovilla, or you may resign for any reason at any time.

The procedures, practices, policies and benefits described in this Handbook may be modified or discontinued from time to time. We will try to inform you of any changes as they occur. Some subjects described in this Handbook are covered in detail in other official documents. Refer to these documents for specific information because the Handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other document.

City Manager

City of Ovilla

RESOLUTION NUMBER R2018-39

A RESOLUTION ADOPTING A REVISED EMPLOYEE POLICIES HANDBOOK; PROVIDING FOR THE REPEAL OF ALL PREVIOUS EMPLOYEE POLICIES HANDBOOKS; PROVIDING FOR DISTRIBUTION OF THE REVISED EMPLOYEE HANDBOOK TO ALL CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has determined that the personnel policies for employees of the City of Ovilla required revision in order to conform more fully with current laws and policies; and

WHEREAS, the City Council has reviewed the revised Employee Policies Handbook, as attached, and determined that it more adequately meets the needs of the City of Ovilla.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby approves and adopts the "Employee Policies Handbook" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

SECTION 2.

This Resolution shall supersede and repeal any previous ordinance and/or resolution of the City Council regarding an employee handbook, to the extent there is any conflict.

SECTION 3.

The City Manager's office is hereby directed to distribute a copy of the Employee Policies Handbook to each employee of the City of Ovilla.

SECTION 4.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 10th day of December 2018.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

Employee Policies Handbook Acknowledgment and Receipt

I have received my copy of the City of Ovilla Employee Handbook.

The Employee Handbook describes important information about the City of Ovilla, and I understand that I should consult my Department Director or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Ovilla voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Ovilla can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.

I understand and agree that, other than the chief administrative officer of this organization, no manager, supervisor or representative of the City of Ovilla has any authority to enter into any agreement for employment other than at will; only the chief administrative officer of this organization has the authority to make any such agreement and then only in writing signed by the chief administrative officer of the City of Ovilla.

This Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City of Ovilla. By distributing this Handbook, the organization expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by the City of Ovilla, and the organization reserves the right to change my hours, wages and working conditions at any time. I understand that revised information may supersede, modify or eliminate existing policies. Only the chief administrative officer of the City of Ovilla, with City Council approval, has the ability to adopt any revisions to the policies in this Handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Ovilla is employment-at-will, which may be terminated at the will of either the City of Ovilla or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by the City of Ovilla or me.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

CITY OF OVILLA
EMPLOYEE POLICIES HANDBOOK

WELCOME AND INTRODUCTIONS

COUNCIL RESOLUTION - APPROVAL OF POLICIES HANDBOOK	3
---	----------

EMPLOYEE POLCIES HANDBOOK ACKNOWLEDGMENT AND RECEIPT FORM

TABLE OF CONTENTS

<u>SECTION 1</u>	Key Policies	6
<u>SECTION 2</u>	City Overview	12
<u>SECTION 3</u>	Federal, State and City Regulatory Guidelines	13
<u>SECTION 4</u>	Employment Policies	15
<u>SECTION 5</u>	Promotions, Transfer, Demotion, Hiring Freeze, Training, Purchasing, Travel and Memberships	24
<u>SECTION 6</u>	Compensation and Pay Policies	27
<u>SECTION 7</u>	Attendance and Work Hours	33
<u>SECTION 8</u>	Employee Benefits	37
<u>SECTION 9</u>	Employer and Employee Communications	53
<u>SECTION 10</u>	Employee Conduct and Work Rules	65
<u>SECTION 11</u>	Drugs and Alcohol	86
<u>SECTION 12</u>	Resignation, Termination and Retirement, Rehire	91

1.0 Policy and Resolution

This Employee Handbook has been approved by the City Council of the City Ovilla by Resolution and upon enactment and effective date shall repeal all conflicting ordinances and resolutions relative to personnel.

Amendments of substance to the Handbook require approval by the City Council of Ovilla by Resolution. The City Manager is responsible for the implementation of the personnel policies. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter. Authority may be delegated to appropriate staff members to act in the City Managers' behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Ovilla Department Director, manager or supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

1.1 Employment At-Will Policy

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this Handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the City retains the right to terminate any employee at any time, for any or no reason.

1.2 Equal Employment Opportunity Policy

The City of Ovilla provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The City of Ovilla complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. The policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer leaves of absence, compensation and training.

The City of Ovilla expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of the City employees to perform their expected job duties is absolutely not tolerated.

1.3 Objectives and Applicability

The policies contained in this Handbook are approved by the City Council. No Handbook can encompass every law, regulation, or personnel issue. The City reserves the authority to modify, revoke, interpret or terminate any or all of the policies specified in this Handbook, in whole or in part, at any time, with or without notice.

A current copy of the Resolution and related document can be obtained from the City Secretary.

1.4 Departmental Policies, General Orders, and Standard Operating Procedures

Due to the variety of services performed by the City, it may be necessary for individual departments and divisions to establish codes of conduct, regulations, policies and procedures related to their specific departmental responsibilities. All such departmental or divisional policies must be approved by the City Manager, shall not conflict with the policies of this Handbook, may be more restrictive but not less restrictive than what the Handbook provides.

1.5 Penalty

An employee who fails to comply with this Handbook, related policies, procedures or applicable law, City Ordinances, or departmental or divisional regulations, or who violates one or more of the rules of conduct set forth herein is subject to disciplinary action, up to and including termination.

1.6 Definitions

For the purposes of this Handbook:

AFFINITY WITHIN THE SECOND DEGREE includes an employee's spouse, step-parent, father-in-law, mother-in-law, spouse's grandparents, spouse's grandchildren, brother-in law, sister-in-law, son-in-law and daughter-in-law.

ALCOHOLIC BEVERAGES mean alcohol, or any substance containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

AMERICANS WITH DISABILITIES ACT OF 1990 means Title 42 U.S.C. §12101, *et seq.*, as amended.

APPLICANT means a person who has completed a written application form for an open position and provided any clarification information requested.

BENEFIT means an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

CAFETERIA PLAN means an employee benefits program designed to take advantage of Section 125 of the Internal Revenue Code; which allows employees to pay certain qualified health related premiums on pre-tax bases, thereby reducing the total taxable income and increasing spendable/take-home income.

CALL BACK means the unscheduled return to work outside of normal hours on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

CHILD means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- (A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

CITY means the City of Ovilla, Texas.

CITY MANAGER means the City Manager of the City or the City Manager's designee.

CONSANGUINITY WITHIN THE THIRD DEGREE includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, and half-nieces and nephews.

DEMOTION means the movement of an employee to a different classification having a lower maximum rate of pay, but not including a reclassification.

DEPARTMENT DIRECTOR means a person appointed by the City Manager who is responsible for the administration of a department, or the Department Director's designee.

DISMISSAL or **DISCHARGE** means involuntary termination of employment with the City.

DRUG PARAPHERNALIA means equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code that may be used to facilitate the use of controlled substances or inhalants.

DRUG AND ALCOHOL TEST means the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen, and continuing through the conclusion of laboratory testing of a specimen.

EMPLOYEE means a person employed and paid either a salary or a wage by the City and includes a person working part-time, but does not include an independent contractor, volunteer, or City Council member.

EXEMPT EMPLOYEE means an employee who occupies executive, administrative or professional positions as defined in the Fair Labor Standards Act.

FAIR LABOR STANDARDS ACT means Title 29 U.S.C. §201, et seq., as amended.

FLEXIBLE WORK SCHEDULE means modified working hours that enable employees to choose their working hours within core designated hours to improve customer service delivery with supervisory authorization.

FMLA means the Family and Medical Leave Act of 1993, which allows an employee to take up to 12 weeks of job-protected paid or unpaid leave due to a serious health condition that makes the employee unable to perform his or her job, to care for a sick immediate family member (spouse, child, parent) or to care for a new child (including by birth, adoption or foster care.)

GRIEVANCE means an issue raised by an employee relating to the employee's benefits or conditions of employment.

HARASSMENT means a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American with Disabilities Act of 1990, or Chapter 21 of the Texas Labor Code. Petty slights, annoyances, and isolated incidents (unless extremely serious) normally do not rise to the level of illegality.

HEALTH CARE PROVIDER means:

- (A) A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;
- (B) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice;
- (C) Nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;
- (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- (E) Any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

HUMAN RESOURCES DEPARTMENT means an employee, designated by the City Manager, to handle the administrative duties of Human Resources Management. This includes, but is not limited to, benefits coordination, employment applications and processing, payroll, personnel files management, and keeping updated with laws pertaining to Human Resources Management.

ILLEGAL DRUG means a controlled substance, as defined in Chapter 481 of the Texas Health and Safety Code, or inhalant, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

IMMEDIATE FAMILY means the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, stepparents, and shall include the spouse's immediate family. A legal guardian shall be considered as immediate family, so shall a relative designated above by marriage rather than blood ("step" relatives).

IMPAIRED or **IMPAIRMENT** means the inability of an employee to perform duties safely and competently due to use of alcohol, illegal drugs, prescription drugs or over the counter drugs.

INTERIM ASSIGNMENT means a temporary assignment of a fulltime employee to another position or duties other than those of their current regular position.

JOB (see **POSITION**)

LEGAL GUARDIAN means a person appointed by a court to guard the interests of a child who is a ward.

NON-EXEMPT EMPLOYEE means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

POSITION means a collection of tasks, duties, and responsibilities regularly assigned to and performed by one person. The term "job" is synonymous with "position" when it is performed by one person.

PROMOTION means the change of an employee from a lower classification to a higher classification with a resulting increased wage or salary. A temporary or interim assignment to a higher classification, even with a temporary increased wage or salary, does not constitute a promotion.

REAPPOINTMENT means employment of a person who has previously been employed by the City.

REASONABLE SUSPICION means a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job may be impaired or so the employee's ability to perform the job safely may be reduced.

REINSTATEMENT means the reappointment of an employee who was reduced in classification or separated from employment because of a position being vacated or abolished by the City council.

REINSTATEMENT LIST means a list of individuals, who have been reduced or separated from a classification as a result of positions being vacated or abolished by the City Council, ranked in the order of seniority.

REPRIMAND means a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

SEPARATION means any termination of employment with the City.

SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves:

- (A) In-patient care in a hospital, hospice, or residential medical care facility; or
- (B) Continuing treatment by a health care provider, including one or more of the following:
 - (i) period of incapacity of more than three consecutive calendar days that requires:
 - (a) treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or
 - (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
 - (ii) any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;
 - (iii) any period of incapacity or treatment for incapacity due to a chronic serious health condition even if no treatment is received during the absence;
 - (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - (v) any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

(Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for indefinite leave of absence.)

SPOUSE means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

SUSPENSION means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

SWORN EMPLOYEE means an employee of the Police Department who is certified by the State Commission on Law Enforcement Officer Standards and Education or the State Commission.

TERMINATION means cessation of employment with the City.

TRANSFER means a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

UNDULY DISRUPTIVE means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

WORKDAY means one shift during which a department is open for business or for which an employee is scheduled to work.

WORKING HOURS means the time during which an employee is on duty, including regular time, overtime, and emergency duty.

WORK PERIOD means a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a nonexempt employee is entitled to overtime compensation.

WORK WEEK means the number of hours an employee is regularly scheduled to work during a seven-day work period.

Section 2

City Overview

2.0 Ovilla City Government

The City of Ovilla is a General Law Type A municipality. All the powers of the City are vested in and exercised by an elective City Council, which enacts legislation, adopts budgets, determines policies, appoints the City Manager, the City Secretary, the City Attorney, and the Municipal Judge who shall execute the laws and administer the government of the City.

The Council is composed of a Mayor and five councilpersons. The members of the City Council of Ovilla shall only be elective offices of the City and shall run for office by place and be elected from the city at-large for a term of two years or until their successors are duly elected and qualified.

2.1 City Administration

The City Manager is the chief administrative and executive officer of the City of Ovilla. With the exception of matters reserved to the City Council, the final authority for any personnel matters rest with the City Manager, who may delegate such authority as the City Manager deems necessary and proper.

2.2 General Law City

A General Law City means that the city's powers are defined and limited by the specific authority granted by Texas statutes, and is restricted to do what the legislature, through laws, direct or permit them to do.

2.3 Employees Role in Achieving Strategic Plan

Through the City's Strategic Plan, continuous evaluation occurs in the areas of customer service delivery and accountability, internal organizational strengths, weaknesses, challenges and opportunities. Strategic goals, objectives, action plans, and timeframes are developed.

As an employee, you should be familiar with the strategic goals of the City and how your role impacts the City's overall achievement of the Strategic Plan. A copy of the Plan can be obtained from either the City Manager's or City Secretary's Office.

Section 3

Federal, State and City Regulatory Guidelines

3.0 Major Laws Impacting the Hiring Process

The main thrust of all employment discrimination laws is to make it illegal for employers to treat employees or applicants adversely on the basis of something about themselves that they cannot change or should not be expected to change. Below is a listing of the most important Federal and Texas statutes relating to employment discrimination.

Federal

- Civil Rights Act of 1964, Title VII – covers employers with at least 15 employees – protects against discrimination based upon race, color, gender, national origin, and religion – this law also started the EEOC
- Pregnancy Discrimination Act of 1978 (PDA) – incorporated by amendment into the Title VII statute, the PDA clarifies that pregnancy and related conditions are considered to be a subset of “gender” for discrimination law purposes; the law prohibits employers from treating women with pregnancy or related conditions any less favorably than other employees who have medical conditions that place a similar limitation on their ability to or availability for work
- Age Discrimination in Employment Act of 1967 (ADEA) – covers employers with at least 20 employees – protects against discrimination based upon age against people who are age 40 or older
- Americans with Disabilities Act of 1990 (ADA) – covers employers with at least 15 employees – protects against discrimination based upon disabilities, the perception of disabilities, or association with people with disabilities.
- Genetic Information Non-discrimination Act of 2009 – covers employers with at least 15 employees – prohibits discrimination on the basis of genetic information, as well as the use, gathering, and disclosure of genetic information in the context of employment relationships
- Immigration Reform and Control Act of 1986 (IRCA) – discrimination protection provisions cover employers with at least 4 employees – protects against discrimination based upon national origin or citizenship – this law also started the I-9 process
- U.S. Bankruptcy Code – Section 525 – covers any employer – prohibits discrimination based upon bankruptcy history.

The State of Texas has the following anti-discrimination statutes:

- Texas Labor Code, Chapter 21 (formerly known as the Texas Commission on Human Rights Act) – covers employers with at least 15 employees – protects against discrimination based upon race, color, gender, national origin, religion, age, and disability
- Texas Workers’ Compensation Act – anti-discrimination provisions cover all employers – protects against discrimination based upon workers’ compensation claim history - although the Texas Supreme Court has ruled that this statute applies only to employees, not to applicants, discriminating against applicants based upon workers’ compensation claim history will generally be viewed by the EEOC as a violation of disability discrimination laws.

3.1 PERSONNEL RECORDS

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Performance reviews, change of status records, commendations, disciplinary actions, and educational and professional attainment records are examples of records maintained in your file.

Employees must promptly inform the Human Resources Department of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation), and name and addresses of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information will result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel files may be subject to disclosure in accordance with the Texas Public Information Act.

Personnel records kept in a separate file, apart from the regular personnel files, are:

- I-9 Records are kept in a separate I-9 file to defend against a national origin or citizenship discrimination claim.
- Medical Information (including FMLA and workers compensation records) because the Americans with Disabilities Act require that any medical records pertaining to employees are kept in separate confidential medical files.
- Safety Records because they might contain documentation relating to an employee's participation or involvement in an OSHA claim or investigation.
- Grievance and Investigation Records because they contain confidential or extremely private information.

The Human Resources designee is responsible for developing a security file access and cross-referencing system/procedures for the various personnel files. The procedures are to ensure that only those who have the need to see certain records can ever see them. The City Manager is responsible for approval of the system/procedures.

Section 4

Employment Policies

4.0 JOB DESCRIPTIONS

Each Department Director is responsible for creating and updating written job descriptions for each position within the Department and providing a copy of each job description to the City Manager or his/her designee. All job descriptions must be written in a standard format adopted and approved by the City Manager. The City Manager will periodically review the duties and responsibilities of each position within the City and set pay levels commensurate with the duties and responsibilities, skill and educational requirements and experience level associated with each position. Copies of all job descriptions are filed with the Human Resources Department.

4.1 Job Vacancies

All Department Directors shall notify the Human Resources designee of their anticipated job vacancies, as far in advance as is reasonably possible, to permit sufficient time for the recruitment and selection of qualified candidates on an objective basis.

All recruitment activity will be initiated by the appropriate Department Director and coordinated by the Human Resources Department. Only those vacancies allocated in the annual budget and specifically authorized by the City Manager may be filled.

When a vacancy occurs, a job opening notice will be posted internally for a period of five (5) working days. During that five-day period applications may be taken from current employees.

If vacancy is not filled from within or no applications are received from City staff, the Human Resources designee may consider applications already on file and/or publicly advertise the Vacancy by available means.

If deemed necessary, and with the approval of the City Manager, the Human Resources designee may waive the five-day internal posting period and immediately seek candidates.

4.2 Applications

Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete an application and apply for the position desired. City applications officially received in the normal prescribed manner will be considered. All information set forth on an application is subject to verification. Applications will be considered active for a period of thirty days, unless the application is being retained as part of an eligibility list for six months.

Applications for employment will be considered only when an employment vacancy exists, or when establishing an eligibility list.

4.3 Applicant Disqualifications

Applicants will be disqualified from consideration for reasons including, but not limited to the following:

- (A) Failure to meet the minimum qualifications necessary for performance of the duties for the position;

- (B) False statements or material omissions on the application or during the application process;
- (C) Committing or attempting to commit a fraudulent act at any stage of the selection process;
- (D) Not legally permitted to work in the United States;
- (E) Is unable to perform the essential functions of the job applied for with or without a reasonable accommodation.

4.4 BASIC EMPLOYMENT QUALIFICATIONS

In addition to the qualifications applicable to each position, an applicant for employment with the City must:

- (A) Be at least 18 years of age or meet special age requirements for the Police and Fire departments and for seasonal positions and internships.
- (B) Be of good moral character;
- (C) Have a social security number;
- (D) Be a citizen of the United States or possess a valid resident alien work card;
- (E) Agree to be fingerprinted when applicable to the position
- (F) Neither be addicted to the use of narcotics or alcohol nor use illegal drugs;
- (G) Not have been discharged from the armed forces under conditions other than honorable or general;
- (H) Must pass a background and drug test.

4.5 PROOF OF EMPLOYMENT ELIGIBILITY AND IDENTITY

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. Failure to provide the necessary documentation within 3 days will result in termination of employment. Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

4.6 BACKGROUND AND REFERENCE CHECKS

The City will perform background and reference checks on all applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, and

related transcript, by an accredited institution or firm; license, or certificate required for the position; review of driving record; drug testing; outstanding warrant check; and credit history. The extent of the background check will be consistent with the employee's position and duties. The City may also conduct periodic background checks on existing employees. As a condition of employment or continued employment, applicants and employees are required to give the City the necessary authorization to perform such checks.

4.7 CITY DRIVER REQUIREMENTS

Information Required. Before hiring an applicant for a position that requires the driving of a City vehicle, the City will verify the applicant's driving record from the Texas Department of Public Safety to determine whether the applicant qualifies for employment under this section. The City may re-verify the validity of an employee's driver's license record.

Disqualification. A person shall not be hired for or allowed to retain a position that requires the driving of a City vehicle if within the immediately preceding 36 months, the person has:

- (A) A conviction for driving while intoxicated;
- (B) A conviction for driving under the influence of drugs; or
- (C) Three or more chargeable accidents, three or more convictions for moving violations, or a combination thereof.

4.8 APPOINTMENTS

The appointment of all City Employees shall be subject to the approval of the City Manager, except where City Ordinances or the City Charter provisions state otherwise.

Employees who are classified as regular full-time shall receive all benefits as set forth herein. Regular part-time are regularly scheduled for duty less than 1000 hours annually. Employees classified as regular part-time, or temporary full-time or temporary part-time shall not be eligible for benefits and TMRS participation but shall be entitled only the appropriate wage or salary for their hours of work.

4.9 EMPLOYMENT CLASSIFICATION CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently, if their classification changes for any reason. The City Manager will receive written notification of any change in an employee's status as exempt or nonexempt.

Nonexempt Employees. Nonexempt employees are subject to the overtime provisions of the Fair Labor Standards Act. Nonexempt employees (other than certain police and fire department employees) are generally entitled to overtime pay for all hours worked more than 40 in a 7- day work period, under the specific provisions of federal and state laws.

Exempt Employees. Exempt employees are those who are not covered by applicable wage and hour laws found in the Fair Labor Standards Act. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the number of hours necessary to complete their assignments in a timely and quality basis.

In addition to the above categories, each employee will belong to one of the following employment categories:

Regular Full-Time Employees. Regular full-time employees are employees who have completed their probationary period, are not in a temporary or part-time status, and who are regularly scheduled to work 30 hours or more per week. Generally, regular full-time employees are eligible for the City's benefit package including annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Regular Part-Time Employees. Regular part-time employees are employees who have completed their probationary period, are not assigned to a temporary status, and are scheduled to work less than thirty (30) hours per week or less than 1,000 hours annually. Regular part-time employees do not accrue vacation or sick leave. If Regular part-time employees are normally scheduled to work a holiday, they will receive regular pay.

Temporary Employees. Temporary employees are employees whose employment is scheduled to last less than six months; who hold seasonal positions, even though the employment may last more than six months; hold a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force; or are in a position scheduled to work 40 hours per week but on a temporary basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Manager or his/her designee. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. In addition, temporary employees have no right to appeal disciplinary action. Temporary employees who are placed with the City, but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Volunteers

Volunteers are not employed by the City in any capacity. Volunteers choose to donate their time and services for the benefit of the community without any expectation of compensation or benefits.

Pre-screening for volunteers will include an application submission, background and reference checks and drug testing. Volunteers will be required to sign a release and waiver of liability prior to start of services.

Compensated Volunteers relate to Fire Department Only as defined in Section 7.5.

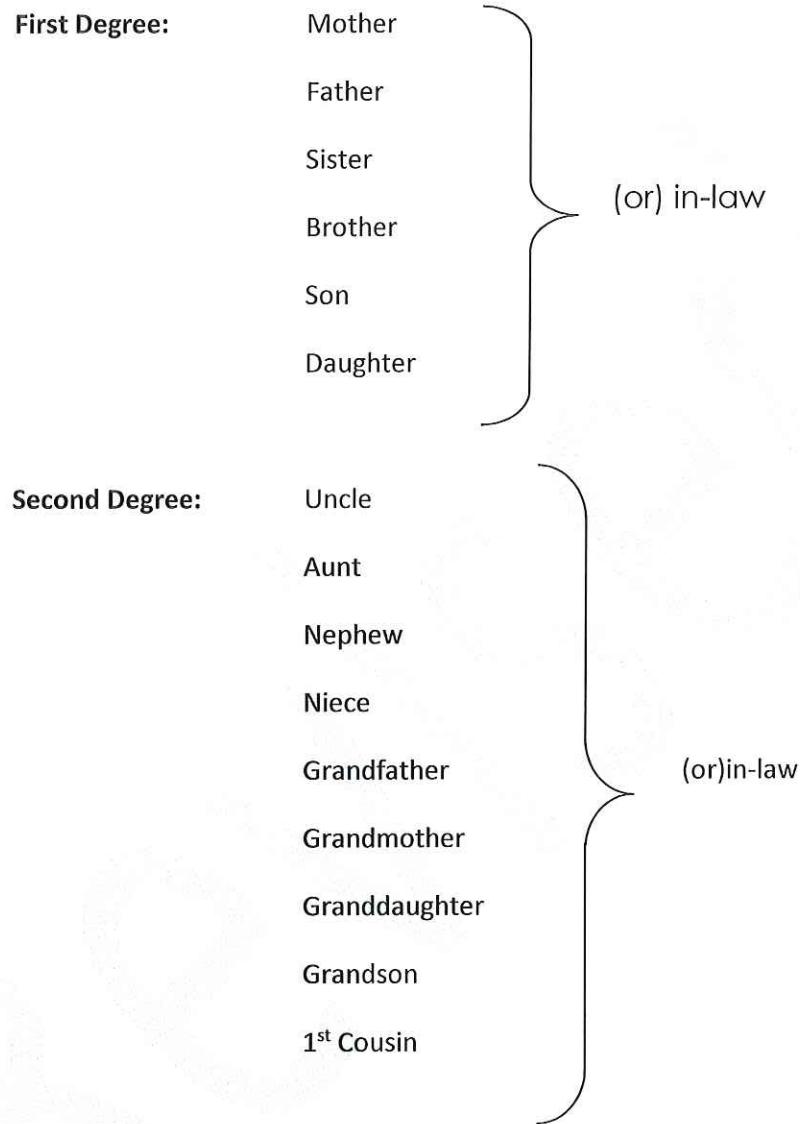
4.10 NEPOTISM/EMPLOYMENT OF RELATIVES

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

Section 1.01 (A) Applicants

- An applicant related to the City Manager by blood or marriage within the second degree according to common law shall not be employed by the City.
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.

- Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. For this purpose, immediate family includes spouse, parents, children, brother or sister.



(B) Promotion

In the event of a proposed promotion to any of the positions as defined in Section 1.01, any employed family member of a person considered for promotion to any of the positions identified in Section 1.01 must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

(C) Reorganization

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign employment. If both employees are of an equal rank, one of them will be required to immediately resign employment. If the employees do not decide which will resign the employee with the least seniority will be deemed to have resigned. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.

(D) Other Restrictions

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- No employee in the relationship will supervise, review or process the work of the other;
- The employees' relationship must not create a conflict between employees/ City interests; and
- There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives, beyond the immediate family, and 1st or 2nd degree of consanguinity (blood) or affinity (marriage) will not normally be permitted to work in the same department with each other without prior written authorization from the City Manager (or designee). In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

(E) Marriage of Current Employees

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by subsection (b) of this policy, one or both affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of subsection (b) of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both affected employees will be required to resign from employment.

(F) Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in subsection (b). If one or more of these requirements are not met, one or both affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of subsection (b) of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both affected employees will be required to resign from employment.

(G) Application of Policy

This policy applies to all full-time, part-time and temporary seasonal employees of the City.

4.11 PROBATIONARY EMPLOYEES

All newly hired or rehired employees hired to fill a regular position and employees who have been promoted must satisfactorily complete a probationary period. During an employee's probationary period, the employee has no appeal rights for *disciplinary actions*. Temporary employees do not serve a probationary period and have no appeal rights. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. If an employee successfully completes his/her probationary period he/she is still employed at the will of the City; the employee will, however, have a right to appeal disciplinary action, as set forth in the City's Employee Appeals policy.

Probationary Periods.

Probationary periods are as follows:

Ninety (90) days probationary period will apply for all newly hired or promoted employees. Probationary period for Police personnel is one (1) year. Upon termination during probationary period, all accruals will be forfeited. A probationary employee is ineligible for a pay increase and probationary employee has no right to appeal disciplinary actions.

The probationary period may be extended an additional ninety (90) days if the employee's performance has been marginal and/or if the employee has missed a substantial amount of work time during the probationary period due to extenuating circumstances. Any extensions to a probationary period must be approved jointly by the Department Director and the City Manager.

Employees are required to successfully complete their probationary period (and any extensions thereof) before they are eligible for transfer or promotion unless otherwise approved by the City Manager. An employee who is re-employed, demoted, or transferred to another position as part of a disciplinary action is required to satisfactorily complete an additional probationary period of not less than 90-days. During this period, the employee has no right to appeal disciplinary actions.

Upon successful completion of the Probationary Period, there is no guarantee of any wage or salary increase.

Disciplinary Probation. Probationary employees may also be placed on a period of disciplinary probation for up to 60 days. In addition, full-time regular employees who have completed the probationary period, and receive a below standards annual performance evaluation will be automatically placed on disciplinary probation for 90 days. Employees on disciplinary probation are ineligible for a pay increase, and do not have a right to appeal the disciplinary probation decision.

Failure of Probation. An employee will fail probation if, in the judgment of the Department Director, the employee's performance is unacceptable. Failure of probation can occur at any time within the probationary period. Department Directors are responsible for ensuring adequate documentation of all cases of failure of probation as well as counseling, training and other efforts to help employees improve their performance during their probationary period.

4.12 MEDICAL EXAMINATIONS/FITNESS FOR DUTY

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without a reasonable accommodation.

Conditional Employment. In accordance with the Americans with Disabilities Act, the City may condition employment on an individual providing certain medical history and/or successful completion of a medical examination. The Human Resources Department, working with Department Directors, designates those positions requiring medical history, a physical examination and/or a psychological examination.

Medical Exams for Current Employees. A Department Director will require a current employee to undergo a medical examination to determine fitness for continued employment following an injury or accident. With the prior approval of the City Manager, a Department Director may require a current employee to undergo a medical examination to determine fitness for continued employment for promotion or for other personnel action; as may be necessary for the City to provide a reasonable accommodation; and as otherwise permitted in accordance with federal and state law.

