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WEST BOUNTIFUL CITY

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City Recorder
Cathy Brightwell

City Engineer
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CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING
ON TUESDAY, NOVEMBER 4, 2014, BEGINNING AT 7:30 PM
IN THE CITY OFFICES AT 550 NORTH 800 WEST.

Invocation/Thought by Invitation
Pledge of Allegiance – James Ahlstrom

1. Accept Agenda.
2. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed.
3. Consider adoption of Resolution 352-14 “A Resolution Appointing Nathan Southerland to the West Bountiful Arts Council.”
4. Consider Ordinance 367-14 “An Ordinance Codifying And Making Technical Changes to Existing Impact Fee Ordinance.”
5. Consider letter to Centerville City regarding West Centerville Neighborhood Plan.
6. Discuss re-draft of the West Bountiful Personnel Policy.
7. Engineering/Planning Commission Report.
8. Administrative Report.
9. Mayor/Council Reports.
10. Approval of Minutes from the October 7, 2014 City Council Meetings.
11. Executive session pursuant Utah Code 52-4-205 (c) to discuss pending or reasonably imminent litigation.
12. Adjourn.

According to the American’s with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Cathy Brightwell, City Recorder, at (801) 292-4486.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on October 30, 2014.

WEST BOUNTIFUL CITY

RESOLUTION #352-14

A RESOLUTION APPOINTING NATHAN SOUTHERLAND TO THE WEST BOUNTIFUL CITY ARTS COUNCIL

WHEREAS, the West Bountiful City Council established the West Bountiful City Arts Council by adoption of Ordinance #360-14; and,

WHEREAS, pursuant to the above referenced Ordinance, the Mayor shall appoint least six (6) and no more than twelve (12) voting members, with the advice and consent of the City Council; and,

WHEREAS, there are currently nine appointed members on the Council;

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City that it consents to the Mayor’s appointment of Nathan Southerland to the West Bountiful Arts Council with a term expiring December 31, 2017.

EFFECTIVE DATE. This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 4th day of November, 2014.

Ken Romney, Mayor

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

WEST BOUNTIFUL CITY

ORDINANCE #367-14

***AN ORDINANCE CODIFYING AND MAKING TECHNICAL CHANGES
TO THE EXISTING IMPACT FEE ORDINANCE***

WHEREAS, West Bountiful City has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended (“Impact Fees Act” or “Act”), to impose Impact Fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity; and,

WHEREAS, the City Council held public hearings on March 18, 2013 to receive input and consider approval and adoption of a proposed Park Impact Fee Facilities Plan and the Park Impact Fee Enactment; and,

WHEREAS, following public hearings, the City Council adopted Ordinance 351-13 implementing such impact fees, and,

WHEREAS, the Council desires to re-codify Chapter 3.22 Impact Fees, of the West Bountiful Municipal Code to incorporate the fees adopted in Ordinance 351-13 and make technical changes, including modifications to be consistent with current State Law provisions related to Impact Fees Act (11-36a); and

WHEREAS, this re-codification is not changing or adding any impact fee that did not previously exist prior to adoption of Ordinance 351-13.

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL
THAT THE FOLLOWING RECODIFICATION OF CHAPTER 3.22 IMPACT FEES, OF
THE WEST BOUNTIFUL CITY CODE BE ADOPTED AS REFLECTED IN
ATTACHMENT A.***

This ordinance will become effective upon signing and posting.

By:

Ken Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

Attest:

Cathy Brightwell, City Recorder

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

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Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

Date

Mayor Paul Cutler and City Council
Centerville City
250 N. Main Street
Centerville, UT 84014

RE: West Centerville Neighborhood Plan

Dear Mayor Cutler and Council Members:

We understand that Centerville is in the process of contemplating a transition from industrial uses to new transit-oriented housing and commercial uses for the area east of Legacy Parkway and south of Parrish Lane. West Bountiful City and its residents have a strong interest in the outcome of this planning process, and we wish to extend our sincere thanks for the invitations and involvement we have had to this point.

We well know that any type of development brings with it issues, challenges, and potential concerns. We have had multiple residents communicate to us their concerns about the planned development and ask us to represent them in communicating with our counterparts at Centerville City those concerns with the hope of working toward solutions to mitigate potential negative impacts from development.

To continue to build on our strong relationship, cooperate with your planning process, and find solutions that will work well for both of our communities, we respectfully wish to put forward the following observation and invitation:

- West Bountiful City residents are highly concerned with the potential impact on the quality-of-life if the level of high-density housing is greatly expanded in the West Centerville Neighborhood. Potential negative impacts focus on issues of increased vehicular traffic and parking, strains on community services (police, parks, schools), and changes in the feel and comfort of quiet neighborhoods.

- At the appropriate time, we respectfully request to have our Planning Commission participate in a joint meeting with the Centerville City Planning Commission and to have a joint meeting between our city councils. The purpose of these meetings would be to help make everyone aware of potential concerns and work jointly towards solutions.

Again, let us emphasize our respect for your processes and rights in land use development and offer our thanks for West Bountiful's inclusion to this point in the West Centerville Neighborhood Plan. We believe that our communities share strong ties and interests in making our corner of Davis County the wonderful place that it is for families and businesses. We look forward to our continued strong relationship.

Sincerely

Mayor Ken Romney and the West Bountiful City Council

10-23-14 draft

MEMORANDUM



TO: Mayor and Council

DATE: 10-30-14

FROM: Duane Huffman, City Administrator

RE: Personnel Policy Re-Draft

This memo introduces a new draft of the West Bountiful City Personnel Policy. Rather than editing the current policy, staff undertook a complete re-draft. This memo is divided into two sections: Goals of the Redraft, and Explanation of Proposed Changes.

Due to the size and the scope of the policy, I recommend that the review process begin with a general discussion that outlines areas where the Council would like more information and/or discussion.

Goals of the Re-Draft

The current personnel policy is outdated, cumbersome, and generally ineffective. In undertaking the re-draft, staff worked toward the following primary goals:

- a) Update policies as needed to comply with Federal, State, and City laws.
- b) Significantly reduce the length of the overall policy by simplifying sections as needed and removing overly complicated or unneeded portions.
- c) Organize the policy such that supervisors and employees can easily and intuitively reference it.
- d) Add or amend sections to assist with the overall management of personnel.

Table of Changes

In general, I recommend reading and analyzing the new draft on its own merits. However, I also recognize that there is interest in understanding how the new draft differs from what is currently in place. The following table attempts to itemize proposed edits/changes by reviewing items as they appear in order of the current policy.

Current Policy	Proposed Re-Draft	Differences
Preface, pages 2-3	General Policy/Disclaimer, page 1	Shortened and updated
Section I: Equal Employment, Page 4	Section 2-1, page 2	Shortened and updated
Section II: Protection From Contractor, page 5	Removed	More appropriate for a procurement policy than personnel
Section III: Employee Hiring, pages 5-12	Section 2, pages 2-3	<ul style="list-style-type: none"> - Detailed recruitment, selection, and placement portions removed - Requires City Administrator (CA) to ensure adequate notice and fair and reasonable selection process (flexibility) - Mayor/Council hire all department heads, CA and Police Chief hire all other positions (within budget) - Adds required Veterans preference policy - Volunteer section removed
Sections IV & V: Alcohol/Drugs, pages 12-22	Section 9, pages 18-22	<ul style="list-style-type: none"> - Clarifies that no employee may have a detectable amount of alcohol or illegal drugs or be impaired by medication while at work or while on-call. - Clarifies that all new hires will be drug tested (current practice). - Changes the definitions of “Safety Sensitive Positions” (those subject to random testing) to now include law enforcement, and all public works, parks, and golf course maintenance positions – those that drive frequently or operate equipment. - Clarifies and updates drug testing protocols.
Section VI: Sexual/Gender Harassment, pages 23-27	Section 7, pages 16-18	General updates and clarifications
Section VII: Employee Conduct, pages 28-34	Sections 10-12, pages 20-24	<ul style="list-style-type: none"> - Removed portions on “Professionalism”, “Personal Contacts”, “Telephone Contacts”, “Correspondence”, “Press Relations”, “Attendance”, “Appearance”, “Outside Activities”, “Purchasing”, and “Credit Cards.” - New ethics section (Section 12-2) covers privileged information, confidentiality, and gifts.

		<ul style="list-style-type: none"> - Smoking portion (Section 10) updated to include all tobacco products. - New ethics section also details disclosure requirements and clarifies what constitute improper gifts, including meals and golf from vendors. - Updated Secondary Employment – may no longer have two separate jobs for the city. - Updated Electronic Devices and Political Activities policies. - New policies on personal electronic devices and personal social media participation (12-4). - New Driver Qualification policy (12-1). - New Workplace Violence policy (Section 11)
Section VIII: Disciplinary Action, pages 35-42	Section 13, pages 28-30	<ul style="list-style-type: none"> - Clarifies and updates types of disciplinary procedures. - City Council disciplines department heads - CA disciplines other employees - Appeals (dismissal, demotion with less pay, and suspension for more than 2 days) go to Hearing Officer (Administrative Law Judge) rather than appeal board made up of other employees and council members. - Updated causes for discipline found in Employee Conduct Section 12-5
Section IX: Grievance Procedures, pages 42-44	Section 14, pages 30-31	<ul style="list-style-type: none"> - Simplifies general grievance policy
Section X: Termination of Employment, pages 45-49	Section 6, pages 14-16	<ul style="list-style-type: none"> - Simplifications and general updates
Section XI: Record Keeping, pages 50-53	Removed	<ul style="list-style-type: none"> - No need to have this type of information in a general manual for all employees
Section XII: Performance Evaluations, pages 52-57	Section 2-4, page 3	<ul style="list-style-type: none"> - While the city has improved conduction performance evaluations over the last year, there is a history of ignoring this section. The proposed draft replaces the details with the sentence requiring the CA to develop and implement a performance evaluation system that provides an objective measurement of job

		performance.
Section XIII: Employment Classifications/Compensation, pages 58-63	Section 1, pages 1-2 and Section 3, pages 3-6	<ul style="list-style-type: none"> - Clarifies employee classifications. - Lists employees to be appointed by Mayor/Council - Updates legal definition of part-time - Requires Direct Deposit - Updates work week to better correlate with police schedules - Lists employees exempt from FLSA Overtime - Caps department head overtime at 80 hours - Updates and clarifies FLSA comp time policies - Adds section on Emergency Call Out pay/comp time - Holiday Pay deleted and moved to section on Holiday Leave (5-2) - Holiday Leave added for full-time golf course employees
Section XIV: Salary Planning, pages 64-67	Removed	- This policy has only been adhered to off and on by the City over the years. Deleting it will provide more flexibility as we continue to ponder long-term solutions.
Section XV: Payroll Administration, pages 68-69	Removed	- The City has not followed this section in relation to public safety officers and everything else is covered more simply throughout the compensation/benefits sections of the new draft.
Section XVI: Reimbursable Expenses, pages 70-71	Removed	- This material belongs in a travel/purchasing policy
Section XVII: Benefits, pages 72-76	Section 4, pages 6-9	<ul style="list-style-type: none"> - Workers Comp use and administration updated - General updates related to other insurance coverage - Clarifies specific employees may be exempted from URS participation - Replaces employee golf policy with statement that Council will set spate policy from time to time - Removes ignored continuing education section (still working on replacement)
Section XVIII: FMLA, pages 77-78	Section 5-10, pages 13-14	- Updates and more explanation on use

Section XIX: Leaves of Absence (very poetic), pages 79-86	Section 5, pages 9-14	<ul style="list-style-type: none"> - Abandonment of position changed from 3 days to 1 (Section 6-5) - Annual leave in excess of 240 hours forfeited on Feb 28 instead of whenever cap is exceeded - Maternity Leave section removed – covered under FLMA - LTD Bridge Leave section removed – unneeded in policy - Military Leave updated to no longer have the city cover the difference in pay during required National Guard training (employee can use annual leave or comp time) - Administrative Leave policy updated - Leave with pay that is not FMLA to be covered in general by Mayoral approval
Section XX: General Safety, pages 87-88	Removed	Basic safety standards unneeded in personnel policy, may be in departmental policies
Section XXI: Utah OSHA, pages 89-90	Removed	Unneeded in personnel policy, some portions may be appropriate in departmental policies
Section XXII: Confined Space Entry, page 90	Removed	Unneeded in personnel policy, may be appropriate in departmental policies
Section XXIII: Disaster Response Planning, pages 91-94	Removed	Unneeded in personnel policy. City should have a separate Emergency Response Plan
NEW	Section 8: Prohibition Against Harassment/Discrimination	New policy to prohibit harassment/discrimination against protected classes

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GENERAL POLICY/DISCLAIMER

This Employment Policies and Procedures Manual is provided for general guidance only. The policies, procedures and prohibitions expressed in this manual, as well as those expressed in any other material the City may issue from time to time, do not create an express or implied contract with any person or any other obligation or liability on the City. No verbal representations or statements made by supervisors or co-workers can bind the City to any course of action. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate.

