



**AGENDA
CITY COUNCIL
TUESDAY, FEBRUARY 25, 2020
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

Page

1. CALL TO ORDER

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS
FLAGS**

3. RULES OF DECORUM

4. CITIZEN COMMENTS

5. APPROVAL OF MINUTES

5 - 12

5.1. Consider approval of February 11, 2020 City Council Meeting Minutes

[February 11, 2020 City Council Minutes](#)

6. PRESENTATIONS

6.1. Presentation regarding the US 2020 Census (Requested by Council Member Dahl)

6.2. Mayor Short will present his State of the City Address

7. ITEMS FOR CONSIDERATION

13 - 16

7.1. Discussion and action regarding a proposed resolution establishing an Economic Development Committee as an advisory board, establishing rules and procedures for the committee and related matters. (Requested by Mayor Pro Tem Bloom and Council Member Dahl)

[Economic Development Committee Resolution](#)

- 17 - 36 7.2. Discussion and possible action regarding the status of and completion of the Code of Ordinances as initiated previously by the City (Council Member Hodges)
[Staff Report - Code of Ordinance Updates](#)
[Franklin Legal Code Review](#)
- 37 - 110 7.3. Discussion regarding personnel policy updates for consideration of approval at a future meeting. (Requested by Palomba)
[Staff Report - Personnel Policies Update](#)
[Draft Personnel Policies](#)
- 7.4. Discussion and action regarding establishing a Little Free Library on City Hall property and coordination of a book drive. (Requested by Council Members Kipphut and Hodges)
- 7.5. Discussion and possible action regarding providing exclusivity of non-emergency medial transfers to Rockwall EMS. (Mayor Pro Tem Bloom)
- 111 - 128 7.6. Discussion and action regarding a proposal from Teague Nall and Perkins, Inc. to provide engineering design services for a sanitary sewer line on Highway 205. (Requested by Palomba)
[HWY 205 Sanitary Sewer Proposal](#)

8. EXECUTIVE SESSION

- 8.1. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.071(2) Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding current status of contracts and performance of professional consultants which may include City Engineer, City Planner, City Attorney, Building Official, Financial Adviser, and Environmental Health Specialist. (Requested by Palomba)
- 8.2. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: 551.072(2) to deliberate the purchase, exchange, lease, or value of the real property described as Lot 2, Block 1 and Lot 3, Block 1 situated in the King Latham Survey, Abstract No. 133, a total of 6.98 acres, Conveyance Plat for SH 205/550 Addition, located at the southwest corner of SH 205/550. (Requested by Palomba)
- 8.3. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.071(2):Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary rules of Professional Conduct of the State bar of Texas clearly conflicts with this chapter

regarding proposal for engineering design services for a sanitary sewer line on Highway 205. (Requested by Palomba)

9. RECONVENE INTO REGULAR SESSION

10. EXECUTIVE SESSION ACTION

11. REPORTS

- | | | |
|-----------|-------|--|
| 129 - 134 | 11.1. | Building Official Report January 2020
Building Official Report January 2020 |
| 135 - 140 | 11.2. | Sheriff's Report January 2020
Sheriff's Report January 2020 |
| 141 - 157 | 11.3. | Budget Report January 2020
Financial Report January 2020 |
| 158 - 160 | 11.4. | McLendon-Chisholm Fire Rescue Report January 2020
Call by Type January 2020
Total Calls by District January 2020 |
| 161 - 164 | 11.5. | CWD Report January 2020
Monthly Report - January 2020 |

12. UPDATES, DISCUSSION AND DIRECTION TO STAFF

13. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 13.1. Mayor Short's reports and announcements
- 13.2. Council Member Kipphut's reports and announcements
- 13.3. Council Member Hodges' reports and announcements
- 13.4. Council Member Woessner's reports and announcements
- 13.5. Mayor Pro Tem Bloom's reports and announcements
- 13.6. Council Member Dahl's reports and announcements

14. ADJOURN

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to seek confidential legal advice from the City Attorney on any agenda item herein.

I, Shelly Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., February 21, 2020 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes
February 11, 2020

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, February 11, 2020, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Jim Bloom	Mayor Pro-Tem
	Nathan Hodges	Council Member
	Lorna Kipphut	Council Member
	William Dahl	Council Member
	Trudy Woessner	Council Member
Staff Present:	Lisa Palomba	City Administrator
	Shelly Green	Interim City Secretary
	Jim Simmons	Fire Chief/Marshall
	Michael Halla	City Attorney

1. CALL TO ORDER

Mayor Short called the meeting to order at 6:35 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Council Member Hodges delivered the Invocation and Mayor Short led the Pledge of Allegiance to the U.S. and Texas Flags.

3. RULES OF DECORUM

Mayor Short announced the Rules of Decorum are in place and are to be observed throughout the meeting.

4. CITIZEN COMMENTS

None

5. APPROVAL OF MINUTES

5.1. Consider approval of January 28, 2020 City Council Meeting Minutes

MOTION: APPROVE THE MINUTES OF JANUARY 28, 2020 AS PRESENTED.

MADE BY: Council Member Kipphut

SECONDED BY: Council Member Hodges

**APPROVAL: Ayes: Council Members Kipphut, Dahl, Hodges, Woessner
Abstain: Council Member Bloom**

6. PRESENTATIONS

6.1. Presentation regarding the US 2020 Census

Postponed until next meeting.

6.2. Presentation regarding the upcoming "BIG EVENT" by the Rockwall Area Chamber of Commerce

Council Member Kipphut introduced Bill Northcutt, representing the Leadership Rockwall Class of 2020. Mr. Northcutt introduced Shane Hallas who presented an overview of the activity. He explained that through service-oriented activities, The Big Event promotes community unity as community members/leaders come together for one day to express their gratitude and support for the surrounding community. The vision for The Big Event is to have the largest one-day service event in the cities of Fate, Heath, McLendon-Chisholm, Rockwall and Royse City. The goal for the day is 100 projects and 1,000 volunteers. The Leadership Rockwall Class of 2020 will facilitate the management and execution of the service projects.

7. ITEMS FOR CONSIDERATION

7.1. A resolution approving the order of a general election for the purpose of electing persons to the offices of Mayor, City Council Member Place 2 and City Council Member Place 4.

MOTION: APPROVE A RESOLUTION APPROVING THE ORDER OF A GENERAL ELECTION FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICES OF MAYOR, CITY COUNCIL MEMBER PLACE 2 AND CITY COUNCIL MEMBER PLACE 4.

MADE BY: Council Member Bloom

SECONDED BY: Council Member Dahl

APPROVAL: Unanimous

7.2. Update and discussion regarding code enforcement and related matters.

Chief Simmons reported he had worked on two horse cases; an issue with construction on Sunday; the selling of flags out of a trailer; and the selling of bonsai trees on the side of the road. He estimates he would probably spend approximately five hours a month on code enforcement.

City Administrator Palomba pointed out there are many issues not addressed in the ordinances but might be addressed by HOAs. She stated we are in the process of working on ordinances.

7.3. Discussion and action regarding accepting the resignation of Jason Linscott serving as an alternate on the Planning & Zoning Commission and consideration of appointment for two new alternate commissioners.

MOTION: ACCEPT THE RESIGNATION OF JASON LINSKOTT AS AN ALTERNATE ON THE PLANNING & ZONING COMMISSION.

MADE BY: Council Member Dahl
SECONDED BY: Council Member Hodges
APPROVED: Unanimous

MOTION: APPROVE THE APPOINTMENT OF SHARI LONDON AS AN ALTERNATE ON THE PLANNING & ZONING COMMISSION.

MADE BY: Council Member Kipphut
SECONDED BY: Council Member Bloom
APPROVED: Unanimous

7.4. Discussion and direction to staff regarding implementing a possible building moratorium in the Extraterritorial Jurisdiction (ETJ)

City Administrator Palomba presented this item. She explained that Rockwall County Commissioner Dennis Bailey presented information to Council on January 28 explaining the County has hired a firm to rewrite the County Subdivision Regulations. Commissioner Bailey further explained that the current regulations are outdated and the Interlocal Agreement between McLendon-Chisholm and the County regarding subdivision regulations in the ETJ is also outdated and will need to be updated once the new County Subdivision Regulations have been approved.

Commissioner Bailey expressed concern regarding building in the ETJ during the interim period. He also informed Council that the City of Rockwall has implemented a building moratorium in their ETJ. A survey of other cities in Rockwall County, conducted by staff, indicates that the cities of Fate and Royse City have not implemented a moratorium in the ETJ.

Administrator Palomba explained that implementing a moratorium in the ETJ will not affect development projects previously approved. Other exceptions may apply such as small 1-2 lot subdivisions, and developments for which there are already existing Development Agreements in place.

Palomba further explained there are several steps involved to create an approved building site. The first step is normally zoning, but the City does not have zoning power in the ETJ so a developer may move straight to the platting process for a project. The purpose of platting is to ensure that proper public facilities, infrastructure, drainage, and fire protection can be provided to a development and to protect the health, safety, and general welfare of residents who will reside in the new development as well as surrounding property owners.

Plats must be approved if they meet all technical requirements and now the state requires that cities consider plats within 30 days. A moratorium would prevent a developer from applying for a plat in the ETJ and possibly getting around any newly proposed County Subdivision Regulations which may be more stringent.

Additionally, the existing Interlocal Agreement with Rockwall County provides that the City controls the development process in the ETJ, but the City must consider City and County requirements and developers must adhere to the greater of the requirements. Since the County is renewing their regulations, the City does not have adequate criteria for subdivision review for properties in the ETJ.

Since certain ongoing projects, small 1-2 lot developments, and developers with existing Development Agreements may be exempt, a building moratorium in the ETJ could provide the City and County a measure of protection from any new development until the County Regulations and a new Interlocal Agreement are in place.

There are specific procedures for adopting a moratorium which could require a special meeting due to timing issues. The Procedure for adopting a moratorium is included in your packets as well as the current Interlocal Agreement with the County.