With the prior approval of the City Manager, a Department Director may require a current employee to undergo a psychological evaluation as part of an administrative action for an employee showing behavioral signs of distress or impairment or when mental instability is reasonably suspected. The signs should indicate that the behavior of the employee:

- (A) Poses a threat to self and others; or
- (B) Produces a significant negative impact on the employee's ability to perform his or her job; and/or
- (C) Produces a significant negative impact on the operations of the City.

All medical or psychological inquiries will be job-related, consistent with business necessity, and conducted in accordance with the Americans with Disabilities Act, and other federal and state law.

Reasonable Accommodations. The City will provide reasonable accommodations to disabled applicants and employees as required by law.

Medical Records. The City is firmly committed to protecting the privacy rights of its employees. To ensure that employees' privacy rights are protected, the following is intended to provide guidelines for the appropriate handling of medical records.

Medical related information (i.e., results of medical examinations and post-offer inquiries, workers compensation disability reports, the physician's portion must be kept in a locked file separate from the personnel files. The Human Resources Department will develop a secure file access procedure to ensure that only those who need to see certain records can ever see or have access to the medical file. An employee's medical related information must be kept confidential and only those individuals having a business need to know will be informed of medical related information for an appropriate business/management purpose. Officials who have access to such information are required to maintain the confidentiality of the information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with medical conditions should strictly observe applicable privacy and confidentiality requirements.

Should a department have a need to request additional information from a physician concerning an employee's medical condition and the impact upon the employee's ability to perform the essential job functions, this request should be made in writing to the employee. Essential job functions forms are available from the Human Resources Department.

Email should not be used to communicate regarding confidential personnel matters including medical/health related matters.

4.13 OTHER OR OUTSIDE EMPLOYMENT

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee's ability to satisfactorily perform his or her job with the City are also discouraged. Before engaging in self-employment or accepting employment with another employer, with the intent to continue current employment with the City, the employee must obtain the written authorization of their Department Director. A copy of the authorization will be filed with the Human Resources Department to be maintained in the employee's personnel file.

Under no circumstances may an employee on leave, sick leave, disability leave, or workers' compensation leave, work another job (whether for pay, as a volunteer or as self-employment), unless expressly authorized in writing by the Department Director and the City Manager.

4.14 EMERGENCY CLOSING

In the event of inclement weather, employees are expected to use their good judgment and are asked not to take unnecessary risks. If you feel that you are unable to travel due to weather conditions or are otherwise unable to get to work because of the weather, or you determine that the weather conditions constitute a danger to life and/or property, you must call your supervisor. (You must make this call no later than the time you would normally leave home for your commute to work, or as otherwise directed by your Department.)

Under certain circumstances, the City Manager may close certain departments, or various operations within a department. If the City Manager makes the decision to close City offices, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for the day(s) missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time later. If a nonexempt employee has no accrued vacation or compensatory time available, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Manager and/or Department Director. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Police, Fire, or other essential personnel will be required to report to work when other City departments are officially closed due to weather or other type of extraordinary circumstances.

SECTION 5

PROMOTION, TRANSFER, DEMOTION, REHIRING, HIRING FREEZE, TRAINING, PURCHASING, TRAVEL AND MEMBERSHIPS

5.0 PROMOTION FROM WITHIN

It is the City's policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant position. The City may, however, in its sole discretion, elect to look outside the City to fill a position without considering current employees. Employees who desire a change of position should discuss the matter with their Department Director and apply to the Human Resources Department. Effective Date of Promotion: All promotion actions will be effective at the beginning of the first pay period after the promotion action is signed by the City Manager.

5.1 TRANSFER

Under certain circumstances, non-promotional reassignments ("lateral transfers") may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Lateral transfers are usually reassignments from one position to another of comparable duties and salary or wage.

5.2 DEMOTION

An employee may be demoted from a position in one classification range to a position of another classification range. A demotion may result from an unfavorable performance evaluation, a transfer, or because of a disciplinary action.

5.3 HIRING FREEZE

The City Manager, at any time, with notification and approval of Council, may place a freeze or halt on all vacant positions as deemed necessary. Any designated hiring freeze shall be communicated to employees at both its commencement and termination.

5.4 TRAINING

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their jobs or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Department Directors or supervisors may require employees to participate in appropriate training from time to time. Employees may also request that they be allowed to participate in appropriate training. Work load, training topic and appropriateness to job duties, budget constraints, cost of training, and other factors will be considered by the City in determining if requested training will be approved.

Time Spent in Training. Time spent by nonexempt employees attending mandatory training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time if:

- (A) Attendance is voluntary; or

(B) The employee's Department Director did not approve the training, prior to the employee's attendance.

Prior Authorization. All requests for outside training must be approved in advance by your Department Director.

5.5 PURCHASING PROCEDURES

When an employee's position authorizes and requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit. This includes the personal use of the City's assets such as tools, equipment and computers, for example.

Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City purchasing procedures or as approved by the City Manager.

5.6 TRAVEL AND REIMBURSEMENT

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business, in accordance with this policy.

Request to Travel. When an employee travels on behalf of the City, the appropriate form must be completed by the employee and submitted for approval to the Department Director; Department Directors must obtain approval for their own travel from the City Manager. The travel request must be submitted as soon as the need to travel is known. All travel on behalf of the City must be approved prior to any expenses being incurred.

Request for Advance Funds. Employees are typically provided with a City-issued purchasing card to pay for expenses associated with City travel. In instances where a purchasing card is not made available, an employee needing an advance of funds must, except under extenuating circumstances, complete and submit a written request for an advance of funds at least ten business days before the advance is needed. All advancement of fund requests and deviations from the above policy must be approved by the City Manager.

Request for Reimbursement. A request for reimbursement form and substantiating receipts must be submitted to the Department Director (or, in cases of travel by a Department Director, to the City Manager) within five business days after completion of travel. **Approval Authority.** All travel and meeting documents, requests for travel, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

- (A) The Department Directors shall be responsible for approving their employees' travel. The City Manager is the final approving authority for Department Directors' travel.
- (B) All travel documents must be submitted to the employee's Department Director or the City Manager, as applicable.
- (C) All spouse and/or family member's travel expenses must be paid by the employee.
- (D) Only the actual cost of reasonable and necessary business-related expenses incurred by the employee on behalf of the City will be reimbursed.

Transportation. The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current IRS reimbursement rate per mile or the cost of a round-trip coach/economy airline ticket, whichever is appropriate, plus other stated costs (i.e., parking at airport and ground transportation at destination). A receipt(s) is required for reimbursement.

Hotel/Motel Reimbursement. Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the meeting or purpose of the trip. A receipt(s) is required for reimbursement. The room rate must be pre-approved by the employee's Department Director, or in the case of a Department Director, approved by the City Manager. Overnight stays will only be authorized for travel to destinations more than 50 miles from the City, unless otherwise approved in writing by the City Manager.

Meal Reimbursement. When City business requires an employee to travel the employee's meal expenses will be paid at the current GSA (General Services Administration) per diem rate. The City will not pay for alcoholic beverages.

Subject to the above restrictions, Department Directors and other City employees who have a City-issued purchasing card should charge their transportation and lodging when traveling, to the extent possible. Employees who use a City-issued purchasing card should provide receipts for all charges in accordance with the City's purchasing card policy.

At the end of the trip employees must fill out a Travel Expense Form and attach all receipts. Travel Expense Form can be obtained from the Human Resources Department. Employees are expected to use good judgment when accruing travel expenses such as meals, hotels and transportation. Abuse of meals, hotels, and transportation will result in disciplinary action, up to and including termination of employment.

Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

5.7 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

The City may elect to pay for all or a portion of an employee's professional memberships and subscriptions. Requests for payment (or reimbursement) of such expenses (subject to

Budget approval) must be submitted on forms provided by the City and approved by the City Manager. Approval must be obtained in advance and will be based on such factors as available funds, the relationship of the membership and/or subscription to the employee's job duties and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

SECTION 6

COMPENSATION AND PAY POLICIES

6.0 EMPLOYEE COMPENSATION PLAN

The City's Compensation Plan establishes pay ranges for each position based on a scale that is recommended by the City Manager and approved by City Council.

Wage and salary ranges are based on external input as market trends and analysis and internal input such as budgetary limitations and organizational equity for each position.

Employees who feel that their job duties and qualifications are not accurately reflected in the current Compensation Plan may request a job audit. Current positions may be audited at any time either at the request of the employee, department director, Human Resources Designee, or City Manager. If it is determined that a position has been misclassified by grade, duties performed, or required qualifications, the position may be reallocated to an existing grade or by development of a new grade where no existing grade properly describes the job being performed.

Any newly created position, or grade must be approved by City Council.

6.1 PAY SCHEDULE

The City has 26 pay periods each year and employees will normally be paid every other Friday. Employees will normally be paid on the preceding workday if the current payday falls on a recognized holiday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

No pay advances or loans will be made by the City to any employee for any reason.

6.2 OVERTIME, COMPENSATORY TIME AND TIME MANAGEMENT

NON-EXEMPT EMPLOYEES.

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

Prior Authorization Required Before Working Overtime. All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees will not be paid for working through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work

overtime without receiving proper authorization will be subject to disciplinary action, up to and including termination of employment.

Overtime Rate. Generally, except for Fire Department shift employees, and certain Police Department personnel, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. The City's workweek is a recurring seven-day period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday. An employee's regular hourly rate includes all pay incentives. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Paid holiday leave is included as hours worked for purposes of determining eligibility for overtime pay. However, time off on account of paid vacation leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Compensatory (Comp) Time. Non-exempt employees may accrue compensatory time up to 40 hours in lieu of being paid overtime compensation. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of one and a half (1 ½) hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored by the accounting department and the department directors will be provided a Compensatory time report following the processing of each payroll. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or the entire employee's accrued comp time. The City may also require employees to take time off to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time. Compensatory time will not be accrued if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently without prior approval.

Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time, under non-exempt overtime and comp time procedures. Likewise, an employee who is promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.

Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints or extenuating work situations, the Department Director or supervisor may consider flexing the employee's work schedule to minimize the need for overtime compensation. Authorization for flex-time must receive prior approval from the Department Director. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record. Flex-time will not be authorized if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently.

EXEMPT EMPLOYEES

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. However, in situations where exempt employees are working excessive hours beyond the normal scope of their job duties compensatory time may be allowable with the City Manager's authorization. Further guidelines are defined below.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

NON-STATUTORY COMPENSATORY TIME FOR EXEMPT EMPLOYEES

Exempt employees receive a salary for the performance of services regardless of the number of hours worked. The City has no legal obligation to pay its exempt employees' overtime or to provide them with "comp time." The City Manager may, however, from time to time, approve non-statutory compensatory time off when exceptional circumstances require an exempt employee to put in a significant amount of time more than 40 hours in a workweek. If these instances, equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the City Manager and the employee's Department Director.

Non-statutory compensatory time should not be authorized for additional hours worked that are typical, expected, and frequently required for all managerial and professional jobs to meet responsibilities. It should not be authorized for occasional overtime work or for extended but clearly limited periods or additional work that are common to most departments. Nor should it be authorized if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently.

Compensatory time in lieu of overtime pay is equivalent time off on a straight time basis for every hour of overtime put in. Therefore, the City Manager and/or the Department Head will monitor the accumulation of compensatory time to prevent excessive accrual. Earned compensatory time for exempt employees must be taken within ninety (90) days from the day earned.

6.4 PAYROLL DEDUCTIONS

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, *e.g.*, federal income tax withholding, and court ordered child support. Employees may elect to have certain other deductions made from their pay (*e.g.*, insurance premiums) if they authorize the deductions in writing. Deductions other than those specifically authorized by the City Manager and Department Director are not permitted.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, you should let your supervisor know as soon as possible. At the end of each calendar year, you will be given a Wage and Tax Statement Form (W-2). This statement summarizes your income and deductions for the year.

6.5 AUTOMATIC BANK DEPOSITS

All City employees are encouraged to have automatic bank deposit for efficiency of processing payroll. If the employee does not have a bank account that has this service, the employee will receive their payroll check from their Department

Director on the scheduled payroll date. If you have any questions or trouble with this process, contact the Human Resources Department.

6.6 TIME KEEPING

Federal and State laws require the City to keep an accurate record of the time worked by all nonexempt employees. Accordingly, accurately recording time worked is the responsibility of every employee. Time worked is all the time spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. Nonexempt employees may not begin working prior to their scheduled start time without prior approval from their supervisor. They must also record the beginning and ending time of any split shift, break or departure from work for personal reasons. Overtime and Flex-time work must always be approved before it is performed.

It is the employee's responsibility to submit his or her time each pay period to certify the accuracy of all time recorded. The employee's supervisor will review and approve the time record before submitting it for payroll processing. If corrections or modifications need to be made to an employee's time record, the employee and his/her supervisor must verify the accuracy of the changes and approve the time record. Altering, falsifying, tampering with time records, or recording another employee in or out will result in immediate disciplinary action, up to and including termination of employment.

6.7 ON-CALL & CALL BACK

ON-CALL & CALL BACK COMPENSATION

Nonexempt Employees

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each Department where on-call personnel are utilized.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee responds to a call back, excluding designated Public Works personnel who will be paid fifty dollars (\$50.00) for each week they are on call. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay.

Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

6.8 INTERIM TEMPORARY ASSIGNMENT PAY

Employees temporarily assigned to perform duties of a higher-level position for learning the position or as on-the-job training, will not be compensated at a higher rate of pay. However, when designated by a Department Director or the City Manager, employees temporarily directed to perform the additional duties and responsibilities of a higher-level position for more than one pay period will be paid at the base rate of the higher-level position or five percent (5%) above their current wage or salary, whichever is greater.

A payroll status change form must be completed for all employees designated to serve in a Temporary Assignment position and approved by the appropriate supervisor and forwarded to the Human Resources Department for processing.

(A) Continuity of Service – Exceptions.

- (1) Continuity of service in the City's employee shall not be interrupted because of absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America in accordance with personnel policies and procedures, and all such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.
- (2) Continuity of service in the City's employ shall not be interrupted because of absence when such absence shall have been granted in accordance with the appropriate personnel procedures (i.e. worker's comp injury). None of such time on an approved leave without pay shall apply toward the employee's service credit for determining longevity pay unless the absence was for military leave as provided in subsection A above.

(B) Separation from Service. In the event any eligible officer or employee dies, retires, or is separated from the service of the City in good standing on any day other than the date on which longevity pay is distributed, he/she is not entitled to receive longevity pay.

(C) The provisions of this policy and the payments authorized hereby shall apply prospectively only.

6.9 LONGEVITY PAY

All full-time employees of the City shall receive longevity pay per year for each year of service to the City, beginning after the employee's first full year of employment. Longevity pay shall be at a rate of \$100 for the first full year of service and an additional \$36.00 per year for full-time employees up to 20 years of continuous service. Longevity payments shall be issued once annually, generally in December, and are taxable income. Part-time

employees shall not be eligible for longevity pay. Eligible employees who separate from employment during the year shall not receive longevity pay.

SECTION 7

ATTENDANCE AND WORK HOURS

7.0 REGULAR WORK HOURS

Employees of the City normally work 40 hours in a five-day work week (Monday-Friday). The regular workday begins at 8:00 a.m. and ends at 4:30 p.m., although employees in some departments may have different work hours. Employees are expected to report for work at such time necessary to ensure that work activities commence at the appointed work start time.

Regular Work Hours. Nonexempt employees of the City, except for Fire Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work more than 40 hours in certain weeks. For nonexempt employees the workweek is a recurring seven-day period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday. In times of disaster or emergency, working hours shall be determined by the City Manager, in consultation with the Mayor.

7.1 ADJUSTMENT TO WORK HOURS AND FLEXIBLE WORK SCHEDULE

To assure the continuity of customer related City services, it may be necessary for Department Directors to establish other operating hours or flexible work schedules for their departments and employees. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

A Flexible Work Schedule is an alternative to arrange for employees to work non-traditional hours and/or days and is an agreement between the supervisor and the employee. It is the responsibility of each supervisor to assure that policy and operating guidelines are understood and are being met within their respective work unit, and time records are accurately recorded.

Any adjustment to standard operating hours or flexible work hours must be approved by the City Manager.

7.2 MEAL PERIODS AND BREAKS

MEAL PERIOD PROCEDURES.

Full-time employees (excluding most Police and Fire Department employees) are normally provided a one half-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by your Department Director in order to minimize departmental interruption. The supervisor will provide employees with the starting and ending time for their specific meal period. Employees will be relieved from work responsibilities during unpaid meal breaks.

Full time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two short, paid work breaks each day, one during the first part of the work day and the other during the latter part of the work day. Each such break may not exceed fifteen minutes in length.

BREAK PERIOD PROCEDURES.

The City allows rest breaks as authorized by an employee's immediate supervisor during each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions: As authorized, by the supervisor and depending on individual departmental work assignments and work schedules, full time employees are allowed to take up to two fifteen-minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Lactation Breaks: An employee lactation room will be provided in the Ovilla Municipal Building as a private place for employees who are nursing/breastfeeding during work hours. Employee will need to contact Human Resources for an appropriate location and given reasonable break time to express breast milk for up to one year after the birth of a child.

Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted: The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest period time.

7.3 ATTENDANCE RECORDS

Nonexempt employees are required to record the number of hours worked each day. It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The Department Director or City Manager will review prior to payroll processing. In the event of an error in reporting time, immediately report the problem to the responsible Department Director.

7.4 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on your co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when an employee you cannot avoid being late to work or are unable to work as scheduled, the employee must personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to your supervisor the reason for the absence or tardiness and the date/time of your anticipated arrival, and whether the absence or tardiness is approved Family Medical Leave. For absences of a day or more the employee must personally notify his/her supervisor on each day of absence unless his/her supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify his or her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. If an employee is absent from work for three (3) or more consecutive work days without making proper notification, this absence will be considered a voluntary resignation. If such a situation occurs, and the employee later returns to work with documentation proving

that such absence was totally beyond his/her control and it was impossible to provide the necessary notification, then reinstatement may be considered.

7.5 WORK HOURS FOR PUBLIC SAFETY EMPLOYEES

Police Department

Work Period and Work Hours

For purposes of the Fair Labor Standards Act, as amended, the work period for a nonexempt sworn employee of the Police Department is fourteen days.

Weekly Overtime

A non-exempt administrative employee of the Police Department will be paid overtime hourly rate of 1-1/2 times the employee's regular rate of pay for all hours worked over 40 hours in any work week.

A non-exempt sworn employee of the Police Department will be paid the overtime hourly rate of 1-1/2 times the employee's regular rate of pay for all hours worked over 86 (eighty-six) hours in a 14 (fourteen) day pay period.

If an officer takes leave on an accrued holiday and works overtime hours during the same work week then they receive compensation for the hours of overtime. This does not apply to vacation, comp time, or sick time taken during a work week.

Paid Leave

Any sworn employee of the police department is charged with paid leave only on days the employee would otherwise have been scheduled to work. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken.

Call Backs

A non-exempt employee of the Police Department who is called back to work and reports back to work outside of the employee's scheduled work hours must be paid a minimum of two (2) hours worked, if the call back does not merge with the employee's scheduled start time.

Meal Periods

Each non-exempt employee is allowed a paid thirty-minute lunch break, unless it is interrupted.

Rest Breaks

Non-exempt employees are allowed two paid fifteen-minute rest breaks during a work day, unless interrupted the rest breaks cannot be concurrent with each other nor can they be concurrent with meal breaks.

Compensatory Leave

Compensatory Leave in lieu of overtime pay may be granted to a nonexempt sworn employee of the Police Department, as defined by Section 6.3, and is subject to supervisory approval. Compensatory leave is earned at the rate of 1-1/2 hours for each hour worked.

Fire Department

Work Hours

Fire fighters, rescue and paramedical personnel are all classified as part-time employees and do not work beyond 1,000 hours annually and are not eligible to receive overtime pay. Because fire staff/officers are only part-time employees in the Fire Department therefore receive no overtime compensation.

Official City holidays are paid a differential per hour increase per shift. Only the shift crew on duty for the Holiday receives the compensation.

Volunteer firefighter personnel are compensated per shift worked.

Call Backs

Call backs are based on the availability of employees and compensation at the hourly rate from call back notification to return to the station.

Section 8

Employee Benefits

8.0 EMPLOYEE BENEFITS – OVERVIEW

A. Employee Benefits/Time Away From Work Leave

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. Generally, however, regular full-time employees are eligible for most benefits, and regular part-time employees are eligible for certain benefits on a pro-rata basis. Part-time and temporary employees are generally not eligible for City benefits. Fulltime employees are eligible to participate in a Cafeteria Benefit Plan. Contact your supervisor, Department Director or the Human Resources designee to obtain information regarding the benefits for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to:

Paid Holidays	Deferred Compensation
Bereavement Leave	Military Leave
Paid Witness Duty Leave	Workers' Compensation Benefit
Paid Sick Leave	TMRS Contributions
Paid Vacation Leave	Time Off to Vote

Group Insurance

Group Life and Accident Insurance (Thru Texas Municipal League)

Group Health Insurance (Subject to exact dollar amount for employee only)

Group Dental Insurance (Employee paid)

While the City pays the full cost of most of these benefits, some of the benefit programs require contributions from participating employees.

8.1 PAID VACATION LEAVE

Full-time employees accrue vacation leave for each pay period that an eligible employee is in a pay status for at least half the standard number of paid days for that pay period.

Accrual Rate Regular employees begin accruing paid vacation leave during the first full pay-period, however, the employee is not entitled to use any time until after the probationary period of employment. Sworn Police Department personnel are entitled to use accrued vacation leave following the first 90 days of employment with the approval of the Chief of Police. Regular full-time employees accrue vacation leave as follows:

<u>Years of Service</u>	<u>Rate of Accrual</u>
1 -5	80 hours per year (3.08 hours per pay period)
6- 10	120 hours per year (4.62 hours per pay period)
11+	160 hours per year (6.15 hours per pay period)

Regular part-time employees, temporary and seasonal employees do not accrue vacation leave. An employee's "Years of Service" may be adjusted for any significant leave of absence, except military leave.

Maximum Accruals. It is the policy of the City that vacation should be taken annually in the year earned. If vacation leave is not taken, all accrued vacation leave in excess of 240 hours will be forfeited. As of September 01, the city will buy-back employees having excess of 200 vacation hours on the final pay-period in September. However, no employee shall lose accrued vacation leave because of "work urgency". "Work urgency" is defined as the Department's need to have the employee at work to perform duty assignments for a specified period of time.

If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency, injury, extended medical leave, or special or pre-scheduled authorized leave, the Department Director will approve an extension of time to allow the employee a period not to exceed six months to use accrued vacation leave in excess of the maximum allowed unused balance. Documentation of the approval will be placed in the employee's personnel file.

Scheduling Annual Vacation Leave. For each vacation hour used, one hour will be deducted from the employee's accrued vacation leave. Vacation leave must be taken in minimum increments of 1-hour. Vacation leave shall be requested at least 14 days in advance unless in case of an emergency. Department Directors are responsible for scheduling annual vacation leave for employees under their authority. Department Director vacations require City Manager approval. Whenever possible, vacation leave will be scheduled for the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

Compensation For Vacation Leave Time. Vacation leave is paid at the employee's base pay rate at the time of vacation. Vacation leave will be paid only for time that the employee would ordinarily have worked. Vacation leave is not considered time worked for purposes of calculating overtime payments. To ensure proper payment of vacation leave pay, employees must make sure they have an approved written vacation request on file before leaving for vacation.

Employees may not "borrow" unearned vacation time, *nor will the city buyback vacation time from an employee.* However, upon termination of employment, employees having accrued but unused vacation leave will be paid for that vacation time, up to 160 hours, at their regular hourly rate at the time of termination.

Probationary Employees. Although probationary employees accrue vacation hours during the probationary period, employees are not eligible to take the accrued vacation time until completion of probation or for sworn police personnel following the first 90 days of employment with the approval of the Chief of Police. The City Manager has the discretion to allow accrued vacation leave to be taken due to an extenuating situation.

8.2 HOLIDAYS

It is the City's policy to permit as many employees as possible to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

Official Holidays. The City usually observes the holidays listed below, plus one personal holiday. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the federal government (i.e., the Friday before or the Monday following).

- New Year's Day (January 1)
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September) (Not for Fire Department)
- September 11th (Fire Only)
- Columbus Day
- Veterans Day
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve Day (December 24)
- Christmas (December 25)

Personal Holiday. Only regular full-time employees who have completed their probationary period are eligible for paid personal holiday. The day will be used from October 1st thru September 30th of each fiscal year and will not accrue annually.

Maximum Accruals. The personal holiday shall be taken annually in the year earned with no accrual.

Scheduling Annual Personal Holiday Personal holidays must be taken in minimum increments of one hour. Department Directors are responsible for scheduling the annual personal holiday leave for employees under their authority. Department Director personal holidays require City Manager approval. Whenever possible, personal holidays will be scheduled at the convenience of employees. However, Department Directors must be certain that personal holidays do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal holiday schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

Holidays During Vacation Leave. Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee's paid vacation time.

Holiday Rate of Pay. Nonexempt employees who are required to work on a holiday will be paid double their normal rate of pay for eight hours. If working on a holiday causes an employee to work overtime for that work week or work cycle, the employee will be paid the overtime rate if they exceed the 40 hours worked in a work week. Exempt employees who work on a holiday will receive a day off with pay later. Regular full-time employees who do not work on a holiday are paid for the number of hours they normally work on the day of the week on which the holiday falls. Regular part-time employees who do not work on a holiday receive holiday pay equal to the number of hours they normally work each day if they are normally scheduled to work on the day of the week on which the holiday falls.

Paid time off for holidays will be counted as hours worked for purposes of determining overtime.

Eligibility. Only regular full-time and part-time employees are eligible for paid holidays. To be eligible for holiday pay, nonexempt employees must work their regular schedule immediately before and after the holiday, unless otherwise approved by their Department Director. Employees on a leave of absence without pay the work day before a holiday are ineligible for holiday pay.

Non-Scheduled Religious Holidays. You may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. Time off for such absences may be taken as vacation, compensatory time, a personal holiday, an excused absence without pay, or may be exchanged for working on one of the City's designated holidays without receiving holiday pay.

8.3 SICK LEAVE

Eligibility. All regular full-time employees begin accruing paid sick leave at employment. Part-time, Temporary and seasonal employees do not accrue sick leave. Employees who have not yet completed 90-days probationary-period are ineligible to use accrued sick leave. Sworn Police Department personnel are entitled to use accrued sick leave following the first 90 days of employment with the approval of the Chief of Police.

Accrual Rate. For full-time regular employees, sick leave typically accrues based on an 8-hour day, at the rate of 3.08 hours per pay period. Sick leave does not accrue when an employee is in a leave without pay status for more than half the pay period or when an employee receives workers' compensation pay benefits for the full pay period. If an employee works a work period based on something other than 8-hour days, the accrual rate will be determined on an individual basis by the City Manager.

Authorized Use of Sick Leave. Accrued sick leave may be used for absences due to the employee's personal illness, accident or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill. Sick leave may also be used by employees for doctor and dentist appointments.

Employees who are unable to work due to illness or injury must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Sick leave must be taken in minimum one-hour increments.

Sick leave may not be used if the illness, accident or injury is acquired because of other employment.

Failure to Report Absence/Abuse of Sick Leave. Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, will likely result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick leave for their absence. Employees on sick leave, whether paid or unpaid, may not work a second job (whether paid or voluntary) during the period of leave.

Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), accrued vacation leave, compensatory time off, other accrued paid leave, or leave of absence without pay may be used if an employee has no accrued sick leave time.

Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a holiday under the City's Holiday Policy.

An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor immediately rather than waiting until the employee returns to work. Supporting documentation will be required in such cases.

Abuse of Sick Leave. Employees are encouraged to use their sick leave when they are ill. This ensures the employees recover and prevents the spread of germs in the work place. Employees are also encouraged to use good judgment when taking sick leave. An employee may be required to present satisfactory proof of illness/injury whenever he/she uses sick leave if the supervisor feels sick leave is being over used or there is reason to believe sick leave is not being used properly. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline, up to and including termination of employment.

Transfer of Sick Leave. Accrued sick leave benefits may be transferred to from one employee to another employee for major medical illnesses upon approval of the City Manager.

8.4 LONG TERM SICK LEAVE

Any absence which extends beyond two weeks qualifies as long term and will be treated the same as regular sick leave.

8.5 BEREAVEMENT LEAVE

Upon approval of the Department Director, up to three (3) working days of paid leave per instance may be provided to regular full-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member.

An employee who wishes to take bereavement leave must notify his or her supervisor as soon as possible so that arrangements can be made to accommodate the employee's absence. Employees may, with their supervisor's approval, use any available paid vacation leave and/or compensatory time for additional time off as necessary.