SECTION 1: EMPLOYMENT STATUS

1-1 APPOINTED OFFICIALS

The following positions are appointed by the Mayor with the advice and consent of the City Council. These Appointed Officials are employed "at will" and may be dismissed or suspended with or without cause or prior notice, for any reason or no reason at all, unless otherwise stated in writing at the time of appointment as authorized by the Council. As used in this manual, "Appointed Officials" includes only the positions listed below and does not include private contractors, elected officials, or volunteers appointed to boards and commissions.

- 1) City Administrator
- 2) Finance Director
- 3) Recorder
- 4) Treasurer
- 5) Police Chief
- 6) Public Works Director
- 7) City Engineer
- 8) Golf Course Director
- 9) Green Space Superintendent

1-2 PROBATIONARY EMPLOYEES

Unless extended in writing, all new full-time employees who are hired with the intention of becoming Regular Full-time employees are required to serve at least one year in probationary status. If the employee's performance is unsatisfactory, the employee will be dismissed.

During probation, except probation due to promotion as provided below, the employee may be dismissed at-will at any time, with or without cause or prior notice, for any reason or no reason at all.

An unpaid leave of absence shall not be considered part of any probationary period.

- 1) **Promotion:** Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of one year. During the probationary period the employee's abilities and performance will be evaluated by the supervisor. If, in its sole discretion, the City determines that the employee's performance is unsatisfactory, the City will notify the employee in writing of his/her failure to complete the probationary period and the employee will be reinstated, if available, to his/her previous position, or reassigned, if available, to another position for which the employee is qualified.

Notwithstanding the foregoing:

- a. An employee within the first year of employment may be dismissed at any time, with or without cause or prior notice, for any reason or no reason at all.
 - b. The City reserves the right to impose discipline, up to and including dismissal, upon any employee whose performance is deemed unsatisfactory.
- 2) **Reinstatement/Reassignment:** The probationary period for a former employee being reinstated or reassigned shall be one year.

1-3 REGULAR FULL-TIME EMPLOYEES

Regular Full-time employees are those who are scheduled to work 30 hours or more per week for the City on a continuing basis and who have successfully completed their probationary period.

1-4 PART-TIME EMPLOYEES

Part-time employees are those who are hired to work less than 30 hours each week. Their employment may be continuing, but they are always in a probationary status, and may be dismissed or suspended at will, with or without cause or prior notice.

1-5 TEMPORARY EMPLOYEES

Temporary employees are hired to work for a limited period of time (may include seasonal golf course, parks, and public works employees). They are always in a probationary status, and may be dismissed or suspended at will, with or without cause or prior notice.

SECTION 2: EMPLOYMENT & HIRING PRACTICES

2-1 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The City is an equal opportunity employer. It is the policy of the City from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, pregnancy, or disability.

2-2 ANTI-NEPOTISM

It is the City's policy to comply with Title 52, Chapter 3, of the Utah Code, and any amendments or successor statutes, concerning the prohibitions regarding the employment of relatives.

2-3 VETERANS PREFERENCE

In accordance with Title 71, Chapter 10, of the Utah Code, and any amendments or successor statutes, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

2-4 HIRING, EVALUATIONS, AND PROMOTIONS

1) City Administrator Responsibilities:

- a. Ensure all outlined policies and procedures are followed.
- b. Maintain an accurate job description for each position.
- c. Ensure adequate notice and advertisement is provided for all open positions.
- d. Ensure a fair and reasonable selection process is used prior to the appointment, hiring, or promotion of any employee.
- e. Make recommendations to the Mayor regarding candidates for any open Appointed Official position.
- f. After recommendation from the Department Head (if applicable) and within approved budgets, make hiring, selection, and promotion decision for all non-Police Department Regular Full-time, Part-time, and Temporary employees.
- g. Develop and implement a performance evaluation system that provides an objective measurement of job performance.

2) Police Chief Responsibilities:

- a. Within approved budgets, make hiring, selection, and promotion decision for all Police Department Regular Full-time, Part-time, and Temporary employees.

SECTION 3: COMPENSATION

3-1 PAY RANGES

Each Appointed Official and Regular Full-time position shall have a set pay range established and updated as needed by the City Council. Increases within the ranges shall be determined by the Council as part of the annual budget or any budget amendments. Each Part-time and Temporary position shall have an hourly rate set and updated as needed by the City Administrator upon the recommendation of the Department Head.

3-2 WORK WEEK

The City's work week for all employees not serving as certified police officers is the seven (7) consecutive days that begin each Saturday at 7:00am and end the following Saturday at 6:59am. The work period for certified police officers is 14 consecutive days that begin Saturday at 7:00am and end 13 days later on the following Saturday at 6:59am.

3-3 TIME SHEETS

All employees shall complete and verify the accuracy of an employee time sheet. The time sheet shall also include all use of compensatory time and all other leave. It is the employee's responsibility to submit to the Department Head (if applicable) or City Administrator a completed time sheet by noon on the Monday following the pay period end date.

3-4 PAY DAYS

Employees are paid every two weeks.

3-5 DIRECT DEPOSIT

Within one month of hire, all employees are required to have their entire paycheck automatically deposited into no more than two financial institutions by completing a Direct Deposit Authorization Agreement.

3-6 OVERTIME AND COMPENSATORY TIME

All employees shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended and the Department of Labor regulations issued thereunder pertaining to compensation for overtime work. All overtime hours shall be accounted for by the employee on the time sheet during the work week in which the hours were worked. An employee shall not serve as a volunteer for the same job in which he/she is employed by the City.

- 1) **Exempt Employees:** In accordance with the provisions of the Fair Labor Standards Act, certain executive, administrative, and professional positions are "exempt" from the payment of additional money or compensatory time for overtime worked. The following employees are exempt from overtime and compensatory time per the FLSA:
 - a. City Administrator
 - b. Chief of Police
 - c. City Recorder
 - d. Public Works Director
 - e. Engineer
 - f. Golf Director

While not required by the FLSA, and unless otherwise provided by written agreement, exempt employees accrue and report compensatory time at straight time (hour for hour) of time worked in excess of forty (40) hours within a work week. These employees may accrue up to 240 hours of compensatory time, after which they are not entitled to additional compensation for hours worked in excess of forty (40) hours per work week.

- 2) **All Other Employees:** Regular Full-time employees and Temporary employees as assigned are authorized to work up to forty (40) hours per week. Except as noted below, employees are not authorized to work more than forty (40) hours in any one week without the advance consent of their Department Head or the City Administrator; however, if an emergency threatening life or property arises and an employee is unable to obtain prior consent, the employee may work more than forty (40) hours in a week. In such a case, the employee's department head or the City Administrator must be notified within 72 hours of the emergency. If it is determined that an employee worked excess hours without advance consent and not under emergency conditions or failed to properly account for excess hours worked on his/her time sheet, the employee may be disciplined up to and including dismissal.

At the discretion of the department head and as provided in approved budgets, eligible non-exempt employees shall be granted either (a) compensatory time off at the rate of one and one-half (1-1/2) hours for each hour worked in excess of forty (40) hours in a normal work week or (b) overtime pay at the rate of one and one-half (1-1/2) times the employee's hourly wage for each hour worked in excess of forty (40) hours in a normal work week. If an employee is scheduled to work less than his/her normal work week (40 hours), such as those weeks when an employee takes compensatory time off, vacation time, or sick leave or a holiday falls during the work week, any time worked between the shortened work schedule and the normal work week (40 hours) will be considered straight time. Employees will be granted compensatory time off for straight time worked at a rate of one (1) hour for each hour worked up to the normal work week (40 hours). Any employee desiring to take compensatory time off shall submit a written request to his or her department head or the City Administrator stating the number of hours to be taken and the dates when the hours will be taken. The request shall be submitted no later than forty-eight (48) hours prior to the first day in which the hours will be taken off. The hours may be taken off when requested, unless the department head or the City Administrator notifies the employee within twenty-four (24) hours of receipt of the request that the request will unduly disrupt the operations of the City. For certified police officers, the 80 hour work period shall apply rather than the normal 40 work week as used above.

No employee may accumulate more than 240 hours of unused compensatory time. Hours of compensatory time earned in excess of 240 hours accumulated

shall be paid at the regular rate earned by the eligible non-exempt employee at the time the employee receives regular payment.

Upon separation from employment, an employee with accrued unused compensatory time shall be paid at a rate of compensation equal to (a) the average regular rate received by such employee during the last three (3) years of the employee's employment, or (b) the final regular rate received by such employee, whichever is higher.

- 3) **Emergency Call Outs:** Any non-exempt employee required by a supervisor to respond during non-regularly scheduled hours with less than 24 hours notice shall be entitled to overtime pay or compensatory time at the rate of one and one-half hours for each hour worked under these circumstances.

3-7 PAYMENT UPON SEPARATION

Upon any separation from employment, an employee shall be required to return all tools, equipment and other City property, including passwords, and to clear all financial obligations to the City. Any employee dismissed will receive a final paycheck within 24 hours of dismissal. Employees who separate employment on a voluntary basis will receive a final paycheck on the first regularly scheduled pay day after the separation from employment. Final paychecks shall include compensation for all unused annual leave, holiday leave, and compensatory time.

The City does not have a policy of providing severance or separation pay beyond the final paycheck. Any exceptions are subject to approval of the City Council.

SECTION 4: INSURANCE AND BENEFITS

4-1 WORKERS COMPENSATION

City employees injured during the performance of their job duties are covered by the City's workers compensation program, as provided by state law. The City's workers compensation program is overseen by the City Recorder in conjunction with the City Administrator. Claims administration is provided by a contracted workers compensation program administrator (examples of potential contractor program administrators include the Utah Local Governments Trust and the Workers Compensation Fund of Utah). Transitional duty is coordinated by the City Administrator.

By contract, the City designates a medical care provider to care for work related injuries (currently First Med). Except in the case of life or limb threatening injuries, the City does not pay other medical providers or facilities for the treatment of workers compensation injuries, even if the injury is work related, unless the City's medical provider refers the employee AND the referral is approved by the contracted program administrator PRIOR to the treatment.

Failure by an employee to follow program reporting protocol, treatment policies, transitional duty requirements, or any other law, policy, or procedure related to the program in a timely and complete manner, will result in employee disciplinary action up to and including dismissal.

1) Reporting and Treatment

- a. Medical Treatment - When injured, an employee shall immediately obtain necessary medical treatment from the City's medical provider. If the condition is life threatening the employee should call 911. Life threatening conditions include unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. For injuries occurring after hours of the City's medical provider, employees should go to a nearby emergency room if in the employee's judgment treatment cannot wait until the City's medical provider's operating hours. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to the City's medical provider for follow-up treatment. The employee is responsible to advise the emergency medical provider that the City will not be financially responsible for any follow-up treatment by such emergency medical provider or by providers referred by the emergency medical provider unless the follow-up treatment or referral is previously approved by the City's medical provider and by the contracted program administrator.
- b. Reporting an Injury - Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor. The report shall be made NO LATER THAN 24 HOURS following the occurrence of the injury. The employee's supervisor shall notify the City Recorder or City Administrator as soon as possible after receiving the initial report. Although initial notice of the injury to the supervisor may be made by telephone recording/e-mail (if the injury occurs after regular City business hours), a claim is not deemed "reported" until the employee receives confirmation from the City Recorder that the appropriate injury report required by the contracted program administrator is completed. The employee is responsible to follow up with the City Recorder to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed.