Staff is asking for direction if Council prefers to move forward with implementing a building moratorium in the ETJ.

Council Member Bloom ask when the process is expected to start.

Administrator Palomba stated she would have to set up the advertisement first.

Council Member Bloom expressed concern that people might want to accelerate their projects if they find out about the moratorium.

Council Member Dahl asked if the City has any plats pending at this time.

Administrator Palomba stated the only one is Wellington Manor, but it will not be affected since the process has already started.

The Council expressed their consensus that they are not aware of any developments preparing to start.

Mayor gave the staff direction to begin the process of implementing a moratorium.

7.5. Discussion and possible action regarding a noise ordinance.

Council Member Bloom asked that direction be given to the staff to begin the process of developing a noise ordinance. He stated he has looked at the ordinances in Rockwall and Fate and feels they can be useful.

Administrator Palomba pointed out that the sheriff will only enforce certain ordinances and they will have to check with them about this.

Mayor Short suggested they start looking into this.

City Attorney Halla pointed out that most issues such as this are usually included in a nuisance ordinance. He stated they did not want it to be too intense, possibly just "quiet hours".

Administrator Palomba pointed out they should look at things that might be in conflict, such as firing shotguns and fireworks. Both are allowed and are loud.

7.6. Discussion and action regarding appointment of a City Secretary-Treasurer.

MOTION: APPOINT SHELLY GREEN AS CITY SECRETARY-TREASURER.

MADE BY: Council Member Hodges

SECONDED BY: Council Member Dahl

APPROVED: Unanimously

7.7. Discussion and action to consider accepting an offer or submitting a counteroffer for right-of-way acquisition from Texas Department of Transportation (TxDOT) for City of McLendon-Chisholm owned property consisting of a 0.0598 acre (2,604 square feet) parcel of land in the King Latham Survey, Abstract 244, also known as 1250 S. Highway 205, McLendon-Chisholm, TX.

MOTION: APPROVE A COUNTEROFFER FOR RIGHT-OF-WAY ACQUISITION FROM TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FOR CITY OF MCLENDON-CHISHOLM OWNED PROPERTY CONSISTING OF A 0.0598 ACRE (2,604 SQUARE FEET) PARCEL OF LAND IN THE KING LATHAM SURVEY, ASTRACT 244, ALSO KNOWN AS 1250 S. HIGHWAY 205, MCLENDON-CHISHOLM, TX.

**MADE BY: Council Member Dahl
SECONDED BY: Council Member Bloom
APPROVED: Unanimously**

8. EXECUTIVE SESSION

- 8.1. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551:074(1) Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee regarding appointment of a City Secretary-Treasurer.**
- 8.2. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.072 Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person related to accepting an offer or submitting a counteroffer for right-of-way acquisition from Texas Department of Transportation (TxDOT) for City of McLendon-Chisholm owned property consisting of 0.0598 acre (2,604 square feet) parcel of land in the King Latham Survey, Abstract 133, also known as 1250 S. Hwy 205, McLendon-Chisholm, TX.**
- 8.3. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551:071(2) Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the possibility of City participation on engineering costs for a wastewater line along the Hwy 205 commercial area.**

Mayor Short recessed the regular meeting into Executive Session at 7:36 p.m.

9 RECONVENE REGULAR MEETING

Mayor Short reconvened the regular meeting at 8:20 p.m.

10. EXECUTIVE SESSION ACTION

No Action

11. UPDATES, DISCUSSION AND DIRECTION TO STAFF – None

12. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

12.1. Mayor Short's Reports and announcements

Mayor Short read a letter he recently received from the Texas Municipal Clerk's Association regarding Lisa's completion of a re-certification program. He expressed the deep appreciation of the Council for her hard work and the completion of this process.

He also thanked Chief Simmons and the members of the Fire Department for the job they did working a horrific fire that destroyed a home.

He also announced the Chamber Luncheon on February 19 where he will be giving his State of the City Report.

12.2. Council Member Kipphut's reports and announcements - None

12.3. Council Member Hodges' reports and announcements

Council Member Hodges reminded everyone of the upcoming Primary Election with early voting coming up soon. He also urged everyone to be careful when driving on Hwy 205.

12.4. Council Member Woessner's reports and announcements

Council Member Woessner shared she is starting to plan a Fall Festival.

11.5. Mayor Pro Tem Bloom's reports and announcements - None

11.6. Council Member Dahl's reports and announcements - None

13. ADJOURN

There being no further business to discuss, Mayor Short adjourned the meeting at 8:30 p.m.

ATTEST:

APPROVED:

Shelly Green, City Secretary

Keith Short, Mayor

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE; ESTABLISHING REGULATIONS FOR SUCH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McLendon-Chisholm desires to create a committee known as the "Economic Development Committee"; and,

WHEREAS, the mission of the McLendon-Chisholm Economic Development Committee is to advise and recommend to the City various methods and ways to broaden and diversify the tax base through new business attraction, land acquisition and development, progressive infrastructure, corporate business expansion, and job creation; and Economic Development Committee is created to advocate for business locations or expansion projects and to encourage growth of the community.

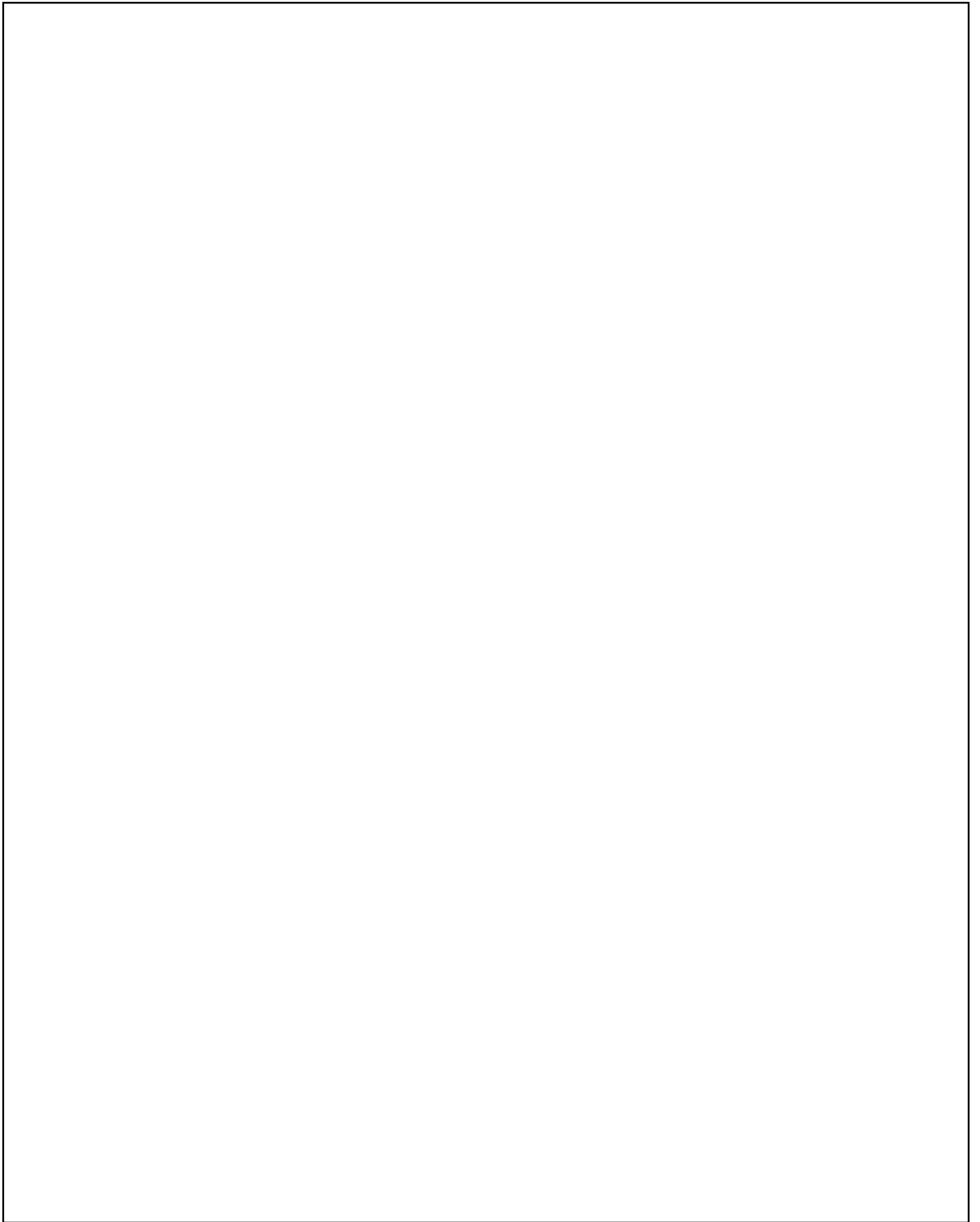
THEREFORE, BE IT RESOLVED THAT THE FOLLOWING GUIDELINES ARE ESTABLISHED FOR THE CREATION OF THE CITY OF MCLENDON-CHISHOLM ECONOMIC DEVELOPMENT COMMITTEE:

SECTION 1: Membership

1. The Committee will have seven voting members and two alternates who shall be appointed by the City Council. Members shall serve two-year terms. Four members shall serve two-year terms the first year and three members shall serve one-year terms the first year and will be appointed in July.
2. The Committee shall select a Chairman and Vice-Chairman from among its members.
3. The City Council shall designate one Council Member as a sole non-voting member to serve as a liaison to Council and to provide periodic updates to the Council and request items to be placed on the agenda.
4. The City Administrator and/or City Secretary shall be responsible for posting meeting agendas and materials and preparing minutes for approval.