The City will require proof of death/funeral in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

8.6 JURY DUTY LEAVE

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time will be paid their normal earnings for time spent serving on a jury for the duration of duty. Jury duty leave is paid at the employee's base pay rate at the time of jury duty and does not include overtime. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime.

Employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. The employee may keep any jury fees paid for jury duty. Employees are expected to report to work whenever the court's schedule permits.

8.8 TIME OFF TO VOTE

Employees are encouraged to exercise their right and responsibility to vote in national, state or municipal elections; however, employees are expected to vote during their non-working hours. If an employee needs additional time to vote, up to two hours paid leave may be authorized at the beginning or end of the work day. An employee is not eligible if the Election Day occurs on a non-work day.

8.9 MILITARY LEAVE

The City complies with all federal and state laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with many military leave benefits.

This policy covers regular employees who serve in reserve or active military service, on a voluntary or involuntary basis. Note that this policy is generally not applicable to temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue for a significant period.

Notice to City of Need for Leave. Employees must provide as much advance written and/or verbal notice to the City as possible for all military duty leave (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit the necessary documentation, including the official documents setting forth the purpose of the leave and, if known, its duration. This documentation must be turned into your Department Director and the Human Resources Department as far in advance of the leave as possible.

Paid Leave for Training and Duty.

- (A) **Full Pay For Up to 15 Days.** In accordance with Section 431.005, Texas Government Code, regular full and part-time employees of the City will be paid for military absences of up to 15 workdays per fiscal year (October 1 through September 30). For purposes of calculating paid leave time, the City may temporarily transfer 24-hour shift employees to a 40-hour, 7-day work-week schedule. This paid military leave may be used when an employee is engaged in National Guard or U.S. armed forces training or duty ordered or approved by proper military authority. The paid leave days may be taken consecutively or scattered throughout the year.
- (B) **Other Paid Leave.** Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time, *except sick leave* (i.e., vacation leave, holiday leave or comp time) to cover their absence from work.
- (C) **Unpaid Leave.** After an employee has exhausted all available paid military leave (and any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to 5 years.
- (D) **Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

(E) Medical and Dental. While an employee is on military leave of less than 31 days, the City will continue to pay its portion of the monthly premium for group health benefits. When military leave exceeds 31 days, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until their reemployment rights expire, whichever event occurs first, for himself/herself and eligible dependent

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

(F) Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Upon return to active employment following military leave, employees will be treated as though they were continuously employed for purposes of determining seniority and benefits based on length of service, such as vacation accrual.

(G) TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

(H) Returning from Leave.

(i) Reemployment Rights. In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they held at the commencement of their military leave.

(ii) Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

(a) For service of **less than 31 days**, employees have 8 hours following their return home from service to report for their next scheduled work period.

- (b) For service **between 31 days and 180 days**, employees have 14 days following their release from service to apply for reemployment.
- (c) For service of **more than 180 days**, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

- (iii) **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.
- (iv) **Rights to Continued Employment.** Employees who actively serve in the military and take military leave in excess of 6 months will not be discharged by the City without cause for 1 year following the date of their reemployment. Employees who actively serve for between 1 and 6 months will not be discharged without cause for 6 months following the date of their reemployment.
- (v) **Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. (For example, a reduction-in-force that eliminates the position held by an employee returning from military leave.) The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

8.10 AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other leave policies, the City Manager may, upon the recommendation of the appropriate Department Director and in his or her sole discretion, authorize leave without pay. Example of factors considered by the City in granting leave without pay include the reason for the leave, departmental work requirements, and the employee's work performance and disciplinary history. Such leave will normally be granted up to a maximum period of 30 days. The Employee may seek extensions of leave up to a maximum of 6 months. This policy will be administered consistent with the City's obligations under the Americans with Disabilities Act.

Documentation. Requests for leave without pay must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director. The need for a medical leave of absence must be supported by documentation as required by law and these policies. Before returning to work from a medical leave of absence, the employee will be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties, as outlined in the employee's position description.

Other Employment During Leave. Under no circumstances, other than military service leave, may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the City Manager.

Anniversary Date. An employee's anniversary date may, for purposes of annual performance evaluations and benefit eligibility and accrual, be changed to account for extended absences from work. With the exception of military leave, any leave without pay exceeding 30 calendar days will result in the employee's anniversary date being changed by adding the exact number of days of leave to the employee's existing anniversary date.

Reinstatement. Employees returning from "Authorized Leave Without Pay" will be reinstated to their same position or one of similar pay and status provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. An employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her employment with the City.

Payment of Insurance Premiums. Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will **not** be paid by the City after 30-days following the starting date of an unpaid leave of absence for illness or injury only. Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a leave of absence, an employee's failure to pay insurance premiums due during a leave of absence may result in cancellation of coverage.

Benefits. All leaves of absence are unpaid, and vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence.

Texas Municipal Retirement System (TMRS). Employee contributions to TMRS while an employee is in a leave without pay status may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the Human Resources Department and completing the necessary paperwork.

Revocation. The City Manager may revoke "Authorized Leave Without Pay" at any time.

8.11 ON-THE-JOB INJURY LEAVE

Most on-the-job injuries are covered by the City's workers' compensation insurance. Please see the City's Workers' Compensation Benefits Policy Section 8.14. Employees may supplement any workers' compensation wage benefits with any accrued vacation, holiday, sick or compensatory leave. However, in no event will an employee be paid more than 100% of his or her regular pay.

8.12 FAMILY AND MEDICAL LEAVE ACT

POLICY

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires

twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

Also, a caregiver needing leave to provide care for an injured service member is eligible for extended Family and Medical leave. This benefit provides 26 workweeks of unpaid FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or next of kin caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active military duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

PROCEDURE

Twelve Month Period: The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Employee Notification: An employee should give at least thirty (30) days' notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

Department Notification: Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or once the employee exceeds three (3) days.

Human Resource Responsibility: Human Resources is responsible for central administration of all requests for family and medical leave. Human Resources reserve the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resources may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

Approval: An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

Substitution of Paid Leave: An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave. If an

employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation and personal leave prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

Maximum Time Allowed: The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described above, which allows for an extended FMLA leave of 26 weeks.

Medical Certification: The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required monthly. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will not use genetic information for any employment decision or action.

Upon returning to work after leave for his or her own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

Return to Work: When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

Effect on Married Couples: If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave if the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

Continuation of Insurance Benefits: While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption if the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

Intermittent Leave: When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Holidays: Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

TMRS: Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

Recordkeeping: Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

Exempt Employees: Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

DEFINITIONS

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.

Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required.

Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Spouse: A husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage.

8.13 SHORT-TERM UNPAID LEAVE.

Exempt employees may take a partial day of unpaid leave only under the following circumstances: Pursuant to principles of public accountability, an absence of less than one work-day may be taken for personal reasons or because of illness or injury when accrued leave has been exhausted; or the employee chooses to use leave without pay.

In all other situations, exempt employees who wish to take unpaid leave for personal reasons may not take a partial day of unpaid leave; unpaid leave may only be taken in full-day increments.

No deductions will be made from an exempt employee's salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, e.g., if City Hall is closed due to bad weather, if City Hall is closed for an official City holiday, or if there is no work to be performed. Further, exempt employees will be paid for absences caused by jury duty (up to 7-days), or attendance as a witness in a legal proceeding where the employee is not a party (unless it is job related). The City may, however, offset an exempt employee's salary by the amount the employee receives injury or witness fees.

This policy is subject to the general rule that, absent accrued paid leave time, an employee need not be paid for any workweek in which he or she performs no work.

B. EMPLOYEE BENEFITS/INSURANCE

8.14 ON-THE-JOB INJURIES/WORKERS' COMPENSATION BENEFITS

Coverage. The City provides workers' compensation coverage for all employees through the Texas Municipal League. The Fund provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

Report of Accidents and Injuries. All employees must comply with any initial reporting requirements established by the City. Supervisors, in turn, must complete the TWCC-1 form and have it delivered to the Human Resources Department within 24 hours of the time and date of the incident. Thereafter, an employee on worker's compensation leave must report to the City on a weekly basis, or as otherwise directed by their Department Director. An employee must immediately notify the City when released to return to work.

Filing Claims. All workers' compensation claims must be filed with the Human Resources Department through appropriate supervisory channels.

Salary Continuation Benefits. Temporary, part-time, and seasonal employees, as well as full-time employees who have not completed their initial probationary employment period or are on a disciplinary probation, are ineligible for salary continuation benefits.

When a regular, full-time employee incurs an on-the-job injury or illness that is covered by the City's workers' compensation carrier and requires the employee to take workers' compensation leave, the employee is eligible for salary continuation benefits. To receive salary continuation benefits, the injured employee is required to exchange his/her workers' compensation benefit payments for the employee's regular pay checks. Salary continuation benefits may be paid for up to six months.

Under no circumstances will an employee on workers' compensation leave receive paid benefits (e.g., workers' compensation, salary benefits, salary continuation benefits, disability insurance benefits, or paid leave time) more than the amount the employee would normally receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

Modified Duty. Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee's return to work with that employee's Department Director. Modified duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee's attending physician or the city physician; and a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. A modified duty work assignment may last until the time that the attending physician or city physician has set as the expected date of return to the employee's previous work assignment, but not to exceed three months unless the City Manager gives written approval for a longer period. As a condition of continuing in a modified duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability.

An employee's modified duty work assignment will be terminated immediately if:

- (A) The employee is found performing beyond the modified duty restrictions;
- (B) The work assignment is completed;
- (C) The employee performs unsatisfactorily in the position; or
- (D) Budgetary constraints do not allow continuation of the position.

An employee who does not agree or accept a bona fide offer of employment, including a modified duty work assignment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits, as allowed by the Texas Workers' Compensation Act.

A non-8-hour shift employee may be reassigned to 40-hour work weeks by the Department Director.

Use of Accrued Leave to Supplement Compensation Benefits. Employees who do not qualify for salary continuation benefits or who do not wish to be bound by the restrictions imposed for salary continuation benefits, may use any available paid leave time to supplement their worker's compensation salary benefits.

TMRS. Employee contributions to TMRS made based on temporary income benefits received through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Department and completing the necessary paperwork.

8.15 EMPLOYEE GROUP INSURANCE BENEFITS

Life Insurance. The City presently provides life insurance coverage for all regular full-time employees at no cost to the employee. Part-time and temporary employees are not eligible for participation. Eligibility for life insurance coverage usually begins after a brief waiting period required by the insurance carrier. Employee dependents may also be eligible for participation under the City's life insurance plan. Dependent life insurance must be paid for by the employee through a payroll deduction.

Health, Dental and Accident Insurance. Regular full-time employees are presently provided group health and at no cost to the employee. Part-time and temporary employees are not eligible for participation. Coverage generally begins the first of the next month following hire date. Employees may elect to cover themselves and their current spouse and/or dependent children under the City's health and dental plans, provided the premiums are paid for by the employee through a payroll deduction.

Group Life and Accident Insurance. Eligible employees may elect to purchase life, accident, and cancer insurance for themselves or their dependents from a company, that has made arrangements with the City, through payroll deduction. Additional information may be obtained in the Human Resources Department. Eligibility begins after 30 days of employment.

Additional Information. This is only a general description of available group insurance coverage. For additional information regarding the City's group insurance policies, you may review the appropriate Summary Plan Description and/or contact the Human Resources Department.

8.16 UNEMPLOYMENT INSURANCE BENEFITS

The program provides weekly benefits if you become unemployed through no fault of your own or due to circumstances described in the law.

C. EMPLOYEE BENEFITS/RETIREMENT

8.17 TEXAS MUNICIPAL RETIREMENT SYSTEM

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are eligible for participation immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year are also eligible for participation immediately upon employment. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS' policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS' policies and regulations.

The above information is a summary only. Additional information is provided in the TMRS handbook, available in the Human Resources Department.

Appropriate forms must be filed with TMRS before contributions can be refunded. Employees terminating employment after the mandatory contribution time have the choice of remaining in TMRS or receiving a refund of their contributions to date, subject to TMRS' regulations.

8.18 SOCIAL SECURITY

The City of Ovilla does not participate in Social Security for regular full-time employees and does not withhold Social Security wages.

D. EMPLOYEE BENEFITS/MISCELLANEOUS

8.19 LIGHT DUTY

Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular job duties are made at the sole discretion of the City, for up to a maximum of three months. The City may terminate a light duty assignment at any time in its accordance with the City's operational needs. While a genuine effort will be made to locate light duty assignments for employees when temporary medical restrictions preclude their return to their regular duties, the City will not create light duty assignments.

Light duty assignments must be coordinated through the employee's Department Director. Light duty assignments may be in the employee's own department, or in another department, depending upon the employee's circumstances and needs of the City. Employees with an on-the-job injury or illness will be given priority over other employees in the assignment of light duty jobs. The duration of light duty should be the lesser of the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed for determination of status.

The employee's physician must review and certify that the employee can perform the light duty assignment. The City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential job functions with or without a reasonable accommodation) before returning to full and regular duty.

8.20 CAFETERIA PLAN

The City of Ovilla allows for a Cafeteria Plan. The plan is a separate written plan maintained by the City, as an employer, for employees that meets the specific requirements of the regulations of Section 125 of the Internal Revenue Code. It provides employee participants an opportunity to receive certain qualified benefits on a pretax basis. (Information can be received from Human Resources.

SECTION 9

EMPLOYER AND EMPLOYEE COMMUNICATIONS

9.0 EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City makes every effort to amply demonstrate its commitment to employees by responding effectively to employee concerns.

9.1 PUBLIC RELATIONS

Employees must take care to separate their personal roles from their positions with the City when communicating on matters not involving City business. Employees must not use City employee identification, stationery, supplies or equipment for personal or political matters.

When communicating publicly on matters that involve City business, employees must not presume to speak for the City on any topic, unless they are certain that the views they express are those of the City, and it is the City's desire that such views be publicly disseminated.

When dealing with anyone outside the City, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual, business, or government body.

Providing high quality service to the public in a timely, accurate, efficient and courteous manner is primary objective of each City employee and official. Each employee represents the City when in contact with the public, and employees must constantly strive to be good-will ambassadors for the City. Any employee who fails to demonstrate the proper level of courtesy and professionalism will be subject to disciplinary action, up to and including termination of employment.

In all matters relevant to the City, employees must make every effort to achieve complete, accurate, and timely communications by responding promptly and courteously to all proper requests for information and to all complaints.

In serving the citizens, always remember the following:

- (A) City employees' jobs are dependent on the citizens of Ovilla;
- (B) Citizens are not an interruption of the process — they are the purpose of the work effort;
- (C) The City's citizens are always deserving of courteous treatment; and
- (D) Satisfied citizens are our primary goal.

9.2 STAFF MEETINGS

Scheduled staff meetings will be held on a regular basis with the City Manager, department and division directors, and other key managers as a forum of communication to exchange ideas, discuss upcoming Council and Board and

Commission meetings, required staff action because of aforementioned meetings, update on departmental activities, forum for training and development, and strategic planning of goals and objectives and progress on work plans.

Department Directors are responsible for scheduling and holding regular staff meetings with their respective department employees.

The City Manager is responsible for scheduling and holding "All Employee Meetings" as deemed necessary.

9.3 BULLETIN BOARDS

City bulletin boards are restricted to use by the City for the posting of official City matters, *e.g.*, announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain approval from a supervisor before posting any information on a City bulletin board.

9.4 COMPUTER, INTERNET, E-MAIL, VOICE MAIL, FAX AND CITY ISSUED MOBILE DEVICES POLICY

All the City's computers, electronic and telephone communications systems, and all communications and stored information which is or has been transmitted, received, contained in the City's information systems (including, without limitation, e-mail, Internet, pagers, voice mail, facsimiles, and information stored on computer hard drives and City-provided USB flash drives) are the City's property and are to be used solely for job-related purposes. Due to the considerable risks associated with computer viruses, employees are prohibited from downloading any unauthorized software to the City's computers. All software downloaded must be registered to the City. Do not open or forward e-mail received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized by the Department Director.

To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment. Therefore, by this policy, employees are on notice that all e-mail messages, voice mail messages, and facsimiles sent to the City's address, and information stored on pagers, computer hard drives, City-provided USB flash drives, mobile devices etc. are subject to inspection by the City at any time, with or without notice. Employees are not entitled to any expectation of privacy with respect to such information.

The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those employees with a voice mailbox may learn how to use this system by reading your voice mail instructions or asking the phone system administrator. From time to time, especially when you are on vacation, business trips, a leave of absence or otherwise absent from work, your Department Director, supervisor, or another employee may listen to your voice mail messages to better serve our citizens and to make sure that all City business is timely performed. Employees should have no expectation of privacy in connection with any message left on the City's voice mail system.

The City's e-mail and Internet access may not be used for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications. Illegal harassment of any kind is strictly prohibited. Accordingly, no messages with derogatory, inflammatory, or otherwise unwelcome remarks regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference may be transmitted. Similarly, no abusive, profane or offensive language or images may be transmitted through the City's e-mail or Internet access. Further,

electronic media may not be used for any commercial, illegal, or illicit activity, or in any way that violates City policy or is contrary to the City's best interests. Solicitation of non-City business or any use of City e-mail or the Internet for personal gain is also strictly prohibited.

The City prohibits non-job-related use of its software and business equipment, including but not limited to computers, copy machines, facsimiles, long distance telephone service and postage meter. However, the City may authorize limited personal use of this equipment provided that such usage (i) does not interfere with work performance or business needs, (ii) is in full compliance with this policy, (iii) and the employee takes personal responsibility for any costs incurred. Even though the employee assumes responsibility for the costs incurred, this shall not create any expectation of privacy with respect to information or material transmitted, received or stored using City equipment.

Department Directors will not allow access to web sites that do not provide information beneficial to their departments and will implement immediate corrective and/or disciplinary action, up to and including termination of employment, for those employees who violate any portion of this policy.

Employees should be aware that electronic mail (e-mail) is considered a public record and may be subject to public disclosure in accordance with applicable law. Use of e-mail and the deletion of messages should be done with caution. All employees are personally accountable for communications that they originate or forward using the City's electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

Right to Monitor

All City supplied technology and City related work records belong to the City and not to the employee. The City Manager or his/her designee routinely monitors use of city-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

9.5 SOCIAL NETWORKING/MEDIA

Policy

I. PURPOSE

1.0. To address the fast and ever-changing landscape of the Internet and the way residents communicate and obtain information online, the City of Ovilla (the "City") and its various departments, boards and commissions may consider participating in social media formats to reach a broader audience. The City encourages the use of social media to further the City's mission to deliver the highest quality municipal services.

1.2. The City Council and the City Manager have an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the City and its boards and commissions on social media sites. This policy establishes guidelines for the use of social media. The City Manager or his designee shall approve what social media outlets may be suitable for use by the City and its departments, boards and commissions.

II. DEFINITIONS

2.1. "Social Media" are various forms of discussion and information-sharing tools, including, social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing, to name a few. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups (reference, social networking); Wikipedia (reference); MySpace and Facebook (social networking); YouTube (social networking and video sharing); Instagram and Flickr (photo sharing); Twitter (social networking and microblogging); LinkedIn (business networking); and news media comment sharing/blogging. This policy covers all Social Media tools, both current and future.

2.2. "Social Networking" is the practice of expanding one's business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through web-based groups established for that purpose.

2.3. "Blog" (an abridgment of the term web log) means a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

2.4. "Article" means an original posting of content to a social media site by a City employee.

2.5. "Comment" means a response to a City article or social media content submitted by any person or entity.

III. POLICY

3.1. All official City presences on social media sites or services are considered an extension of the City's computer information network and are governed by and subject to the City's Internet Access and Electronic Mail Policy contained in the City's Personnel Policy Manual.

3.2. The City Manager, or his designee, will review all requests to use social media sites by any department, board or commission of the City.

3.3. All City departments, boards, commissions and that use social media are responsible for complying with applicable federal and laws and city policies. This includes adherence to established laws and policies regarding copyright, records retention, the Texas Public Information Act, the First Amendment of the U.S. Constitution, privacy laws and information security policies established by the City.

3.4. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.

3.5. Employees and members of City boards and/or commissions representing the City via social media outlets must conduct themselves appropriately at all times as representatives of the City. All such persons that fail to conduct themselves in an appropriate manner shall be subject to disciplinary procedures up to and including termination/dismissal.

3.6. City social networking sites are subject to the Texas Public Information Act, Federal e-discovery rules, and the City's records retention schedules apply to social networking content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format

that preserves the integrity of the original record and is easily accessible using the usual or approved City platforms and tools.

3.7. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

3.8. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

3.9. Each social networking site shall include an introductory statement which clearly specifies the purpose and topic of the blog and social network site. Where possible, social networking sites should link back to the official City internet site for forms, documents and other information.

3.10. City social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- (a) Comments not topically related to the particular site or blog article being commented upon;
- (b) Profane language or content;
- (c) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- (d) Sexual content or links to sexual content;
- (e) Solicitations of commerce;
- (f) Conduct or encouragement of illegal activity;
- (g) Information that may tend to compromise the safety or security of the public or public systems;
- (h) Content that violates a legal ownership interest of any other party;
- (i) Information or references to the personal addresses, personal telephone numbers, personal e-mail addresses, family members or other personal information of City officials or City employees.
- (j) Commercial promotions or spam; or
- (k) Organized political activity.

3.11. All social networking sites shall clearly indicate they are maintained by the City and shall have City contact information prominently displayed.

3.12. Where applicable, City security policies, including but not limited to information technology security policies, shall apply to all social networking sites, articles and comments.

3.13. Employees representing the City government via social media outlets must conduct themselves at all

times as a representative of the City and in accordance with the City's Personnel Policy Manual.

3.14. City employees and members of any City board or commission using a Social Media Sites, whether as an administrator or as a responder to a posting, will follow these guiding principles:

- (a) Maintain transparency by using your real name and job title, and by being clear about your role in regard to the subject.
- (b) Write and post about your area of expertise, especially as related to the City and your assignments. When writing about a topic for which you are not the City's expert, make this clear to readers.
- (c) Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
- (d) Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions, keep it appropriate and polite.
- (e) Post meaningful, respectful comments that are on topic.
- (f) Pause and think before posting. If you are about to post something that makes you even slightly uncomfortable, do not post it. Understand that postings are widely accessible, not easily retractable, and will be around for a long time, so consider content carefully.
- (g) Ensure your comments do not violate the city's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the appropriate approval.
- (h) Ensure you have the legal right to publish others' material, including photos and articles pulled from other sites. Respect the brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, include appropriate attributions.
- (i) Make it clear that you are speaking for yourself and not on behalf of the City, unless that is part of your duties with the City. Remember that your postings are ultimately your responsibility.

IV. DISCIPLINE

4.1. Employees found in violation of any provision of this policy may be subject to disciplinary action, up to and including termination of employment. The policies and guidelines outlined herein also apply to employees posting City-related information on personal (non-City) Social Media Sites.

4.2. All Department managers are responsible for their subordinates' compliance with the provisions of this policy and for investigating non-compliance.

4.3. Members of any City board or commission found in violation of any provision of this policy may be subject to disciplinary action, up to and including removal from their appointed position and any other legal action determined to be necessary by the City Attorney, with the advice and consent of the City Council. The policies and guidelines outlined herein also apply to board and commission members posting City-related information on personal

(non-City) Social Media Sites.

4.4. Internet User account and password access may be withdrawn without notice if an employee violates this policy.

4.4. Where laws are violated, the City may pursue criminal or civil action against the employee, board or commission member, or any other responsible party.

9.6 CONFIDENTIAL INFORMATION

From time to time, employees may be privy to confidential information which is vital to the interests and success of the City. Employees are prohibited from disclosing confidential or non-public information relating in any way to the City, its employees, or citizens. All requests for information from third parties must be immediately directed to the City Secretary.

When handling financial or personal information, employees must observe the following principles:

- (A) Collect, use, and retain only the personal information necessary for the City's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- (B) Retain information only as long as necessary or as required by law. Protect the physical security of the information.
- (C) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing personal information, unless the legal process or contractual obligations provide otherwise.
- (D) Employees are prohibited from using e-mail to transmit confidential or non-public information to any person or party outside of their physical site of employment. Employees who have a business need to use e-mail to transmit confidential or non-public information to any party must first obtain the approval of their Department Director, who will determine whether security measures are necessary to ensure that the confidentiality of the transmission is not compromised.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their supervisor or someone else in City management. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

9.7 MAIL

Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City's outgoing mail, but City postage may not be used for such mail. Employees may not direct personal mail to be delivered to them at the City. However, employees may have packages, deliveries or overnight correspondence delivered to them at the City from time to time.

9.8 NOISE/RADOS

All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play audio devices, etc. at their work station if not objectionable to any co-workers. Any noise must be kept low.

9.9 SOLICITATION

Persons who are not employees of the City may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City's business during work time or in work areas, without the prior written authorization of the City Manager. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty.

9.10 TELEPHONES

City telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Please ask your family and friends not to call during business hours except in cases of emergency. Your own calls should be made during breaks. Long distance calls on City phones may only be made for City business. Employees may not make personal long distance calls on City telephones; if this occurs, you may be disciplined, and you will also be required to reimburse the City for any charge resulting from personal use of the phone. Employees who have been issued a City cell phone must reimburse the City for all personal calls if the cost exceeds the amount the City normally pays for the service. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

9.11 PERSONAL CELL PHONE USE

Personal cell phones are permitted in the work place; however, employees are encouraged to use good judgment when using personal cell phones during business hours. Department Directors may prohibit an employee from using personal cell phones during business hours if he/she thinks the privilege is being abused.

9.12 NEWS RELEASES

When communicating with the media, employees should remember that they represent the City and should conduct themselves accordingly. No employee may give a news or press release on behalf of the City without the prior authorization of the City Manager.

An employee who receives a request from the media for a scheduled interview on behalf of the City must obtain authorization from the City Manager prior to scheduling the interview. Employees shall attempt to provide a timely and thorough response to all interview requests but may ask for and expect to be afforded additional time to research the relevant issues and to prepare for the interview. If an employee does not feel comfortable answering a reporter's questions, he or she may terminate the interview with the understanding that the employee or another City representative will follow up with the reporter in a timely fashion. When an employee terminates an interview, he or she shall immediately discuss the topic with the City Manager to determine if any further action should be taken.

Items of confidential or litigious matter shall not be addressed or discussed with the media. Such items include, but are not limited to, the following:

- (A) Medical records
- (B) Certain personnel records
- (C) Pending investigations
- (D) Actual proceedings of executive sessions of City Council
- (E) Draft correspondence (preliminary notes or intra-city memoranda not yet finished)
- (F) Records pertaining to pending litigation where the City is a party
- (G) Legal opinions of City attorneys
- (H) Certain law enforcement records

The City of Ovilla Emergency Response Plan designates responsible city officials and staff for communicating with the media in disaster or emergency situations. Employees in violation of this policy may be subjected to disciplinary action, including termination.

9.13 PERFORMANCE APPRAISALS (EMPLOYEES)

The purpose of the City of Ovilla performance pay policy is to encourage personnel to perform to higher standards by rewarding those employees who exceed expectations, as determined through the annual evaluation process, with a percentage increase to their base salary pursuant to budget approval.

METHODOLOGY

Evaluations

Employees will be evaluated on an annual basis through the means of an evaluation instrument. The evaluation will serve as the official method for communicating job performance to the employee. During the annual review period, the employee and the evaluator will set goals and establish objectives to be reached during the following year. Supervisors will hold a mid-year review with their employees to determine if the goals and objectives identified are realistic, or if additional goals and objectives are needed. Evaluations will be conducted annually during the month of August.

Evaluations are important in proving feedback from both an employee and supervisor perspective. It is critical to the success of an evaluation program that a supervisor understand the level of performance to which an employee believes that he or she is performing. It is also important to give a fair and honest evaluation of an employee's performance in the evaluation. As a leader or supervisor, it is also important to address employee performance on a regular basis. It should not be a shock to an employee to be rated either as outstanding or unsatisfactory at evaluation time.

There are three people that have input in the review process unless you report directly to the City Manager. The employee, the employee's immediate supervisor, and the immediate supervisor's supervisor (Reviewer).

Performance Assessment Reports

Throughout the year, personnel job performance will be assessed through Performance Assessment Reports (PAR). The PAR will allow managers to address performance issues throughout the year and provides a means to document exemplary performance. A PAR should be used any time an employee does something above and beyond their normal

job performance expectations. It should also be used to document any behavior that is below normal job performance expectations. The PAR's are essential in the monitoring and effectiveness of the evaluation instrument throughout the year and should be used to assist the evaluator during the annual review period.

PAY INCREASES

The evaluation instrument constitutes the only method in determining whether an employee is eligible for a Pay Increase (PI). The City Manager, based on the recommendation of the Department Director or division manager, will have oversight and final approval of all PI recommendations. The amount of the PI will be determined based on the outcome of the annual evaluation and budget approval. The following classifications will be used when determining the amount of the PI:

Pay Increases are intended to recognize the increased value of the employee to the City of Ovilla as the employee gains experience and to reward good job performance.