2) Return to Work; Mandatory Transitional Duty

- a. Return to Full Duty Allowed by Medical Provider - Immediately following initial treatment for a work related injury, the employee shall obtain a written return to work release ("Work Release") from the City's medical provider, and SHALL CONTACT THEIR SUPERVISOR BEFORE RETURNING to the employee's regular place of work. An employee shall not return to the

work site for work duty following a work related injury until a Work Release signed by the City's medical provider is delivered to the City Recorder or City Administrator. The employee's supervisor shall verify that the employee has contacted the City Recorder or City Administrator before allowing the employee to return to the work site.

- b. Return to Full Duty Not Allowed by Medical Provider - If an employee is directed by the City's medical provider not to return immediately to full duty, the employee shall immediately notify the employee's supervisor and the City Recorder of the following:
 - i. that the City's medical provider has directed the employee not to return to Full Duty;
 - ii. the reasons for such direction and the prognosis of the injury;
 - iii. the expected date and time the employee will be released by the City's medical provider to transitional duty and ultimately full duty; and
 - iv. the work restrictions the City's medical provider has placed on the employee.
- c. Secondary Employment - An employee on workers compensation leave or transitional duty shall not engage in any secondary employment except as first authorized by the City Administrator.
- d. Mandatory Transitional Duty - The City has an aggressive return to work policy. Temporary modified duty ("transitional duty") is mandatory on the part of the employee when determined practicable by the City Administrator. When deemed practical, transitional duty will be made available to all injured employees who, based on the City's medical provider's opinion, are unable to return to full duty immediately following an injury. An injured employee shall be required to return to transitional duty immediately upon release to do so by the City's medical provider.

THE FOLLOWING ARE THE RESPONSIBILITY OF THE INJURED EMPLOYEE:

 - i. to notify any and all medical providers or specialists who provide treatment for the work related injury that transitional duty for the employee is available and mandatory;
 - ii. to provide to each medical provider or specialist a complete and accurate description of the employee's job description and regular work tasks to enable such provider or specialist to determine whether the employee will return to full duty or to transitional duty;
 - iii. to assure that if return to full duty immediately following the work related injury is not approved by the City's medical provider, written work restrictions are prepared by the City's medical provider in consultation with the employee and the City Administrator; and

- iv. to follow medical restrictions both at work and off-hours to avoid increased injury or aggravation of existing injury.
- e. Employee to Report to City with Work Release and Written Work Restrictions - Upon release to work by the City's medical provider for either transitional duty or full duty, the employee shall immediately report to their supervisor and the City Recorder with a work release and any work restrictions from the Medical Provider. THE EMPLOYEE SHALL NOT RETURN TO THE WORK SITE FOR DUTY PRIOR TO CONTACTING THE CITY ADMINISTRATOR.

The employee's supervisor shall verify that the employee has reported to the City Administrator, shall confirm any work restrictions placed on the employee with the City Administrator, and shall review any work restrictions with the employee before allowing the employee to return to the work site.

3) **Payroll for Workers Compensation Temporary Disability**

An employee requiring medical attention on the same day as an on-the-job injury should not be charged sick leave or workers compensation that day. The entire shift should be paid as regular time worked.

An employee begins his/her waiting period for workers compensation wage replacement benefits effective the first full day of time off work due to an on-the-job injury as reported by the Medical Provider. For the purpose of calculating waiting periods, days with time off include weekends and unscheduled workdays are not counted.

The waiting period for workers compensation wage replacement benefits is three (3) days after the time off work is confirmed by the Medical Provider. Days counted as time off do not need to be consecutive. If an employee returns or has been released to return to work, a new report from the Medical Provider must confirm time off for further workers compensation benefits. Employees may use sick or vacation leave during this waiting period.

If time off work is required due to a workers compensation injury, the contracted program administrator will determine appropriate waiting periods, leave supplements, and amounts of workers compensation owed.

4-2 SOCIAL SECURITY

All employees contribute to the Social Security program, as administered by the Federal Government. Contributions of the employee and the City will be made in accordance with applicable law.

4-3 MEDICAL INSURANCE

The City may pay the premium or a portion of the premium for health, hospitalization, surgical, dental, life, and disability insurance for Appointed Officials and Regular Full-time employees and those employees' dependents. The specific plan may be changed from time to time, and benefits under the plan may change or be eliminated.

4-4 LONG TERM DISABILITY

The City may pay the premium associated with any long term disability insurance plans and policy provisions for Appointed Officials and Regular Full-time employees.

4-5 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, dismissal from employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for the City. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses and ex-spouses are encouraged to make inquiry of the City through the City Recorder's office to obtain further information.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

The City provides each eligible employee with notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

4-6 EMPLOYEE RETIREMENT SYSTEM

All eligible employees of the City working 30 hours or more per week shall participate in the Utah State Retirement System unless they are eligible for and request to be exempted from participation.

The City Administrator and Chief of Police may elect to exempt themselves from participation in the Utah State Retirement System through a "Request for Exemption."

For the purpose of the Utah Retirement System, all elected officials are officially designated as part-time.

4-7 EMPLOYEE GOLF

Employees may be granted golfing privileges as set from time to time by the City Council.

SECTION 5: LEAVE AND HOLIDAYS

5-1 BREAKS & MEAL PERIODS

The City offers breaks and meal periods as work allows. The City may provide two paid breaks of up to 15 minutes each during a standard workday as determined by the supervisor. The City normally provides a one hour unpaid meal period for Appointed Officials and Regular Full-time employees during a standard work day.

Employees under the age of 18 are entitled to a rest break of at least 10 minutes for every 3 hour period worked and a meal period of at least 30 minutes no later than 5 hours from the beginning of their shift.

Police Officers shall take breaks and meal periods in accordance with Department work schedules and policies.

5-2 HOLIDAYS

- 1) **Approved Holidays:** The following days have been designated by the City to be paid holidays for all Appointed Officials and Regular Full-time employees, except for police officers. When a holiday falls on a Saturday it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.

January 1st	New Year's Day
January (3rd Monday)	M. Luther King Day
February (3rd Monday)	Presidents' Day
May (Last Monday)	Memorial Day
July 4th	Independence Day
July 24th	Pioneer Day
September (1st Monday)	Labor Day
October (2nd Monday)	Columbus Day
November 11th	Veterans Day
November (4th Thursday)	Thanksgiving Day
November (Friday following Thanksgiving)	Thanksgiving Day
December 25th	Christmas Day

- 2) **Holiday Pay:** Full-time Police Officers and Golf Course Employees shall accrue 4 hours of holiday leave in lieu of the observance of the approved holidays. Holiday leave in excess of 60 hours will be forfeited by the employee on February 28 of each year. Use of holiday leave will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of employees.
- 3) **Holiday Pay:** Except for Police Officers and Golf Course Employees, Regular Full-time employees and Appointed Officials who are required to work on an approved holiday shall be given compensatory time off at the rate of one hour off for every hour worked.

5-3 ANNUAL LEAVE

- 1) **Accrual:** Unless agreed to in writing, each Appointed Official and Regular Full-time employee will accrue annual leave based upon the following schedule:

Service Time	Days Per Year	Hours Per Pay Period
0 Thru 5 years	13	4
6 Thru 10 years	16	5
11 Thru retirement	20	6

Annual leave shall not accrue during any period when an employee is on a leave-without-pay status; however, employees on a leave-with-pay status will continue to accrue annual leave.

Any annual leave in excess of 240 hours will be forfeited by the employee on February 28 of each year.

- 2) **Use:** Use will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of employees.

A holiday which falls during an employee's use of annual leave shall be counted as a paid holiday and not as annual leave.

No annual leave may be used prior to accrual.

5-4 SICK LEAVE

- 1) **Accrual:** Appointed Officials and Regular Full-time employees accrue sick leave at the rate of four (4) hours per pay period.

Sick leave shall not accrue during any period when an employee is on a leave-without-pay status; however, employees on a leave-with-pay status will continue to accrue sick leave.

Sick Leave shall cease to accrue after reaching a maximum of 1440 hours.

- 2) **Use:** Sick leave is to be used only for illness, injury, or appointments with medical personnel for employees or employees' dependents.

Employees who are unable to report to work due to illness or injury must notify their direct supervisor at least one hour before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.

Any employee absent under this provision for longer than five working days shall, upon request of his/her supervisor, arrange for a note from a doctor stating the nature of the illness and expected time of absence.

If the City Administrator finds an employee has taken excessive sick leave or has reason to suspect sick leave is being abused, a doctor's note or other evidence of illness may be required for absences of less than five days.

Abuse of sick leave privileges is considered grounds for discipline, including dismissal.

No sick leave may be used prior to accrual.

3) **Conversion:**

- a. **Active Employees:** Employees eligible for sick leave may convert one-third (1/3) of their annual sick leave accumulation to cash each December if they choose. However, any sick leave taken during the year will decrease the convertible portion by the number of days used. This conversion privilege is an annual program and starts new December 1st each year. To be eligible to participate in the conversion program, employees must accrue and maintain at least one hundred twenty (120) hours of sick leave.
- b. **Retiring Employees:** The following three (3) options exist:
 - i. Retiring employees with at least (10) years of West Bountiful service, may be paid twenty percent (20%) of accumulated sick leave. For example, for the maximum cash out cap of one thousand four hundred forty (1440) hours, two hundred eighty eight (288) hours of their unused accumulated sick leave would be paid.
 - ii. Retiring employees with at least twenty (20) years of West Bountiful service, may be paid forty percent (40%) of accumulated sick leave. For example, for the maximum cash out cap of one thousand four hundred forty (1440) hours, five hundred seventy six (576) hours of their unused accumulated sick leave would be paid.
 - iii. Retiring employees with at least twenty-five (25) years of West Bountiful service, may be paid fifty percent (50%) of accumulated sick leave. For example, for the maximum cash out cap of one

thousand four hundred forty (1440) hours, seven hundred twenty (720) hours of their unused accumulated sick leave would be paid.

5-5 FUNERAL LEAVE

Unless the City Administrator or Department Head finds that such leave would unduly disrupt the operations of the City, employees may be granted up to three (3) days of funeral leave with pay to attend the funeral of the employee's spouse, child, step-child, daughter-in-law or son-in-law, parent, step-parent, grandchild, mother-in-law or father-in-law, sister-in-law or brother-in-law, grandparent, spouses' grandparent, brother or sister. Funeral leave shall not be charged against accrued annual vacation or sick leave.

5-6 COURT LEAVE

An employee who, in obedience to a subpoena or direction by proper authority, appears as a juror, or as a witness for the Federal Government, a state government, or a political subdivision thereof, shall be entitled to the difference between his/her regular compensation and the compensation or fees received (in excess of traveling expenses) as a witness or juror.

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, a state government or political subdivision thereof, to testify not in official capacity, but as an individual, shall be taken as annual leave or leave without pay.

5-7 MILITARY LEAVE

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, re-employment, retention in employment, promotion, or any benefit of employment by the City based on that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including the Unified Services Employment And Re-employment Rights Act, 38 U.S.C. § 4301, *et seq.*; and *Utah Code Ann.* § 71-10-1, *et seq.*

5-8 ADMINISTRATIVE LEAVE

Administrative leave with pay may be assigned by the City Administrator or a Department Head under the following circumstances:

- 1) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
- 2) With regard to incidents resulting in extreme stress.
- 3) To protect City interests during a separation of employment process.
- 4) Other circumstances determined by the City to be in the best interest of the City and employee.

Written approval must be obtained from the City Administrator for any administrative leave request for an employee exceeding forty (40) hours during a calendar year.