SECTION 2: Meetings

1. Meetings shall be held at least monthly and must comply with the Texas Open Meetings Act. Any meeting materials, emails regarding city business, or other related information is subject to open records request. At the first meeting, the Committee will designate the time, location and date the Committee shall meet from that date forward and shall adopt a resolution stating same.
2. Prior to adjourning each meeting, the Committee, without discussion, shall determine topics and agenda language for the next meeting. Any supporting documents needed for the agenda packet must be provided to the City Secretary one week in advance of the meeting.



SECTION 3: Member Training

1. Each member shall be responsible for taking Texas Open Meetings Act Training and Public Information Act Training. A certificate of completion shall be provided to the City Secretary who shall cause such to be kept on file as required by the current records retention schedule.
2. Membership is encouraged to seek educational opportunities for independent study and/or group training.

SECTION 4: Attendance

Members are encouraged to notify the City Secretary and Committee Chairperson if a meeting must be missed. Members absent more than 75% of meetings or members who miss three successive meetings may be removed by a majority vote of the Committee. Shall be considered to have resigned and an Alternate Member shall become a regular meeting. In the event of a vacancy, Council shall appoint a new member or alternate in the event of a vacancy.

SECTION 5: STRUCTURE

1. The Economic Development Committee may be subdivided into two subcommittees.
 - a. One committee shall consider commercial land use zoning, regulations, and Commercial Development Standards
 - b. The second committee shall consider identifying and soliciting appropriate commercial business.
2. Three regular members and one alternate shall serve on each subcommittee.

SECTION 6: RESPONSIBILITIES

1. The Economic Development Committee is responsible for advising the City on developing an inclusive process for assessing community economic development needs and priorities in an orderly fashion and providing recommendations to Council in the form of a proposed Economic Development Plan that reflects, at a minimum, the following:
 - a. Plan Purpose, goals and objectives
 - b. Brief history of the Community
 - c. Core Values of the Community (what is special about M-C, who are we?)
 - d. Vision for the Community reflecting rural Texas heritage (what do we want to be and what do we want to look like)
 - e. Assessment of appropriateness of commercial areas including current and proposed land use as shown on the zoning map, Comprehensive Plan, and Commercial Design Standards and data gathered from various sources including community input. Assessment may identify desirable and undesirable commercial uses, identify areas for proposed change and conclusion.
 - f. Assessment and conclusions regarding soliciting desired business.

- g. Plan for prioritizing and executing the Plan including objectives, steps, action, and timeline for completion including 1-year, 2-year, and 5-year completion goals.
- h. The Economic Development Plan shall be presented to the Planning & Zoning Commission for consideration. Any recommendations will be reviewed by the Economic Development Committee and final Plan shall be delivered to Council for approval and adoption.
- i. The Economic Development Committee shall seek input from the City Planner on concepts to update the City's Comprehensive Plan as follows:
 - i. Current City commercial zoning
 - ii. Impacts that the upgrades to Hwy 205, Hwy 548, and Hwy 549 will have on current commercial zoning
 - iii. Establishment of a percentage-based system for the City; e.g. as an example 40% residential, 40% Agricultural, 10% greenspace, and 10% commercial business. As the widening of Hwy 205 claims property from the City, the Comprehensive Build Plan should be updated to maintain the proper percentages determined by the citizens and City Council.
 - iv. Identify and recommend changes to the Comprehensive Build Plan, such as:
 - 1. Establish one or more centralized business districts via the current zoning along Hwy 205.
 - 2. Establishment of Green / Open Space areas that can be funded under Rockwall County's Master Plan to maintain McLendon-Chisholm's character and create Open Spaces within Rockwall County where citizens can go play, relax, shop, etc.

SECTION 7: SUPPORT

City staff shall provide reasonable support to the Committee such as arranging for access to City facilities for meetings and access to City resources for copies and communications.

SECTION 8: EFFECTIVE DATE

This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVE THIS THE _____ DAY OF _____ 2020.

Shelly Green, City Secretary

Keith Short, Mayor



City of McLendon-Chisholm

Agenda Brief

Discussion and possible action regarding the status of and completion of the Code of Ordinances as initiated previously by the City. (Requested by Council Member Hodges)

DATE:

February 21, 2020

BACKGROUND OF ISSUE:

In January 2018, City Council voted to hire Franklin Legal to provide an editorial and legal review of the current Code of Ordinances and suggest revisions to the Code. Franklin Legal has provided their review which is attached.

City Council also voted have City Engineer Dub Douphrate and City Planner Mike Coker conduct a thorough technical review of the Subdivision (Chapter 10) and Zoning (Chapter 14) regulations. The Planner and Engineer did complete their reviews and public hearings were held regarding the proposed changes.

A timeline was established for review and adoption of Code. However, the review of all chapters was never completed, and code updates were not formally adopted. The following is a summary of codes that were reviewed.

Chapter 1 General Provisions was reviewed by the former Council. Council provided suggested edits. Since Council has changed and time has elapsed, this likely needs further review.

Chapter 2 Animal Control was reviewed by the former Council. Council provided suggested edits. Since Council has changed and time has elapsed, this likely needs further review

Chapter 3 Building Regulations was reviewed by the former Council. Council provided suggested edits. Since Council has changed and time has elapsed, this likely needs further review. Regarding Chapter 3, the City is currently under the 2013 Building Codes. The City intended to adopt the 2015 Building Codes, but enough time has elapsed now that Council may want to consider moving to the 2018 Codes. The City's Building Official, David Ellis will need to provide an opinion on about moving to the 2018 Codes.

Chapter 4 Business Regulations was not reviewed by Council or staff and needs updating.

Chapter 5 Fire Prevention and Protection was updated in April 2018 to provide for a Fire Chief. Chief Simons has reviewed the Chapter 5 and has concluded the entire section needs to be updated and a new version of the International Fire Code Adopted.

Chapter 6 Health and Sanitation was reviewed by the City's Environmental Health Specialist. She provided a model ordinance in compliance with state laws.

Chapter 7 Municipal Court was not reviewed by Council. This may need minor updates.

Chapter 8 Offences and Nuisances was not reviewed by Council and needs updating as related to code enforcement issues and related matters.

Chapter 9 Personnel was not reviewed by Council and likely needs minor updates

Chapter 10 Subdivision Regulations was reviewed by former City Engineer Dub Douphrate, P&Z and Council. This review is complete but likely needs one more review to make sure all is compliant with the most recent state statutes adopted by the Legislature.

Chapter 11 Taxation was not reviewed by Council. It does not appear this Chapter will require revisions at this time.

Chapter 12 Traffic and Vehicles was not reviewed by Council or staff.

Chapter 13 utilities was not reviewed by Council and may require some updates.

Chapter 14 Zoning was reviewed by former City Planner Mike Coker, P&Z and Council. This review is complete but likely needs one more review to make sure all is compliant with the most recent state statutes adopted by the Legislature.

RECOMMENDATION:

Staff recommends contacting Kirk Franklin to request a new proposal for review and recommendations for final updates. Staff also suggests that Council may want to assign chapters to various Council members to review and provide recommendations for change. Public hearings will need to be held prior to formal adoption of code updates.

Lisa Palomba, City Administrator

**CODE OF ORDINANCES OF THE
CITY OF MCLENDON-CHISHOLM
EDITORIAL & LEGAL REVIEW**

As prepared by



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CODE OF ORDINANCES OF THE CITY OF MCLENDON-CHISHOLM EDITORIAL & LEGAL REVIEW

Comments

GENERAL COMMENTS AND RECOMMENDATIONS

1. Pursuant to discussion at the January 9, 2018, meeting of the McLendon-Chisholm City Council, an editorial and legal review has been performed on the city's Code of Ordinances, current through Ordinance No. 2017-19 adopted October 24, 2017. This document outlines findings made, and, where appropriate, provides recommendation for rectifying problem areas located.

The city's current code is a recodification of a code originally prepared by another firm. When the recodification was done in 2017, the city opted out of the editorial and legal review. The code was reorganized and recodified into the current format based on the provisions contained in the prior code, with the more recent ordinances incorporated. New ordinances have since been incorporated through the preparation of 5 code supplements.

As noted above, the code as reviewed is current through Ordinance No. 2017-19 adopted October 24, 2017. Ordinances may have been adopted since that time that would have an effect on the items noted in the following review.

The code was reviewed not only from a legal standpoint, but also from an editorial standpoint. You will note that many of the items pointed out are matters where things were not clear, repetitive, unnecessary, etc.

It is important to note that this review may not include all items that the city wishes to revise. While some provisions may have been proper and appropriate from a general standpoint,

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the city may wish to revise or omit some provisions from the code. In our experience, we have found that often provisions need revision or omission simply because they are not in accordance with current practices of the city. For this reason, it is important that the city review not only this document, but the code itself prior to the meeting to discuss these matters.

A representative of Franklin Legal Publishing will meet with the council during a workshop session, if desired, or by teleconference, to discuss findings in this review and to take input from the city. Once this is completed and suggested provisions have been provided by the city, a summary of agreed-to revisions will be submitted for approval by the city. When this is approved, Franklin Legal will prepare an ordinance to revise the code accordingly, and will submit it to the city council for adoption. Those revisions will then be incorporated into the code as part of the regular code supplementation services Franklin Legal now provides.

Any and all findings, comments and/or recommendations made by Franklin Legal Publishing should be fully reviewed by an attorney appropriately designated to represent the city. Liability shall extend only to correction of problem areas pointed out herein and not to acts or occurrences resulting from any such errors.