A pay increase shall normally be granted for an employee who has received an "**Overall rating of average or above**" in the employee's most recent performance evaluation, unless the City's financial condition warrants otherwise or there exists another legitimate reason to withhold a pay increase. The City may freeze its pay plan or increases based on the City's financial condition.

It is the duty of department directors and supervisors to identify outstanding workers and to recommend he or she be granted pay increases. Conversely, it is the duty of department directors and supervisors to withhold pay increases for employees whose performance is substandard.

Overall Rating Definitions

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

The above definitions are not meant to prohibit Department Directors or division managers from developing additional clarifications for the performance classifications, but any additional clarification must include the core elements defined above, and any additional clarification or adaptation of the above must be reviewed and approved by the City Manager before taking effect.

9.14. PERFORMANCE APPRAISALS (COUNCIL APPOINTED PERSONNEL)

Appointments

The City Manager, the City Secretary, and Municipal Judge positions are selected by a majority vote of the City Council. These positions are chosen solely based on executive, administrative and judicial qualifications. The performance appraisals of these officers of the City shall be evaluated by the City Council.

Reviews, Evaluation, and Salary Adjustments

City Manager

- A. The City Council shall conduct reviews and evaluations of the appointed Employees' job performance on or about the three-month anniversary, the six-month anniversary, and the one-year anniversary of the execution of the employment agreement. The review should be based on defined performance objectives and expectations agreed upon at the beginning of the review period.
- B. If the Employee's job performance is considered by the Council to be satisfactory at the time of the six-month review, he or she shall be entitled to receive a salary increase equal to five percent of the annual base salary the Council/City agrees to pay commencing the next full pay period following such review. It shall be payable in the same manner and while other employees of the City are paid.
- C. Thereafter, adjustments of the Employee's salary, if any, and the date of their effectiveness shall be considered and negotiated with the Employee by the City Council annually.

City Secretary

The performance review, performance instrument, and any Council approved pay increase of the City Secretary shall be in accordance with the methodology as defined in Section 9.14.C of the Handbook policies.

Municipal Judge

The performance review, performance instrument, and any Council approved pay increase of the Municipal Judge shall be in accordance with the methodology and performance measures as defined in the Employment Agreement for the Judge.

9.15 POLICE EMPLOYEE EQUIPMENT PURCHASE/PAYBACK PROGRAM

There may be certain items a Police Department employee may want to purchase to aid in the performance of job duties such as a pistol, rifle, or shotgun. The purchase of any of these items may be more than an employee can afford to pay in one lump sum. Therefore, the City established an Employee Equipment Purchase/Payback Program through a payroll deduction. Under this policy the Employee would agree, in writing, to re-pay the City through a Payroll Deduction Agreement, then the City would purchase the item and pay for it. The payroll deduction would commence upon payment of the invoice for the item(s) received.

PROCEDURES

The employee will make a formal written request utilizing an itemized summary for consideration by the Department Head for the purchase of the item(s). The employee will describe the item(s) in detail, list cost, and may suggest the vendor from where the item(s) may be purchased.

The employee will meet with the Accountant to discuss the purchase, the price and the terms of the payroll deduction. All purchases must be paid back to the City within twelve months of the purchase. The Payroll Deduction Agreement and the itemized summary will be completed and signed by approving Department Head before the City purchases the item(s) following the City's purchasing guidelines.

The City Manager may suspend or terminate the Employee Equipment Purchase/Payback program without notice.

Payment Default

The item(s) purchased will be property of the City of Ovilla until the employee makes the final payment or if the employee is in default of payment. If the employee's employment is terminated with the City, the balance of the cost of the item will be deducted from the employee's final paycheck. If the employee does not have enough money in it his/her final paycheck to cover the cost owed to the City, the item(s) purchased will become property of the City.

SECTION 10

EMPLOYEE CONDUCT AND WORK RULES

10.0 EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests of the City and the safety of all employees and citizens.

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. The City does not permit any activity that fails to stand the closest possible public scrutiny.

Conduct problems are identified by what the employee has done, i.e.: fighting, rudeness, insubordination failure to follow instructions, etc. Performance problems are the result of the lack of the employee's failure to properly perform their work.

Prohibited Activities

Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Profanity, abusive language, insubordination, or racial slurs
- Unauthorized disclosure of confidential information
- Violation of City or departmental policies, codes of conduct, rules and procedures.

Progressive Discipline

In certain instances, the City may use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate termination of employment, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process.

The disciplinary action chosen for a particular infraction will depend on a variety of factors that include the severity of the infraction, prior disciplinary history, employee's length of service, the previous work history of the employee, how the choice will affect others in the organization and any mitigating circumstances. The City reserves the right to determine and begin discipline at any point in the progressive discipline guidelines, up to and including termination of employment.

Depending on the circumstances of each individual case, the progressive disciplinary process steps may consist of the following:

- (A) Verbal Warning: A supervisor orally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- (B) Letter of Counseling: Written letter of warning used for behavior or violations that a supervisor considers serious or in situations when an oral/verbal warning has not helped change unacceptable behavior. The letter is placed in the employee's personnel file.
- (C) Written Reprimand: Written letter of reprimand are used for behavior or violations the supervisor considers serious or in situations when a letter of counseling has not changed unacceptable behavior. The reprimand is placed in an employee's personnel file. Employees should recognize the grave nature of their conduct.
- (D) Suspension (without pay): Unpaid disciplinary suspensions of one or more days off the job imposed for serious infractions of workplace conduct codes.
- (E) Demotion: An employee is moved from a position in one classification range to a lower position of another classification range, as a result of a disciplinary action.
- (F) Discharge: Employees of the City of Ovilla are employed on an at-will basis, and the City retains the right to terminate an employee at any time if the conduct or performance of the employee is grave enough to warrant termination.

Other forms of disciplinary actions and/ or performance improvement action:

Performance Improvement Plan. Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibility efficiently, the employee may be placed on a written Performance Improvement Plan (PIP). The PIP may be used in conjunction with other disciplinary steps. PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the PIP may be closed or, if established

goals are not met, discharge may occur. PIP may be used in conjunction with other disciplinary action, such as letter of counseling, written reprimand, suspensions, or demotions.

Disciplinary Probation. Employees who are suspended or demoted, or whose pay rate is reduced, will be placed on disciplinary probation for up to six months. During the probationary period, employees have no right of appeal. Further, during any disciplinary probation period, the employee is not eligible for any merit pay increases.

Decision-Making Leave. Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior. An employee may only be given decision-making leave with pay once and the leave cannot exceed one day or one shift, as appropriate.

Pre-disciplinary Meeting. When proposed disciplinary action includes suspension of one day or one shift (or more), a reduction of an employee's rate of pay, demotion, or termination, the employee will be given an opportunity to respond to the allegations prior to disciplinary action being taken. The employee's supervisor will meet with the employee, inform the employee in writing of the specific rule(s) violated; the specific acts of the employee which were in violation of the rule; and that discipline could be imposed, and give the employee at least 24 hours to respond to the charges, either orally or in writing.

Review by Department Director. Any proposed disciplinary action in excess of a verbal reprimand must be reviewed by the employee's Department Director prior to being given to the employee. This applies to both probationary and non-probationary employees.

Review by Human Resources. All Department Directors shall consult Human Resources prior to taking disciplinary action beyond a written reprimand. Any disciplinary action taken shall be a written notice with a copy to the employee, Department Director, and employee's personnel file specifying:

- Cause for discipline
- The discipline to be imposed
- The effective date
- The right of the employee to appeal within the timeframe defined by the personnel policies through the appropriate chain of command

Felonies and Misdemeanors. Employees must immediately notify their supervisor and/or their Department Director if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

When an employee is arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, and the evidence obtained during an internal administrative investigation supports a violation of this section, disciplinary action may be taken independently of and before any legal action or criminal conviction.

Administrative Leave. During an internal investigation into alleged misconduct or violations of City policies, the City may, at its sole discretion, place the employee on paid administrative leave.

At the City Manager's discretion, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on unpaid administrative leave until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

COMPLAINTS AND APPEALS

10.1 ELIGIBILITY TO COMPLAIN OR APPEAL

Any regular full-time and part-time employee who has satisfactorily completed a training and evaluation period or a period of disciplinary probation may file a complaint or appeal. Any regular part-time employee may file an appeal after a disciplinary probation period or as specified in the Lay-Off Chapter

DEFINITION

Complaint: A complaint is a request by an employee for review of dissatisfaction relating to their employment which is subject to the control of the City, including any matter on which the employee alleges that disparate treatment, coercion, reprisal, or retaliation has been practiced against them.

Appeal: An appeal is a request by an employee or agent of the employee to management seeking relief from a disciplinary or adverse action taken against the employee by management.

COMPLAINT PROCEDURE

No matter will be entertained as a complaint unless it is raised as such within 5 working days after the occurrence of the event or after the employee becomes aware of the event-giving rise to the complaint.

Complaints (other than charges of sexual or other illegal harassment or discrimination) will be processed in accordance with the following steps. Supervisors should be aware of the required decision letter contents (see end of the paragraph).

Step 1: Informal Complaint:

The complaint will be discussed verbally by the complaining employee with the employee's immediate supervisor. The employee should state his/her concern(s) and the remedy they are seeking to resolve their complaint. It is the employee's responsibility to tell their immediate supervisor that this is a complaint. The immediate supervisor will have 3 working days from the date the complaint is received to verbally reply to the employee's complaint.

Step 2: Formal Complaint:

- a. If the complaint is not settled after Step 1 has been taken, the employee may elevate the complaint in writing to the second level supervisor (which may be the Department Director or, in some cases, the City Manager). **The employee will give a copy of the written complaint to the immediate supervisor.** The written complaint will contain, as a minimum, the specific issue(s) of concern and the remedy sought to resolve the complaint, and the verbal reply of the immediate supervisor. If the employee fails to state the

issue(s), the remedy sought, and the immediate supervisor's reply, the complaint will be denied, and the employee so notified. The employee may also attach any evidence that supports their complaint. The second level supervisor will provide the employee a written decision within 10 working days.

- b. If the complaint is not settled after Step 2 has been taken, the employee may elevate the complaint in writing to the next level supervisor within 5 working days.
- c. If the second level supervisor is the City Manager, the complaint must be sent via the Human Resources Director who will review the complaint package for compliance with applicable rules before forwarding the complaint to, and received by, the City Manager. The written decision of the City Manager is final, and no further consideration of the complaint will be made.

Step 3:

- a. If the complaint remains unresolved at Step 2, and has not been reviewed by the City Manager, the employee may elevate their complaint (which will contain only the documents in their Step 2 complaint package and the Step 2 decision letter) to the City Manager via the Human Resources Director within 5 working days after receipt of the Step 2 decision letter.
- b. The Human Resources Director will review the complaint package for compliance with applicable rules and will forward the complaint to the City Manager.
- c. The City Manager may choose to review the complaint and decide or assign the complaint to a Review Panel (members selected by the City Manager) who will issue a recommended decision to the City Manager. The City Manager may choose to accept or reject the Review Panel's recommendation. If the Review Panel's recommendation is rejected, the City Manager may issue a decision based upon the evidence presented in the Step 3 complaint package.
- d. The City Manager will have 10 working days, after personal receipt of the complaint, in which to decide.

NOTE TO SUPERVISOR: Decision letters must have the following items addressed:

- a. The remedy requested is approved OR the remedy requested cannot be approved and why (address each concern).
- b. The employee may elevate his/her complaint to the next higher level (specifically identifying whether that would be a second level supervisor, Department Director, or City Manager).
- c. If the employee chooses to elevate their complaint, they must do so within 5 working days from the date of receipt of the written decision.
- d. The elevation of complaint, specified in c. and d. above, will not apply if the decision letter is from the City Manager. The City Manager's decision letter should state that the decision is final and that the complaint will not be considered further.

APPEAL PROCEDURE (FOR DISCIPLINARY AND ADVERSE ACTIONS)

A copy of all appeals will be sent to the Human Resources Department by the City official who signs the employee's decision letter or notice.

Step 1: An eligible employee, who has successfully completed the probationary period or not on disciplinary probation, may file a written appeal within 10 calendar days from the date he received the letter of decision, with the management official who signed his last decision letter. The appeal must identify the specific issue(s) being appealed and the remedy requested. An appeal letter that does not specifically identify the specific

issue(s) or the remedy sought will be denied (until the appellant provides that information). The appeal letter must include, or have attached, all evidence supporting the appeal, so the deciding City official may make an informed decision.

Step 2: If the appeal is not settled favorably to the employee after following Step 1, the appellant may appeal to the next level of supervision. The appeal must be submitted within 5 working days after receipt of the Step 1 decision. The supervisor receiving the appeal will answer the appeal within 10 working days after receipt.

If, after following Step 1 and Step 2, and the employee have not received a favorable decision, the employee may continue the appeal process to the City Manager within 10 working days after receipt of the Step 2 decision.

The City Manager will decide the appeal in writing within 10 workdays after receipt. **All decisions made by the City Manager will be final.**

The City Manager may choose to review and decide appeals sent to him or her, or the City Manager may assign the appeal to a Review Panel for review and decision. All decisions for suspension or removal made by the Review Panel must be approved by the City Manager. Decisions rendered by the City Manager will be final.

PERFORMANCE EVALUATION APPEAL

Employees have the right to present an appeal concerning interpretation of the Performance Evaluation Process and/or the resulting evaluation following the steps, below:

Step 1: The employee may appeal in writing to their immediate supervisor first, stating their concerns and the remedy they desire. This must be done no later than 5 workdays after the employee received his/her evaluation. The supervisor will answer the appeal in writing within 5 workdays after receipt of the employee's appeal.

Step 2: If the appeal has not been satisfied, the employee may, within 5 workdays from the date they received the Step 1 decision, appeal in writing to their Department Director (or City Manager if the Department Director is the employee's immediate supervisor) stating their concerns and the remedy they desire. The Department Director (or City Manager) will answer in writing within 5 workdays after receipt of the employee's appeal. The Department Director's (or City Manager's) decision is final.

TIME LIMITS FOR COMPLAINT OR APPEAL

All time limits set forth in this chapter may be extended for good reason by written mutual consent of the complainant or aggrieved, and the Department Director. If not extended, the time limits will be strictly observed. If the complaining/appealing party or parties fail to pursue the complaint or appeal within the time limits set forth, the complaint or appeal will be considered resolved based upon the last answer given by a supervisory representative of the City.

RECORDS

A written copy of the complaint/appeal and the final decision, with all supporting lower decisions (if any) and the supporting evidence will be retained on record in the Human Resources Department.

10.2 PERSONAL APPEARANCE

General Guidelines. Dress, grooming, and personal cleanliness are vital to the City's image as well as the morale of its employees. All employees are expected to present a clean and neat appearance and to dress in a professional manner while on City premises and/or while conducting City business. All employees should present a favorable personal appearance and adhere to personal grooming and hygiene standards in the performance of their respective responsibilities. Reporting to work in a clean and professional manner helps the City to present a positive and professional public image. Employees are expected to dress appropriately for their job and the nature of the work performed. All employees must adhere to the following guidelines (Public Works, Police, Fire and managerial personnel attire is addressed in departmental directives.)

Appropriate underclothing must be worn always. Appropriate footwear must be worn always for professional/business setting as required for safety precautions:

- (A) No provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics.
- (B) No bare shoulders or tank tops.
- (C) No clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind.
- (D) No shorts or skirts.
- (E) No hats, caps or any article of clothing that displays alcoholic beverages, drugs, pornography, or offensive material of any kind.
- (F) No wrinkled, ripped, torn, or tattered clothing.
- (G) Professional casual business attire is required during all public meetings, including training and Municipal Court. Proper business footwear required, no flip-flops.
- (H) Friday shall be a standing casual day, allowing employees the freedom to wear blue jeans and shirts that are appropriate for a professional business setting.

The City Manager may declare a casual day at any time.

Employees Working at City Hall, Having Routine Contact with the Public and/or Other Third-Party Contact.

Employees who work at City Hall, as well as other City employees who routinely have citizen and other third-party contact, must also abide by the following:

- (A) No visible tattoos unless deemed tasteful and non-offensive by the City Manager. Employees who have tattoos not deemed as tasteful and non-offensive must keep them covered.
- (B) No facial or mouth jewelry shall be worn, i.e. nose rings/studs, eyebrow rings/studs, tongue studs. Women are permitted to wear a single or double earring in each ear provided the earring is not otherwise unprofessional in appearance. Men may not wear earrings.
- (C) Beards and mustaches must be kept clean and neatly trimmed and/or within department guidelines.
- (D) Hairstyles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. Hair, including facial hair, must be clean and neatly groomed at all times.

Enforcement.

In all cases, the City will make the determination as to what is acceptable dress and grooming. Normally, the Department Director will determine appropriateness; however, the City Manager has final determination. If you have any questions about the dress code, please ask your supervisor, Department Director or Human Resources.

Anyone who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

10.3 UNIFORMS

The City supplies those employees required to wear uniforms with appropriate uniforms. If your job requires that you wear a uniform, you will be told how and where they can be obtained. Appropriate shoes and hats may also be required. In some cases, they will be furnished to the employee by the City. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean, neat and in good repair when worn.

City-owned or authorized uniforms may not be used by City employees outside of work, for personal use, or by any third party. City uniforms may be used by City employees in connection with their outside employment only if their Department Director and the City Manager have given prior written authorization.

Uniforms for public safety employees will be provided and employees must abide by these policies, as well as their department's policies regulating uniforms.

10.4 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL UNIFORM, BADGE OR AUTHORITY

Employees whose duties involve the use of a badge, identification card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, identification card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession. Badges, identification cards, uniforms and insignia may only be used in the performance of the official duties of the position to which they relate. *Badges, identification cards, must be worn always and be visible to citizens and co-workers, unless such display would interfere or jeopardize an official cover or undercover investigation.*

10.5 HOUSEKEEPING DUTIES

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

10.6 SAFETY AND RISK MANAGEMENT

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each employee is required always to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use certain equipment to safely carry out their duties. Under no circumstances shall an employee bring their own personal work tools to the worksite for use in the performance of job duties. Employees who violate safety standards, who

cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to immediate disciplinary action, up to and including termination of employment.

Reporting Requirements. Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Director. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Director and Human Resources. If needed, first aid or medical treatment should be requested. An employee report of accident form must be completed by each employee involved in an accident or injury and turned into the employee's supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate. Failure to complete and turn in the

employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

Safety Rules. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.

- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Departmental Rules. Certain Departments will have safety rules specific to the duties performed and equipment used. These policies may include training requirements (including initial training for new employees as well as on-going training for other employees), use of protective equipment and clothing, and other appropriate topics. Employees with questions regarding safety should talk to their supervisor.

10.7 SEARCHES

The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, vehicles, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. Employees are not entitled to any expectation of privacy with respect to such items.

All searches must be authorized in advance by the City Manager and conducted under the direction of the Department Director and/or City Manager. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

10.8 SMOKING AND TOBACCO PRODUCTS

In keeping with the City's desire to provide a safe and healthful work environment, smoking (and the use of other tobacco products) is prohibited throughout the workplace, to include City vehicles. Smoking is only permitted outside, in areas specifically designated for smoking. Smoking is not permitted during an employee's work time -- it is only permitted during meal breaks, designated rest periods, before and after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies.

This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

10.9 USE OF CITY EQUIPMENT

From time to time, the City may issue equipment or other property to employees, *e.g.*, purchasing cards (credit cards), keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 2-way radios, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City's equipment and other property may not be removed from the premises or used for personal business unless approved by the City Manager. Under no circumstances may City property be loaned or rented.

You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or need repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

City Owned Computers Used Primarily At Home. City-owned computers may be issued to certain employees for use at their home or other locations for City business, subject to advance written approval by the City Manager. Employees who are issued a City computer agree to the following:

- (A) An itemized list describing in detail all City hardware and software must be made and signed by both the employee and the City Manager before an employee may take a City computer home;
- (B) Prior to being issued a City computer and related items for home use, the employee must acknowledge, in writing, that this policy has been read, understood, and will be followed;
- (C) The employee will maintain the computer and related items in good working order;
- (D) The employee will immediately (within 24 hours or sooner) return the City computer and related items if requested by the City Manager for any reason;
- (E) The employee will return the City computer and related items immediately upon termination of employment; and
- (F) A payroll deduction will be made for the cost of lost, damaged or unreturned items; in addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

10.10 USE OF CITY VEHICLES

City-owned or leased vehicles may only be used for official City business. City owned, or leased vehicles may only be driven by authorized City employees. If an employee drives his or her own vehicle to conduct City-related business, or a City-owned, rented or leased vehicle, the employee must comply with the following:

- Employee must have a valid State of Texas driver's license appropriate for the vehicle operated and must inform his or her supervisor of any change in status.
- Employee must always observe all posted laws and speed limits.
- Employee must always wear seat belts when the vehicle is in operation.
- **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.**
- **EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT DIRECTOR AND/OR CITY MANAGER. AN ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR THE DAY OF THE ACCIDENT (Accident Report Forms can be obtained from the Human Resources Department). AFTER FILLING OUT THE ACCIDENT REPORT, EMPLOYEES INVOLVED IN ACCIDENT WHILE OPERATING A CITY VEHICLE MUST TAKE A DRUG SCREEN IMMEDIATELY FOLLOWING (The Drug Screen will be set up by the Human Resources Department).**

Employees who drive a City-owned, rented or leased vehicle must also comply with the following:

- No passengers other than other City employees or others on City business unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Director.
- All maintenance and use records must be completed as directed by a supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to a supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.

The City may, at any time, check the driving record of a City employee who drives as part of his/her job duties to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will cooperate by providing the City any authorization that may be required for this purpose.

The above is not a complete and exhaustive list of vehicles use-policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

10.11 Accident Review Board

A. An Accident Review Board will review accidents which result in \$1000 or more in damages or any bodily injury requiring medical attention. The chairman and vice-chairman will be appointed by the City Manager or his designee and will serve a one-year period. The Board will be comprised of the following personnel appointed by the respective Department Head and will serve one-year periods:

1. two supervisors – chairman and alternate-chairman (No Vote)
2. one police officer (Primary and Alternate)
3. one city employee from administration (Primary and Alternate)
4. one city employee from public works (Primary and Alternate)
5. one fire employee (Primary and Alternate)

- B. At the discretion of the City Manager the Accident Review Board may review and recommend action on other accidents involving the City of Ovilla.
- C. The intent of the Accident Review Board (ARB) is to reduce equipment accidents, to reduce accidents which cause personal injury or damage to citizens' property, and to reduce employee injuries. The ARB will review accidents and personal injuries. The Board will determine whether the accident was preventable, using as guidelines the "Transportation Laws of the State of Texas" and the National Safety Council Defensive Driving Principles, other applicable laws, and policies. The ARB will also review "On-the-Job" personal injury.
- D. The intent of the Accident Review Board (ARB) is to reduce equipment accidents, to reduce accidents which cause personal injury or damage to citizens' property, and to reduce employee injuries. The ARB will review accidents and personal injuries. The Board will determine whether the accident was preventable, using as guidelines the "Transportation Laws of the State of Texas" and the National Safety Council Defensive Driving Principles, other applicable laws, and policies. The ARB will also review "On-the-Job" personal injury.

E. OBJECTIVES

1. To determine the cause of the accident or injury and where the responsibility for prevention lies.
2. To recommend corrective measures, additional training, and modification of equipment or policy to the appropriate Department Director.
3. To reduce mechanized equipment accidents and abuse and to reduce "On-the-Job" personal injury accidents.

F. DEFINITIONS

1. Preventable: To keep from happening
2. Preventable with Leniency: Following policy would not keep from happening
3. Not Preventable: Could not keep from happening.

G. BOARD DUTIES

1. Attend meetings as scheduled to review qualifying accidents and injuries. For each accident the Board Members will determine:
 2. The cause of the accident.
 3. Determine by a final closed-door vote whether accident or injury was "preventable", "preventable with leniency" or "not preventable".
 4. Determine whether "preventable", "preventable with leniency" or "not preventable" on the part of the supervisor if applicable.
 5. If applicable, make recommendations for preventative measures or corrective actions to the department.
6. The Board shall decide based upon whether the employee was applying:
 - a. Their responsibility, as stated by the Transportation Law of the State of Texas.
 - b. Proper departmental procedures while using City vehicles and equipment.
 - c. Personal safety techniques and proper use of safety equipment.

H. MANAGEMENT & EMPLOYEE RESPONSIBILITIES:

1. Department Director. The Department Director is responsible for reviewing with the employee the Board's decision and the Department Director's recommendation on the summary report.

- a. The Department Director may administer disciplinary action based on the decision of the Board.
- b. The Department Director is encouraged to attend the Accident Review Board hearing to offer additional information regarding training and Department procedures to assist the Board in making their determination.
- c. The Department Director may administer disciplinary action based on the decision of the Board.
- d. The Department Director is encouraged to attend the Accident Review Board hearing to offer additional information regarding training and Department procedures to assist the Board in making their determination.
- e. Upon completion of the Department Director's review of the summary with the employee, the summary will be forwarded to the HR Manager for filing.

2. HR Manager

- a. The HR Manager is responsible for the qualification and scheduling for the Board review of accidents and injuries. The HR Manager shall send notices of the scheduled meeting to the employee, the employee's immediate supervisor, and the Department Director approximately one week prior to the hearing.
- b. All original completed reports will be filed with the HR Manager and "preventable" accidents will be filed in the employee's file in Personnel. A preventable accident is reflected on an employee's record for two years.

3. City Manager.

- a. The City Manager will review all "preventable" findings following the closure of each incident.

4. Employee

- a. If the employee cannot attend the hearing and wishes to change the calendar date, it is the employee's responsibility to notify the HR Manager in advance of the scheduled hearing date. If no request has been received, the hearing will proceed as scheduled. In some cases, the employee will not be required to attend the ARB hearing. In any case if the employee is not present, and the ARB finds against the employee, such findings will be final and not subject to appeal.
- b. Each employee appearing before the Board shall be given an opportunity to make a full explanation of the case. The employee also has the right to request that witnesses be heard at the hearing. The employee must provide a list of witnesses to be heard to the HR Manager no later than 48-hours prior to the hearing.

5. Appeals: The employee may appeal the recommended disciplinary action assigned by submitting a written statement to the Department Director outlining the reason the appeal is being made. This appeal should be made within 5 working days of the employee and Department Director review of the accident summary. The City Manager's decision on appeals shall be final.

K. SPECIAL CIRCUMSTANCES:

1. In cases where Police Officers and Fire Department personnel are involved in accidents while driving under Code 3, (lights and sirens) those accidents shall be reviewed by the Departments. The individual department will complete an accident summary indicating if the accident was found to be "preventable", "preventable with leniency" or "not preventable" and forward this to the ARB for review within 3 days of the incident. The summary of findings will then be sent back to the Department to be reviewed by the Department Director and discussed with the employee. If the incident is found to be preventable it will be filed with the HR department in the employees personnel file.

10.12 SECURITY AND LOSS PREVENTION

It is everyone's responsibility to help the City in loss prevention. If an employee becomes aware of losses or damage due to negligence, theft, willful destruction or abuse, or for any other reason, it is the employee's responsibility to report it to a supervisor, a Department Director and/or the City Manager's office immediately. Employees must notify management immediately of any incident that results in loss or damage to the City, its employees, or the public. Employees should also promptly notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that employees cooperate with law enforcement officials. Failure to report loss or damage, or failure to cooperate in an investigation may result in disciplinary action, up to and including termination of employment.

Employees who have access to the City's funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in this policy, and departmental procedures and guidelines. The City imposes strict standards to prevent fraud and dishonesty. If employees become aware of any evidence of fraud or dishonesty, they must immediately advise their supervisor so that the City can promptly investigate.

Accurate and reliable records are necessary to meet the City's legal and financial obligations and to manage the affairs of the City. The City's books and records must reflect, in an accurate and timely manner, all business transactions. The employees responsible for accounting and record-keeping must fully disclose and record all assets and liabilities and must exercise due diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to:

- (A) False expenses, attendance, production, financial, or other similar reports or statement.
- (B) False advertising, deceptive marketing practices, or other misleading representations.

Supervisors, or their designees, are responsible for locking and securing all doors, gates, chains, locks, setting alarms, etc., and for key removal from vehicles and equipment. Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

Absent specific approval from the City Manager, only authorized City employees are permitted on City premises outside of regular business hours. Only authorized City employees are permitted in secured areas of the premises. A violation of this policy, or a failure to report a violation of this policy may result in disciplinary action, up to and including termination of employment.

10.13 WEAPONS BAN AND VIOLENCE PREVENTION POLICY

Zero Tolerance. The City is concerned about providing its employees with a safe and productive work environment and thus has taken certain steps to help prevent incidents of violence from occurring in the workplace. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and a citizen arising from or is in any manner connected to the employee's employment with

the City, whether the conduct occurs on duty or off duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include discipline up to and including termination, as well as arrest and criminal prosecution.