An employee shall not engage in secondary employment during the actual hours designated as administrative leave.

At its discretion, the City may additionally restrict the activities of an employee on administrative leave with pay, *e.g.*, requiring an employee to (1) remain at his/her residence during designated working hours (except to obtain medical care, to fulfill religious obligations, or as specifically authorized), (2) remain readily available and immediately respond to phone contact or return to work, or (3) modify his/her working hours.

5-9 LEAVE WITHOUT PAY

Leave of absence without pay or benefits for up to 30 days not considered family and medical leave may be granted by the Mayor. Leave of absence shall not be regarded as a right. Requests for a leave of absence shall be made in writing and addressed to the Mayor. After the Mayor has made a decision concerning the request for leave of absence, he/she shall respond to the employee in writing stating the reasons for said decision, from which there shall be no appeal. Benefit accruals, such as annual, sick, or holiday leave/benefits, will be suspended during any un-paid portion of leave and will resume upon return to active employment.

5-10 FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

The City provides family and medical leave of absence, without pay, to eligible employees for their own serious health conditions; or who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement for a foster child; or to care for a child, spouse or their own parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Eligible employees are those who have worked for the City for at least one year and worked 1,250 hours within the previous 12 month period. Eligible employees should make requests for FMLA leave to the City Administrator or Chief of Police at least 30 days in advance of foreseeable events. When 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the City's normal call-in procedures.

Employees requesting FMLA leave related to their own serious health condition or the serious health condition of a spouse, child, or their own parent must submit sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of leave. Employees must also inform the City if

the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Eligible employees may request up to a maximum of 12 weeks of family leave within a 12 month period. Any combination of FMLA leave may not exceed this maximum limit. The City uses the rolling period to calculate this 12 week period. The rolling period method starts counting the FMLA period on the date the employee first uses FMLA leave. Eligible employees will be required to first use any accrued paid leave time before taking unpaid leave. This accrued paid leave time will be included as part of the maximum twelve weeks leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

To the extent the law requires, eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During the single 12-month period for servicemember care leave, an eligible employee is entitled to a combined total of 26 work weeks of servicemember care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 work weeks for any other FMLA qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of servicemember care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of servicemember care leave.

Subject to the terms, conditions and limitations of the applicable plan, health insurance benefits will be provided by the City for the length of time on leave, up to the maximum of 12 weeks. The employee must continue to pay any portion of the premium that the employee would typically pay if not on leave.

Benefit accruals, such as annual, sick, or holiday leave/benefits, will be suspended during any un-paid portion of leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave must provide the City with at least two weeks' advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, the City will assume that the employee has resigned.

SECTION 6: CHANGES IN EMPLOYMENT

6-1 PROMOTION

Promotions shall be made in accordance with Section 2, Employment & Hiring Practices, of these policies. In accordance with that section, and if deemed appropriate by the Mayor, City Administrator, or Police Chief, vacancies may be filled by promotion within the City as follows:

- 1) **Competitive Examinations and/or Interviews:** These shall be limited to employees who possess the minimum qualifications of the classification.
- 2) **Immediate Promotional Appointments:** These may be made without examination but with the approval of the Mayor, City Administrator, or Police Chief. All such appointments shall be based on the following criteria:
 - a. The employee shall have been performing at a high level in their current position; and
 - b. The employee shall have the skills and abilities required for the position.

6-2 DEMOTION

A Department Head may demote an employee to a position with or without a reduction in pay. If the demotion is to a position with less pay, the City must first conduct a pre-determination hearing as outlined in Section 13, Disciplinary Procedures, except for (1) Appointed Officials and probationary employees, and (2) demotions resulting from a layoff or reorganization.

6-3 TRANSFER

A transfer shall be made in accordance with Section 2, Employment & Hiring Practices, of these policies. A transfer is defined as a voluntary move from one position to another, generally in a different department, and should not be confused with reassignments within job descriptions or promotions. Transfers shall not be used as a disciplinary action. An employee shall not be transferred to a position for which the employee does not possess the minimum qualifications.

6-4 RESIGNATION

An employee wishing to resign in good standing shall submit to the Mayor, City Administrator, or Police Chief a written notice of their intent to resign, at least two (2) weeks prior to their last day of work. The notice should include the effective date and reasons for the resignation. Any failure to give two (2) weeks' notice with proper justification shall be noted on the service record of the employee and may be cause for denying future employment with the City.

The Mayor, City Administrator, or Police Chief may allow a proper notice of resignation to be withdrawn prior to its effective date if the position has not already been re-filled and if they find it in the best interest of the City.

6-5 ABANDONMENT OF POSITION

An employee who fails to call their supervisor to report their absence for one (1) working day may be deemed to have voluntarily abandoned his/her position and may be deemed to have resigned unless the Mayor, City Administrator, or Police Chief determine that the abandonment was beyond the control of the employee.

6-6 REDUCTION IN FORCE

The Mayor, City Administrator, or Police Chief may direct and/or authorize the layoff of any employee because of City Council action that effects, directs, or recognizes organizational changes, abolition of positions, and/or lack of funds. Generally, employees to be laid off will receive at least two (2) weeks' notice or the equivalent of two (2) weeks' severance pay. However, the City has the option, in exceptional circumstances, not to give the two weeks' notice or pay. Whenever a layoff situation occurs, seniority will only be considered when all other critical elements are equal. A reduction in force shall never be used in lieu of disciplinary action.

6-7 DISMISSAL

- 1) **Dismissal of Employees Who Are Not Appointed Officials**
 - a. An employee who is not an Appointed Official may be dismissed:
 - i. As a result of failure to satisfactorily complete a probationary period.
 - ii. For any or no reason during the probationary period (or at any time, for any or no reason for Part-time and Temporary employees).
 - iii. For disciplinary action, including in response to the employee's inability to perform the essential functions of the job. If dismissal is the result of disciplinary action, it shall be carried out in compliance with Section 13, Disciplinary Procedures, of these policies.
- 2) **Dismissal of Appointed Officials:** Dismissal may occur for these positions at any time, for any or no reason.

SECTION 7: PROHIBITION AGAINST SEXUAL HARASSMENT

All employees have the legal right to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates City policy and is prohibited as a form of sex discrimination. Both sexual harassment and inappropriate sexual conduct, whether legally sexual harassment or not, are unacceptable behavior. Any employee who engages in any form of sexual harassment shall be subject to disciplinary action.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- 2) An employment decision is based on an individual's acceptance or rejection of such conduct.
- 3) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination.

The City and its supervisors, employees and agents are under a duty to investigate and eradicate any form of sexual harassment or sex discrimination or complaints about such conduct. In addition to prohibiting sexual harassment by its employees, the City will not tolerate sexual harassment towards its employees by its citizens, contractors and/or vendors.

The City's management is committed to vigorously enforcing this prohibition of sexual harassment at all levels of the organization. This prohibition against sexual harassment is in effect at all times and in all places.

7-1 STATEMENT OF PROHIBITED CONDUCT

The following conduct is representative of the types of acts which violate the City's sexual harassment policy. This list is not intended to be exhaustive:

- 1) Physical assaults of a sexual nature, such as:
 - a. Rape, sexual battery, molestation or attempts to commit these assaults.
 - b. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, poking, or brushing against another employee's body.
- 2) Unwanted sexual advances, propositions or other sexual comments, such as:

- a. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience;
 - b. Preferential treatment or promises or preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;
 - c. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- 3) Sexual or discriminatory displays or publication anywhere in the City's work place by employees, such as:
- a. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the City work environment or possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the City and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 - b. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - c. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place (other than restrooms and similar semi-private lockers/changing rooms).
- 4) Retaliation for sexual harassment complaints, such as:
- a. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and
 - b. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

7-2 PROCEDURE FOR REPORTING HARASSMENT

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of the City's sexual harassment policy. These reports shall be made at the time when the employee first feels they or someone else has been sexually harassed or subjected to inappropriate sexual conduct. The following procedure will guide the investigation of these claims:

- 1) Employees must file a sexual harassment complaint either verbally or in writing with one of the following individuals: Mayor, City Council Member, City Administrator, or Police Chief.
- 2) All such complaints will be investigated. If the investigation indicates that harassment or inappropriate sexual conduct has occurred, appropriate action will be taken.
- 3) To the extent practical, confidentiality will be protected. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.
- 4) Any employee of the City who is accused of sexual harassment shall not question, coerce, intimidate, or retaliate in any way during the investigation against the employee who has filed a complaint of sexual harassment or against employees that have provided information concerning the complaint.
- 5) All employees shall fully cooperate in any investigation of sexual harassment or retaliation. Disciplinary action will be taken against any employee who obstructs or does not fully cooperate with any investigation of sexual harassment or retaliation.

SECTION 8: PROHIBITION AGAINST HARASSMENT/DISCRIMINATION

Federal and state laws prohibit discrimination because of race, color, religion, sex, pregnancy, national origin, age, or disability in all employment practices, including the terms, conditions, and privileges of employment. The policy of the City is to avoid all such prohibited discrimination or harassment in the workplace, and that all employees are entitled to work in an environment free from any such prohibited discrimination or harassment. Such discrimination or harassment is a prohibited employment practice, and perpetrators are subject to disciplinary action.

Any employee who believes that he or she has been subjected to discrimination or harassment based on race, color, religion, sex (including gender), pregnancy, national origin, age, or disability, or who is aware of such an occurrence, has the obligation, duty and right to report to the Mayor, City Council Member, City Administrator, or the Police Chief. All complaints should be made as soon as the objectionable conduct or language first occurs.

All such complaints will be investigated and, if the investigation indicates that discrimination or harassment has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

Any employee who is accused of such discrimination or harassment shall not question, coerce, intimidate or retaliate in any way against the person making the report, against the person who was discriminated against or harassed, or against any person who provided information concerning the complaint. All employees shall cooperate fully in any investigation of discrimination, harassment or retaliation. Disciplinary action will

be taken against any employee who obstructs or does not fully cooperate with any investigation of harassment or retaliation.

SECTION 9: ALCOHOL/DRUG FREE WORKPLACE

The City complies with the Federal Drug Free Workplace Act of 1988.

9-1 EMPLOYEE RESPONSIBILITIES

No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.

Any employee convicted under any criminal drug statute shall notify their supervisor and Department Head within five days after the conviction.

No employee shall consume alcoholic beverages for eight (8) hours before work, during work hours, or during breaks or meal periods.

While on the job, employees are prohibited from being impaired by alcohol, medication, or illegal drugs, or having in their system alcohol or any illegal drugs in an amount sufficient to produce a positive test result.

An employee who is on-call shall not consume alcohol or any drug which may impair his/her ability to perform assigned duties.

Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work.

1) **Additional Responsibilities of “Safety Sensitive” Employees:**

For purposes of this policy, the City designated safety sensitive positions are:

- a. Law enforcement officers, and
- b. All public works, parks, and golf course maintenance employees required to operate dangerous equipment in public.

All safety sensitive employees will report to their immediate or other chain-of-command supervisor the use of any medication that could reasonably be expected to impair their ability to perform their duties, prior to, or upon reporting for duty.

Any safety sensitive employee cited, arrested, or charged with any criminal drug or alcohol related offense shall notify their Department Head within 24 hours.

9-2 DRUG/ALCOHOL TESTING

All employees and prospective employees (including designated classes of volunteers and prospective volunteers) are required to participate in drug testing as a condition of

hire or continued employment. Failing or refusing to take a test or a confirmed, positive drug and/or alcohol test result, shall be deemed a violation of this policy. The types of drugs or metabolites and cut-off levels shall be determined by the City, except as mandated or limited by federal regulations.

- 1) **Pre-employment Testing:** All prospective employees and designated prospective volunteers shall be tested for drug usage.

All job applicants shall be informed of the policy during conditional job offers. A copy of this policy shall be available for their review.

All applicants shall be required, prior to being hired or volunteering for the City, to sign an acknowledgment form agreeing to abide by the terms of this policy.

The City will exclude from employment any job applicant who refuses to abide by the terms of this policy.