2. Some of the code provisions are somewhat dated and are possibly obsolete. Though specific instances of this are pointed out in this review, it is recommended that all of the provisions included in this preliminary code draft be briefly reviewed to determine whether or not they are in accordance with the procedures currently being followed by the city. Of special relevance with respect to this are the fees that are to be charged for various city services.
3. Codification consists of the codification of all "general and permanent" ordinances, meaning the code does not include ordinances that are limited in time, only applicable to a certain property or person, etc. These other ordinances (listed as Not in Code, or NIC, in the disposition tables) are specifically

Comments

saved from repeal, but are not codified. As a result, no review was performed on these ordinances, as this review was limited strictly to the city's code and ordinances affecting the code. Some examples of these types of ordinances include:

- ❑ Tax levies (ad valorem) for a specific fiscal year.
- ❑ Budget adoption (or appropriating funds) and amendments for specific fiscal year.
- ❑ Annexation, disannexations, or expanding extraterritorial jurisdiction.
- ❑ Bonds: issuance, certificate of obligation, bond elections.
- ❑ Maintenance, improvements, bids.
- ❑ Elections: Councilmembers, mayor, unopposed candidates, other elected officials. We do, however, publish charter elections and certain sales and use tax elections.
- ❑ Abandoning portions of streets, easements, rights-of-way, etc.
- ❑ Purchases, contracts, agreements if they are with a specific company.
- ❑ Franchises.
- ❑ Rezoning of a specific property. Look for boundary descriptions to help determine if the ordinance is a rezoning.

CHAPTER 1 GENERAL PROVISIONS

4. Penalties. Throughout the code, various penalties for violations are listed. Included in the code is Section 1.01.009, which is a general penalty provision. The penalties listed therein are in accordance with state law with regard to the maximum allowable amounts of fines. (See V.T.C.A., Local Government Code, sec. 54.001.) The city may wish to remove penalty amounts from the specific code sections, and simply reference this general penalty provision. Note: This action is not recommended in cases where the city wishes to specify a specific amount or where the penalty for violations is graduated based on the subsequent offenses.

Comments

As an example, the following provide for a maximum penalty of \$200.00:

- ❑ Sec. 2.02.006: Trespassing by livestock
- ❑ Sec. 8.06.003(a)(3) and (b)(8): Junked vehicles

5. Article 1.02, Division 3, Secretary Treasurer.

- ❑ Does the city secretary still also serve as treasurer for the city?
- ❑ Is the bond requirement in section 1.02.062 still applicable for the city secretary-treasurer?

6. Sec. 1.02.096, Authority to purchase. This section authorizes the city administrator to contract for expenditures up to \$500.00. This was adopted in 2005, and the city may wish to consider increasing this allowable amount.

7. Article 1.06, Licenses and Permits.

- ❑ This article, deriving from Ordinance 2005-07 adopted 7/11/05, is intended to implement chapter 254 of the Texas Local Government Code. A more appropriate title might be "Vested Rights."
- ❑ Presumably, section 1.06.003, regarding expiration of permits, applies only to permits that do not have an expiration date otherwise specified. It is common for municipalities to include language as follows:

Sec. 3.XXX Expirations

(a) A permit issued by the city that is subject to Chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two years after issuance. This subsection shall not apply to permits pursuant to which progress has been made

Comments

toward the completion of the project, as determined by Local Government Code Section 245.005(c), as may be amended.

(b) A project subject to Chapter 245 shall expire by operation of law five years after an application was filed for the first permit necessary for the project. This subsection shall not apply to permits for which progress has been made toward the completion of the project.

- ❑ There are no provisions regarding the procedure for applying for establishment of vested rights.
- ❑ The following permits and approvals do not appear to have a specified expiration date:
 - Conceptual plan, development plan, or site plan for planned development district - zoning ordinance, section 5-1(D)
 - Site plan approval - zoning ordinance, section 6-1
 - Approval of variance - zoning ordinance, section 1-15(G)
 - Approval of special exception - zoning ordinance, section 1-15(H)
 - Fence permit - zoning ordinance, section 6-15(F) (but if considered a building permit would expire in six months)
 - Application for installation of a HUD-code manufactured home - section 3.03.004 (but if considered a building permit would expire in six months)

Note: The following permits and approvals *do* have a specified expiration date:

Comments

- Tree removal permit - section 1.07.006(i): expires 180 days after the date of issue, except if issued in connection with a building permit or site plan expires at the same time as the building permit or site plan
 - Sign permit - section 3.05.012: expires if work is not started within 60 days or not completed within 120 days
 - Preliminary plat - section 10.02.005(a)(4): expires six months after approval
 - Final plat - section 10.02.005(b)(4): expires one year after approval
 - Building permit - zoning ordinance section 1-12(D): expires six months from date of issuance if work has not begun
 - Specific use permit - zoning ordinance section 6-2(I): expires unless construction or use is substantially underway within one year of granting of permit
 - Section 1.06.002 establishes specific requirements as to when a permit application is deemed to be filed. Sections 10.02.005(a)(3) and (4) and (b)(3) and (4) of the subdivision ordinance contain provisions regarding when the preliminary plat and final plat “is considered to have been filed.” As drafted, it is unclear as to whether or not this is in conformance with section 1.06.002?
8. Sec. 1.07.011, Approved replacement tree list. The replacement tree list is somewhat different from the list of trees approved for landscaping at the end of section 6-10 of the zoning ordinance. Was this intentional?

CHAPTER 2 ANIMAL CONTROL

9. The city currently has no regulations regarding dangerous dogs. The 1992 Texas Legislature, in an effort to avoid the problems associated with regulating vicious animals while still allowing cities to do so, enacted laws for the regulation of dangerous dogs. (See V.T.C.A., Health and Safety Code, chapter 822.) These new provisions provide detailed definitions of what constitutes a "dangerous dog" and requires a license and insurance for the keeping of such a dog. Recommendation: Adopt these new dangerous dog provisions in accordance with state law. Franklin Legal Publishing can provide guidance with respect to this.

It should also be noted that in 2001 the Texas Legislature enacted provisions pertaining to dangerous wild animals (see V.T.C.A., Health and Safety Code section 822.101 et seq.) and has given the authority to municipalities to prohibit or regulate by ordinance or order the ownership, possession, confinement, or care of a dangerous wild animal (V.T.C.A., Health and Safety Code section 822).

CHAPTER 3 BUILDING REGULATIONS

10. Sec. 3.02.001, Codes adopted. This section provides for the adoption of the 2012 editions of the various International Codes (i.e., Building, Plumbing, Mechanical, etc.). It should be noted that more recent editions of these codes now exist. The city may wish to consider adopting the more recent edition, but only after full review of the code itself.
11. Sec. 3.03.002, Mobile homes prohibited. This section derives from Ordinance 98-5 adopted 6/8/98. This section does not actually prohibit mobile homes. The city may wish to revise this section to clarify this. It presently reads as follows: "A

Comments

municipality may prohibit the installation of a mobile home built before June 15, 1976, for use or occupancy as a residential dwelling within its corporate limits."

Note: Under the permitted use table in section 3-1 of the zoning ordinance, "Dwelling, mobile home" is a prohibited use in all districts.

12. Sec. 3.03.006, Permit to be granted. This section authorizes permits for temporary use of a mobile home when the permanent dwelling has been destroyed by fire, wind, tornado, hail or floodwaters. Should this authorize a HUD-code manufactured home rather than a mobile home?
13. Sec. 3.04.064, Variance procedures. This section establishes the procedures for variances from the flood damage prevention regulations. Mention is there made of an "appeal board, as established by the community." This is the standard language in these model ordinances as provided by FEMA. It is recommended that revision be made to provide that a specific body (e.g., the zoning board of adjustment or the city council) will perform these functions.
14. Secs. 3.05.002 and 3.05.003 - Applicability of sign regulations in extraterritorial jurisdiction. Most of article 3.05 (Signs) derives from Ordinance 2003-12 adopted 11/10/03.

Sec. 3.05.002, Application, was adopted by Ordinance 2003-12. It provides that article 3.05 is applicable in the extraterritorial jurisdiction.

Sec. 3.05.003, Extraterritorial jurisdiction, was adopted by Ordinance 2003-10, 8/25/03, prior to the adoption of the new sign ordinance. It provides that all ordinances heretofore adopted by the city regulating signs and advertisements are hereby made applicable within the extraterritorial jurisdiction of the city.

Comments

Since “all ordinances heretofore adopted by the city regulating signs” are presumably superseded by article 3.05, is section 3.05.003 needed?

15. Sec. 3.05.009, Billboards prohibited. This derives from Ordinance 2003-12 adopted 11/10/03. This prohibits “billboards” in the city and the extraterritorial jurisdiction. There is a definition in section 3.05.001 for “commercial billboard” but not for “billboard.” Are these the same? While this addresses future placement of such billboards, billboards existing when this was adopted are not addressed. Are such billboards considered grandfathered in or would this be affected by Texas Local Government Code, section 216.003 et seq. regarding compensation to the sign owner? (See *also* Sec. 3.05.024, Existing signs.)
16. Sec. 3.05.011, Permit fees. This derives from Ordinance 2003-12 adopted 11/10/03. This states that sign permits must be renewed annually. Is this correct? Other provisions indicate that the sign permit is a construction permit. See, for example, sections 3.05.006 and 3.05.012.
17. Sec. 3.05.024, Existing signs. Subsections (a) and (b) appear to contradict one another. Subsection (a) reads:

“All signs lawfully in existence prior to January 10, 2000, may continue to be used and repaired ...”.

Subsection (b) requires removal of nonconforming existing signs erected prior to January 10, 2000. It is unclear what is meant by “nonconforming” in subsection (b).

This would appear to be affected by Texas Local Government Code, section 216.003 et seq. regarding compensation to the sign owner.
18. Article 3.07, Limitation on Construction Times. These provisions limit construction generally; however fail to limit

such activity for any demonstrable reason. Typically, such restrictions are included as part of, or with reference to, noise regulations in the city.

CHAPTER 4 BUSINESS REGULATIONS

19. Sec. 4.02.004, Lock box entry system. This may be now covered by the adopted fire code. Note also that this section was adopted as a section of this article, which otherwise relates to business permits, and would be more appropriately located in provisions pertaining to fire safety.
20. Article 4.04, Food Establishments. The references to the Texas Food Establishment Rules in sections listed below are outdated. Some of the food establishment rules are now in 25 TAC chapter 228.
 - ❑ Sec. 4.04.001, Adoption of state rules on food establishment sanitation
 - ❑ Sec. 4.04.002, Amendments to rules
 - ❑ Sec. 4.04.004(a) Certified food protection manager
 - ❑ Sec. 4.04.006(b) Inspections

It is questioned if the city actually performs the functions outlined in this article at all, as most cities rely on the county for such enforcement.