Any person who makes a threat of use of force, violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts on City property will be removed from the premises pending the outcome of an investigation. The City will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of the employment relationship, reassignment of job duties, mandatory counseling with a psychologist or other mental health care provider of the City's choosing, and/or criminal prosecution of the person or persons involved.

All Weapons Banned. (a) Subject to subsection (b) below, no employee, other than a licensed peace officer of the City, may carry or possess a firearm or other weapon on City premises, including, without limitation, buildings, entrances, exits, break areas, parking lots, surrounding areas and parks. The City's policy flatly prohibits employees, other than licensed peace officers, from carrying or using any weapons, concealed or otherwise, on the City's premises. This ban includes keeping or transporting a weapon in any City-owned or leased vehicle or in a personal vehicle in a City-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, etc., as defined by Texas Penal Code Section 46.01.

(b) Pursuant and subject to Section 52 of the Texas Labor Code, an employee who holds a valid license to carry a handgun under Subchapter H, Chapter 411, of the Texas Government Code, may possess a firearm and ammunition, or store a firearm and ammunition, in a locked, privately-owned vehicle in a city parking lot, parking garage or other parking area provided by the City. Additionally, an employee who holds a valid handgun license under Subchapter H, Chapter 411 of the Texas Government Code may carry a handgun in a concealed manner on City property, unless otherwise prohibited by the Texas Penal Code. Open carry of a handgun by employees is strictly prohibited on City property.

(c) No existing City policy, practice, or procedure will be interpreted to conflict with decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

Mandatory Reporting. An employee who witnesses, or has knowledge of intimidation, threats, threatening behavior, violent behavior or acts of violence involving a City employee must immediately notify his/her supervisor, Department Director and/or the City Manager's office. Employees must also report any behavior they have witnessed which may be regarded as threatening or violent, when that behavior is job related or might be carried out on a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activities. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists City property as a protected area, must notify their Department Director and provide a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent to the City Manager's office. Likewise, all employees must immediately advise their Department Director or the City Manager's Office if any protective or restraining order is issued against them.

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially.

10.14 CONFLICT OF INTEREST

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the operations of the City. Employees who are uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the City Manager or the City Attorney's office.

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City of Ovilla. Employees must not use their position, or the knowledge gained because of their position for private or personal advantage. Regardless of the circumstances, if an employee knows or have reason to suspect that a course of action he or she has pursued, is presently pursuing, or is contemplating pursuing may involve the employee in a conflict of interest with the City, the employee must immediately communicate all the facts to his or her supervisor.

All employees share a serious responsibility for the City's good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the City and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any activity that would, or would appear to:

- Create an excessive demand on their time to the extent that it deprives the City of the employee's best efforts on the job.
- Create an obligation, interest or distraction that may interfere with the independent exercise of judgment in the City's best interest.

An employee of the City shall not:

- Invest in or acquire a personal financial interest in any business that has a contractual relationship with the City, or that provides goods or services to the City, if such interest could influence or create the impression of influencing an employee's decisions in the performance of duties on behalf of the City.
- Accept entertainment, gifts or personal favors that could, in any way, influence or create the impression of influencing the employee's decisions in the performance of duties on behalf of the City.
- Receive payment or compensation of any kind, except authorized under the City's policies. The City strictly prohibits the acceptance of kickbacks or commissions from suppliers or others. Any breach of this rule will result in termination and prosecution to the fullest extent of the law.
- Use a municipal title, position or uniform in any advertisement or endorsement of products.

10.15 POLITICAL ACTIVITIES

City employees will not be appointed or retained based on their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A City employee may not:

- (A) Publicly endorse or campaign in any manner for any person seeking a City of Ovilla public office on City time, in a City uniform or on City property.
- (B) Use his/her position or office to coerce political support from employees or citizens.
- (C) Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or a nomination for public office.
- (D) Make, solicit or receive any contribution to the campaign funds of any candidate for City Council, directly or indirectly through an organization or association; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.
- (E) Use working hours or City property to be in any way associated with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.
- (F) Contribute money, labor, time or other valuable thing to any person for City election purposes on City time, in a City uniform or on City property.
- (G) Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, (e.g. City Council). Upon becoming a candidate for such an office, an employee must immediately resign or be dismissed upon failure to do so. If the employee loses the election, he or she may seek reinstatement if the employee's former position is still open and available.
- (H) Use, request, or permit the use of City property, City resources, City personnel, or City time for political purposes.

Notwithstanding any provision in this policy, a sworn employee of the police or fire department may engage in political activities to the extent permitted by state law.

10.16 ILLEGAL DISCRIMINATION AND HARASSMENT POLICY

Pursuant to Title VII of the Civil Rights Act of 1964, the City prohibits all forms of discrimination, including harassment, based on race, color, ancestry, religion, national origin, age, sex, marital status, disability, or veteran status. In keeping with this commitment, the city will not tolerate discrimination or harassment.

The City Manager and the Human Resources Department is responsible for enforcing this policy and will serve as the investigative officers for harassment, discrimination and retaliation issues. Human Resources will receive training about harassment, discrimination and this policy, and will be responsible for investigating complaints.

The Human Resources Department will distribute this policy and the Acknowledgment Form to all employees. Employees are expected to read this policy and adhere to its provisions at all times.

The City shall provide mandatory training in discrimination and harassment matters for Department Directors and supervisors on an annual basis.

Definitions of Harassment. Harassment constitutes discrimination and is illegal under federal and state law.

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace or sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment based on any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, veteran status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that singles out, denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals and Conduct Covered. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. This policy also applies to citizens, vendors, and visitors to the workplace. Likewise, employees are also prohibited from harassing citizens, vendors, and other third parties.

Mandatory Reporting of Harassment, Discrimination or Retaliation. The City requires reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. An employee who believes that he/she has been a victim of such conduct must immediately report their concerns to a supervisor,

Department Director, the City Secretary, the Assistant to the City Manager, or the City Manager, whomever the employee feels most comfortable approaching. Any employee who observes or becomes aware of possible sexual or other unlawful harassment, discrimination or retaliation must immediately report it to a Department Director, the City Secretary, the Assistant to the City Manager, or the City Manager.

The report may be either oral or written. However, oral reports of harassment, discrimination or retaliation must be reduced to writing by either the complainant or the person who receives the report and must be signed by the employee.

Anonymous reports will be taken seriously and investigated.

Supervisors and Department Directors must promptly report all harassment, discrimination and retaliation complaints to the Human Resources Director.

In addition, the City encourages employees who encounter harassment to firmly and promptly notify the offender in a professional manner that the behavior is unwelcome and that the conduct must stop.

Investigation. Allegations of harassment, discrimination or retaliation will be investigated promptly. Within a reasonable time, the Human Resources Designee will produce a written report and provide a copy of the report to the complainant, upon request. The investigation will include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation. The Personnel Officer will recommend remedial measures based upon the results of the investigation, and the City Manager or City Council, as appropriate, will promptly consider and act upon the recommendation. To the extent practicable and allowed by the Texas Public Information Act, the City will keep complaints and the terms of their resolution confidential.

Retaliation. Retaliation against an individual for reporting a good faith charge of harassment, discrimination, or retaliation, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will result in serious disciplinary action. Acts of retaliation must be reported immediately and will be promptly investigated and addressed.

Responsive Action. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

False complaints. Exaggerated and malicious complaints of harassment, discrimination or retaliation as opposed to complaints, which even if erroneous, are made in good faith, will result in appropriate disciplinary action.

Conclusion. The City has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.

The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with his/her Department Director, the City Secretary, the Assistant City Manager, or the City Manager.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and policies of the City prohibit disparate treatment based on sex or any other protected characteristic with regard to terms, conditions, privileges and perquisites of employment.

10.17 SMOKING IN BUILDINGS OWNED OR LEASED BY CITY

Smoking is prohibited in buildings owned or leased by the City and at all entrances to public buildings owned or leased by the City.

SECTION 11

DRUGS AND ALCOHOL

11.0 DRUG AND ALCOHOL USE

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City vehicle, or while operating or using other City property or equipment, *no employee may use, possess, distribute, sell, or be under the influence of alcohol, inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.*

Prohibition Against Illegal and Unauthorized Drug Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City vehicle, or while operating or using other City property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-the-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted *if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace.* Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Employees are required to notify their supervisor prior to reporting for work if their performance is compromised or diminished from use of prescription or over-the-counter drugs. It is the responsibility of employees to request reassignment to other duties, if needed, for the duration of impairment, or to request the use of available leave. Employees who fail to notify their supervisor of such impairment, and who continue to work, may be required to take available leave, or to perform other assignments and may be subject to disciplinary action if supervisory intervention is required.

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures. Police officers on under-cover assignments must follow the drug and alcohol guidelines established by their department.

On-Call Employees. Employees scheduled to be on-call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on-call who is called out is governed by this policy. Sometimes an employee who is not scheduled to be on-call may nevertheless be called out. If this occurs and the employee called out is under the influence of drugs and/or alcohol such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty prior to reporting for work; the employee will not be required to report to work.

Mandatory Reporting of Convictions. Within five calendar days, employees must notify their Department Director, in writing, of any criminal convictions involving drugs or alcohol (including a plea of *nolo contendere*), if the violation occurred in the workplace, during working hours, while attending to City business or while operating a City vehicle.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Rehabilitation/Treatment. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it impairs his/her job performance and/or jeopardizes his/her employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a one-time leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The one-time leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City, the employee's prior work and disciplinary history, the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program, the reputation of the program and the likelihood of a successful outcome, the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace, and the resulting hardship on the City due to the employee's absence.

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- (A) Initial negative test for drugs and/or alcohol before returning to work;
- (B) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- (C) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- (D) In addition to any testing required in connection with the employee's ongoing treatment or follow up to treatment, all employees who participate in rehabilitation or treatment under this section will also

be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

(E) The employee's formal written agreement to abide by the above conditions as well as any other conditions deemed appropriate by the City. The employee must meet with a City representative to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Department Director to receive assistance or referrals to appropriate resources in the community.

The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

11.1 DRUG AND ALCOHOL TESTING / PRE & POST EMPLOYMENT DRUG TESTING

TESTS REQUIRED:

1. **Pre-employment.** Following a conditional offer of employment and before hiring, the City requires applicants to submit to pre-employment drug/alcohol testing by a physician of the City's choice. Applicants who refuse to consent or submit to pre-employment drug/alcohol testing or inquiries when required by the City are ineligible for hire. If the drug/alcohol test is positive, then the applicant is ineligible for any City employment for a period of six (6) months from the date of the test result. Police and Fire Department employees are subject to Departmental hiring policies, which may be more limiting than the hiring policies for other City Departments.
2. **Post-accident testing.** As soon as practical following an accident, an employee involved in a work-related accident or traffic accident while on duty and operating either a City owned or leased vehicle or the employee's privately-owned vehicle while conducting City business shall submit to an alcohol and controlled substances test, if:
 - a. The accident resulted in bodily injury or a fatality; or
 - b. The employee received a citation for a moving violation; or
 - c. The employee is arrested for driving under the influence (DUI), driving while intoxicated (DWI), or public intoxication (PI); or
 - d. The employee is transporting a non-City employee in the vehicle; or
 - e. Testing is recommended by the Safety Manager or department supervisor; or
 - f. The employee had a "near miss" while operating the vehicle or equipment.

Unless transported by ambulance or arrested, the employee shall remain at the scene until taken for testing. The employee's supervisor must arrange transportation of the employee to a collection site. Under no circumstances shall the employee be permitted to drive to a collection site. Nothing in this section shall be construed to require the delay of necessary medical attention for injured employees following an accident or the restraint of an employee at the scene of an accident.

Testing must be administered within two (2) hours following the accident. However, if in that time a test is not administered, an alcohol test will be administered within eight (8) hours following the accident, or a controlled substances test within 32 hours following the accident and, the supervisor shall submit a report to the Human Resources Director stating the reason(s) the test was not administered within the two-hour period. If the alcohol test is not administered within eight (8) hours following an accident, the supervisor shall cease attempts to administer the test and submit a report to the Human Resources Director stating the reasons(s) the test was not administered within the time prescribed above.

Employees required to submit to post-accident alcohol/drug testing will not be permitted to operate a City owned or leased vehicle or equipment, or their own personal vehicle to conduct City business, until the results of the testing have been received and reviewed by Human Resources.

3. **For post-accident testing for accidents that occur during normal business hours.** The supervisor must arrange for testing of the employee according to the following procedure:
 - a. The supervisor shall contact Human Resources to advise that an employee is reporting to a medical clinic or will be tested internally for post-accident testing.
 - b. The supervisor shall make transportation arrangements for the employee to be taken to the medical clinic.
 - c. Results of the alcohol/drug test will be reported to the City's Medical Review Officer, who will report the results to the Human Resources Director.
 - d. Human Resources shall send a copy of the results to the City Attorney's Office, if requested.
4. **For post-accident testing for accidents that occur after normal business hours.** The supervisor must contact the designated drug screening and testing facility to arrange for testing of the employee according to the following procedure:
 - a. The supervisor must make arrangements for collection. The supervisor must have available the employee's name and a number where a call can be returned. The testing facility or city tester will send a technician to the accident site, a City facility, or to their local testing office to conduct an alcohol and/or drug test.
 - b. The supervisor shall contact Human Resources on the next business day to advise post-accident testing had occurred after hours.
 - c. Results of the alcohol/drug test will be reported to the City's Medical Review Officer, who will report the results to the Human Resources Director.
 - d. Human Resources shall send a copy of the results to the City Attorney's Office, if requested.
5. **Random testing.** Employees who hold safety-sensitive positions may be randomly tested. Human Resources will maintain a list of positions deemed to be "safety-sensitive." All employees who are required to possess a CDL driver's license shall be subject to random testing. The selection of employees for random alcohol and controlled substances testing shall be made by random selection. These are unannounced tests. Each employee subject to random testing shall have an equal chance of being tested each time selections are made. For CDL drivers, the City will randomly test 50% of the employees for drugs and 10% for alcohol annually, as required by Federal Regulations.

Random tests shall be administered only during the selected employee's normal working hours except shift employees, who because of shift hours worked, may have to be tested prior to or after their shift.

6. **Reasonable suspicion testing.** The City may require urinalysis, or other drug/alcohol screenings of an employee where his/her supervisor has a reasonable suspicion that the employee is using or is under the influence of a drug or alcohol while on duty, or where circumstances or work place conditions justify it, including but not limited to the employee's involvement in any on-the-job accident involving property damage or injury to a person. The supervisor's determination may be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the employees or indicators of chronic withdrawal affects.

The supervisor's determination may be based upon other evidence sufficient to lead the supervisor to suspect the employee is under the influence of drugs or alcohol, including: changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, evidence of possession of substances or objects which appear to be illegal drugs or drug paraphernalia, and reliable reports of the employee engaging in activity which would violate this policy. The supervisor will review the suspicion with the Human Resources Director or designee. If the Human Resources Director concurs with the supervisor's suspicion, then the supervisor will transport the employee to a collection site for testing. Under no circumstances will the employee be allowed to drive to the collection site.

7. **Follow-up testing.** In the event an employee is permitted to return to work following a positive test determination by a substance abuse professional and has successfully completed the prescribed rehabilitation program, the employee shall be required to undergo unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed and administered by the Substance Abuse Professional and shall consist of random testing for alcohol, controlled substances, and illegal or illicit drugs.

Follow-up testing at the request of the City shall be conducted only during the employee's normal workday except some shift employees who, because of their hours worked, will have to be tested prior to or after their shift. Follow-up testing shall not exceed sixty (60) months from the date the employee enters a Substance Abuse Program.

An employee's consent to submit to such tests is required as a condition of continued employment and the employee's refusal to consent and/or

Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and only accessible by designated City representatives on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

Positive Test. A positive drug and/or alcohol test will result in termination.

SECTION 12

RESIGNATION, TERMINATION AND RETIREMENT

12.0 RESIGNATION

To resign "in good standing," the City requires that employees give at least two weeks advance written notice, return all City-issued property, pay all debts owed to the City, and attend an exit interview before terminating their employment so that an orderly transition can be made. Employees who resign may be eligible to be paid for unused vacation and holiday leave and may be eligible for rehire. Employees who resign are asked to furnish written notice to their supervisor or Department Director, giving the reasons for and the effective date of their resignation.

12.1 JOB ABANDONMENT

If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization for three (3) or more consecutive days, the City will consider the employee to have abandoned his/her employment, which constitutes a voluntary resignation without notice.

Employees resigning in this manner will not be paid for unused vacation or sick leave and are generally not eligible for rehire. In unusual circumstances, employees resigning in this manner may seek reinstatement. Under this policy, the City Manager may reinstate an employee who abandoned his or her position only when the employee presents good cause for the absence and failure to timely notify a supervisor.

12.2 RETURN OF CITY PROPERTY

If an employee fails to return City property upon resignation, termination or retirement, the City may make a payroll deduction from the employee's final paycheck(s) in an amount equal to the value of the property the employee failed to return.

12.3 EXIT INTERVIEW

The separating employee shall contact the Human Resources Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or other day as mutually agreed upon.

12.4 REFERENCES

All requests for information, including requests for verification of employment and requests for employment references, regarding current and former employees, must be in writing and should be directed to the Human Resources Department.

The City will release only dates of employment and job title to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment, or if such information must be disclosed in accordance with a request pursuant to the Public Information Act. Authorization forms are available from the Human Resources Department.

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any "off-the-record" statements regarding a current or former employee. Employees who violate this policy may be subject to discipline, up to and including termination.

12.5 SEPARATION PAY

Employees who leave the City's employment will receive all pay to which they are legally entitled. Any debt owed to the City by the employee will be deducted from the employee's final paycheck(s). Employees who leave the City's employment will be paid for unused vacation.

12.6 DEATH OF EMPLOYEE

Any unpaid compensation, including unused vacation, time, of an employee who dies while employed by the City will be paid to his/her designated beneficiary. If there is no designated beneficiary, payment will be made to the employee's estate, or as otherwise required by law.

12.7 TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)

Employees who leave the City's employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. If an employee begins employment with a participating employer without a break in service, the employee can request that the account balance be transferred to the new City.

- A. 5-year Vested
- B. 2 to1 City Contribution Match
- C. 7% Contribution (TMRS)
- D. 20y Retirement

12.8 LONG TERM ABSENCE/TERMINATION

Any employee who is absent from work for more than six consecutive months, for any reason, will be terminated. (Note: This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.)

12.9 REDUCTION-IN-FORCE

The City Manager may implement a reduction-in-force at any time because of budget reductions or curtailment of work. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount. If more than one employee holds the same position within a department as the position that is vacated or abolished, the employee(s) with the least seniority shall be separated.

12.10 REHIRE

Former employees who leave the City in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted, and the regular application process will be followed.

12.11 BAN FROM EMPLOYMENT

An applicant or employee who is terminated for violating City policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

Changes for Policy Manual August 7, 2017.

Page 12-throughout City Administrator needs changed to City Manager

Page 25 Not be addicted to the use of narcotics or alcohol – Seems vague as to what constitutes “addicted”. Not specific such as “not have ingested illegal substances in the last 5 years”.

Page 26 City Driver Requirement – The police department is not allowed to provide DL info to the City. It needs to be accessed privately.

Page 29 Section 1.01 (A) Second Bullet – “City Council law”, law is not necessary.

Page 31 There is no remedy under Nepotism for current employees that are related to newly elected council members. In some areas, a period of 90 days is granted before forced resignations take effect. I found no such provision for council members families.

Page 32 Probationary Periods – Vacation accruals cannot be taken during the probationary period. A year is a long time to prohibit any type of vacation for police when other city employees are allowed after 90 days.

Page 33 Disciplinary probation – 60 days additional probation for a disciplinary problem and then an additional 90 days for potentially the same problem that results in a poor evaluation seems somewhat like double punishment for the same offense.

Page 33 Conditional employment – “on an individual’s” I think this sentence is missing something or needs to have the ‘s removed.

Page 44 Flex Time - “The Departmental Director or Supervisor must consider flexing the employee’s work schedule”. “Authorization for flex-time must receive prior approval for the City Administrator.” This seems unnecessarily busy. If the supervisor/director should be considering using flex time, should they not be able to authorize it when necessary?

Page 46 Time Keeping – Recording the beginning and ending of meal breaks and split shifts on current payroll sheets is not allowable according to the design of the sheet.

Page 47 Compensation – “Continuing work on a call-back that extends beyond the 2 hour minimum and into a day off does not entitle the employee to additional premium pay.” I am not sure about this statement but continuing to work beyond a 2-hour minimum would entitle an employee to continued premium pay I would think.

Page 52 Weekly Overtime – “A non-exempt and exempt sworn employee of the Police Department will be paid overtime hourly rate of 1-1/2 times the employee’s regular rate of pay for all hours worked over 40 in any work week, or be granted compensatory leave.” This is not accurate. Exempt employees are not allowed overtime or to bank comp time.

Page 52 Call Backs – Exempt employees have not been allowed two-hour minimum call backs as stated in this section.

Page 55 Accrual Rate – Vacation is allowed after probation. Probation in the police department is 1 year. That is a long time.

Page 56 Probationary Employees - Same problem as above regarding probationary employees and vacation.

Page 57 Holidays During Vacation Leave and Holiday Rate of Pay – Holidays are banked and not paid as required by these two sections. Furthermore, holidays from previous years are also being banked and held for the employee to take from years past.

Page 58 Eligibility – The statement has several problems:

- Full time employees begin accruing sick time at the time of employment
- How can employees not use accrued sick leave if they haven't accrued any.
- Waiting on a police employee to finish a year probation before using sick leave is problematic. Having a sick officer on the street operating at a diminished capacity is problematic.

Page 79 Social Networking - I think there is a new policy that needs to be placed in the manual.

Page 82 Confidential Information – “All requests for information...”. There are times when requests are received and handled by the Police Department for items such as public copies of police reports and accident reports.

Page 85 Performance Assessment Reports – Unknown what these are.

Page 86 Multiple mentions of PAR's. I do not believe this information is accurate.

Page 98 Uniforms – Is it necessary for the City Manager to give written permission to wear police uniforms during outside employment.

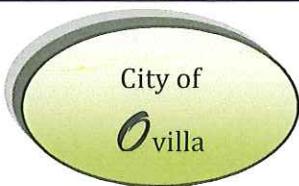
Page 99 Safety and Risk Management – The term “tools” as applied in this section means actual tools such as screwdrivers, hammers, etc. and not “police tools”?

Page 194 Accident Review Board – “2. One patrol officer.” I would change to one police department sworn officer.

Page 104 Accident protocol and page 117 Post-Accident testing – these two sections appear in conflict.

Page 104 says “must” to drug testing while page 117 says “shall”, “if”. There are qualifiers on page 117 that do not exist on 104.

Page 118 and 119 – We currently use FD personnel for testing of drugs and alcohol. I think the requirements for going to a clinic are now not protocol.



Ovilla City Council

AGENDA ITEM REPORT Item 5

Meeting Date: December 10, 2018

Discussion Action

Submitted By: John R. Dean, Jr.

Reviewed By: City Manager City Secretary City Attorney

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

Amount: \$1,450 Estimated Cost for May 2019

Other: Deputy City Secretary

Attachments:

1. Information from Ellis County Elections Office.

Agenda Item / Topic:

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action to authorize the City Manager to approve an interlocal agreement between the City of Ovilla and Ellis County Elections Office to conduct Ovilla Municipal Elections.

Discussion / Justification:

BACKGROUND: Staff recently met with Elections Administrator Jana Onyon who advised each municipality in Ellis County that the election office had acquired new voting equipment and tabulating machines for the polls. This new equipment will require additional electrical outlets (we don't have) and space for the machines.

Jana reached out to each municipality, asking all to contract with Ellis County to conduct their elections. By May 2019, Ellis County plans to hold countywide polling locations. Ovilla was one of only a few political subdivisions that had not yet contracted with the Ellis County Elections Office to conduct their elections.

An actual agreement will be provided in January 2019, once the municipality is given approval to move forward to allow Ellis County to hold the polling location(s).

Contracting with the Ellis County Elections Office would prove to benefit Ovilla residents by having federal, state, county and municipal elections at one location on one ballot. If an additional early voting site is desired, Ellis Elections office advised they would work with Ovilla. The proposed polling location for Ovilla is at Grace Church of Ovilla, which also provides adequate parking.

FINANCIAL IMPACT: Based on the estimated cost, this agreement should be within Ovilla's budget for municipal elections this year. The estimated cost is provided that all entities have an election and before any cancellations from unopposed candidates.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve that staff move forward authorizing the city manager to execute an interlocal agreement between the City of Ovilla and Ellis County Elections Office to conduct Ovilla Municipal Elections.

Ellis County Elections Department

**Meeting with County Political Subdivisions
on Thursday, November 15, 2018**



Agenda

- ▶ New Voting Equipment
- ▶ Countywide Polling Locations
- ▶ May Elections
 - Full Joint Contract
 - Sharing with the County for 2019
 - Countywide Polling Locations
- ▶ Questions and Answers

Election System and Software (ES&S)

Voter's Marking Device



Election System and Software (ES&S)

Tabulator Machine at the polls



Election System and Software (ES&S)

Tabulator Machine for Absentee Mail Ballots



ES&S Systems Key Points

► Paper Ballot

- Correct Ballot Style is generated for the voter
- Voter verifies ballot before casting ballot
- Cost is \$.10 per ballot (blank stock)

► Marking Device

- Voter intent is always accurate
- No more Over Voting a race

► Tabulator at Early Voting Locations and Election Day Locations

► Allows a County to have countywide polling locations on Election Day

Countywide Polling Location Program

► Advisory Committee

► Apply to be on the State's Polling Place Program

- Election Code Section 43.007(i) the state may select 6 counties with a population of 100,000 or more to participate in the program for an election
- A County Election must be on the ballot and can have joint election with local political subdivisions
 - Annexation into Tier 2 will be held May 2019
- Must have a electronic voting system
- Must have "Live" Voter registration system
- Must hold a Public hearing to inform and solicit opinions from voters.
- Have joint election issues worked out for political subdivision elections.

Countywide Polling Location Program

- › When a county goes to Countywide Polling Locations what happens:
 - NOVEMBER ELECTIONS – Political subdivisions (which includes cities/school districts, as an example) holding an election on the November uniform election date must use county election precincts and the county polling places on election day. This is the case even when the county has adopted the countywide polling place system; in that case the entity must have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision, pursuant to Sections 42.002, 43.004, and 43.007(e) of the Code. This is also the case even if a political subdivision has not contracted with the county for election services or is not holding the election jointly with a county.

Countywide Polling Location Program

- › When a county goes to Countywide Polling Locations what happens:
 - MAY ELECTIONS – Political subdivisions (cities/school districts, as an example) cannot apply to participate in a countywide program. However, if the city/school district contracts for election services with the county for a May election and any resulting runoff, and the county implements countywide polling places as part of the contract, then the city/school district will need to have a ballot available in every county polling place for the May election. If the city/school district contracts with the county and is required to use countywide polling places as part of the contract for a May election, they may designate as the polling places for any required runoff election only the polling places located in the territory or in and near the territory of the political subdivision where eligible voters reside, pursuant to Section 43.004(c) of the Code.

Countywide Polling Location Program

- **MAY ELECTIONS** – Additionally....

Per Section 42.002(c) of the Code, the city/school district must use the county election precincts (and polling places if the county is also conducting a May 2019 election) for May elections unless:

- 1. The political subdivision has not established any temporary branch early voting polling places (the political subdivision only has its main early voting polling place); or
- 2. The political subdivision conducts early voting by personal appearance at 75 percent or more of its temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting polling place; and at each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each of the two consecutive days.