Any applicant with a confirmed positive drug test may not reapply for employment with the City for one (1) year from the date of such result.

- 2) **Reasonable Suspicion (For Cause) Testing:** An employee may be required to submit to a drug test when reasonable suspicion arises and the employee's supervisor, manager, or Department Head and a City Designee concur that reasonable suspicion exists. Reasonable suspicion testing may include re-tests or follow-up tests as may be necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.

The City Designees are: a Department Head not associated with the supervision of the employee; the City Administrator; the City Attorney; the Mayor.

"Reasonable suspicion" means a belief based on articulable, specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of the alcohol/drug-free workplace policy set forth in this Section 9. The circumstances listed below are indicators that may give rise to reasonable suspicion. (The presence of one such factor may or may not, in and of itself, be sufficient to form a reasonable suspicion. Supervisors should look at the totality of the circumstances in determining whether or not reasonable suspicion exists and if the test(s) should be required.)

- a. A pattern of abnormal or erratic behavior.
- b. Information provided by a reliable and credible source that an employee is under the influence of illegal drugs or alcohol, or is abusing prescription drugs while on the job.
- c. A work related accident.
- d. Direct observation of drug or alcohol use.
- e. Presence of physical symptoms of drug or alcohol use, such as glassy or bloodshot eyes, dilated pupils, the odor of alcohol or marijuana, slurred

- speech, poor coordination or reflexes, unsteady walk, uncontrolled shaking, or small tremors in the hands.
- f. Drug paraphernalia, remains of marijuana cigarettes, plastic sandwich bags with non-food residue inside.
- g. Increased absenteeism, inattentiveness or absentmindedness.
- h. Frequent need for work breaks.
- i. Increased hostility toward the public or other employees.
- j. Unexplained secret meetings with other employees or other persons during work hours.
- k. Sudden, unexplained personality changes, drastic mood swings, changes in personal habits, including inattention to personal hygiene, or frequent borrowing of money.
- l. Increased disciplinary incidents or deteriorating work relationships.
- m. A significant increase in errors or repeated errors in spite of increased guidance.
- n. Behavior that disrupts workflow.

Once the authorized supervisors have determined that reasonable suspicion exists, testing shall be done as soon as practical.

If an employee is sent to an outside clinic for a reasonable suspicion test, the employee shall be driven to the facility by the supervisor or his or her designee. The employee shall then be put on paid administrative leave until the results of the test are available. The supervisor shall make arrangements or help the employee make arrangements to get home without driving himself or herself.

- 3) **Rehabilitation Testing:** If the City returns an employee to work after he or she has enrolled in a rehabilitation program for drug or alcohol abuse and has successfully completed the rehabilitation program, such employee may be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.
- 4) **Post-Incident Testing:** Post-incident testing will be conducted on employees involved in the following incidents while on duty:
 - a. Treatment for a workers compensation injury at a medical facility (either out-patient or in-patient); or
 - b. A traffic accident involving bodily injury to any party, a collision with any pedestrian or person on a non-motorized device; or
 - c. A police estimate of total property damage of \$1,500.00 or more; or
 - d. Any event or incident estimated by the employee's supervisor to involve property loss or combined damage of \$1,500.00 or more.

Such testing will occur as soon as practical after the accident. The employee may be returned to work after completion of the testing, unless the testing is based on reasonable suspicion.

The employee must immediately notify his/her supervisor of all such incidents.

- 5) **Random Testing:** For purposes of maintaining safety and as a deterrent to drug and alcohol abuse, safety sensitive employees are subject to random drug and alcohol testing. The frequency of random testing will be determined by the City, except as otherwise required by federal law for CDL drivers.
- 6) **Testing Procedures:** All drug testing will be carried out in compliance with Title 34, Chapter 41, *Utah Code Annotated*.

Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed time worked for purposes of compensation and benefits for current employees.

The City shall pay all costs of testing and transportation associated with a test required by the City.

The information received from drug testing shall be the sole property of the City.

Upon the City's receipt of the test results, the City Recorder or City Administrator shall, as soon as practical, notify the person tested, by telephone or in writing, of a positive test.

If the test results are positive, the person tested will be advised of the option to have the split sample tested, the expense to be equally divided between the donor and the City. The option must be exercised within 72 hours of the notification to the employee.

- 7) **Employees Required to Hold a Commercial Driver's License (CDL):** Those employees required by their employment at the City to hold a CDL shall be tested as required by Federal and/or State law.

Prior to requiring any drug or alcohol testing of a CDL holder employee, the supervisor will determine whether the testing is authorized under CDL requirements or under the City's alcohol/drug-free workplace policy. CDL testing involves a different panel of drug and alcohol tests and requirements.

All testing under CDL requirements will be preceded by specific notification by the supervisor to the employee that the test is being ordered as a CDL requirement.

CDL post-accident testing is only conducted if the employee, during the drug testing window, is cited for a contributory moving violation or if another person is a fatality. All other post-accident testing will be done under the City's drug/alcohol testing policy. This testing must occur for alcohol within 2 hours, but not more than 8 hours, of the accident and within 32 hours for controlled substances.

Any reasonable suspicion testing decision must be made by an officially trained supervisor. A City Designee must concur.

Random drug testing is conducted during working hours just before, during, or just after performance of CDL duties.

Rehabilitation testing, if offered by the City, shall meet CDL requirements.

9-3 DISCIPLINARY ACTION

Because of the serious nature of illegal use or abuse of alcohol, illegal drugs, or medication, appropriate employee disciplinary action, which may include dismissal, will be taken for all such illegal use or abuse. The City, at its discretion in a disciplinary action, may require an employee to participate in a rehabilitation program and mandatory drug and/or alcohol testing, at the employee's expense, as a condition of continuing employment.

SECTION 10: TOBACCO-FREE WORKPLACE

The City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment. All employees are prohibited from use of tobacco products (including chewing tobacco and electronic or vapor cigarettes) throughout the work-place, including all City buildings, vehicles, and equipment. Use of tobacco products is also prohibited within 25 feet of any entrance-way, exit, open window, or air intake of City buildings.

SECTION 11: WORKPLACE VIOLENCE

The City is committed to providing a safe environment for working and conducting business. The City prohibits acts of violence committed by City employees, or against City employees by members of the public while on City property or while the City employee is performing City business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence in their work lives.

Workplace violence, as used in this policy, shall mean an act or behavior that:

- 1) Is physically assaultive;
- 2) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- 3) Would be interpreted by a reasonable person as having potential for physical harm to the individual;
- 4) A reasonable person would perceive as menacing;
- 5) Involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- 6) Consists of a communicated or reasonably perceived threat to destroy property.

Workplace violence on City property, in City facilities or while on City business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on City property or while using City facilities will be prosecuted as appropriate. Incidents of workplace violence may result in disciplinary action, up to and including dismissal. Employees must immediately report to their supervisor all incidents of workplace violence.

SECTION 12: EMPLOYEE CONDUCT

12-1 DRIVER QUALIFICATION

All employees operating City vehicles or who operate any vehicle while conducting City business must be qualified as an "Acceptable" driver per this Driver Qualification Policy prior to operating said vehicles on any public roadway.

Employees or potential employees' Motor Vehicle Record (MVR) will be screened pre-hire and monitored thereafter. Employees will be qualified as "Acceptable," "Borderline" or "Unacceptable." Employees whose qualification is "Borderline" will require approval from the City Administrator and Department Head before operating a vehicle on public roadways while conducting or traveling for City business. Employees with a "Borderline" qualification who are authorized to drive will receive a written explanation and terms of their borderline status. Employees with an "Unacceptable" qualification will not be allowed to operate any vehicle while conducting or traveling for City business, and may be disciplined up to and including dismissal if operating a vehicle is an essential job function of the position.

All employees required to drive as part of their position must possess a valid Driver License with endorsements appropriate for the vehicles to be operated. The driver qualification evaluation will be based on the driver's MVR and other substantiated work related motor vehicle incidents, whether or not the incident is reported to the Utah Driver License Division and recorded on the driver's MVR. All violations or incidents recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

"Acceptable", "Borderline" and "Unacceptable" qualification will be determined using the following criteria based on a 18-month period:

Moving Violations	At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Acceptable	Borderline	Unacceptable
3	Borderline	Borderline	Unacceptable	Unacceptable
4	Unacceptable	Unacceptable	Unacceptable	Unacceptable

Notwithstanding the foregoing, any single major violation may result in an “Unacceptable” qualification as determined by the City Administrator and Department Head. Major violations include the following or equivalent:

- 1) Driving under the influence of alcohol/drugs;
- 2) Failure to stop/report an accident;
- 3) Reckless driving/speeding contest;
- 4) Driving while impaired;
- 5) Making a false accident report;
- 6) Vehicular homicide, manslaughter or assault;
- 7) Driving while license is suspended/revoked;
- 8) Attempting to elude a police officer;
- 9) Other violations as collectively determined by the City Administrator and Department Head.

12-2 ETHICS

City employees must comply with the Municipal Officers’ and Employees’ Ethics Act, *Utah Code Ann.* § 10-3- 1301, *et seq.*, and any amendments or successor statutes, to avoid actual or potential conflicts of interest between their public duties and their private interests.

In accordance with and in addition to the Municipal Officers’ and Employees’ Ethics Act, the City has the following guidelines:

- 1) An employee may not disclose private, confidential or protected information acquired by reason of the employee’s position.
- 2) An employee may not use private, confidential or protected information to secure privileges or exemptions.
- 3) An employee may not use his or her position to secure privileges.
- 4) An employee may not receive, take, seek, or solicit a gift of substantial value (\$50 or more) or a substantial economic benefit that:
 - a. Would tend to improperly influence a person in the discharge of his/her official duties; or
 - b. A person should know is primarily for the purpose of rewarding him/her for official action taken.
- 5) An employee must file a disclosure in any of the following situations:
 - a. If the employee receives compensation for assisting any person or entity in a transaction involving the City, the following disclosures must take place:
 - i. A sworn disclosure must be filed with the Mayor at least ten days prior to the agreement between the employee and the person or entity, or ten days prior to receiving compensation, whichever is earlier.
 - ii. The employee must disclose to his/her immediate supervisor and any other municipal officer or employee who may rely upon the

- employee's representations in evaluating or approving the transaction.
- b. If the employee is an officer, director, agent, employee or owner of a business regulated by the City or if the employee has a substantial interest (over \$2,000) in a business regulated by the City, the employee must do the following:
 - i. File a sworn disclosure statement with the Mayor upon being elected, sworn or employed.
 - ii. File another disclosure statement if the employee's position in the business entity changes significantly or if the value of the employee's interest in the entity has increased significantly since the last disclosure.
 - c. If the employee has a substantial interest in a business which does or anticipates doing business with the City, the employee must make the following disclosures:
 - i. A sworn disclosure must be filed with the Mayor at least ten days prior to doing business with the City or ten days prior to receiving compensation, whichever is earlier.
 - ii. The employee must disclose to his/her supervisor and any other officer or employee who must rely upon the employee's representations in evaluating or approving the transaction.
- 6) If an employee has a personal interest or investment which creates a conflict with his/her public duties, the employee must:
 - i. File a sworn disclosure with the Mayor and,
 - ii. Make a public disclosure in a public meeting to the City Council where appropriate.
- 7) If an employee fails to disclose the required information, he/she is subject to criminal prosecution under state law, discipline up to and including dismissal of employment, and rescission of any transaction.

12-3 POLITICAL ACTIVITY

City employees must comply with State and Federal laws concerning political activity by municipal officers and employees, which include the following guidelines:

- 1) Employees may not may engage in political campaigning or solicit political contributions during hours of employment.
- 2) Employees may not use municipal equipment while engaged in political activity.
- 3) Employees may not directly or indirectly coerce, command, or advise another municipal officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
- 4) Employees may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

- 5) An officer's, employee's or applicant's legal partisan political activity, political opinion, or political affiliation may not provide the basis for the officer, employee, or applicant's hiring, employment, promotion, disciplinary action, demotion, or dismissal.