21. Sec. 4.05.033, Conditions for private clubs. The provisions of this section are no longer in compliance with state law requirements regarding distance requirements for the sale of alcoholic beverages (i.e., there are not provisions regarding daycare centers. Also, the measurement requirements are no longer current.) It is recommended that this be revised to simply reference the applicable portion of state law. (V.T.C.A., Alcoholic Beverage Code, sec. 109.33.)

**CHAPTER 8
OFFENSES AND NUISANCES**

22. Sec. 8.06.001, Definitions. This section, adopted in 1998, contains a definition of "junked vehicle." As of September 1, 2011, the state law definition of "junked vehicle" has been amended. It is recommended that this be revised to be consistent with state law.

**CHAPTER 10
SUBDIVISIONS**

23. The subdivision regulations of the city fail to provide for the state law requirements for certain vacation and replats. A replat without vacation of the preceding plat must conform to additional notice and public hearing requirements if the area to be replatted was assigned interim or permanent single family or duplex zoning or was restricted in the same manner by deed restrictions. (See V.T.C.A., Local Government Code, section 212.015.)
24. Street Specifications and Standards. All of the following contain street specifications and standards:
- ❑ Subdivision ordinance - section 10.02.006(a) (Streets) (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Subdivision ordinance, appendix 1, section 8 (Street system) (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Article 10.03, Standard Street Specifications and Construction Details in Subdivisions (Ordinance 91-1 adopted 1/13/92)

Article 10.03 was adopted in 1992. Article 10.03 should be reviewed in its entirety for possible conflicts and duplications with the new subdivision ordinance in article 10.02.

Comments

The following standards are referenced in article 3.04:

- (A) "Comprehensive Storm Drainage and Flood-Control Standards of the City of McLendon-Chisholm" (section 3.04.121)
- (B) "General Construction Specifications for Paving and Drainage Facilities of the City of McLendon-Chisholm" (section 3.04.122)
- (C) "General Design Standards for Paving, Drainage and Thoroughfare Facilities of the City of McLendon-Chisholm" (section 3.04.123)

Do the items listed in (A), (B) and (C) contain the city's current standards for streets? If so, the provisions in chapter 10 should be reviewed to determine if they are in conformance with those standards. If the standards listed in (A), (B) and (C) are the current standards, some or all street standards in chapter 10 could be replaced with a reference to the standards listed in (A), (B) and (C).

The following were noted as possibly in conflict. These are examples and not necessarily a complete list.

- ❑ Street curves
Sec. 10.02.006(a)(9) (Major street curves)
Appendix 1, section 8(c) (Horizontal curve limitations)
- ❑ Radius at intersections
Sec. 10.02.006(a)(13)(B) (Radius at acute corners)
Appendix 1, section 8(e) (Street intersections)
- ❑ Dead-end streets and cul-de-sacs
Sec. 10.02.006(a)(12)(A) (Turnarounds)
Appendix 1, section 8(g) (Dead-end streets, cul-de-sac)
Sec. 10.03.007(b) (Street arrangement)
- ❑ Subgrade
Appendix 1, section 8(a) (General)
Sec. 10.03.003 (Stabilization of the subgrade)

Comments

- ❑ Paving
Appendix 1, section 8(i) (Pavement design)
Sec. 10.03.002 (Street paving strength requirements)

25. Landscaping. The following contain landscaping standards. The city may wish to review these provisions for possible conflicts.

- ❑ Subdivision ordinance - Sec. 10.02.008, Landscape buffers
- ❑ Zoning ordinance - Sec. 6-10, Landscape requirements

The following appear to be in conflict:

- ❑ Section 10.02.008(g) (Lot coverage for nonresidential property): For nonresidential and multifamily property, at least 15 percent of the gross lot or tract (exclusive of rights-of-way) shall be maintained as a landscaped area.
- ❑ Zoning ordinance, sec. 6-10(D)(1) and (2) (Landscaping generally): A minimum of 20 percent of the total lot shall be landscaped.

CHAPTER 12 TRAFFIC AND VEHICLES

26. Sec. 12.01.003, Traffic-control signs. Traffic-control devices must now be installed in accordance with the manual and specifications adopted by the Texas Transportation Commission pursuant to V.T.C.A., Transportation Code, sec. 544.001. Therefore, it is suggested that be included herein to read as follows:

"All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the

Comments

state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices."

CHAPTER 13 UTILITIES

27. Sec. 13.01.002, Standards for septic tank systems. This adopts standards for septic tank systems as established in Ordinance 89-1. This is likely superseded by article 6.03, On-Site Sewage Disposal, which derives from Ordinance 2006-07 adopted 5/8/06.
28. Drainage Facilities. All of the following contain standards for drainage facilities:
- ❑ Article 3.04, Division 3, Storm Drainage and Flood-Control Standards and Specifications (Ordinance 2005-01 adopted 1/10/05)
 - ❑ Subdivision ordinance, section 10.02.010, Drainage requirements (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Subdivision ordinance, appendix 1, section 9, Drainage and storm sewers (Ordinance 2007-11 adopted 7/23/07)
- Article 3.04 refers to and adopts the following (attached to Ordinance 2005-01):
- (A) "Comprehensive Storm Drainage and Flood-Control Standards of the City of McLendon-Chisholm" (section 3.04.121)

Comments

- (B) “General Construction Specifications for Paving and Drainage Facilities of the City of McLendon-Chisholm” (section 3.04.122)
- (C) “General Design Standards for Paving, Drainage and Thoroughfare Facilities of the City of McLendon-Chisholm” (section 3.04.123)

Are the standards listed in (A), (B) and (C) the city’s current standards? If so, the provisions in the subdivision ordinance should be reviewed to determine if they are in conformance with those standards. If the standards listed in (A), (B) and (C) are the current standards, some or all of the provisions in the subdivision ordinance could be replaced by a reference to standards listed in (A), (B) and (C).

FEES

29. The city's fee schedule is not included the code. Section 3.01.001 adopts a fee schedule by reference (as attached to Ordinance 2017-13).

In order to avoid possible future conflicts, the city may wish to consider deleting any specific amounts and replacing them with language such as “the fee currently adopted by the city.”

30. Sec. 4.04.003, Permit required; issuance; exceptions. Subsection (c) contains a list of permit fees. The adopted fee schedule also contains a list of food establishment permit fees. There are some differences between the list in section 4.04.003 and the list in the adopted fee schedule. Should this list in section 4.04.003 be replaced with a reference to the adopted fee schedule, or should these fees be revised to reflect the amounts from the city's fee schedule?
31. Sec. 4.04.006, Inspections. Subsection (a) mentions a food establishment permit renewal fee of \$250.00. This appears to conflict with the adopted fee schedule.

Comments

32. Sec. 13.04.013, Rates, fees and charges. This section lists various sewer service charges. The deposit amount is in conflict with the adopted fee schedule.
- ❑ (b) Deposit: \$125.00. The amount listed in the adopted fee schedule is \$135.00.
 - ❑ (c) Connection fee: \$3,000.00. Same as the adopted fee schedule.
 - ❑ (d) Monthly sewer charge: \$55.00. Same as the adopted fee schedule
 - ❑ (e) Late penalty fee: \$15.00. Not in the adopted fee schedule.
 - ❑ (f) Disconnection of service trip fee: \$55.00. Not in the adopted fee schedule.
 - ❑ (g) Reconnection of service trip fee: \$55.00. Not in the adopted fee schedule.
 - ❑ (h) Re-service fee: \$25.00. Not in the adopted fee schedule.

The following fees are not listed on the fee schedule adopted by Ordinance 2017-13:

- ❑ Sec. 3.05.011: Sign permit fees
- ❑ Sec. 3.06.006(b): Fee for placement of address number by city
- ❑ Sec. 4.04.004(b)(6): Registration as certified food protection manager
- ❑ Sec. 4.04.006(d): Additional inspections of food establishment
- ❑ Sec. 13.04.013(e)–(h): Sewer service fees, as noted above under section 13.03.013

Comments

- Zoning ordinance, section 6-5(B)(5): Clean-up deposit for temporary outdoor sales of Christmas trees



City of McLendon-Chisholm

Staff Report

Discussion regarding personnel policy updates for consideration of approval at a future meeting. (Requested by Palomba)

February 25, 2020

BACKGROUND OF ISSUE:

The City's Personnel Policies were updated in October 9, 2018 by Resolution. At this time, staff is requesting that Council consider the attached revisions. Most changes are for clarification purposes. There greatest change is to paid time off accrual.

PROPOSED REVISIONS:

Recruitment and Selection

1. Added "sexual orientation"
2. Added "City Administrator can fill open positions which are budgeted"

Nepotism

G. Application of Policy

Added: "This policy does not apply to volunteers including fire department volunteers who may receive a minimal stipend for service. Relatives of Council Members may volunteer for special events and may serve on the fire department as a volunteer."

Equal Employment Opportunity

1. Added "sexual orientation"

Probationary Period

1. Absences During Performance Probationary Period
 - a. Changed to "paid time off" for qualifying absences due to illness or accident.
Added "Paid time off for any other absence must be approved by the City Administrator and will be considered on a case by case basis."
2. Probationary Performances Evaluations
 - a. Added "periodically" for evaluations

Attendance and Work Hours

1. Attendance Records – clarified coffee break to reflect "rest"/coffee break

Paid Time Off

1. Eligibility – added "extraordinary circumstances may be considered on a case by case basis".
2. Accrual Rate – Revised for all employees, firefighters accruing at higher rate, floating holiday converted to PTO day, maximum accrued hours capped at two times accrual rate.