Countywide Polling Location Program

- ▶ **Currently have 36 polling locations for County Elections during even years**

- The Committee is looking at only closing 2 sites based on ADA compliance, Room size, and power source. (San Jacinto Auditorium and Ferris Heights Methodist Church)

- ▶ **Currently use 18-19 polling locations for County Elections during odd years**

- ▶ **Currently used 18 polling locations in the last Countywide Election held during 2007 May Election**

Countywide Polling Location Program

► Some factors when selecting a Location

- Population size near the polling location
- Availability of a suitable building for a polling location
- ADA Compliant or could be made accessible with easy temporary fixes
- Make an effort to keep existing locations
- Easy location for the voter
- Is the location well known to the community

Countywide Polling Location Program

► Additional factors of when selecting a Location

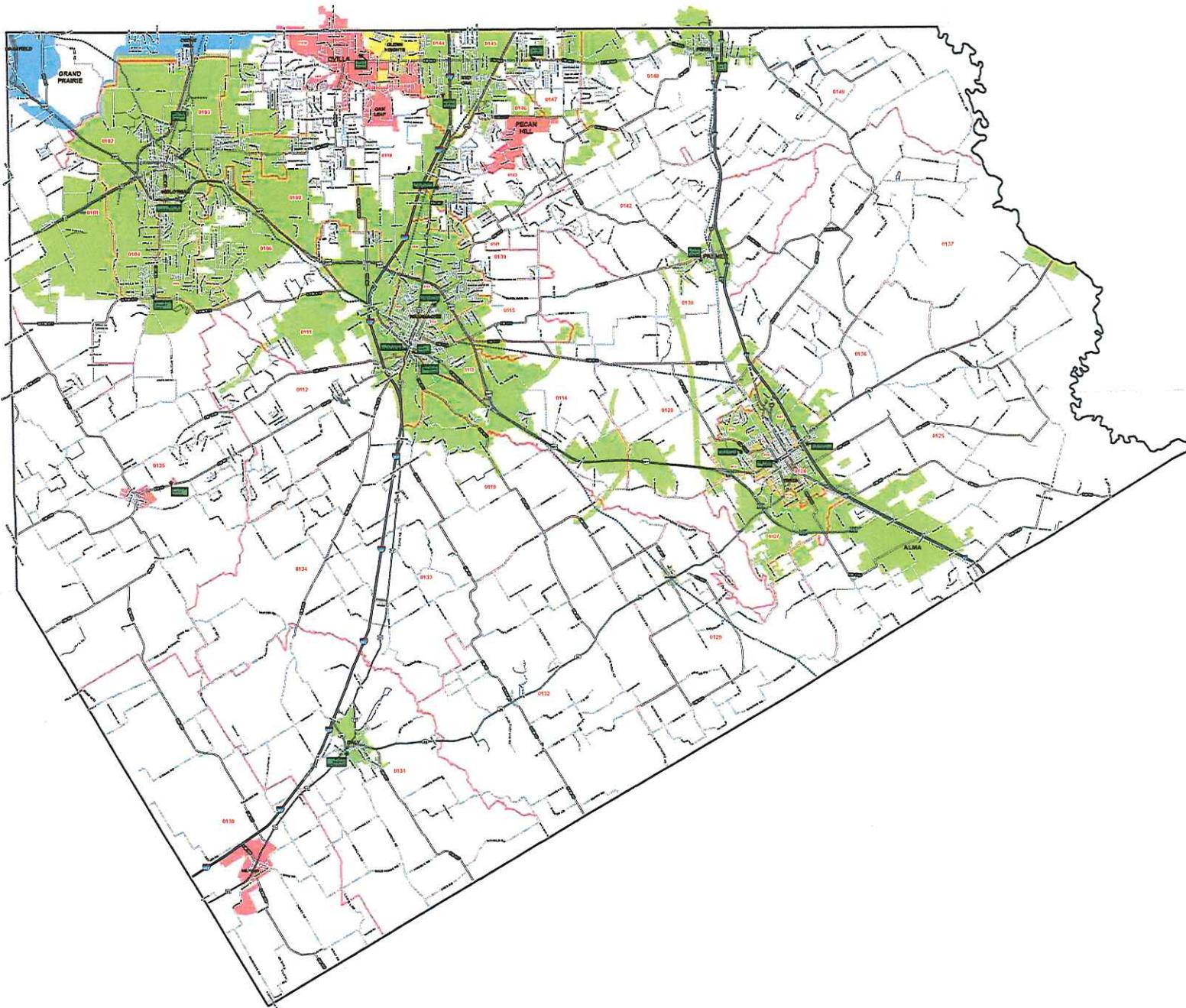
- Can the location voting room handle large crowds
- Can the location parking lot handle large crowds
- Can the location have a consistent internet connection
 - Each location will be tested with WI-FI device
- Closing a site should not result in dilution of voting strength or representation of any group covered by the Federal Voting Rights Act.
- Not to exceed more than twice the number of locations in any other commissioners court precinct.

Proposed EARLY VOTING Polling Locations for November (odd year) and May (every year)

Loc Name	Loc Address	Loc CITY	Comm. Pct	ADA Compliant?	
ELLIS COUNTY ELECTIONS OFFICE <u>(MAIN LOCATION)</u>	204 E JEFFERSON	WAXAHACHIE, TX 75165	1	ADA Compliant	Room is large; plenty of parking; well known to community
MIDLOTHIAN CONFERENCE CENTER	1 COMMUNITY CIRCLE DR	MIDLOTHIAN, TX 76065	3	ADA Compliant	Foyer is ok size; plenty of parking; well known to community
ELLIS COUNTY SUB-COURTHOUSE	207 S SONOMA TRAIL	ENNIS, TX 75119	2	ADA Compliant	Room is large; plenty of parking; well known to community
RED OAK MUNICIPAL CENTER	200 LAKEVIEW PKWY	RED OAK, TX 75154	4	ADA Compliant	Room is large; plenty of parking; well known to community
PALMER ISD ANNEX BUILDING	303 BULLDOG WAY PALMER, TX 75152		1	ADA Compliant	Room is large; plenty of parking; well known to community

Proposed Ellis County Polling Locations for November (odd year) and May (every year)

Loc Name	Loc Address	Loc CITY	Comm. Pct	ADA Compliant?	
MIDLOTHIAN CHURCH OF CHRIST	1627 N HWY 67	MIDLOTHIAN, TX 76065	3	ADA Compliant	Room is large; plenty of parking; well known to community
MIDLOTHIAN CONFERENCE CENTER	1 COMMUNITY CIRCLE DR	MIDLOTHIAN, TX 76065	3	ADA Compliant	Foyer is ok size; plenty of parking; well known to community
MOUNTAIN PEAK COMMUNITY CHURCH	751 W. FM 875	MIDLOTHIAN, TX 76065	3	ADA Compliant if Elections Dept takes Handicap sign	Foyer is ok size; plenty of parking; well known to community
GRACE CHURCH OF OVILLA	519 WESTMORELAND RD	OVILLA, TX 75154	4	ADA Compliant	Foyer is large; plenty of parking; well known to community
RIVERS OF LIFE PENTECOSTAL CHURCH	1403 MARTIN LUTHER KING JR. BLVD	WAXAHACHIE, TX 75165	1	ADA Compliant if Elections office takes Handicap sign.	Room is ok size; plenty of parking; well known to community
ELLIS COUNTY WOMANS BUILDING	407 W. JEFFERSON STREET	WAXAHACHIE, TX 75165	2	ADA Compliant	Room is large; plenty of parking; well known to community; new location
FARLEY STREET BAPTIST CHURCH	1116 BROWN STREET	WAXAHACHIE, TX 75165	2	Not completely ADA Compliant (Ramp GYM is large; plenty of parking; well known to community)	Room is large; plenty of parking; well known to community
FAITH ASSEMBLY OF GOD CHURCH	1810 W BALDRIDGE STREET	ENNIS, TX 75119	2	ADA Compliant	Room is large; plenty of parking; well known to community
ENNIS PUBLIC LIBRARY	501 W. ENNIS AVE	ENNIS, TX 75119	1	ADA Compliant	Room is large; plenty of parking; well known to community
ELLIS COUNTY SUB-COURTHOUSE	207 S SONOMA TRAIL	ENNIS, TX 75119	2	ADA Compliant	Room is large; plenty of parking; well known to community
MT GILEAD MISSIONARY BAPTIST CHURCH	106 HARRIS STREET	ITALY, TX 76651	3	ADA Compliant	Room is large; plenty of parking; well known to community
FIRST BAPTIST CHURCH-MAYPEARL	5744 FM 66	MAYPEARL, TX 76064	3	ADA Compliant If Van sign is added and no one parks on right area of the entrance.	Room is ok size; plenty of parking; well known to community
PALMER ISD ANNEX BUILDING	303 BULLDOG WAY	PALMER, TX 75152	1	ADA Compliant	Room is large; plenty of parking; well known to community
PARK MEADOWS BAPTIST CHURCH	3350 N HWY 77	WAXAHACHIE, TX 75165	1	Location is working to update signs/painting by spring 2019	Foyer is large; plenty of parking; well known to community
RED OAK MUNICIPAL CENTER	200 LAKEVIEW PKWY	RED OAK, TX 75154	4	ADA Compliant	Room is large; plenty of parking; well known to community
EASTRIDGE BAPTIST CHURCH	732 E OVILLA RD	RED OAK, TX 75154	4	ADA Compliant	Room (GYM) is large; plenty of parking; well known to community; new location
FERRIS PUBLIC LIBRARY	301 E 10TH STREET	FERRIS, TX 75125	1	ADA Compliant	Room is large; plenty of parking; well known to community
Commissioner 1 District				5	
Commissioner 2 District				4	
Commissioner 3 District				5	
Commissioner 4 District				3	
Total Locations				17	



Ellis County City Participation

Voting Precincts

- City Limits
- Another county/holds in May
- Contracts with Elections in May
- Contracts with Elections in November
- Holds own elections

Ellis County

Polling Locations

- EV & ED
- EV
- ED



0 0.5 1 2 3 4 5 Miles

Ellis County Engineering Dept (GIS)

109 S Jackson St, Suite 114

Waxahachie, TX 75165

Website: <http://www.co.ellis.tx.us/index.aspx?nid=65>

Email: GIS@co.ellis.tx.us

DISCLAIMER: This information is designed for illustrative purposes only. The features depicted here are generalized. More site-specific studies may be required to draw accurate conclusions. Every effort is made to ensure the information displayed here is accurate. However, Ellis County makes no claims to its accuracy or completeness.



Ellis County ISD Participation

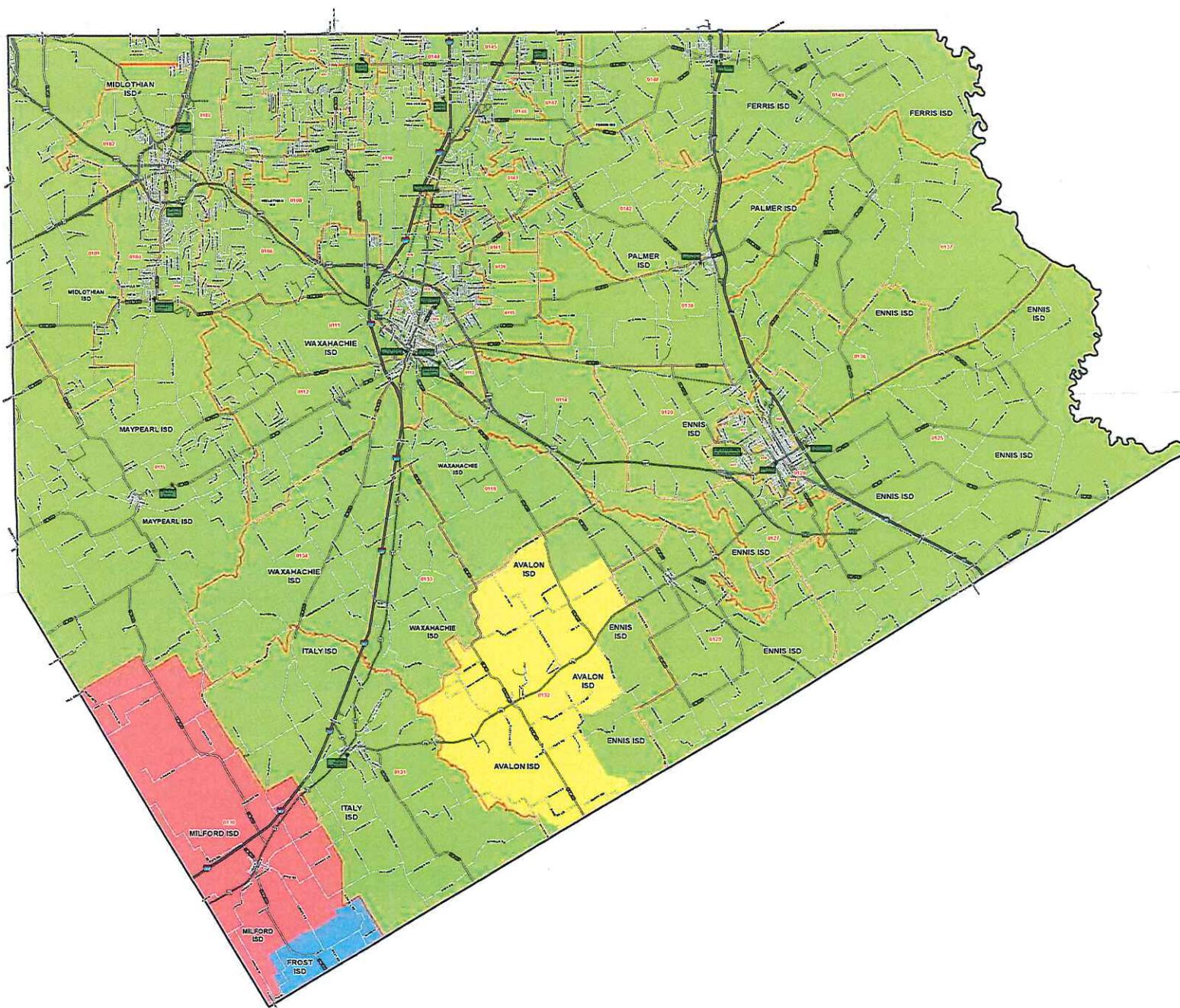
Voting Precincts

- ISDs
- Another county/holds in May
- Contracts with Elections in May
- Contracts with Elections in November
- Holds own elections

Ellis County

Polling Locations

- EV & ED
- EV
- ED



0 0.5 1 2 3 4 5 Miles

Ellis County Engineering Dept (GIS)

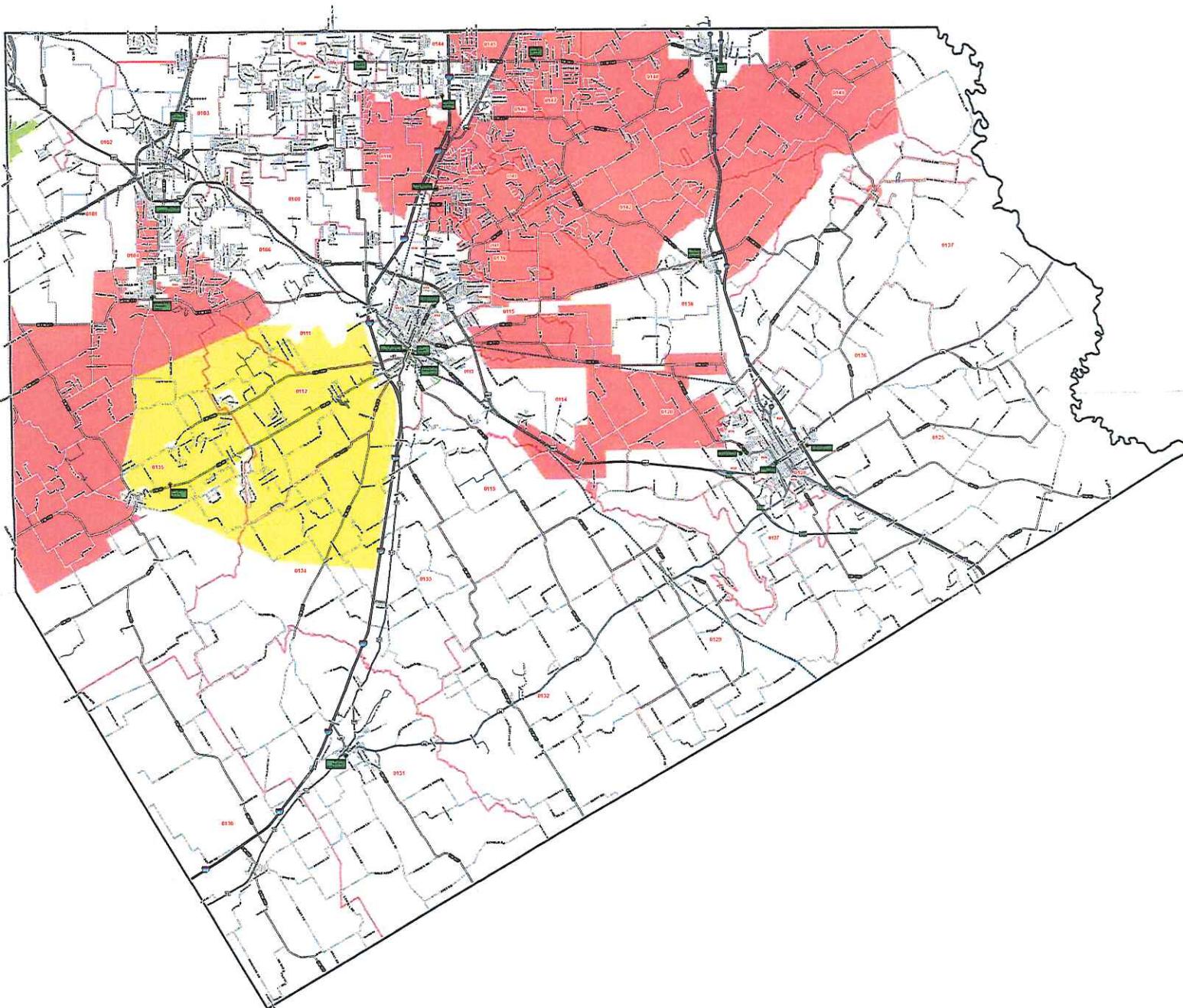
109 S Jackson St, Suite 114

Waxahachie, TX 75165

Website: <http://www.co.ellis.tx.us/index.aspx?nid=65>

Email: GIS@co.ellis.tx.us

DISCLAIMER: This information is designed for illustrative purposes only. The features depicted here are generalized. More site-specific studies may be required to draw accurate conclusions. Every effort is made to ensure the information displayed here is accurate. However, Ellis County makes no claims to its accuracy or completeness.



Ellis County Water Participation

Voting Precincts

Ellis County

■

TCEO Water Districts

■ Another county/city holds in May

■ Contracts with Elections in May

■ Contracts with Elections in November

■ Holds own elections

Polling Locations

• EV & ED

• EV

• ED



Ellis County Engineering Dept (GIS)

100 S Jackson St, Suite 114

Waxahachie, TX 75165

Website: <http://www.co.ellis.tx.us/index.aspx?nd=65>

Email: GIS@co.ellis.tx.us

DISCLAIMER: This information is designed for illustrative purposes only. The features depicted here are generalized. More site-specific studies may be required to draw accurate conclusions. Every effort is made to ensure the information displayed here is accurate. However, Ellis County makes no claims to its accuracy or completeness.

Full Joint Election

► Request for the Political Subdivisions to have a full Joint Contract starting in May 2019 and future elections.

► Reasons:

- All ballot styles available throughout the county
- Voters can go to any Early Voting Site
- Voters can go to any Election Day Site (if we can apply for Countywide Polling Locations and agree with a plan)
- Share the cost between the entities
- May 2019 County will pay for half the cost of the election because of a countywide race

► Continued Reasons:

- Voter will be able to vote on all issues they are eligible for instead of currently having to go to multiple locations (city, isd, water etc.)
- Making it convenient for the voter.
- Working on becoming consistent with polling locations from election to election as much as possible.
- Precinct by Precinct Results instead of currently by ballot style
 - This usually helps candidates identify how people voted in different precinct areas for campaigning
- **Making the programming and set up of the election manageable.**

Example of Cost:

- Estimated cost from 2017 County Election was \$83,000 total based on:
 - 5 Early Voting Locations
 - 18 Election Day Voting Locations
 - Polling location workers
 - Programming
 - Ballots
 - All other normal expenses
 - If every Entity was having an election

ENTITY	Voters 7-2018	Estimated Cost
VENUS	93	0.05% \$1,450.00
ALMA	227	0.11% \$2,500.00
GARRETT	237	0.12% \$2,500.00
BARDWELL	294	0.15% \$2,500.00
MILFORD	456	0.23% \$2,500.00
PECAN HILL	463	0.23% \$2,500.00
MAYPEARL	557	0.28% \$2,500.00
MILFORD ISD	641	0.32% \$2,500.00
OAK LEAF	1152	0.58% \$2,500.00
ITALY	1158	0.58% \$2,500.00
PALMER	1196	0.60% \$2,500.00
FERRIS	1473	0.74% \$2,500.00
ITALY ISD	1850	0.93% \$2,500.00
OVILLA	3197	1.60% \$2,500.00
MAYPEARL ISD	3566	1.79% \$2,500.00
PALMER ISD	3632	1.82% \$2,500.00
FERRIS ISD	5371	2.70% \$2,500.00
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT	6000	3.01% \$2,789.71
RED OAK	7527	3.78% \$2,869.99
ENNIS	9366	4.70% \$3,032.44
ENNIS ISD	14302	7.18% \$3,350.98
RED OAK ISD	18221	9.15% \$4,024.01
MIDLOTHIAN	19469	9.77% \$4,233.87
WAXAHACHIE	21147	10.61% \$4,350.49
ROCKETT SPECIAL UTILITY DISTRICT	21910	11.00% \$4,439.93
MIDLOTHIAN ISD	28030	14.07% \$5,959.37
WAXAHACHIE ISD	30208	15.16% \$6,499.21
	201,743	\$83,000.00

Example of 2019 May Cost:

- County is on the ballot and will pay half the cost in 2019.
- This is every entity having an election in 2019 before any cancellations from unopposed candidates.

Estimated May 2019 Cost of Contracting with the Elections Department

ENTITY	Voters 7-2018	Estimated Cost
COUNTY ELECTION COST		\$41,500.00
ALMA	227	0.12% \$1,450.00
GARRETT	237	0.12% \$1,450.00
BARDWELL	294	0.15% \$1,450.00
MILFORD	456	0.24% \$1,450.00
PECAN HILL	463	0.24% \$1,450.00
MAYPEARL	557	0.29% \$1,450.00
MILFORD ISD	641	0.33% \$1,450.00
OAK LEAF	1152	0.60% \$1,450.00
ITALY	1158	0.60% \$1,450.00
PALMER	1196	0.62% \$1,450.00
FERRIS	1473	0.77% \$1,450.00
ITALY ISD	1850	0.96% \$1,450.00
OVILLA	3197	1.66% \$1,450.00
MAYPEARL ISD	3566	1.85% \$1,450.00
PALMER ISD	3632	1.89% \$1,450.00
FERRIS ISD	5371	2.79% \$1,450.00
MOUNTAIN PEAK SPECIAL UTILITY DIST	6000	3.12% \$1,600.00
RED OAK	7527	3.91% \$1,700.00
ENNIS ISD	14302	7.44% \$1,850.00
RED OAK ISD	18221	9.48% \$1,950.00
MIDLOTHIAN	19469	10.13% \$2,050.00
WAXAHACHIE	21147	11.00% \$2,150.00
ROCKETT SPECIAL UTILITY DISTRICT	21910	11.39% \$2,250.00
MIDLOTHIAN ISD	28030	14.58% \$2,350.00
WAXAHACHIE ISD	30208	15.71% \$2,400.00
	192,284	\$ 83,000.00

► Asking each Entity to:

- Agree to have a Joint Contract with All entities
- Agree to have countywide polling locations in May
 - This will allow countywide polling locations to be as effective as possible for the voter's convenience.
 - This will allow the best possible cost for all entities
- Agree to the proposed locations for Early Voting and Election Day
 - If an Entity wants an additional early voting site, mobile early voting site or election day site, that would be included in the contract as additional sites if "entity" has an election and doesn't cancel their election.

Thank you for attending
today!

We look forward to
assisting each of you in
your future elections.

AGENDA ITEM REPORT

Item: 6

Meeting Date: December 10, 2018

Department: Administration/W&S

Discussion Action

Budgeted Expense: YES NO N/A

Submitted by: John R. Dean, Jr., CM

Amount: Revenue \$542,228; Expense \$260,000

Reviewed By: City Manager City Secretary City Attorney

Accountant

Other: PW Director B. Piland

Attachments:

1. Ordinance 2018-33
2. Exhibit A, Budget Revision

Agenda Item / Topic:

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-33 of the City of Ovilla, Texas, Amending Ordinance NO. 2018-19 providing for Budget Amendment Number Two (2) in order to amend the 2019 Fiscal Year Operating Budget for the City of Ovilla; providing for the incorporation of premises; providing a savings clause; providing a cumulative repealer clause; providing for severability; providing for engrossment and enrollment; providing for publication of this ordinance and providing an effective date.

Discussion / Justification:

This amendment is to appropriate the unanticipated revenue from the water tower lease into the Water and Sewer Fund. And to appropriate the unexpected expense of \$260,000 to reimburse to the general fund for the White and Switzer property purchases. This was discussed at the October City Council meeting and staff was directed to prepare an amendment for the expense of the property. At the November meeting staff was directed to account for the lease funds to be accounted for in the Water and Sewer Fund. The amendment accomplishes both. No previously approved projects will be negatively affected by this amendment. This action will replenish the \$260,000 appropriated for the property purchase in the General Fund. And appropriate the property expense of \$260,000 and increase the Administrative Reserves in the Water and Sewer Fund by \$282,228.

Recommendation / Staff Comments:

Recommends approval of the budget amendment.

Sample Motion(s):

I move that Council approve/deny Ordinance 2018-33 of the City of Ovilla, Texas, Amending Ordinance NO. 2018-19 providing for Budget Amendment Number Two (2) in order to amend the 2019 Fiscal Year Operating Budget for the City of Ovilla; providing for the incorporation of premises; providing a savings clause; providing a cumulative repealer clause; providing for severability; providing for engrossment and enrollment; providing for publication of this ordinance effective immediately.

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AMENDING ORDINANCE NO. 2018-19 PROVIDING FOR BUDGET AMENDMENT NUMBER TWO (2) IN ORDER TO AMEND THE 2019 FISCAL YEAR BUDGET; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an annual budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 has been duly created and adopted of the City of Ovilla, Texas, in accordance with Title Four (4), Chapter 102, Sections 102.001, 102.002 and 102.003 of the Local Government Code and in accordance with Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, the city manager filed the proposed budget in the office of the City Secretary on or before August 09, 2018, and the proposed budget was made available for public inspection by the taxpayers in accordance with Title Four (4), Chapter 102, Section 102.005 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, the city manager submitted the proposed budget to the City Council as required by Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, notice of a public hearing was provided in the Ellis County Press newspaper and the public hearing was held by the City on September 10, 2018 in accordance with Title Four (4), Chapter 102, Section 102.006 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances, and at that time all citizens and parties of interest were given the opportunity to be heard regarding the proposed 2019 fiscal year budget;

WHEREAS, on October 09, 2018 with the approval of Ordinance 2018-26, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, the City Council approved the Proposed 2019 Fiscal Year Budget on September 10, 2018 by adopting Ordinance No. 2018-19; and

WHEREAS, after full and final consideration, it is the consensus of the Ovilla City Council that the 2019 Fiscal Year Budget as hereinafter set forth should be amended to further the goals of the City and the health safety and well being of citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2018-33

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
AMENDMENT OF 2019 FISCAL YEAR BUDGET

Ordinance No. 2018-19 is hereby amended with Budget Amendment Number One (1) to the 2019 Fiscal Year Budget to include additional revenues, expenditures and other changes outlined in Exhibit A that is attached to and considered part of this ordinance.

SECTION 3.
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4.
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5.
SAVINGS CLAUSE

All previous budget ordinances shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6.
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Ovilla is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause, and effective date clause in the minutes of the City Council of the City of Ovilla and by filing this Ordinance in the ordinance records of the City and in accordance with the laws of the State of Texas.

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2018-33

SECTION 7.
PUBLICATION CLAUSE

The City Secretary of the City of Ovilla, Texas, is hereby directed to publish in the Official Newspaper of the City of Ovilla, the Caption, and Effective Date clause of this Ordinance as required by Section 52.013 of the Texas Local Government Code.

SECTION 8.
EFFECTIVE DATE

The necessity for making and approving a budget for the fiscal year, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such case provides.

PASSED AND APPROVED by the City Council of the City of Ovilla, Texas this the 10th day of December 2018.

Richard Dormier, Mayor
City of Ovilla, Texas

ATTEST:

(seal)

Pam Woodall, City Secretary
City of Ovilla, Texas

Exhibit A
City of Ovilla
Budget Amendment Number (2) for the 2019 Fiscal Year
10-Nov-18

General Fund Departments

<u>Items</u>		<u>Fund or Account</u>	<u>2019 Budget</u>	<u>2019 Amendment</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>					
1 Water Tower Lease AT&T	100-4000990	Unassigned General Fund Balance	336,091	618,319	282,228
2 Transfer in W&S Reimbursement	100-4000915	Transfer In	-	260,000	<u>260,000</u>
					<u>542,228</u>
<u>Expenditures</u>					
3 Property Purchase	100-10-57420	Building	260,000	-	(260,000)
3 Reserves	100-10-59001	Reserves	-	260,000	<u>260,000</u>
4 Transfer to W&S Fund	100-10-58215	Transfer Out	-	542,228	<u>542,228</u>
					<u>542,228</u>

Water Fund Departments

<u>Items</u>		<u>Fund or Account</u>	<u>2019 Budget</u>	<u>2019 Amendment</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>					
5 Water Tower Lease AT&T	200-4000915	Transfer In	-	542,228	<u>542,228</u>
					<u>542,228</u>
<u>Expenditures</u>					
6 Land Purchase	200-70-57420	Building and Land	-	260,000	<u>260,000</u>
7 Reserves	200-70-59010	Administrative Reserves	2,783	285,011	<u>282,228</u>
					<u>542,228</u>

ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING THE FISCAL YEAR 2018-19 GENERAL FUND BUDGET OF THE CITY OF OVILLA TO ALLOW FOR AN ADJUSTMENT OF \$260,000 FOR THE PURCHASE OF REAL PROPERTIES BEING IDENTIFIED AS ELLIS CAD PROPERTY ID'S 187744, 187748, AND 187741; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2018-17, the City Council of the City of Ovilla, Texas approved the Fiscal Year 2018-19 Operating Budget and Annual Program of Services (the Budget);

WHEREAS, the City Council of the City of Ovilla desires to amend Ordinance 2018-17, thereby amending the 2018-2019 Annual Budget of the City.