12-4 OUTSIDE EMPLOYMENT

West Bountiful City is considered to be the primary employer of all Appointed Officials and Regular Full-time employees.

Employees may be involved in outside employment (including any sole proprietorship, partnership, or other self-employment) if:

- 1) It does not conflict with their City duties and responsibilities;
- 2) It does not impair their ability to efficiently and effectively complete their city responsibilities within their established work schedules;
- 3) It does not reasonably give rise to criticism or suspicion of conflicting interests or duties; and
- 4) The employee provides notice of outside employment within 5 days of commencement of such employment and annually during his/her performance evaluation.

An employee on sick leave, administrative leave, or FMLA leave must not engage in any outside employment except as first authorized by the City Administrator.

Employees who think that there may be a conflict should discuss their outside employment with their immediate supervisor for clarification and should contact the City Recorder to obtain a copy of the City's disclosure statement. The employee should review the disclosure statement and determine if it should be completed and filed with the City Recorder.

12-5 INTERNET, E-MAIL, AND ELECTRONIC COMMUNICATION DEVICES

- 1) **City Equipment.** Employees shall not use e-mail, voice mail or computer systems for any inappropriate use, including but not limited to the following:
 - a. Solicitation of employees for fund raisers not approved by the City;
 - b. To further personal business interests;
 - c. Offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others;
 - d. Verbal abuse, slander or defamation;
 - e. Creating, distributing, viewing or soliciting sexually oriented messages, materials or images (excluding police officers in the legal course of their duties);
 - f. Electronic dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
 - g. Employees eligible for overtime or compensatory time may not send, check, or respond to e-mails, text messages, or otherwise conduct work

during non-working hours, unless they are being contacted to return to work.

E-mail, texts, voice mail and similar communications using City-owned equipment/networks and the contents of City-owned computers/phones are the sole property of the City and may be subject to monitoring at any time without notice. When using the email, text or voice mail systems, and other equipment including City computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the City's right to conduct such monitoring. The security of e-mail, voice mail, and any similar communication is not guaranteed.

Abuse of e-mail, voice mail and computer systems could subject the employee to disciplinary action, up to and including dismissal.

- 2) **Personal Electronic Communication Devices:** The use of personal electronic communication devices, including but not limited to radios, satellite phones, cellular phones, computers, and tablets, shall not unreasonably interfere with the performance of the employee's duties or interfere with City business operations. Department Heads may restrict or prohibit the use and/or possession of personal electronic communication devices for safety or other productivity or operational reasons.
- 3) **Personal Social Media Participation:** An employee who participates in social networking sites for personal purposes, during working hours or at any other time, shall not:
 - a. claim to represent the position of the City, including any Department or other organizational sub-unit; or
 - b. use any City logo or trademark; or
 - c. post any private, protected, or controlled information or record not obtained through GRAMA; copyrighted information; confidential information received from City clients; or any City created or issued documents including those documents created by the employee for City or personal use, without permission of the City; or
 - d. unlawfully discriminate against, harass, or otherwise threaten a City employee, resident or any person doing business with the City.

12-6 CAUSES FOR DISCIPLINE

Each of the following shall constitute cause for discipline, up to and including dismissal. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly-accepted violations shall not be deemed to prevent the discipline of an employee for other violations not enumerated. Actions in the line of public safety duty or in time of emergency shall be considered in light of the circumstances.

- 1) Violation of the laws of the United States, the State of Utah, or ordinances of the City or any other jurisdiction determined to be job related.
 - a. A conviction (including a plea in abeyance or no contest) for the violation of any criminal law shall be prima facie evidence in any City hearing process.
 - b. Violation may also be established in any City hearing process under an administrative standard of whether the evidence shows more likely than not the violation occurred regardless of the pendency or dismissal of criminal charges.
- 2) Poor attitude, comments and/or behavior which are non-supportive toward the City, the City Council, supervisors, and the general direction of the City;
- 3) Fraud;
- 4) Deception in securing employment/appointment;
- 5) Fraudulent alteration of public records;
- 6) Incompetence;
- 7) Inefficiency;
- 8) Neglect of duty;
- 9) Inability to perform the essential duties of the position due to mental or physical problems after the City makes any reasonable accommodations required by law;
- 10) Insubordination;
- 11) Dishonesty;
- 12) Violation of the City's Alcohol/Drug-Free Workplace policy;
- 13) The use of narcotics, drugs or alcohol which affects on-the-job performance;
- 14) Any absence without approved leave;
- 15) Abusive or inappropriate treatment of the public or other employees;
- 16) Inability or refusal to get along with other employees;
- 17) Improper political activity as defined by State law;
- 18) Violation of the City's Harassment Policy, including sexual harassment or inappropriate sexual conduct;
- 19) Willful disobedience;
- 20) Misuse of public property or employees;
- 21) Conduct which causes discredit to the City;
- 22) Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment;
- 23) Violation of City or department rules, regulations, orders, policies, procedures and/or directives, either written or verbal;
- 24) Violation of any of the provisions of these policies and procedures;
- 25) Failure to abide by reasonable safety precautions and risk management practices;
- 26) Misuse or abuse of sick leave;
- 27) Failure to meet expected performance levels;
- 28) Failure to possess the minimum qualifications for the job;
- 29) Outside employment which conflicts with the employee's City employment and/or impairs his/her ability to complete his/her City responsibilities;

- 30) Failure to improve or change behavior specified in counseling or written requests, requirements and/or expectations made by a supervisor.
- 31) Violence or threat of violence against an employee of the City or other person.
- 32) Failure to cooperate and/or participate in an internal investigation.
- 33) Inability to report to work due to incarceration.
- 34) Causing damage to City property.
- 35) Unauthorized or inappropriate use of City logos and uniforms.

SECTION 13: DISCIPLINARY PROCEDURES

13-1 DISCIPLINARY ACTIONS

An employee whose conduct constitutes grounds for disciplinary action shall be subject to the following discipline. THE FOLLOWING ARE NOT TO BE DEEMED A PROGRESSIVE DISCIPLINARY SCHEME OR SYSTEM.

- 1) **Verbal Warning:** A verbally communicated warning to an employee by a supervisor for a work performance deficiency, which is documented in the employee's personnel file.
- 2) **Written Reprimand:** A formal written notice outlining work performance deficiencies and required corrective action, to an employee by a supervisor for disciplinary purposes, which is documented in the employee's personnel file.
- 3) **Suspension:** An employee may be suspended from work without pay for up to 30 days (240 hours). Except for Appointed Officials and probationary employees, for any suspension of more than two days (16 hours), the City shall first conduct a pre-determination hearing as outlined in this Section 13.
- 4) **Demotion:** An employee may be demoted to a position with or without a reduction in pay. Except for Appointed Officials and probationary employees, if the demotion is to a position with less pay, the City must first conduct a pre-determination hearing as outlined in this Section 13.
- 5) **Dismissal:** An employee's employment may be terminated by dismissal. Except for Appointed Officials and probationary employees, the City must first conduct a pre-determination hearing as outlined in this Section 13.

Appointed Officials may be demoted, suspended for more than two days without pay, or terminated only by the City Council.

Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including dismissal on a first offense, depending on the nature and severity of the improper conduct.

13-2 PRE-DETERMINATION HEARING

Whenever a Regular Full-time employee (not an Appointed Official or probationary employee) is subject to possible suspension without pay for more than two days (20 hours for Police Officers), demotion to a position with less pay, or dismissal, except as a result of a layoff or reorganization, a pre-determination hearing shall be held prior to imposing disciplinary action.

The employee shall be given prior written notice of at least three (3) working days of the hearing, which will include an explanation of all charges against the employee and notice that discipline, up to and including dismissal, will be considered.

The pre-determination hearing shall be conducted by the employee's Department Head or City Administrator for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.

A decision as to the disciplinary action to be taken, if any, shall be made by the individual conducting the hearing, and the employee shall be notified in writing within ten working days after the hearing. This written notification shall include:

- 1) The grounds for disciplinary action.
- 2) Any disciplinary action to be imposed.
- 3) The effective date and duration of the disciplinary action.
- 4) Any required corrective action necessary for the employee to avoid further disciplinary action.
- 5) Notice and a copy of the post-determination appeal process outlined herein, if the imposed disciplinary action is demotion to a position with less pay, dismissal, or a suspension of more than two days (16 hours).

Waiver of Pre-determination Hearing: An employee may waive the right to a pre-determination hearing. Such waiver must be in writing, signed by the employee, and specifically acknowledge that the employee has received a copy and read the requirements of this section, accepts the proposed discipline, and acknowledges that the waiver also applies to the right to appeal.

13-3 POST-DISCIPLINARY APPEAL PROCESS (UTAH CODE ANN. § 10-3-1106)

A Regular Full-time employee (not an Appointed Official or probationary employee) may use the post-disciplinary appeal process. Appeals to the Hearing Officer shall be taken by filing written notice of the appeal with the City Recorder within ten (10) calendar days of receipt of the notice of the imposition of the suspension of more than two days (20 hours for Police Officers), demotion to a position with less pay, or dismissal, except if the action is the result of a layoff or reorganization.

The Hearing Officer shall be an Administrative Law Judge or other legally trained individual appointed as an independent contractor by the Mayor with the advice and consent of the City Council.

- 1) **Exhaustion of Internal Grievance Procedures:** The City designates the appeal to the Hearing Officer as the only internal post-disciplinary appeal procedure for demotions to positions with less pay, dismissals or suspensions without pay for more than two days (20 hours for Police Officers).
- 2) **Appeal Hearing Process:** The employee shall be entitled to appear in person before the Hearing Officer and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Hearing Officer.

An employee or the City may request the hearing be open to the public.

A court-reporter will be provided for the hearing at the City's expense.

The Hearing Officer determines the admissibility of evidence and its use. Further, the Hearing Officer is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.

The standard of review is an administrative standard of whether the evidence shows that it is more likely than not that the findings and action taken by the Department Head or City Administrator are supported.

The Hearing Officer may establish hearing procedures consistent with *Utah Code Ann.* § 10-3-1106, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

- 3) **Decision of Appeal Hearing:** Each decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Hearing Officer may extend the 15 day period to a maximum of 60 calendar days, if the employee and the City both consent.

Upon reaching a determination, the Hearing Officer shall issue the decision. A decision is issued when it is signed and dated by the Hearing Officer, and certified with the City Recorder. The City Recorder shall immediately distribute the certified decision to the employee and the City Administrator.

If the Hearing Officer does not uphold the suspension, demotion or dismissal to a position with less pay, the Hearing Officer shall provide in the order that:

- a. the employee shall receive the employee's salary for the period of time during which the employee was dismissed or suspended without pay less any amounts the employee earned from other employment during this period of time; or
- b. the employee be paid any deficiency in salary for the period during which the employee was demoted or involuntarily transferred to a position of less remuneration.

Any final action or order of the Hearing Officer may be submitted by either the employee or the City to the Utah Court of Appeals for review by filing a petition for review with that court no later than 30 days from the date of the issuance of the final action or order of the Hearing Officer.

SECTION 14: GRIEVANCE PROCEDURE

Grievances by employees may not be used to interfere with or appeal a pre-determination hearing, discipline resulting from a pre-determination hearing, or the post-discipline appeal process.

Circumstance of Grievance to be Avoided: It shall be the policy of the City insofar as possible to prevent the occurrence of grievances and deal promptly with those which occur.

Duty of Department Head: Whenever a grievance arises or is directed to the attention of the Department Head, the Department Head shall discuss all relevant circumstances with the employee and remove the cause of the grievance to the extent the department head deems advisable and possesses authority.

Duty of the City Administrator: If the Department Head fails or is not authorized to settle the grievance in a satisfactory manner, the written grievance and Department Head's decision shall be referred to the City Administrator. If a grievance involves a Department Head it shall be taken directly to the City Administrator. If a grievance involves the City Administrator it shall be taken directly to the Mayor. The City Administrator or Mayor, as appropriate, shall investigate the circumstances and resolve the grievance to the extent he/she deems advisable and possesses authority.