3. PTO Accrual – clarification
4. Employee types further defined

Drug and Alcohol Use Policy

1. Rehabilitation/Treatment
 - a. 4. “vacation leave, sick leave” changed to “PTO”

Testing

1. Testing of Applicants – inserted “public safety”
2. Testing of Employees – changed to “such as policy or fire personnel” for clarification

Drug and Alcohol Policy for DOT Employees

All references to levels of results changed to 0.00 to reflect zero tolerance

Political Activity – Revised

Inclement Weather – Requirement to sign acknowledgement of policy

SUGGESTED ACTION:

Staff requests Council review policies and forward any questions or concerns to the City Administrator and direct staff to place on the next agenda for consideration.

Lisa Palomba, City Administrator

City of McLendon-Chisholm
Personnel Policies



Adopted October 9, 2018

Proposed Revisions 2/19/2020

APPLICATION OF POLICIES

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. New employees must complete an Acknowledgement of Employee Handbook form indicating they have received the Employee Handbook and understand it is the employee's responsibility to read and comply with all policies and procedures. Signed Acknowledgement forms will be placed in each employee's personnel file.

Fire and Police personnel are subject to additional departmental policies, procedures and statutory requirements.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein. Any revisions to the Employee Handbook will be provided to employees. Employees will complete an Acknowledgement of Receipt. -

AMENDMENT OF POLICIES

Amendments **of substance** to the Employee Handbook must be approved by resolution of the City Council. The City Administrator is responsible for the implementation of the personnel policies. This handbook has been approved by the City Council of the City of McLendon-Chisholm, Texas. Amendments of substance require approval by the City Council.

~~This handbook has been approved by the City Council of the City of McLendon-Chisholm, Texas. Amendments of substance require approval by the City Council.~~

General and final authority for personnel administration rests with the City Administrator, with the exception of matters reserved to the City Council by state law or City Ordinance. Authority may be delegated to appropriate staff members to act **on** the City Administrator's behalf in the administration of this Handbook. However, the final authority on personnel decisions shall be reserved to the City Administrator. Operational changes to any policy, practice, or process will require approval by the City Administrator.

No City of McLendon-Chisholm supervisor is authorized to modify this Handbook for any employee or to enter into any agreement, oral or written.

Only t~~t~~The City Council may choose to enter into an Employment Agreement with Council appointed personnel.

RECRUITMENT AND SELECTION

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, **sex**, **gender**, age, citizenship, political affiliation, disability, genetics, veteran's status, **sexual orientation**, or any other characteristic protected by law. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a request to fill a vacancy of a budgeted position to the City Administrator be communicated by the Department Director or City Administrator upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Administrator on a case by case basis except those positions appointed by City Council.

City Council appointed vacancies may be filled by internal or external applicants as determined appropriate by Council on a case-by-case basis.

Applications. Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. Current City employees should also write a letter of interest to their Department Director indicating the desired position. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the City Administrator and Department Director as applicable.

Hiring Process. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol screening, and may be required to submit to pre-employment testing and investigation.

Disqualification. Applicants will be disqualified from consideration for one or more of the following:

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

- If they previously worked for the City and were involuntarily terminated, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 17; or for Fire and Police personnel applicant's failure to meet the state mandated age requirement for licensing.
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug/alcohol testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City.

NEPOTISM

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

(A) Applicants

- An applicant related to the City Administrator by blood or marriage within the second degree according to Chapter 573 of the Texas Government Code shall not be employed by the City.
- An applicant related by blood or marriage within the second degree according to Chapter 573 of the Texas Government Code to any member of the City Council shall not be employed by the City.
- Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. "Immediate family" includes spouse, parents, children, brother or sister.

First Degree:	Mother Father Son Daughter	(or) in-law
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Second Degree:	Brother Sister Grandfather Grandmother Granddaughter Grandson	(or) in-law
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(B) Promotion

In the event of a proposed promotion of a current employee to a position where the employee would be required to directly or indirectly supervise or be supervised by a member of the employee's immediate family (see definition above), any employed family member of a person considered for promotion must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

(C) Reorganization

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

(D) Other Restrictions

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

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

Relatives will not normally be permitted to work in the same department with each other without prior written authorization from the City Administrator (or designee). In addition, written authorization must also be obtained from the City Administrator (or designee) to employ any relative of a current City employee.

(E) Marriage of Current Employees

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

(F) Periodic Review

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

(G) Application of Policy

This policy applies to all full-time, regularly scheduled part-time and temporary seasonal employees of the City. This policy does not apply to volunteers including fire department volunteers who may receive a minimal stipend for service or irregularly scheduled part-time employees. Relatives of Council Members may volunteer for special events and may serve on the fire department as a volunteer or irregularly scheduled part-time employee.

(H) Definitions

Full-time Employee – An employee working 30 hours or more per week and who is eligible for benefits.

Part-time Regularly Scheduled Employee – An employee working less than 30 hours per week but who is assigned and expected to work a consistent schedule and who may receive benefits depending on number of hours worked. Example: An employee who is assigned to work every Monday – Friday 9 am to 1 pm.

Part-time Irregularly Scheduled/Seasonal Employee – An employee working less than 30 hours per week but who works only as needed and assigned by a supervisor. Part-time irregularly scheduled employees are not guaranteed hours and are not eligible for benefits.

Volunteer – Any person who is performing a service for the city and who is unpaid or receives only a small stipend or reimbursement for expenses.

AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act (ADA) and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by the City Administrator.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor or the City Administrator.

EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, color, religion, ~~sex~~gender, national origin, disability, genetics, veteran's status, sexual orientation, or other unlawful basis, is prohibited.

AT-WILL EMPLOYMENT

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

PROBATIONARY PERIOD

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance probationary period of 6 months from date of hire.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance probationary period of 6 months. The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. The probationary period maybe extended for additional training as determined by the supervisor. Employees are considered in the probationary period until they have actually performed their regular job duties for at least 6 months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the probationary period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the probationary period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a performance probationary period and have no right of appeal when terminated at any time.

Change In Assignment of Employee serving in the Initial Probationary Period. Employees serving in the probationary period may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period without written approval from the City Administrator, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a 6-month performance probationary period in the new position beginning with the date of the position change.

Absences During Performance Probationary Period. During the performance probationary period, an employee is eligible to use ~~paid time off for sick leave for~~ qualifying absences ~~and may use vacation leave for an absence~~ due to illness or injury ~~only if all sick leave has been exhausted.~~ ~~Paid time off for any other absence must be approved by the City Administrator and will be considered on a case by case basis.~~ Compensatory time off or recognized holidays during the performance probationary period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the probationary period retain eligibility for all types of leave established by City policy.

Probationary Performance Evaluations. All employees serving in the probationary period shall be ~~constantly-periodically~~ evaluated and will receive a performance evaluation(s) ~~in accordance with the System.~~ These reviews are designed to evaluate – each employee's performance and to communicate that performance to the employee. The written

| [reviews include a supervisory recommendation to retain or terminate the employee.](#)

~~employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee.~~

Extensions to Probationary Period. The performance probationary period may be extended under the following circumstances:

At the end of the 6-month initial period, the performance probationary period may be extended for up to an additional 3 months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probationary period will be completed. Such extension will be at the sole discretion of the Department Director and the City Administrator.

A probationary period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the probationary period will normally extend the 6-month probationary period by an additional day.

Successful Completion of Probationary Period/ "Regular" Status Granted. Employees have no guarantee of employment either during or after their probationary period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the probationary period will be retained as regular employees. An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance probationary period.

Failure of Probationary Period. An employee is considered to have failed the probationary period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the City Administrator. Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the City Administrator before an employee serving in the probationary period can be terminated.

Termination of Employees Serving in the Probationary Period. All employees of the City including those serving in the initial probationary period are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. An employee serving in the initial probationary period who is terminated has no right of appeal.

Employees serving in the initial probationary period are subject to all policies and procedures of the City with the exception of appeal rights.

TELEPHONE CONTACT

- (A) All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.
- (B) No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.
- (C) All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

ATTENDANCE AND WORK HOURS

Regular Work Hours. Nonexempt employees of the City, except for Fire Department Personnel, normally work 40 hours in a seven-day work week. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins at 12:01 a.m. on Saturday and ends at Midnight on Friday. The regular workday normally begins at 9:00 a.m. and ends at 5:00 p.m., although employees in some departments such as Fire, Police or Public Works may have different work schedules. In times of disaster or emergency, working hours shall be determined by the City Administrator.

Alternative Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

Attendance Records. Employees are expected to be at their work stations and ready to work at their scheduled start time. Employees are required to record the number of hours worked each day, as well as the time they arrived at work, and the time(s) they left for and returned from any unpaid break during the work day. Exempt as well as non-exempt employees may take a reasonable lunch break and ~~rest/coffee~~ ~~ereak-break~~ as long as the employee's supervisor is aware and has approved the breaks.

Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor by phone, text or e-mail as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone must leave a detailed message with the information described above.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

BREAKS

POLICY

The City may allow rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue.

PROCEDURE

Full-time employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two fifteen minute paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness. Public safety employees are not provided designated breaks.

Meal Periods. Full-time salaried exempt employees (excluding most Police and Fire Department employees) are normally provided a one-hour meal break near the middle of the workday. Hourly non-exempt employees are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during meal breaks. Employees may not extend meal breaks beyond their assigned period.

Lactation Break: Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Do not disturb, or similar signage, should be used to ensure privacy. Employees who have a private office may use it if they prefer.

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

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

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

HOLIDAYS

The City provides paid holidays to employees serving in the initial orientation period, regular full-time and regular part-time employees. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September

~~Floating Holiday~~ — ~~All employees~~
(one day added to PTO)

Veteran's Day	November 11
Thanksgiving Day	
Thanksgiving Friday	
Christmas Eve Day	December 24
Christmas Day	December 25

Holidays. A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Regularly Scheduled Part-time Employees. Regular part-time employees are eligible for holiday pay at 1/2 the hours allowed for regular full-time employees.