WHEREAS, the City Council approved the General Fund 2018-2019 Operating Budget and a Reduction in Fund Balance will be used to off-set an additional **\$260,000** for the purchase of real properties.

WHEREAS, the City Council finds that this budget amendment also serves an important municipal purpose, consistent with §102.010 of the Texas Local Government Code;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION ONE

The FY 2018-2019 General Fund Budget findings set forth in the above preamble to this ordinance are true and correct, and hereby adopted.

SECTION TWO

The amount listed on the attached Budget Revision Request is hereby appropriated and designated as identified in Exhibit A, attached hereto.

SECTION THREE

The General Fund 2018-2019 Budget is hereby amended by the City Council to allow for the additional Reduction of Fund Balance of \$260,000 to use for the purchase of real properties.

PASSED AND APPROVED ON THIS 09 DAY OF October 2018.

Richard Dormier, MAYOR

Attest:

Pamela Woodall, CITY SECRETARY

AGENDA ITEM REPORT

Item 7

Meeting Date: December 10, 2018

Discussion Action

Submitted By: Chief Kennedy

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: _____

Department: Fire

Budgeted Expense: YES NO N/A

Amount: N/A

Attachments:

None at this time.

Agenda Item / Topic:

ITEM 7. DISCUSSION—Discuss the application of a Fire Grant.

Discussion / Justification:

Background/History: Over the past 10 years the Fire Department has been progressively changing and moving forward to provide the best Fire and EMS Service for the City. Starting as a complete Volunteer Department, then moving to part time paid on an 8-hour schedule, then to 1 - 24-hour person per shift to now 3 part-time paid employees every shift.

Moving forward as the city grows, needs increase as well as call volume, we are planning for the part time positions to begin to fade and start replacing these positions with full time staff. Doing this we are trying to accomplish it with the least amount of impact on the city budget as possible and have found that we can apply for the SAFER Grant through FEMA.

Findings/Current Activity: SAFER (Staffing for Adequate Fire Emergency Response)

- Because we would be creating new full-time positions, we do qualify to apply
- It will be a Match Grant
- Allows the City to create positions and adjust to the cost over a 3-year period
- Application period is December 12, 2018 – January 18, 2019
- Part of submitting the grant process, Council will be asked to approve a Resolution as a commitment to create the positions, Resolution will need to happen in the January meeting
- If awarded, funding would be for FY 19 – 20 at the latest
- Plan to apply for 2 per shift at minimum, for a total of 6 full time personnel

Financial Impact: SAFER is a grant where the city will match with a percentage over a 3-year performance period. It will pay 75% of the position's salary and 75% of any benefits that are associated with the position that is at the cities expense.

- Year 1 FEMA will pay 75% City will pay 25%
- Year 2 FEMA will pay 75% City will pay 25%
- Year 3 FEMA will pay 35% City will pay 65%
- Year 4 and after City will pay 100% of positions

Recommendation / Staff Comments:

Options/Recommendation: Staff wishes to proceed with SAFER Grant process with plans to create full time positions in the Fire Department if awarded.

Sample Motion(s):

None – Discussion Only

AGENDA ITEM REPORT Item 8

Meeting Date: December 10, 2018

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Mayor Dormier

Amount: N/A

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: _____

Attachments:

None at this time.

Agenda Item / Topic:

ITEM 8 *DISCUSSION/ACTION* – Consider the City's role in maintaining the pavers at the Veterans Memorial at Heritage Park.

Discussion / Justification:

Mayor Dormier asked to address this item.

Recommendation / Staff Comments:

Sample Motion(s):

I move to...

AGENDA ITEM REPORT

Item 9– Items pulled from Consent

Meeting Date: December 10, 2018

Department: Administration/Finance

Discussion Action

Budgeted Expense: YES NO N/A

Submitted by: Staff

Amount: N/A

Discussion / Justification:

ITEM 9. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Discussion / Justification:

All consent items are attached for Council consideration. Any items pulled from the Consent agenda will be reviewed under this item.

Staff recommends approval.

Sample Motion(s):

I move to approve ...

OVILLA POLICE DEPARTMENT
 105 S Cockrell Hill Rd
 Ovilla, TX 75154
 (972) 617-7262

To: Mayor Richard Dormier
 Ovilla City Council
 John Dean City Manager

Subject: Police Department Monthly Activity Report

Calls For Service	November 2018	November 2018 YTD	November 2017	November 2017 YTD
Accident	3	46	1	22
Alarms	20	190	13	152
Arrest	2	56	6	89
Assault/Assault FV	5	14	0	14
Assists	103	666	83	861
Building / House Security Check	685	6179	545	6495
Burglary	0	1	0	6
Burglary of Motor Vehicle	0	2	0	4
Criminal Mischief	0	7	1	10
Disturbance	10	98	6	108
Neighborhood Check	1268	12084	1160	15907
Other Calls for Service	87	656	52	531
Suspicious Person	4	70	7	85
Suspicious Vehicle	15	177	27	279
Theft	0	10	3	17
Traffic Assignment/School Enforcement	11	121	13	574
TOTAL CALLS FOR SERVICE	2213	20377	1917	25154

Volunteer and Reserve Officer Hours	24	318.5	24.8	193.8
Average Response Time (Minutes)	4.56	4.3309091	5	4.5
Total Citations	99	1062	30	1245
Total Traffic Stops *****	355	3060	253	
Traffic Stop Disposition Warning *****	265	2058	223	
Traffic Stop Disposition Citation *****	90	1002	30	
PERCENT OF STOPS RECEIVING CITATIONS	25.4	32.7	11.9	#DIV/0!
Manual Response time				

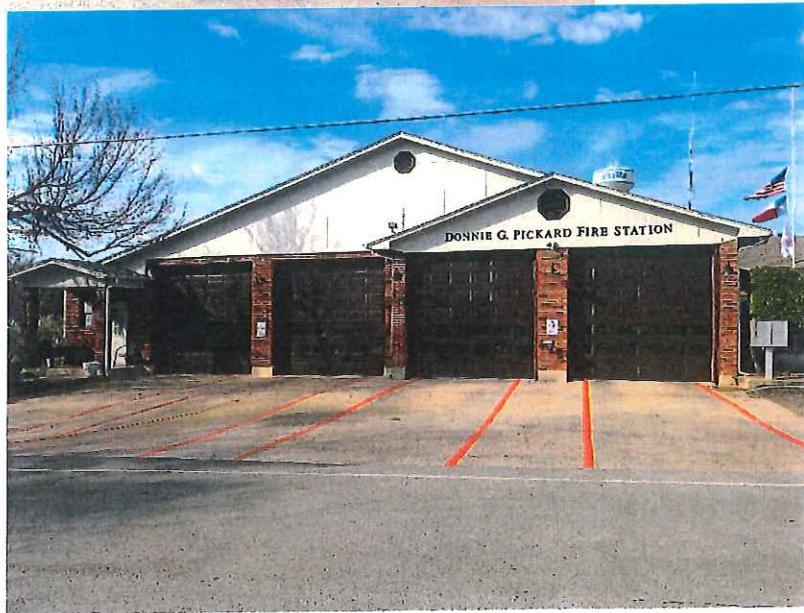
** These lines are new and we will not have
 the info for the months before March 2017

November 2018	TO	December 2018	MILEAGE	MAINTENANCE PERFORMED
Police Unit #	Begin	End	Accrued	
103	144963	145065	102	Driver side window regulator replaced
105	106740	107746	1006	
116	67740	70556	2816	Oil Change, Tires Rotated, Spot Light Bulb Replaced, Brake Pads and Rotors Replaced
117	55000	59000	4000	Inspection, Oil Change, Tires Rotated
118	20465	22720	2255	Body Damage Due To Coyote
216	17477	18060	583	Oil Change
Vehicles	Begin	End	Accrued	
2017 F250 4x4	10189	10703	514	
2015 2500 HD Silverado	37847	38057	210	
2011 3500HD Silverado	52591	52715	124	
2008 2500HD Animal Control	81876	82568	692	
2019 f250 Animal Control	427	924	497	
2008 1500 Silverado	110646	111035	389	
2006 1500 Silverado	119198	119639	441	
2001 C6500 Dump Truck	184590	184592	2	
1999 International Patch Trk	311845	311845	0	
1998 Ford Dump Truck	53695	53805	110	
HOURS	HOURS	HOURS		
New Holland Skid LS60	1201.9	1209.7	7.8	
1999 Kubota Tractor	970.9	971.1	0.2	
1992 Ford Tractor	1081.1	1081.2	0.1	
Sweeper	619.9	619.9	0	
310K John Deere Backhoe	1611	1639	28	

Stone Packer 3100	4507.5	4507.5	0	
Ingersoll Mobil Air Compress	1320.8	1320.8	0	
Green Golf Cart	763.1	763.1	0	
Jet Machine	484	484	0	
Vac Machine 2017	68.7	75	6.3	
Boomag 900-50 packer	190.5	190.8	0.3	
2016 Exmark	256.7	256.7	0	
2013 Exmark	367	367	0	
2004 Exmark	1025	1025	0	
JCB Backhoe	29.8	29.8	0	

Ovilla Fire Department

November Monthly Report



Fire Chief
Brandon Kennedy

105 S. Cockrell Hill Road
Ovilla Texas, 75154
cityofovilla.org

Mission Statement

The mission of the Ovilla Fire Department is to provide services designed to protect citizens and property of the City of Ovilla and outlying areas. All persons and or departments requesting assistance from the Ovilla Fire Department because of the adverse effects of fire, medical emergencies, or hazardous conditions created by man or nature will be dealt with in a professional manner, consistent with the economic capability of the community.

Summary of Staffing for the Department

- Currently the Department has 1 Firefighter EMT-Basic position open
- Currently the Department has 4 Volunteer Firefighter Positions open. This is due to the volunteers getting hired on at full time departments. We are currently looking for more volunteers.
- Current Staffing
 - 2 Chiefs
 - 5 Captains
 - 24 Firefighter Paramedics
 - 6 Firefighter EMT-Basics
 - 8 Volunteer Firefighters
 - Total Staffing of 45 out of 50 positions
 - Hired Derek Bailey and Lance Silas as Firefighter Paramedics and Taylor Burnette as Volunteer
- Of the Volunteers on staff,
 - 4 of them are Dual Certified, meaning they have their Fire Certs and EMT Basic
 - 1 has their Fire Certs
 - 2 have their EMT- Basic
 - 1 Volunteer does not have any Certification at this time.

Grants Report

- Have turned in four Texas Forestry Service Grants, waiting for notification of award
- **Received \$ 5,072.16 from the Texas Forestry Service for insurance reimbursement**
- **\$7700 received for workers comp and VFIS**
 - Have applied for a bunker gear grant that we are still waiting to hear if awarded
 - Have applied for a Brush Truck Chassis grant that we are still waiting to hear if awarded
 - Have applied for a Brush Truck grant that we are still waiting to hear if awarded
 - Looking at applying for the SAFER Grant for fulltime staffing

Summary of Events for the Department

- November was a little more of a busy month for the Fire Department, with a total of with 12 more incidents than October for a total of 66 incidents responded to.
- Training with the Volunteers on their regular scheduled nights, on Fire Control as well as Salvage and Overhaul Operations.
- Bay project is complete.
- Hydrant testing and maintenance is under way and should be completed in the next month, with painting and refurbishing the hydrants to follow.

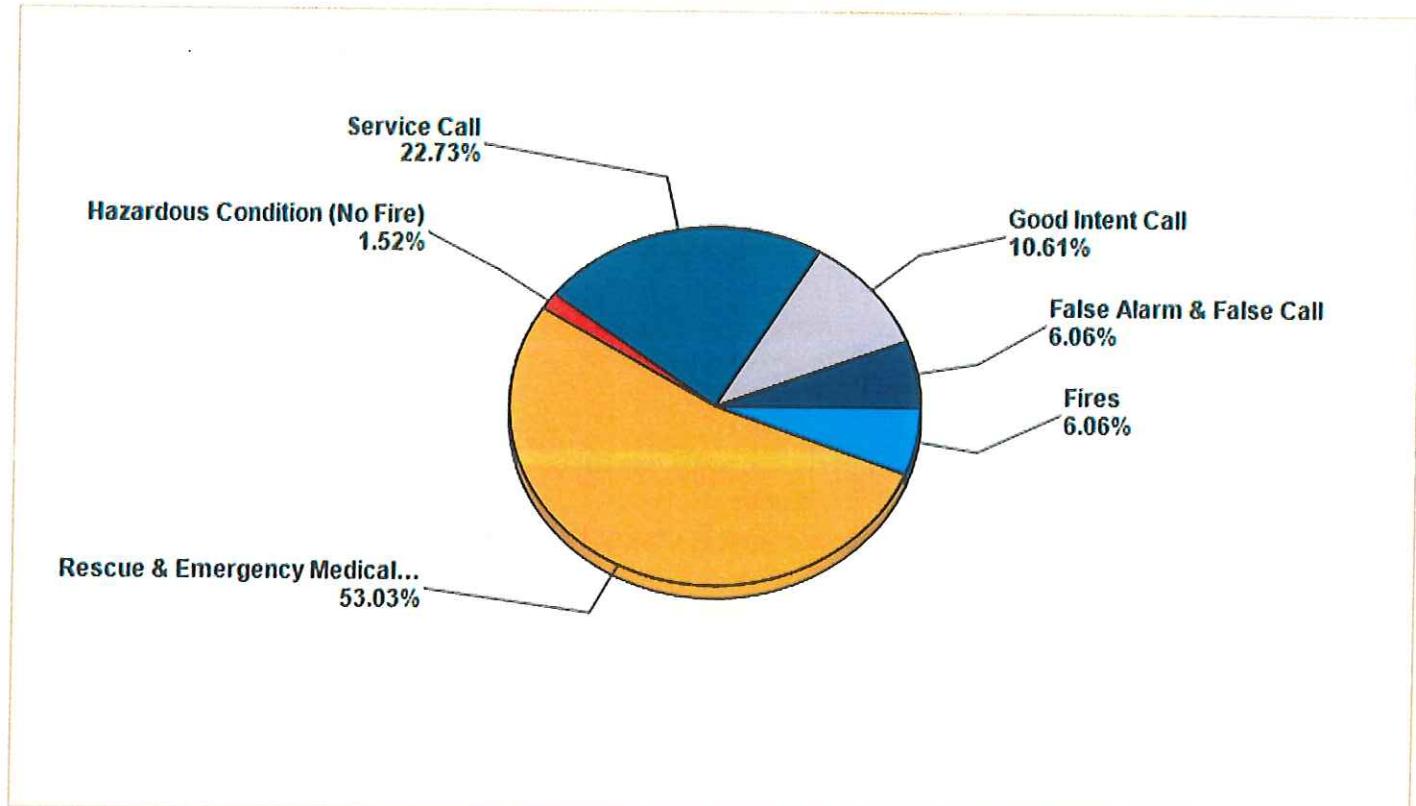
Summary of Staffing for the Month

- 7 days a week we have 3 - 24-hour part time positions (0800 – 0800)
- These positions were 100% filled this month
- 7 nights a week we have 1 – 12-hour shift that is covered by volunteers (2000 – 0800)
- Saturday and Sunday (0800 – 2000)
- 5 / 8 weekend day shifts were covered by a Volunteer
- 25 / 38 Volunteer shifts were covered, and these 25 shifts had 4 personnel on the Engine

Summary of Activity from Deputy Chief Fire Marshal's Office

- Multiple Consults
- New Construction Inspections at Grace Church
- 5 Commercial Occupancy Inspections
- Possible Arson Fire Investigation on Duncanville Road
- Respond to incidents as available
- Multiple Meetings
- Back-Up for Ovilla PD
- QCI reports
- Training with Volunteers

Breakdown by Major Incident Type



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	6.06%
Rescue & Emergency Medical Service	35	53.03%
Hazardous Condition (No Fire)	1	1.52%
Service Call	15	22.73%
Good Intent Call	7	10.61%
False Alarm & False Call	4	6.06%
TOTAL	66	100.00%

Average 1 fire per week

Average 2.2 calls per day

Average 16.5 calls per week

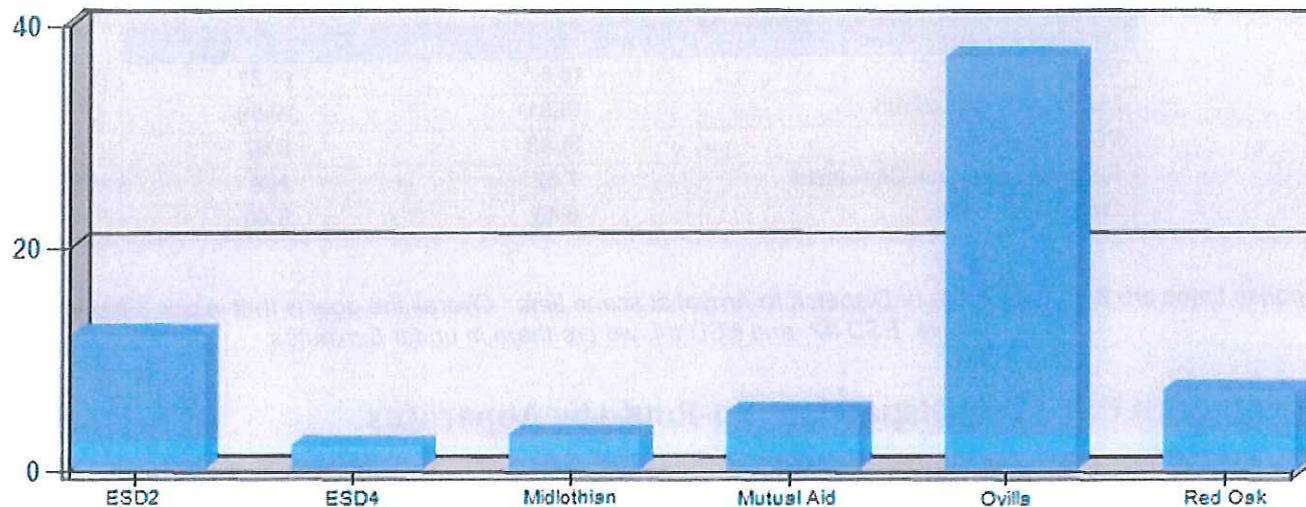
C701 Responses | 14

C702 Responses | 13

Number of Overlapping Calls | 6

Total Ovilla Fire Department Runs | 66

Breakdown by Districts



District	November 18	November 17
ESD2 - ESD #2	12	20
ESD4 - ESD #4	2	4
Midlothian - Midlothian City Limits	3	N/A
Mutual Aid - Mutual Aid	5	4
Ovilla - City Limits	37	26
Red Oak - Red Oak City Limits	7	N/A
TOTAL:	66	54

Districts are broken down by Cities or Areas we respond to.

Midlothian and Red Oak are what is called Automatic Aid due to being on the same dispatch system, and we are paged at the exact same time for an emergency that requires additional units to respond.

Mutual Aid is calculated by the cities that must call our dispatch center to request our help on incidents that occur in their cities. Examples are Glenn Heights, Desoto, Duncanville, Cedar Hill, Lancaster, Waxahachie, Ferris, and Wilmer.

Breakdown of Total Call to Date by Current Year and Past Year

MAJOR INCIDENT TYPE	2018 To Date	2017 Total Year
Fires	85	56
Overpressure rupture, explosion, overheat - no fire	1	2
Rescue & Emergency Medical Service	405	403
Hazardous Condition (No Fire)	24	14
Service Call	79	113
Good Intent Call	156	142
False Alarm & False Call	46	35
Severe Weather & Natural Disaster	4	8
Special Incident Type	2	N/A
TOTAL	802	773

Breakdown of Average Response Times by District for the Last Two Months

Zone Title	November 2018	October 2018
ESD4 - ESD #4	18.57	11.21
Mutual Aid - Mutual Aid	18.51	19.59
ESD2 - ESD #2	11.63	8.57
Red Oak - Red Oak City Limits	7.52	N/A
Ovilla - City Limits	6.48	5.46

Response times are figured by Time of Dispatch to Arrival at scene time. Overall the goal is that in our "First In Districts", City Limits, ESD #2, and ESD #4, we are there in under 8 minutes.

Average Turn Out Time Dispatch to En-Route by Apparatus

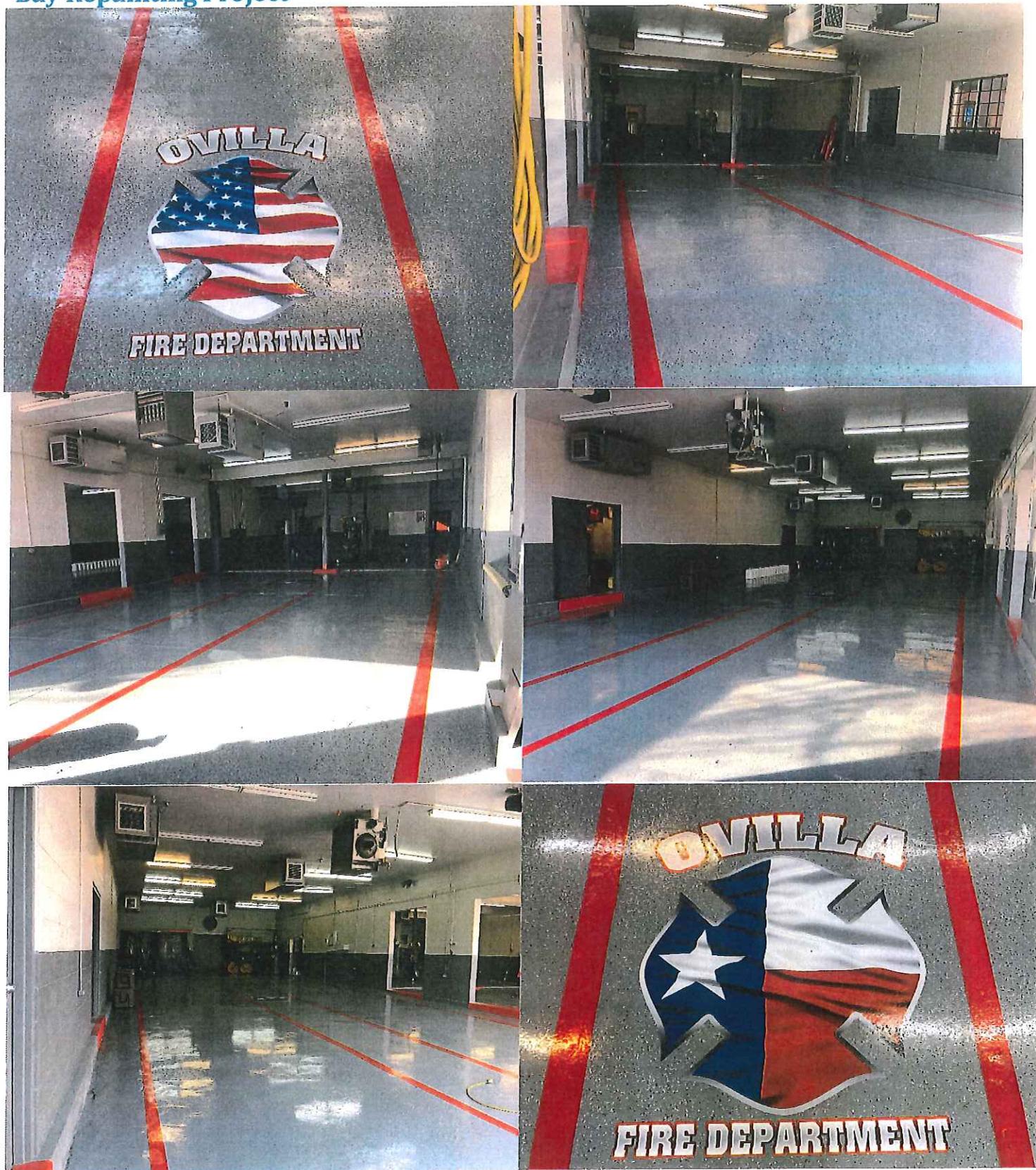
Apparatus	November	October
B701	2:57	N/A
C701	1:40	1:59
C702	1:38	0:15
E701	1:56	1:54
E702	1:10	N/A
R755	1:32	2:38
AVERAGE TURNOUT TIME:	1:49	1:41

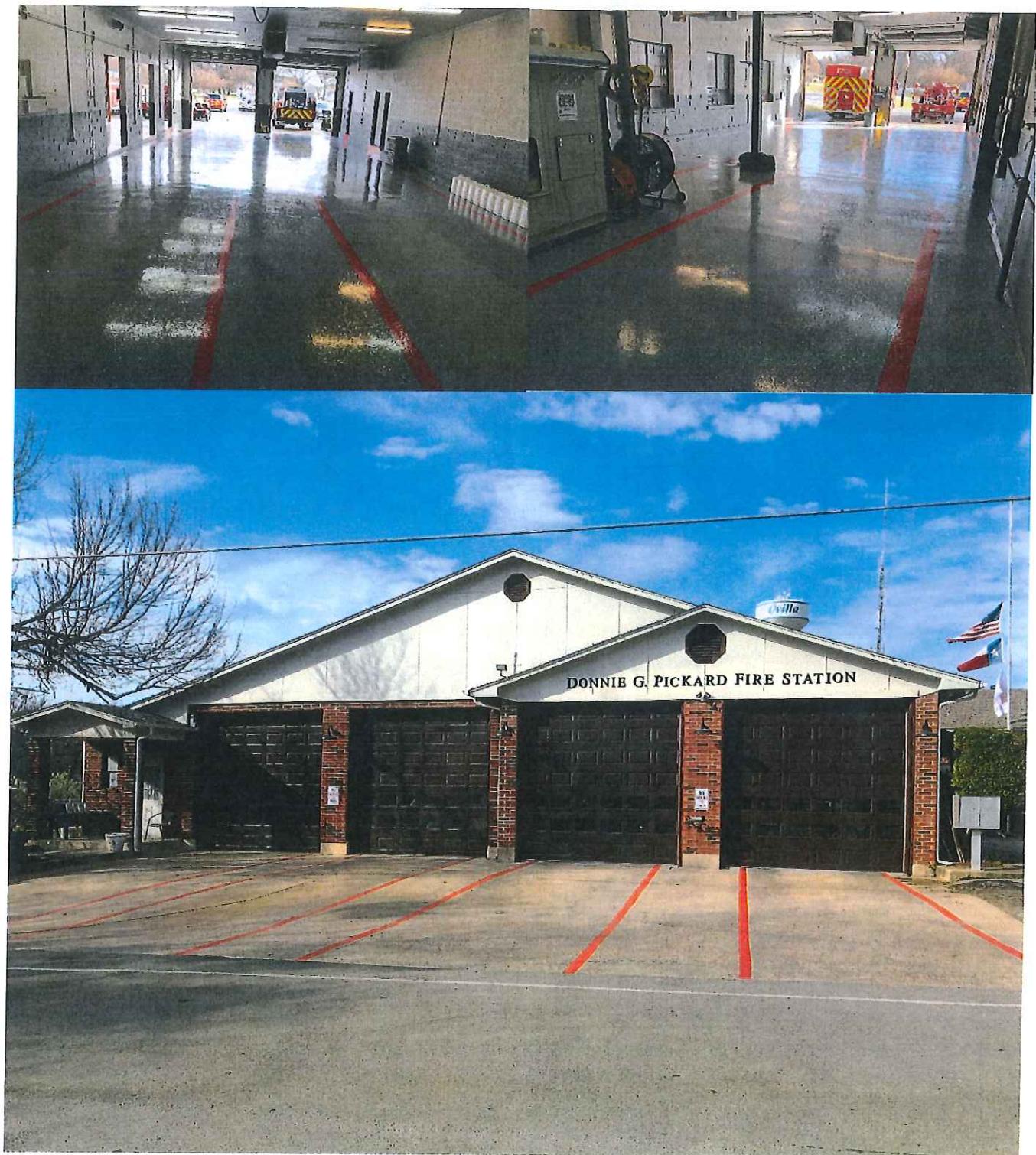
Turn out times are figured from time of dispatch to the time the Apparatus checks En-Route, and the goal with this time is to have a turn out time of 1:30 over 90% of our calls.