Review by City Council: If the City Administrator or Mayor fails to resolve the grievance, the grievance may be taken to the City Council by filing a notice in writing with the City Recorder. The City Council shall schedule a hearing with the parties within the following two regularly scheduled council meetings after receipt of the grievance. The City Council shall render a written decision to the employee within ten (10) working days after the conclusion of the hearing. The City Council shall render its findings and decision to all concerned parties, in writing, which decision shall be final and binding.

**West Bountiful City
Planning Commission**

October 14, 2014

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on October 9, 2014 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 14, 2014, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Terry Turner, Alan Malan, Mike Cottle, Laura Charchenko, and Corey Sweat-alternate.

MEMBERS/STAFF EXCUSED: Kelly Enquist (City Council)

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (City Recorder) and Debbie McKean (Secretary).

VISITORS:

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Mike Cottle offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as discussed. Alan Malan seconded the motion. Voting was unanimous in favor.

Business Discussed:

II. Training Video- Elected Official/Land Use Webinar: The Role of Planning Commission

Changes were made to the training session, The Elected Official/Land Use Webinar: The Role of Planning Commission. In its stead, Ben White gave an interesting presentation to the Planning Commission. He presented various cases from the State Website/Property Ombudsman. Cases presented were similar to some things that could happen in our city. He noted it is important to take care in choosing the things we put into place. He stated that we sometimes live with the things we choose for a long time. Mr. White shared cases of grandfathering examples, of illegal rezoning, appropriate appealing time periods, imposing standards beyond what is set in our code,

conditional use permits that run with the land and expire upon sale of the land, misinformation in preliminary plans and appeal process case. Chairman Hopkinson would like Mr. White to continue to bring those types of cases to the Commission on a regular basis to keep them up to speed on instances that could/do occur in our city.

III. Discussion of General Plan Proposed Update Process.

Chairman Hopkinson introduced this item regarding our Cities General Plan and the need to review and keep it updated. He explained the process that it takes to collect ideas from the citizens and neighborhoods in order to get their ideas on what the city should look like 5 to 10 years from now. It takes several years to compile information enough to put the General Plan into material form by professionals to have it approved. The process is directed by professional planners working with a committee of citizens, elected/appointed officials and staff to compile their desires for our General Plan.

Chairman Hopkinson informed the Commission that there is pressure coming forth to change things from a bedroom community to a more urbanized community. While some changes need to be made it is important that we set the plan to reflect the desires of our community in order to give direction to our city staff as developers come forth presenting their plans for development.

It will be the Planning Commission's opportunity in the near future to review the current General Plan to update it. There will be meetings and work sessions involved, public input and citizen surveying, etc. He assigned the Commission to read through the General Plan found on the City website and become familiar with it so they can be prepared to bring their comments and suggestions.

Ben White inquired how the Commission desired to proceed and how much they desired to do before bringing the professional in for help and guidance. Mr. White noted that currently, there has not been a budget set aside for this expenditure, but we can look into getting one.

Ben will get CD's or paper copies for their review if they so desire. He noted that he needs to keep track of any paper copies that are borrowed. He informed them that there is a copy of the General Plan on City Website but it may be better to use the CD. Mr. White will also include a copy of the city ordinance so they can use it for reference.

Chairman Hopkinson informed the Commission that the Mayor desires some ordinances to be reviewed and updated in the times that do not have a lot of business items on the agenda.

IV. Staff Report

- Ben White informed the Commission regarding developing around the Equestrian Center and their desire to do some rezoning. There is a push for higher density in that area.
- Burger King and Wingers have been vacant. Wingers will be razed and another 6,000 square foot building in its place; and the same for the Burger King building. He is not sure of what type of businesses will be in those buildings.
- I-15 overpasses will be closed late February, first of March for 90 days.
- Mr. White reported that the 500 South water line is being worked on. He warned all to avoid that area in the early morning.

- Cathy Brightwell reported that the new finance clerk, Patrice Twitchell is working out great. She had the opportunity to work with Heidi last Friday, and she seems to love what she is doing and has caught on quickly.
- Ms. Brightwell reported that Safe Halloween will be on Friday, October 31st at 5:00 p.m. sponsored by the Youth Council and Police Department.

V. Approval of Minutes of August 12, 2014.

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated August 12, 2014 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

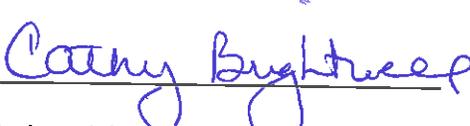
VI. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Mike Cottle seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:27 pm.

.....

The foregoing was approved by the West Bountiful City Planning Commission on October 28, 2014, by unanimous vote of all members present.



 Cathy Brightwell – City Recorder



1 **West Bountiful City** **PENDING** **October 28, 2014**
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on
5 October 24, 2014 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **October 28, 2014, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry
12 Turner, Alan Malan, Laura Charchenko, and Corey Sweat-alternate

13

14 **MEMBERS/STAFF EXCUSED:** Mike Cottle, Kelly Enquist
15 (City Council)

16

17 **STAFF PRESENT:** Ben White (City Engineer), Cathy
18 Brightwell (City Recorder) and Debbie McKean (Secretary).

19

20 **VISITORS:** Mark Preece (City Council), Eric Eastman

21 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
22 Chairman Hopkinson offered a prayer.

23 **I. Accept Agenda**

24 Chairman Hopkinson reviewed the agenda. Terry Turner moved to accept the agenda as
25 discussed. Alan Malan seconded the motion. Voting was unanimous in favor.

26 **Business Discussed:**

27 **II. Discussion of West Centerville Neighborhood Plan- Councilmember Preece**

28 Included in the Commissioner's packet was a memorandum dated October 23, 2014 from Cathy
29 Brightwell/Ben White regarding West Centerville Neighborhood Plan along with a draft copy of
30 a letter that will be sent to Mayor Paul Cutler and Centerville City Council from West Bountiful
31 Mayor and City Council and a copy of a flyer from Centerville City regarding information about
32 the development and advertising an open house that has since passed. The packet also included a
33 three page handout with attached site plan of the proposed area from Centerville City with

34 information from a Strategic Property Owners Meeting held on October 16, 2014 and a report
35 from a survey taken regarding the development.

36 The memorandum included the following information:

- 37 • Centerville began considering a General Plan amendment last May that consists of mixed
38 development including office, retail, gas/convenience stores and multi-family dwellings.
39 This development is located in West Centerville (east of Legacy Parkway and south of
40 Parrish Lane).
- 41 • The project is implementing a Transit Oriented Development area that would include a
42 future transit stop for the Frontrunner.
- 43 • Several proposals are being considered, however one such proposal would consist of high
44 density residential development for up to 7000 residents.
- 45 • This project has a huge impact on West Bountiful.
- 46 • Some West Bountiful citizens have become greatly involved.
- 47 • Two meetings have been set regarding this issue: Wednesday, November 12- Public
48 Hearing at the Planning Commission level; Wednesday, November 19- Special Planning
49 Commission Meeting and Public Hearing
- 50 • West Bountiful Mayor and Council will send a letter to Centerville Mayor and Council
51 asking for a meeting that would help our two cities work jointly toward a solution for this
52 project.

53 Chairman Hopkinson invited Councilmember Preece to give us an update and information
54 regarding the West Centerville proposed development which is proposing high density housing
55 for upwards of 7000 people. Mr. Hopkinson invited the Commissioner's to look at a site plan
56 regarding the development and where our city boundaries intersect. Mr. White noted that the
57 rear yards of the properties on 2350 North are in West Bountiful and the Landscaping Business
58 to the north begins the boundary of Centerville City.

59 Chairman Hopkinson explained that the existing complex of housing is nowhere near the density
60 that this new project would have. Storage Units would be removed in order to create
61 development. This is not planned to be a low income housing development.

62 Councilmember Preece informed the Commission that some of these apartments would have 3
63 bedrooms with 2 parking stalls per unit, unlike the apartment complex by the movie theatres that
64 only allow one parking space per unit. Mr. Preece explained how the development came to the
65 table. He stated that in their current Master Plan this type of housing was not planned. The drive
66 for this type of development comes from Centerville planners wanting a Frontrunner Station in
67 this area. In order to qualify for that station there has to be enough housing in the area to make
68 for the demand. Councilmember Preece referred to a graph that shows how the development
69 would benefit the city. He noted that Centerville could potentially increase their population by
70 40%.

71 UTA was represented at the open house that Centerville held. Mr. Preece was told by UTA that
72 this area would not qualify for a stop for several reasons. He stated that even with 7000 people
73 they would still not consider a stop at this location.

74 Mr. Preece reported that one of the proposals is for mixed use and the business side of the plan
75 could bring another 4,000 people to the area commuting back and forth from work. This is a
76 huge impact on our city.

77 Mr. Preece reported that Centerville does not seem interested in including us in the planning
78 stages at all. He does not have much hope that they will listen to our concerns. The letter
79 drafted from our Mayor and Council will be reviewed on Tuesday night and then sent to
80 Centerville in hopes that they will desire to meet with us and include us in the planning process.

81 Some discussion took place regarding some of the West Bountiful properties abutting
82 Centerville. Councilmember Preece stated that many West Bountiful residents are upset over
83 this proposed development.

84 Chairman Hopkinson stated that we can raise impact issues of safety, health and welfare that
85 affect our community, and the impact development will have on our school and parks. He
86 referred to some of the other communities that have had great impact on cities in a negative way
87 because of their large development.

88 Councilmember Preece stated that a lot of West Bountiful citizens have sent passionate letters
89 regarding their negative feelings about this large of a development. Chairman Hopkinson
90 encouraged everyone to support the public hearing meetings that are being held.

91

92 **III. Discussion of General Plan Proposed Update Process.**

93 Chairman Hopkinson asked staff for their update regarding this process. Ben White reminded
94 that the real focus for the General Plan is on land use and everything else falls into place from
95 there. Mr. Hopkinson would like to develop a recommended timetable for the City Council to
96 consider.

97 Each Commissioner received a CD of the General Plan last week. Mr. Hopkinson asked the
98 Commission how they felt as they have reviewed the General Plan:

- 99 • **Corey Sweat** has begun reading through the Master Plan but would like to review it at
100 least a couple of times before he states his opinion.
- 101 • **Terry Turner** hopes that the process includes a macro prospective. He needs to further
102 study it to make sure of what changes he would suggest.
- 103 • **Laura Charchenko** has read through the General Plan and would like to know if it is
104 necessary to rework the plan or do we just need to tweak it a bit. She is in awe of how
105 much time and effort it must have taken to develop such a document.
- 106 • **Alan Malan** wants to see the Blended Use Zone language put into the General Plan. He
107 pointed out that we should get a mission statement and possibly update the theme of the
108 current General Plan.
- 109 • **Chairman Hopkinson** suggested that maybe we just need to do some tweaking including
110 the addition of the Blended Use zone that has been added since the last updated General

111 Plan. He encouraged the Commission to continue to study the General Plan and see what
112 direction they would like to take this.

113

114 **IV. Land Use Case Review – Ben White**

115 Mr. White shared two legal cases on Referendums; Legislative versus Administrative decisions.
116 He gave examples of the Public overturning decisions made by the legislative body by vote of
117 ballot. Referendums have a place in the system but can be dangerous when people are using
118 emotions and lack of knowledge to override a decision.

119

120 **V. Staff Report**

121 • **Cathy Brightwell** informed the Commission that the next scheduled meeting will be
122 November 25th since t November 11th is a scheduled holiday.

123 • **Chairman Hopkinson** asked Ben White to look into all the signage that has been put up
124 in the north Commons area. He noted that it has become excessive.

125 **VI. Approval of Minutes of August 12, 2014.**

126

127 **ACTION TAKEN:**

128 **Laura Charchenko moved to approve of the minutes dated October 14, 2014 as presented.**
129 **Alan Malan seconded the motion and voting was unanimous in favor among those**
130 **members present.**

131

132 **VI. Adjournment**

133

134 **ACTION TAKEN:**

135 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting.**
136 **Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting**
137 **adjourned at 8:28 pm.**

138

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141 The foregoing was approved by the West Bountiful City Planning Commission on October 28, 2014, by
142 unanimous vote of all members present.