Irregularly Scheduled Part-Time, Temporary and Seasonal Employees. ~~Irregularly scheduled part-time, Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for irregularly scheduled, seasonal or temporary employees who do not work on a holiday.~~

Employees required to work on a Holiday. Employees required to work on a holiday will be

given an alternate day off with pay or will be paid 8 hours for the holiday (12 hours for Fire Department shift personnel) at their regular rate of pay, in addition to the hours worked at the employees request.

Employees Scheduled “Off Duty” on a Holiday. When a holiday and any exempt or non-exempt employee’s regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave (12 hours for Fire Department shift personnel) to be taken at a later date.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday (12 hours for Fire Department shift personnel). This includes full and regular part-time personnel.

Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday. Irregularly scheduled part-time employees or seasonal employees are not eligible for holiday pay.

Holiday Occurring During Vacation Leave. A holiday that falls within an employee’s vacation period will be counted as holiday in lieu of a day of vacation.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the City Administrator.

Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

Holiday Pay During Workers’ Compensation Leave. An employee on worker’s compensation leave will receive holiday pay.

INSURANCE

(A) The City shall provide medical, dental, ~~and~~ vision, and long-term disability insurance for each full-time employee effective 90 days from date of hire or according to current policy limitations. The City will pay 100% of the employee's premium. A full-time employee must work at least an average of 30 hours per week or 130 hours a month to qualify for insurance. Insurance is effective so long as the employee remains on the full-time payroll.

(B) Other insurance such as short-term disability, life or supplemental insurances may be offered at the City's or employee's expense as determined during each budget cycle.

(C) Insurance coverage for employee family members shall be made available to qualifying employees at the employee's expense.

(D) The City also carries workers' compensation insurance. In cases of job related injuries, provisions and benefits available under workers' compensation are activated. Employees can obtain details regarding workers compensation form the City Administrator.

PAID TIME OFF
(SICK LEAVE, VACATION LEAVE, AND PERSONAL LEAVE)

The purpose of paid time off (PTO) is to provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, volunteerism and other activities of the employee's choice.

Paid time off replaces all existing vacation, sick time, and personal business days that have been previously allotted to employees. Current employees with accrued sick and/or vacation time will now have PTO days.

Employees are encouraged to request PTO at least two weeks in advance for anything other than unanticipated or unscheduled personal or family illness. PTO may be requested up to six months in advance. PTO requests may be declined by Department Directors or the City Administrator if too many employees are scheduled to be out simultaneously and/or if it would disrupt City operations.

Eligibility. All full-time and part-time employees begin accruing PTO from the first day of employment but are not permitted to request leave other than for unexpected personal or family illness until the employee's 6-month probationary period has expired. Extraordinary circumstances may be considered on a case by case basis. Part-time employees accrue PTO proportionately to hours worked.

Accrual Rate. ~~PTO for employees shall be accrued at a rate of 15 working days per year for the first 1-2 years of employment. Thereafter, employees are credited with 20 days per year for employment in year 3-7; employees are credited with 25 days per year for employment in years 7-14; and 30 days shall be credited for 15 years employment and beyond.~~ PTO for employees shall be accrued at a rate of 15 working days per year for the first 1-2 years of employment. Thereafter, employees are credited with 20 days per year for employment in years 3-7; employees are credited with 25 days per year for employment in years 7-14; and 30 days shall be credited for 15 years employment and beyond.

PTO for non-public safety employees shall be accrued as follows:

Months of Service	Accrual Hour Per Pay Period	Amount of Annual Accrual Hours	Maximum Allowed Accrued Hours
0-36	4.92	128	256
37-84	6.45	168	336
85-168	7.99	208	416
169+	9.53	248	496

PTO for public safety employees working 24-hour shifts shall be accrued as follows:

Months of Service	Accrual Hour Per Pay Period	Amount of Annual Accrual Hours	Maximum Allowed Accrued Hours
0-36	6.88	179	358
37-84	9.03	234	438
85-168	11.18	290	580
169+	13.34	346	692

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PTO Accrual. ~~Employees must use a minimum of 10 days (80 hours) per year of PTO. Employees may carry over no more than 5 days/40 hours of accrued PTO to the following year. Any unused PTO in excess of 40 hours will be forfeited. Maximum accumulation of PTO is 100 days/800 hours. Any unused PTO hours in excess of 800 will be forfeited.~~

Employees may carry a maximum PTO balance equivalent to two times their yearly accrual balance.

PTO for Terminated, ~~or Resigning or Retiring~~ Employees who are terminated, ~~or who are resigning or retiring~~ employment with the City ~~are not eligible to collect accrued PTO in excess of that earned during their last year of employment. may be paid for unused PTO for amounts earned during the previous 12 months of employment.~~

Use of PTO All PTO must be taken in minimum increments of one hour.

Other Employment During PTO Employees taking unscheduled PTO due to unexpected illness may not work a second job, including self-employment, or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. See Outside Employment Policy.

Flex Time Under certain circumstances and with the approval of the Department Director/supervisor, hourly paid employees may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work.

OVERTIME, COMP TIME AND TIME MANAGEMENT

Overtime. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

NON-EXEMPT EMPLOYEES.

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

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

Generally, except for Fire Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. An employee's regular hourly rate includes all pay incentives, such as assignment pay, etc. Fire personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act.

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

Exempt, management level personnel who may be called upon to work more than 40 hours in a workweek may be granted reasonable time off when the time off can be scheduled without interruption of City services. Misuse of this leave is grounds for disciplinary action, up to and including termination.

Compensatory Time.

Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

PAYROLL

The City operates on a 14 day pay period. All paychecks are direct deposited into the employee's bank account according to specified bank instructions. The City makes every effort to ensure that payroll and PTO balances are correct. However, employees are responsible for reviewing their payroll deposits and notifying their supervisor immediately if there is any concern about any under or overpayments. Any confirmed underpayments will be paid to the employee in a timely manner. In the event of an overpayment, funds must be returned to the City.

MANAGEMENT AUTHORITY

General and final authority for personnel administration rests with the City Administrator, with the exception of matters reserved to the City Council by State law.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. City Ordinances and Resolutions do not constitute a contract between the City and its employees. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to interpret and administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the City Administrator or other appropriate departments. All employment related department policies must be reviewed by the City Administrator. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Council must be contained in an express written employment contract signed by both the City Council and the affected employee.

The City Administrator may delegate rights and powers granted under these policies and procedures to a properly trained designee as deemed appropriate in the City Administrator's sole discretion.

DRUG AND ALCOHOL USE POLICY

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

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Social activities such as dinners following a seminar or conference are excluded from this prohibition. However, employees are prohibited from consuming alcohol while wearing any clothing or uniform identifying as a City employee. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages to City work areas and may not store or transport alcohol in a City owned or leased vehicle.

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

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional

guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City Administrator if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

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

Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (zero ~~tolerance~~tolerance) may be disciplined, up to and including termination.

Rehabilitation/Treatment.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and

prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The cost of any rehabilitation or treatment may, in some cases, be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available ~~vacation~~ ~~vacation leave~~, ~~sick leave~~ PTO, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

Initial negative test for drugs and/or alcohol before returning to work;

A written release to return to work from the City-approved rehabilitation or treatment facility/program;

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the ~~Director of~~ ~~Director of~~ Human Resources City Administrator. The employee must meet with the City Administrator or designee to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse

rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the ~~Director~~Director of Human Resources City Administrator to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure.

Testing of Applicants. All public safety applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees in safety sensitive positions ~~identified as follow: Fire Personnel such as police or fire personnel.~~ such as police or fire personnel.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the ~~Director of Human Resources~~ [City Administrator](#). If the Department Director is unavailable within a reasonable period of time, the ~~Director of Human Resources~~ [City Administrator](#) may, with sole discretion, authorize the testing of an employee. If the ~~Director of Human Resources~~ [City Administrator](#) is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the ~~Director of Human Resources~~ [City Administrator](#); supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the City Administrator or designee will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

Prohibited Alcohol Use.

- a. **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
 - While having a breath alcohol concentration of more than 0.00 as indicated via breath test;
 - While using alcohol; or
 - Within 4 hours after using alcohol.
- b. **Use Following An Accident.** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

- a. **Pre-employment Testing.** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- b. **Post-accident testing.** Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
 - When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
 - When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
 - In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the ~~Director of Human Resources~~ [City Administrator](#) by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the City Administrator or designee.

Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the City Administrator or designee.

- c. **Reasonable Suspicion Testing.** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the ~~Director of Human Resources~~ City Administrator. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the City Administrator or designee.

Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the ~~Director of Human Resources~~ City Administrator. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the City Administrator or designee

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at more than 0.00; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the City Administrator or designee.

- d. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random 00 number table or a computer-based

random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

e. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of 0.00. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration ~~of greater than 0.00 0.02 or greater, but less than 0.04.~~

Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of ~~greater than 0.00 0.04~~ or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration ~~of .02 to .039 of above 0.0~~ will not be permitted to perform safety sensitive functions for a minimum of

24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay

Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is ~~0.02~~ greater than 0.00, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

- a. **Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City Administrator. The second test will be at the driver’s own expense.
- b. **Drugs Tested For.** DOT requires testing for the following drugs:
 - Marijuana (THC)
 - Cocaine
 - Amphetamines
 - Opioids (natural, synthetic and semi-synthetic)
 - Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, (1) test for other controlled substances pursuant to its general Drug and Alcohol Use Policy; or (2) modify the list of DOT tested drugs at the direction of DOT.

- c. **Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person

or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

- d. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the ~~Director of Human Resources~~ City Administrator. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of ~~0.04 or greater~~ than 0.00, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying

for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with a MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of ~~less than 0.02~~ 0.00 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the City Administrator.