Fleet Report

Apparatus	Beginning Mileage	Ending Mileage	Total Mileage for the Month	Total Expenditures for the Month
B701	57,199	57,245	46	\$ -
B702	(OOS)	3844	N/A	\$ -
C701	20,223	20,793	570	\$ -
C702	97,342	97,852	510	\$ -
E701	11,916	12,242	326	\$ -
E702	27,671	27,842	171	\$ -
E703	14,267	14,271	4	\$ -
R755	18,411	(OOS)	(OOS)	\$ 324.91
Totals for the Month			1,627	\$ 324.91

Bay Repainting Project







Date 12/5/18

TO: Honorable Mayor and City Council Members

FROM: Brad Piland Public Works Director

TOPIC: Public Works Monthly Report for November

1. Work orders completed - 26
2. Sewer Lift Station Repairs-
 - Highland Meadows lift station has been repaired and back in service.
 - Removed pump 1 from Cumberland removed debris and replaced
 - Heritage Lift station pulled pump 1 and removed debris and replaced

Monthly Water and Sewer Services:

- Read water meters, serviced disconnects and reconnects
- Water usage: Purchased from DWU 10,123,000 gal 9,948,000 pumped to customers
- Replaced meters: 203 Willowcreek
- Daily water maintenance residual and pressure tests.
- Collected water samples for TCEQ reporting
- Water Maintenance – routine flushing mains and hydrant
- Meter Box repairs and replaced lids as needed
- Repaired water leaks:
624 Cardinal, 405 Ovilla Oaks, 111 Holly Ln

Tree and grass maintenance:

- Heritage Park
- Silver Spur Park
- Baseball fields and Cindy Jones Park
- Trimmed trees overhanging Cockrell Hill

Street and Misc.

- Serviced PD Units
- Street repairs
- Prep for Christmas tree lighting
- Updated marquee as needed
- Working on Drainage in Brookwood Addition

APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

Surfacing (§2.4)

- Adequate protective surfacing under and around the equipment.
 - Install/replace surfacing
- Surfacing materials have not deteriorated.
 - Replace surfacing
 - Other maintenance: _____
- Loose-fill surfacing materials have no foreign objects or debris.
 - Remove trash and debris
- Loose-fill surfacing materials are not compacted.
 - Rake and fluff surfacing
- Loose-fill surfacing materials have not been displaced under heavy use areas such as under swings or at slide exits.
 - Rake and fluff surfacing

Drainage (§2.4)

- The entire play area has satisfactory drainage, especially in heavy use areas such as under swings and at slide exits.
 - Improve drainage
 - Other maintenance: _____

General Hazards

- There are no sharp points, corners or edges on the equipment (§3.4).
- There are no missing or damaged protective caps or plugs (§3.4).
- There are no hazardous protrusions (§3.2 and Appendix B).
- There are no potential clothing entanglement hazards, such as open S-hooks or protruding bolts (§2.5.2, §3.2, §5.3.8.1 and Appendix B).
- There are no crush and shearing points on exposed moving parts (§3.1).
- There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

NOTES:

DATE OF INSPECTION:

11-29-18

Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
 - Replace fasteners
 - Other maintenance: _____
- Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
 - Replace part
 - Other maintenance: _____

Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.

Leaded Paint (§2.5.4)

- Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- There are no areas of visible lead paint chips or accumulation of lead dust.
 - Mitigate lead paint hazards

General Upkeep of Playgrounds (§4)

- There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
 - Remove string or rope
 - Correct other modification
- The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
 - Clean playground
- There are no missing trash receptacles.
 - Replace trash receptacle
- Trash receptacles are not full.
 - Empty trash

INSPECTION BY:

Daniel. D

APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

Surfacing (§2.4)

- Adequate protective surfacing under and around the equipment.
 - Install/replace surfacing
- Surfacing materials have not deteriorated.
 - Replace surfacing
 - Other maintenance: _____
- Loose-fill surfacing materials have no foreign objects or debris.
 - Remove trash and debris
- Loose-fill surfacing materials are not compacted.
 - Rake and fluff surfacing
- Loose-fill surfacing materials have not been displaced under heavy use areas such as under swings or at slide exits.
 - Rake and fluff surfacing

Drainage (§2.4)

- The entire play area has satisfactory drainage, especially in heavy use areas such as under swings and at slide exits.
 - Improve drainage
 - Other maintenance: _____

General Hazards

- There are no sharp points, corners or edges on the equipment (§3.4).
- There are no missing or damaged protective caps or plugs (§3.4).
- There are no hazardous protrusions (§3.2 and Appendix B).
- There are no potential clothing entanglement hazards, such as open S-hooks or protruding bolts (§2.5.2, §3.2, §5.3.8.1 and Appendix B).
- There are no crush and shearing points on exposed moving parts (§3.1).
- There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

NOTES:

DATE OF INSPECTION:

11-29-18

Slide was removed due to large crack/hole at the bottom of the slide exit. Part has to be ordered and will be replaced.

Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
 - Replace fasteners
 - Other maintenance: Replaced 1x6 board on climbing wall
- Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
 - Replace part
 - Other maintenance: _____

Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.

Leaded Paint (§2.5.4)

- Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- There are no areas of visible lead paint chips or accumulation of lead dust.
 - Mitigate lead paint hazards

General Upkeep of Playgrounds (§4)

- There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
 - Remove string or rope
 - Correct other modification
- The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
 - Clean playground
- There are no missing trash receptacles.
 - Replace trash receptacle
- Trash receptacles are not full.
 - Empty trash

INSPECTION BY:

Daniel J.

Daniel

APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

Surfacing (§2.4)

- Adequate protective surfacing under and around the equipment.
 - Install/replace surfacing
- Surfacing materials have not deteriorated.
 - Replace surfacing
 - Other maintenance: _____
- Loose-fill surfacing materials have no foreign objects or debris.
 - Remove trash and debris
- Loose-fill surfacing materials are not compacted.
 - Rake and fluff surfacing
- Loose-fill surfacing materials have not been displaced under heavy use areas such as under swings or at slide exits.
 - Rake and fluff surfacing

Drainage (§2.4)

- The entire play area has satisfactory drainage, especially in heavy use areas such as under swings and at slide exits.
 - Improve drainage
 - Other maintenance: _____

General Hazards

- There are no sharp points, corners or edges on the equipment (§3.4).
- There are no missing or damaged protective caps or plugs (§3.4).
- There are no hazardous protrusions (§3.2 and Appendix B).
- There are no potential clothing entanglement hazards, such as open S-hooks or protruding bolts (§2.5.2, §3.2, §5.3.8.1 and Appendix B).
- There are no crush and shearing points on exposed moving parts (§3.1).
- There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

NOTES:

DATE OF INSPECTION:

11-29-18

Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
 - Replace fasteners
 - Other maintenance: _____
- Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
 - Replace part
 - Other maintenance: _____

Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.

Leaded Paint (§2.5.4)

- Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- There are no areas of visible lead paint chips or accumulation of lead dust.
 - Mitigate lead paint hazards

General Upkeep of Playgrounds (§4)

- There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
 - Remove string or rope
 - Correct other modification
- The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
 - Clean playground
- There are no missing trash receptacles.
 - Replace trash receptacle
- Trash receptacles are not full.
 - Empty trash

INSPECTION BY:

Daniel D.



DATE: DECEMBER 10, 2018
TO: Honorable Mayor and Council Members
FROM: Linda Harding, City Accountant
SUBJECT: Accounting Department Report

Reports Financials ending 10/31/2018

Over \$5,000

Bank Balances as of: 12.5.18

Mentions to reports: First month of new fiscal year.

First report with Fund Accounting Software

Software developers stated software will be functional before Jan 1

All departments are within budget

Equipment list that includes vehicles, machinery, computers, laptops have been received and reviewed by departments. The departments are responsible for the replacement request of all equipment.

2 of 3 optional extension used by Yeldell, Wilson and Co., P.C. for period ending September 2018.

Last extension can be used through September 2019.

December 2017 Bank will use 1st of 2-year extensions.

Department duties:

Council reports, A/P, P/R, A/R, EOM reports, various accounting obligations, and completed instructions given by City Manager. Examining the various funds, ordinances, resolutions, accounting files, filed required reports for state and federal payroll, sales tax.

	Name	Account #	Previous Balance	NEW BALANCE	As Of
<u>Debt Fund</u>	<input checked="" type="checkbox"/>	*0291	46,828.21	46,851.00	12/5/2018
<u>General Fund Reserve</u>		608	56,605.15	56,605.15	12/5/2018
<u>GF Reserve CD</u>	<input checked="" type="checkbox"/>	*0694	249,537.04	250,103.11	12/5/2018
<u>Water Impact</u>	<input checked="" type="checkbox"/>	*2322	482.11	482.11	12/5/2018
<u>4B EDC</u>	<input checked="" type="checkbox"/>	*3691	636,630.75	636,840.05	12/5/2018
<u>Fire Dept. Auxil.</u>	<input checked="" type="checkbox"/>	*3909	2,370.00	2,570.00	12/5/2018
<u>Water Money Market</u>	<input checked="" type="checkbox"/>	*4323	190,371.80	190,504.80	12/5/2018
<u>MDD Fund</u>	<input checked="" type="checkbox"/>	*7451	281,774.90	287,093.41	12/5/2018
<u>Water Credit Card</u>	<input checked="" type="checkbox"/>	*7531	140.20	140.20	12/5/2018
<u>GF Reserves Money Mkt.</u>	<input checked="" type="checkbox"/>	*7583	128,940.33	129,030.41	12/5/2018
<u>GF Money Market</u>	<input checked="" type="checkbox"/>	*7605	231,882.24	232,044.24	12/5/2018
<u>Park Fund Money Mkt.</u>	<input checked="" type="checkbox"/>	*7613	81,418.48	81,468.67	12/5/2018
<u>Capital Projects Money Mkt.</u>	<input checked="" type="checkbox"/>	*7648	131,401.72	131,493.52	12/5/2018
<u>W&S Impact-Sewer</u>	<input checked="" type="checkbox"/>	*8699	117,435.57	117,435.57	12/5/2018
<u>employee benefit trust</u>	<input checked="" type="checkbox"/>	*8777	84.67	125,281.00	12/5/2018
<u>GF Operating</u>	<input checked="" type="checkbox"/>	*9437	708,512.96	716,794.84	12/5/2018
<u>W&S Fund Operating</u>	<input checked="" type="checkbox"/>	*9445	1,023,954.93	891,874.00	12/5/2018
<u>Police Special Fund</u>	<input checked="" type="checkbox"/>	*9792	215.51	215.51	12/5/2018
SUB TOTAL			3,888,586.57	3,896,827.59	
TexPool - CAPITAL PROJECT		1878	314.44	314.44	12/5/2018
TexStar - GENERAL FUND		1110	3,823.22	3,823.22	12/5/2018
TexStar - GENERAL FUND		1120	952.99	952.99	12/5/2018
TexStar - W&S IMPACT		3540	3,235.02	3,235.02	12/5/2018
TexStar - CAPITAL PROJECT		5340	1,424.77	1,424.77	12/5/2018
TexStar - W&S FUND		5350	1,173.81	1,173.81	12/5/2018
Bryson Manor - GENERAL FUND		8662	29,317.46	299,415.87	12/5/2018
Leose		2510	1,601.79	1,601.79	12/5/2018
TOTAL BANK BALANCES			3,930,430.07	4,208,769.50	



DATE: December 10, 2018

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

SUBJECT: Financial Statements Through October 2018

**City of Ovilla
Financial Statement
As of October 31, 2018**

100 - General Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Taxes	189.23	361,487.67	361,298.44	189.23	2,364,276.00	0.00%	2,364,086.77
Licenses-Permits-Fees	13,780.20	9,007.16	(4,773.04)	13,780.20	108,086.00	12.75%	94,305.80
Services	863.60	49,041.33	48,177.73	863.60	588,496.00	0.15%	587,632.40
Fines & Forfeitures	10,729.20	21,058.75	10,329.55	10,729.20	252,705.00	4.25%	241,975.80
Other Revenue	15,175.59	13,192.51	(1,983.08)	15,175.59	158,310.00	9.59%	143,134.41
Not Categorized	1,323.59	0.00	(1,323.59)	1,323.59	0.00	0.00%	(1,323.59)
Transfers	1,110.00	36,510.08	35,400.08	1,110.00	438,121.00	0.25%	437,011.00
Revenue Totals	<u>43,171.41</u>	<u>490,297.50</u>	<u>447,126.09</u>	<u>43,171.41</u>	<u>3,909,994.00</u>	<u>0.73%</u>	<u>3,866,822.59</u>
Expense Summary							
Administration	304,530.51	67,232.39	(237,298.12)	304,530.51	806,789.00	37.75%	502,258.49
Police	79,488.80	79,173.81	(314.99)	79,488.80	950,086.00	8.37%	870,597.20
Court	4,150.54	16,509.59	12,359.05	4,150.54	198,115.00	2.10%	193,964.46
Fire	48,882.09	79,119.32	30,237.23	48,882.09	949,432.00	5.15%	900,549.91
Community Service	13,580.19	13,580.19	3,563.64	13,580.19	205,726.00	6.60%	192,145.81
Solid Waste	20,615.76	20,520.00	(95.76)	20,615.76	246,240.00	8.37%	225,624.24
Streets	8,834.13	8,834.13	23,030.89	8,834.13	382,380.00	0.02	373,545.87
Park	3,974.94	3,974.94	10,293.91	3,974.94	171,226.00	0.02	167,251.06
Expense Totals	<u>494,211.13</u>	<u>325,832.81</u>	<u>(168,378.32)</u>	<u>494,211.13</u>	<u>3,909,994.00</u>	<u>12.64%</u>	<u>3,415,782.87</u>

**City of Ovilla
Financial Statement
As of October 31, 2018**

110 - LEOSE	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Transfers	0.00	96.00	96.00	0.00	1,152.00	0.00%	1,152.00
Revenue Totals	0.00	96.00	96.00	0.00	1,152.00	0.00%	1,152.00
Expense Summary							
Professional Development	0.00	96.00	96.00	0.00	1,152.00	0.00%	1,152.00
Expense Totals	0.00	96.00	96.00	0.00	1,152.00	0.00%	1,152.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

120 - Street Improvement Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Taxes	0.00	4,394.92	4,394.92	0.00	52,739.00	0.00%	52,739.00
Other Revenue	0.00	8.33	8.33	0.00	100.00	0.00%	100.00
Transfers	0.00	15,583.33	15,583.33	0.00	187,000.00	0.00%	187,000.00
Revenue Totals	0.00	19,986.58	19,986.58	0.00	239,839.00	0.00%	239,839.00
Expense Summary							
Infrastructure/Reserve	0.00	19,986.58	19,986.58	0.00	239,839.00	0.00%	239,839.00
Expense Totals	0.00	19,986.58	19,986.58	0.00	239,839.00	0.00%	239,839.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

130 - Court Technology	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Fines & Forfeitures	0.00	452.00	452.00	0.00	5,424.00	0.00%	5,424.00
Revenue Totals	0.00	452.00	452.00	0.00	5,424.00	0.00%	5,424.00
Expense Summary							
Software / Reserve	0.00	452.00	452.00	0.00	5,424.00	0.00%	5,424.00
Expense Totals	0.00	452.00	452.00	0.00	5,424.00	0.00%	5,424.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

140 - Court Security	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Fines & Forfeitures	0.00	339.00	339.00	0.00	4,068.00	0.00%	4,068.00
Revenue Totals	0.00	339.00	339.00	0.00	4,068.00	0.00%	4,068.00
Expense Summary							
Security / Reserve	0.00	339.00	339.00	0.00	4,068.00	0.00%	4,068.00
Expense Totals	0.00	339.00	339.00	0.00	4,068.00	0.00%	4,068.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

150 - Equipment Replacement Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Transfers	0.00	5,909.42	5,909.42	0.00	70,913.00	0.00%	70,913.00
Revenue Totals	0.00	5,909.42	5,909.42	0.00	70,913.00	0.00%	70,913.00
Expense Summary							
Vehicles	0.00	5,909.41	5,909.41	0.00	70,913.00	0.00%	70,913.00
Expense Totals	0.00	5,909.41	5,909.41	0.00	70,913.00	0.00%	70,913.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

200 - Water And Utilities Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Services	183,372.58	104,293.25	(79,079.33)	183,372.58	1,251,519.00	14.65%	1,068,146.42
Other Revenue	0.00	5,594.34	5,594.34	0.00	67,132.00	0.00%	67,132.00
Transfers	2,500.00	3,125.00	625.00	2,500.00	37,500.00	6.67%	35,000.00
Other Revenue	0.00	13,786.17	13,786.17	0.00	165,434.00	0.00%	165,434.00
Revenue Totals	185,872.58	126,798.76	(59,073.82)	185,872.58	1,521,585.00	12.22%	1,335,712.42
Expense Summary							
Administration	9,249.35	19,926.42	15,849.19	4,077.23	239,117.00	0.02	235,039.77
Water	48,441.92	71,280.18	31,555.46	39,724.72	855,362.00	0.05	815,637.28
Sewer	7,474.54	35,592.18	32,522.37	3,069.81	427,106.00	0.01	424,036.19
Expense Totals	46,871.76	126,798.78	79,927.02	46,871.76	1,521,585.00	3.08%	1,474,713.24

**City of Ovilla
Financial Statement
As of October 31, 2018**

250 - WWW Infrastructure Improvements	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Services	0.00	5,727.00	5,727.00	0.00	68,724.00	0.00%	68,724.00
Revenue Totals	0.00	5,727.00	5,727.00	0.00	68,724.00	0.00%	68,724.00
Expense Summary							
Reserve	0.00	5,727.00	5,727.00	0.00	68,724.00	0.00%	68,724.00
Expense Totals	0.00	5,727.00	5,727.00	0.00	68,724.00	0.00%	68,724.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

300 - Capital Projects Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Other Revenue	0.00	22.50	22.50	0.00	270.00	0.00%	270.00
Revenue Totals	0.00	22.50	22.50	0.00	270.00	0.00%	270.00
Expense Summary							
Reserve	0.00	22.50	22.50	0.00	270.00	0.00%	270.00
Expense Totals	0.00	22.50	22.50	0.00	270.00	0.00%	270.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

400 - Debt Service Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Other Revenue	0.00	45.83	45.83	0.00	550.00	0.00%	550.00
Transfers	0.00	9,207.50	9,207.50	0.00	110,490.00	0.00%	110,490.00
Taxes	0.00	38,659.17	38,659.17	0.00	463,910.00	0.00%	463,910.00
Revenue Totals	0.00	47,912.50	47,912.50	0.00	574,950.00	0.00%	574,950.00
Expense Summary							
Long Term Debt	0.00	47,912.50	47,912.50	0.00	574,950.00	0.00%	574,950.00
Expense Totals	0.00	47,912.50	47,912.50	0.00	574,950.00	0.00%	574,950.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

500 - Municipal Development District Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Taxes	4,893.40	4,208.33	(685.07)	4,893.40	50,500.00	9.69%	45,606.60
Other Revenue	0.00	50.00	50.00	0.00	600.00	0.00%	600.00
Revenue Totals	<u>4,893.40</u>	<u>4,258.33</u>	<u>(635.07)</u>	<u>4,893.40</u>	<u>51,100.00</u>	<u>9.58%</u>	<u>46,206.60</u>
Expense Summary							
Special Services	0.00	133.33	133.33	0.00	1,972.00	0.00%	1,600.00
Reserve	0.00	4,083.33	4,083.33	0.00	49,128.00	0.00%	49,000.00
Expense Totals	<u>0.00</u>	<u>4,216.66</u>	<u>4,216.66</u>	<u>0.00</u>	<u>51,100.00</u>	<u>0.00%</u>	<u>50,600.00</u>

**City of Ovilla
Financial Statement
As of October 31, 2018**

600 - 4B Economic Development Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Taxes	0.00	8,833.33	8,833.33	0.00	106,000.00	0.00%	106,000.00
Other Revenue	0.00	175.00	175.00	0.00	2,100.00	0.00%	2,100.00
Transfers	0.00	7,860.33	7,860.33	0.00	94,324.00	0.00%	94,324.00
Revenue Totals	0.00	16,868.66	16,868.66	0.00	202,424.00	0.00%	202,424.00
Expense Summary							
Other Expense	0.00	2,083.33	2,083.33	0.00	40,692.00	0.00%	25,000.00
Reserve	0.00	6,942.00	6,942.00	0.00	161,732.00	0.00%	83,304.00
Expense Totals	0.00	9,025.33	9,025.33	0.00	202,424.00	0.00%	108,304.00

**City of Ovilla
Financial Statement
As of October 31, 2018**

700 - Park Impact Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Services	1,003.56	717.75	(285.81)	1,003.56	8,613.00	11.65%	7,609.44
Other Revenue	0.00	15.00	15.00	0.00	180.00	0.00%	180.00
Revenue Totals	<u>1,003.56</u>	<u>732.75</u>	<u>(270.81)</u>	<u>1,003.56</u>	<u>8,793.00</u>	<u>11.41%</u>	<u>7,789.44</u>
Expense Summary							
Minor Capital Outlay	0	41.67	41.67	0	500	0.00%	500
Capital Outlay	0	139.58	139.58	0	1675	0.00%	1675
Reserve	0.00	551.50	551.50	0.00	6,618.00	0.00%	6,618.00
Expense Totals	<u>0.00</u>	<u>732.75</u>	<u>732.75</u>	<u>0.00</u>	<u>8,793.00</u>	<u>0.00%</u>	<u>8,793.00</u>

**City of Ovilla
Financial Statement
As of October 31, 2018**

800 - Water And Utilities Impact Fee Fund Revenue Summary	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Services	6,570.66	4,563.00	(2,007.66)	6,570.66	54,756.00	12.00%	48,185.34
Revenue Totals	<u>6,570.66</u>	<u>4,563.00</u>	<u>(2,007.66)</u>	<u>6,570.66</u>	<u>54,756.00</u>	<u>12.00%</u>	<u>48,185.34</u>
Expense Summary							
Reserve	0.00	4,563.00	4,563.00	0.00	54,756.00	0.00%	54,756.00
Expense Totals	<u>0.00</u>	<u>4,563.00</u>	<u>4,563.00</u>	<u>0.00</u>	<u>54,756.00</u>	<u>0.00%</u>	<u>54,756.00</u>

**City of Ovilla
Financial Statement
As of October 31, 2018**

900 - Employee Benefit Trust Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Insurance	17,773.00	0.00	0.00	17,773.00	0.00	0.00%	0.00
Revenue Totals	<u>17,773.00</u>	<u>0.00</u>	<u>0.00</u>	<u>17,773.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>0.00</u>
Expense Summary							
Insurance	17,773.00	0.00	0.00	0.00	0.00	0.00%	0.00
Expense Totals	<u>17,773.00</u>	<u>0.00</u>	<u>0.00</u>	<u>17,773.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>0.00</u>

**City of Ovilla
Financial Statement
As of October 31, 2018**

**City of Ovilla
Financial Statement
As of October 31, 2018**

Code Enforcement Report
 105 S Cockrell Hill Rd
 Ovilla, TX 75154
 (972) 617-7262

To: Mayor Richard Dormier
 Ovilla City Council
 City Manager John Dean

Subject: **Code Enforcement Monthly Report**

Calls For Service	Nov. 2018	Nov.2018 YTD	Nov.2017	
Complaint (Nuis 24 Permit 4,Parking 6)	34	458	45	
Follow up (Nuis 30 Permit8 Park 11)	49	524	48	
Door Notice (Nui -11, Permit-2, Parking 5)	16	246	28	
Mail Notice (Park 5 nuis 6 perm 4 jv3)	18	172	17	
Posted Property (nuisance 6)	6	103	9	
Court 6 FTA 5 -Nuisance 1 Guilty	\$196	\$1,855	\$150.00	
Citizen Contacts	47	582	48	
Permits Reviewed	14	152	14	
Permits Issued	11	100	11	
Inspections	16	162	10	
Nuisance Abated by City	1	7	3	
Nuisance Signs (Garage sale-11 other 21)	33	432	37	
Board of Adjustment App - 1-Bldg Line	1	14	0	

OVILLA ANIMAL CONTROL
 105 S Cockrell Hill Rd
 Ovilla, TX 75154
 (972) 617-7262

To: Mayor Richard Dormier
 Ovilla City Council
 City Manager Mr. John Dean

Subject: **Animal Control Monthly Report**

	Nov.2018	Nov.2018 YTD	Nov.2017	
Calls For Service				
Complaint (Regist-23 At Large 15 Bark 4)	42	350	26	
Follow up	44	403	30	
Door Notice (Regis-23, Bark 4 at large 4)	31	255	20	
Impounded Animal (Dog 3)	3	100	5	
Animal welfare check	16	87	3	
Impound Results (Transport Ret to own 3)	3	99	2	
Impound fee collected	\$105.00	\$1,935.00	70	
Court	\$0.00	\$381.00	0	
Citizen Contacts	48	347	28	
Animal registration \$84	7	179	15	
Registration Letter Mailed	21	234	24	
Nuisance letter -4 barking 2 At large	6	33	2	
Animals released 1 Snake	1	17	2	
Deceased removed	30	222	18	
Oak Leaf -	0	21	1	
Traps Checked Out	3	53	2	

Ovilla Municipal Court Report

FY-2018- 2019	City		Total Traffic Cases Filed	Ordinance Filed	Total Revenue	Amount Kept by City	Amount sent to State	Warrants Issued	Warrants Cleared	Uncontested Disposition	Defensive Driving	Deferred Disposition	Compliance Dismissals	Trial
	Total	Traffic												
October	72	3	\$17,292.87		\$11,166.04		\$6,126.83	27	14	29	25	36	3	0
November	103	0	\$13,685.20		\$8,633.25		\$5,051.92	29	4	27	14	43	1	0
December														
January														
February														
March														
April														
May														
June														
July														
August														
September														
Totals	175	3	\$30,978.07		\$19,799.29		\$11,178.75	56	18	56	39	79	4	0

2017-2018 FY

November	43	3	\$15,166.44	\$9,252.74	\$5,913.70	12
FY Totals	147	6	\$37,851.92	\$21,836.59	\$16,015.33	35



To: Mayor and City Council Members
From: John R. Dean, City Manager
Date: 12/3/2018

Re: City Manager's Monthly Report (November)

Flooding:

- The Governor declared Ellis County a disaster area.
- There has still not been a Presidential declaration on Ellis County.
- SBA is offering assistance for individuals, businesses and non-profit organizations affected by the flooding. The temporary SBA office in Oak Leaf closed in November.

Hidden Valley Estates:

- Work has begun on the sewer line. Good progress was made during the month of November.
- The manhole lining was approved by Council to be done by the contractor.

Personnel Policy Review: Proposed revisions were completed and will be presented for your approval at the December meeting.

Street Information:

- Ovilla Oaks: Tie in work and crack sealing was completed this month.
- The Public Works crew made several rounds to address potholes this month.

Integrated Software Transition: Worked on electronic time reporting and budgeting software.

New Property:

- Both purchases completed in November.
- Brad continues getting estimates on asbestos abatement, electrical upgrades, ADA compliance, an equipment building, parking and other issues on the new site for Public Works.

Solid Waste: Worked with CWD and Waste Connections on the transition of service. Completed 11/30/2018.

Drainage:

- Public works has identified many areas in the city that need improvements.
- They have been working on those areas.

Bridges: I have talked to Commissioner Butler and the City Attorney regarding the process of jointly accomplishing the Water Street bridge repairs. We are still working through legal concerns of the Commissioners Court Assistant District Attorney. Once we have settled the project legally, we will be able to proceed with the remainder of the project. It does not look as though it will be a speedy completion to the project.

Golf Carts: As of December 3rd, we have issued one golf cart permit.

New Development: Met with a developer and property owners on a potential development in the ETJ along Ovilla Rd

Project Progress:

City Facilities connected to sewer:

- The City Engineer has prepared an estimate of cost. We will present the cost estimate to the EDC to see if they are still interested in pursuing this project.

Monument Signs: Completed in November.

Fire Station FY2019 Improvements: Completed in November.

Pavilion: The Park Board has begun developing a pavilion design to present to City Council for consideration to move on to engineering.

FY 2019 Street Improvements: Provided the FY 2019 to Commissioner Butler.

Westlawn Drive

Holly Lane

Slippery Elm Drive

Green Wood Drive

Willow Wood Lane

Preparing to do draining work for the street improvements so that they are completed prior to the county doing street work.

Ticket Writers: We have contacted Brazos but cannot proceed until after January 2019.

Awards: Received the Transparency Star in Traditional Finances.

Veteran's Recognition Ceremony – Conducted on Sunday, November 4th, 2:00 pm (Heritage Park)

Upcoming Items

- Christmas Tree Lighting – Saturday, December 8th, 2018 at 6:00 pm at Heritage Park
- City Council Meeting – Monday, December 10th, 2018 at 6:00 pm

CM Time Away

Vacation on December 26-28, 2018

Respectfully Submitted,

John R. Dean, Jr.

City Manager