143

144 _____

145 Cathy Brightwell – City Recorder

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147

1 Minutes of the West Bountiful City Council meeting held on **Tuesday, October 7, 2014** at West
2 Bountiful City Hall, 550 N 800 West, Davis County, Utah.

3
4 Those in attendance:

5
6 **MEMBERS:** Mayor Kenneth Romney, Council members James Bruhn, Kelly Enquist,
7 Debbie McKean, Mark Preece

8
9 **EXCUSED:** Council member James Ahlstrom

10
11 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White
12 (City Engineer), Todd Hixson (Police Chief), Cathy Brightwell (City Recorder), Steve
13 Maughan (Public Works Director), Patrice Twitchell (Finance Clerk)

14
15 **VISITORS:** Alan Malan, Chuck Allison, Gene Mietchen

16
17
18 Mayor Romney called the meeting to order at 7:30 pm. Kelly Enquist offered a prayer, and the
19 Pledge of Allegiance was led by Debbie McKean.

20
21 **1. Accept Agenda**

22
23 **MOTION:** *Debbie McKean moved to approve the agenda. James Bruhn seconded*
24 *the Motion which PASSED by unanimous vote of all members present.*

25
26 Mayor Romney announced that Council member James Ahlstrom is ill and will not be attending this
27 evening's meeting. Duane introduced Patrice Twitchell, the City's new finance clerk.

28
29 **2. Public Comment**

30
31 No comment

32
33 **3. Consider Public Improvement Reimbursement Agreement with the Horrocks at 997 W**
34 **1600 North.**

35 Duane Huffman summarized discussion from previous meetings regarding filling in gaps in
36 public improvements, specifically, curb, gutter and sidewalk, around the city. Staff was instructed at
37 the last meeting to prepare a Reimbursement Agreement for the Horrocks' whereby the City will
38 initially cover the cost of installing the improvements in front of their home at 997 W 1600 North,
39 and the Horrocks will reimburse the City over a period of 5 years at 0% interest. Any similar
40 reimbursement arrangements will be on a case by case basis, but the specific issues on this property
41 give cause for entering into an Agreement.

42 Steve Doxey explained this does not give the City secured status in bankruptcy, etc. He said
43 if that were to happen we would do what we could to get the money owed. Mr. Doxey added that
44 the Agreement will be recorded against the property and although it is not a lien, it will be "due on

45 sale” so the City will be paid if the property is transferred or sold before the debt is paid in full. He
46 suggests adding a new section 6.f. to include a joint/severable clause to deal with multiple owners.

47 Duane clarified that the Horrocks will be responsible for 100% of the curb and gutter
48 construction costs, and the city will cover the asphalt patch and storm drain costs. There was
49 discussion about the drainage issues on the property and whether the improvements would fix the
50 problem. Ben White explained the curbing and additional storm drains catch basins will help with
51 drainage.

52 Council member McKean stated these residents did not create the problem, the development
53 around them did, but she does not like lending taxpayer money so she cannot support the Agreement.

54
55 **MOTION:** *Mark Preece moved to approve the Public Reimbursement agreement*
56 *with the Horrocks at 997 W 1600 North, adding a new 6.f. as drafted by*
57 *Steve Doxey. Kelly Enquist seconded the Motion which PASSED by a*
58 *vote of 3-1.*

59
60 The vote was recorded as follows:

61 James Ahlstrom – Absent
62 James Bruhn – Aye
63 Kelly Enquist – Aye
64 Debbie McKean– Nay
65 Mark Preece – Aye
66

67 **4. Discussion on asphalt/sidewalk options related to a potential Special Assessment Area**
68 **for the Jessi’s Meadow Subdivision.**

69 Duane Huffman reviewed previous discussions when the City considered the creation of a
70 special assessment for the Jessi’s Meadow subdivision to cover the responsibilities of the current
71 Homeowner’s Association, including the option of replacing the current asphalt path with sidewalk,
72 relieving the HOA/residents of the on-going responsibility to maintain the path. The estimated cost
73 was approximately \$300,000, but it has become apparent that because the amount is relatively small,
74 the City will not be able to obtain external financing at reasonable rates/terms. Instead of a 20-25
75 year term, banks are only willing to go 10 years resulting in costs residents cannot bear.

76 Duane offered three options for consideration. Option 1 - internally finance the costs of the
77 new sidewalk; Option 2 – instead of replacing asphalt, maintain the existing path, spreading the costs
78 out over time; and Option 3 – re-evaluate the concept of creating a special assessment area. If the
79 HOA dissolves, each homeowner would be responsible to maintain the path on their property.
80

81 The Council asked staff for estimates on how much work the asphalt path needs immediately
82 and the costs associated with that work. Ben White estimated that the trail probably needs \$4K-\$5K
83 worth of work now.

84 Mayor Romney stated that he understood that long-term maintenance of the path will be
85 problematic, but that is probably the only workable solution at this point. Council member Bruhn
86 stated that he would like to see the path kept in place while we ultimately work towards replacing it
87 with the sidewalk. Council member Preece suggested that perhaps the sections in poorest condition
88 could be replaced with sidewalk while the rest of the path remains asphalt.

89
90 HOA representatives, Gene Mietchen and Chuck Allison think residents will be accepting to
91 the proposal of shifting back to maintaining the asphalt.

92 The consensus was to move forward with a modified version of option B, planning for
93 maintenance of the asphalt path but replacing sections with sidewalk as needed and when possible.
94 Duane reviewed the public notice requirements including timeframes for a public hearing, with a
95 goal of having something in place in early 2015.

96 **5. Consider purchase of 2012 Ford Explorer for \$12,000.00.**

97 Chief Hixson explained his request to purchase a 2012 Ford Explorer that is currently leased
98 by the City, which has low mileage and is in good condition. As part of the \$12,000 purchase, a
99 City-owned 2008 Ford Explorer in the spare vehicle fleet will be traded-in. It is aging and should no
100 longer be in service. Trade in value is estimated at \$6,500. The difference will be paid from the police
101 department's current budget, most of which is coming from savings in the costs of this year's new
102 vehicle leases and fuel reimbursements from the officers.

103

104 **MOTION:** *Mark Preece moved to approve the purchase of the 2012 Ford Explorer*
105 *for \$12,000. James Bruhn seconded the Motion which PASSED by*
106 *unanimous roll call vote of all members present.*

107 The vote was recorded as follows:

108 James Ahlstrom – Absent

109 James Bruhn – Aye

110 Kelly Enquist – Aye

111 Debbie McKean – Aye

112 Mark Preece – Aye

113

114 **6. Consider adoption of Resolution 351-14 “A Resolution Amending the West Bountiful**
115 **City Personnel Policy to Add a Driver Qualification Policy.”**

116 Duane Huffman explained that the City's vehicle and liability insurer (Utah Local
117 Government Trust) recommends that cities adopt a policy that allows the screening of employees'
118 motor vehicle records on an on-going basis, and based on the results, prohibiting individuals that
119 present undue risk from driving while on city business. The adoption and implementation of such a
120 policy is required to receive a 5% rebate on our premium through their Trust Accountability
121 Program.

122 In response to questions, Duane clarified that the policy applies to all employees who drive in
123 city vehicles or personal vehicles on city business, and includes on and off-duty driving records. He
124 added that this policy is not meant to target any existing employee.

125 He recommends the review period in the initial proposal be changed from 2 years to 18
126 months because it seems more appropriate for our staff size.

127
128 **MOTION:** *Debbie McKean moved to adopt Resolution #351-14 amending the West*
129 *Bountiful City Personnel Policy to add a Driver Qualification Policy*
130 *changing the review term from 2 years to 18 months. James Bruhn*
131 *seconded the Motion which PASSED by unanimous roll call vote of all*
132 *members present.*

133 The vote was recorded as follows:

134 James Ahlstrom – Absent
135 James Bruhn – Aye
136 Kelly Enquist – Aye
137 Debbie McKean – Aye
138 Mark Preece – Aye
139

140 7. Public Works Report

141 Steve Maughan provided a brief summary of Public Works activities.

- 142 • The 500 South water line is back under construction now that our water connection
143 with Bountiful is up. Blake is working nights to keep an eye on construction. Both
144 water tanks are full. The City well was restarted. Samples are clean, so it was turned
145 into the system today in anticipation of turning down our Weber Basin feed so we
146 will just be running through the Bountiful connection.
- 147 • Jake Taylor is exercising hydrants and putting on new valve boxes; he has done about
148 200 so far.
- 149 • The Chase subdivision on Pages Lane finally got their paving patchwork done.
- 150 • 800 West – We weren't happy with the paving work on the north end, so we required
151 the contractor to fix it. It is much better than it was. Inspection of the road shows
152 they gave us more asphalt than designed so it may last longer. They should be
153 finished this week then they will perform a seal coat.
- 154 • Curb and gutter is scheduled for Olsen Ranches tomorrow. The first lift of asphalt
155 will be placed this fall but they may need to wait until spring for the final.
- 156 • Snow plow trucks are being prepped for winter. We got a new plow blade for the 1
157 ton which puts us in better shape for cul-de-sacs, plus having an extra employee will
158 help us cover winter better. So far, we do not have a contractor this year to help us
159 with cul-de-sacs; it is tough to contract with someone when we don't know how much
160 snow we'll have.
- 161 • Alice Acres – The contractor has told us he's finished so we will get with the
162 developer to get the sidewalks put back together now that the water services are
163 complete. Ben added that the subdivision plat has still not been recorded.
- 164 • Birnam Woods – The rain stopped us from grading and we'll try to get a bulldozer
165 from M.C. Green now that the area is drying out.

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8. Administrative Report

Duane Huffman reported that our Audit is scheduled for the week of October 27.

He also said the Utah Local Government Trust had a representative here last Friday morning conducting a safety inspection of all our facilities including the trail, parks, golf course, and city buildings. There were no significant issues. Once he receives their report he will share it with everyone. He commended department heads for keeping their areas in good shape.

Patrice Twitchell is doing well, and Heidi Voordeckers will be here Friday to help with training.

9. Mayor/Council Reports

Kelly Enquist said he received a question about bike races/marathons and our level of liability when they use volunteers. Chief Hixson said race organizers sometimes call us to let us know their plans, but we have no approval process – everyone acts at their own risk. Duane gave an example of the recent WB Elementary school race and said when they called for permission we asked them for a copy of their certificate of insurance and asked them to add us as an additional insured, which is similar to what UDOT requires. If we're concerned, we could set up a policy with detailed requirements. Kelly asked if we should require their volunteers to be certified and a minimum age to help with traffic. Mayor Romney shared some examples of recent accidents. Duane commented that from a liability standpoint, we either want no involvement or a lot of involvement. Currently we are taking a position that they are on their own. Concerns with traffic issues are different than liability issues, and bike riders are a little different than runners/walkers.

Debbie McKean. Arts Council will present Cowboy poetry this Friday which is always very good. She said Nathan Sutherland would like to be appointed to the Arts Council. She attended Utah Mosquito Abatement Assn board training today.

James Bruhn said he got a question from a resident asking if road repairs are approved based on who lives on that road. He said he assured them decisions are made based on the need of the road and condition of water lines.

Mark Preece reported on the West Centerville neighborhood meeting and said West Bountiful had the majority of attendees at the open house. Several West Bountiful residents have been writing letters complaining about the proposal for high density residential development. He suggested the Council write a letter to Centerville addressing the comments. Duane Huffman agreed to draft a letter. Duane suggested a joint Council meeting might be helpful. The last Neighborhood meeting is scheduled for Thursday, October 14.

Youth Council is meeting this Thursday and they are making plans for their annual Safe Halloween event.

Mayor Romney. We need to follow-up with Holly on the status of the berm.

10. Approval of Minutes from the September 10, 2014 and September 16, 2014 City Council Meetings.