HEALTH/MEDICAL EXAMINATIONS/FITNESS FOR DUTY

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

Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees. The City Administrator, or an employee's Department Director (with the prior written approval of the City Administrator) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.

Medical Information from an Employee's Doctor. Under certain circumstances the City Administrator may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

Genetic Information. In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Medical Records. Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

Return to Work/Fitness for Duty. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the Department Director or City Administrator as appropriate. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to

work, describing whether the employee is released to perform all of the essential functions of the job, or may require an accommodation that will permit the employee to perform the essential functions of the job. The appropriate City official and the employee will discuss what suggested accommodation(s) is reasonable in light of the particular circumstances of the employees particular position.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant.

Fire and Police personnel may be subject to additional policies regarding fitness for duty.

CONFIDENTIALITY OF MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The City Administrator or designee maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the City Administrator or designee. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

EMPLOYEE CONDUCT AND WORK RULES/DISCIPLINARY ACTION

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

Progressive Discipline: In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the use the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
-
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the City Administrator or designee for review prior to taking the action. ~~who shall forward a copy of the dismissal to the City Administrator.~~ The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by City Administrator: Any proposed disciplinary action in excess of an oral warning or letter of counseling must be reviewed by the City Administrator prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to

the allegations prior to disciplinary action being taken. (See Employee Appeals Policy). However, positions classified as Director level and above have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

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

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

- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- Unsatisfactory performance or conduct;
- Inefficiency, incompetence or neglect of duty;
- Fighting, provoking or instigating a fight, or threatening violence;
- Disruptive activity in the workplace;
- Engaging in a work stoppage;
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property;
- Insubordination or other disrespectful or unprofessional conduct;
- Discourteous treatment of the public;
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle);
- Violation of local, state or federal law;
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime;
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- Outside employment that conflicts with, or potentially conflicts with, City interests;
- Acceptance of payment of any kind for activities related to City Employment;
- Failure or refusal to follow lawful orders;
- Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations);

- Dishonesty, including misrepresentation during the hiring process;
- An accumulation of minor infractions.

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the City Administrator or designee and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued PTO if authorized by the City Administrator.

~~Code of Conduct: All employees are subject to the City of McLendon-Chisholm Code of Conduct in addition to this policy.~~ [City of McLendon-Chisholm Code of Conduct in addition to this policy.](#)

ARRESTS, CONFINEMENTS AND INDICTMENTS

POLICY

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

PROCEDURE

Employee Notice of Felony and Misdemeanor Charges: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.

Employee Status after Alleged Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with the City Administrator to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Employee Status after Adjudication: Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the Department Director will determine, in conjunction with the City Administrator the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any

reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

In addition to the policy above, Fire and Police personnel are subject to additional departmental policies and procedure and state regulations related to their professions and certifications.

CITY PROPERTY/EQUIPMENT USE

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

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

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will result in disciplinary action.

Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Administrator, or the Department Director.

Tobacco Use/Smoking Prohibited. All City buildings are tobacco free zones. Use of any tobacco products (smoke or smokeless) may result in dismissal for cause. The first offense may be a verbal warning; the second offense may be a written warning and two-day suspension without pay; a third offense may result in a one-week suspension without pay; a fourth offense may result in dismissal for cause. The use of all cigarette or cigar tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees may smoke or use tobacco products on their rest breaks outside of City buildings in designated smoking areas. Smoke or tobacco breaks which are excessive in frequency or length will be treated as an attendance issue.

Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Council. The amount of the allowance shall be determined by the City Council.

Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a

take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Administrator or Department Director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

If approved by the City Council, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a City vehicle. Police and fire vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Administrator or Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Administrator or Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.

- AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.
- EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY ~~MANAGER~~ ADMINISTRATOR. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE ~~DIRECTOR OF HUMAN RESOURCES~~ CITY ADMINISTRATOR.
- ANY EMPLOYEE WHO RECEIVES A TRAFFIC VIOLATION WHILE OPERATING A CITY OWNED VEHICLE OR THEIR PERSONAL VEHICLE WHILE PERFORMING CITY BUSINESS SHALL REPORT ALL TRAFFIC VIOLATIONS.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

Personal Property. All employees shall be solely responsible for their personal property at all times.

CELL PHONE USE IN THE WORKPLACE

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. Employees may not use personal cell phones, including those with a texting, camera and/or video playing capability during work time except for occasional use that does not interfere with the employee's productivity level. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. All employees must, when asked by the City, consent to a request to provide the City access to all city issued cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones. Limited personal use of a City issued cell phone is permitted. However, all may be subject to the Public Information Act.

PUBLIC INFORMATION ACT

Employees are advised that records related to calls, text messages, pictures and videos made and received on City owned cell phones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message, picture and video itself may be obtainable through the Texas Public Information Act, except in narrowly defined circumstances.

MONITORING OF CELL PHONE CALLS

Employees should be aware that cell phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and email access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Administrator or designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of City electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:+

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.

- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City ~~of~~or
- other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

Filtering. The City may use software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or access to any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Administrator (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Copyright Restriction. Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Administrator or designee is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office.

City employees are prohibited from the following activities:

- Publicly endorse or campaign in any manner for any person seeking a City public office while on duty, during business hours or while wearing clothing identifying as a city employee-
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of McLendon-Chisholm City Council or any similar position. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon - failure to do so.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

Sexual Harassment. All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook.

~~Harassment of~~ Harassment of any nature, when based on race, religion, color, sex, national origin, age or

disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

Mandatory Reporting. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Director or City Administrator;

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the City Administrator.

Under this policy, an employee may report to and/or contact the current City Attorney directly, without regard to the employee's normal chain of command if the complaint involves the City Administrator or an elected official.

[Name]

[Title]

[Work address]

[Telephone number]

[

E-mail]

~~Voice messages or e-mails may be left at any time.~~

Investigation. All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

SOCIAL MEDIA POLICY

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses: tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the City's Social media sites.

Other City Policies

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action.

EMPLOYEE GUIDELINES: Use of City's Social Media on Work Time

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain written authorization from the City Administrator to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.

- No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

EMPLOYEE GUIDELINES: Use of Personal Social Media While not on Work Time

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Respect coworkers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees, or elected/appointed officials.
- Do not put anything on your personal social media site that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City including ~~Do not post~~ derogatory comments.

- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

INCLEMENT WEATHER/EMERGENCY CLOSING

All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency -situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Administrator's Office.

When weather or other conditions are such that the City Administrator declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Director and/or the City Administrator. -Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

JURY DUTY

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

SEARCHES

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, City issued cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. An employee has no expectation of privacy when using City property. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the City Administrator. Any searches of personal vehicles will be witnessed by law enforcement personnel. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Zero Tolerance. This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero tolerance policy for this type of misconduct.

Weapons Banned. Only employees licensed by State of Texas to carry a handgun may have a handgun on City property.

Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the City Administrator and /or the Rockwall County Sheriff's Office of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the City Administrator.

Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the City Administrator and the Rockwall County Sheriff's Office a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise the City Administrator of any protective or restraining order issued against them.

Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

City Property. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the City Administrator and/or the Rockwall County Sheriff's Office.

Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

SEPARATIONS

The City designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify the supervisor and/or the Director of Human Resources in writing at least two weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the City Administrator.

Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor and the City Administrator, in writing at least one month prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Retiree Health Coverage. An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS, may be able to purchase continued health benefits coverage for the retiree and eligible dependents unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must so inform the City Administrator on or before the date of retirement. If the employee elects to continue coverage for the retiree and/or any eligible dependents and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents who were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage. The City may provide for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage. The City may substitute Medicare supplement health benefits coverage as the coverage provided for a person who receives health benefits coverage, including an eligible dependent, after the date the person becomes eligible for federal Medicare benefits. A person who is entitled to retiree group health coverage must make payments for the coverage at the same time and in the same manner as current City employees.

Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.

Inability to work for an extended period of time. However, a leave of absence may be granted if it is a reasonable accommodation justified by medical necessity.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

Incapacity. An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirement of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued PTO benefits if provided by policy, if any, payable upon termination.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.



**AGREEMENT BETWEEN THE CITY OF MCLENDON CHISHOLM, TEXAS
AND TEAGUE NALL AND PERKINS, INC.
FOR PROFESSIONAL ENGINEERING DESIGN SERVICES**

PROJECT NAME: HWY 205 SANITARY SEWER LINE STUDY AND DESIGN

CLIENT: City of McLendon Chisholm Texas
ATTN: Lisa Palomba
City Manager

ADDRESS: 1371 West FM 550
McLendon-Chisholm, Texas 75032

This Agreement, effective _____, 2020, is entered into by and between the City of McLendon Chisholm, Texas (the CLIENT) and Teague Nall and Perkins, Inc., (the CONSULTANT), for professional engineering design services ("Agreement").

That for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

Article I

SCOPE OF SERVICES

This Agreement will provide for engineering design services for sanitary sewer services for the City of McLendon Chisholm's commercial properties along the Hwy 205 commercial corridor as summarized below:

- Master Plan: ~investigation and master planning of a sanitary sewer system and lines that will serve the commercial properties along HWY 205 as per the current Zoning map of the City of McLendon Chisholm. This will involve the analysis of the sanitary sewer drainage basin and recommendations on how best to serve those areas with appropriate location, size and type of sanitary sewer line and potential locations for lift stations where they may be appropriate.
- Phase 1: ~Design of construction plans for a sanitary sewer line (phase 1 of the above-mentioned study) to be constructed to serve commercial properties extending from Bushy Creek to and along HWY 205 to the entrance of Via Tosacana



The **Scope of Services** is further defined and included as Attachment 'A' and is made a part hereto.

Article II

COMPENSATION to be based on the following:

SCOPE OF SERVICES: The CITY agrees to pay the CONSULTANT fees in accordance with the table below. Fixed Fee items include a total fee for all labor and expense effort required to complete the associated scope of services items. Reimbursable Fee items include a suggested budgetary fee, **not to be construed as a maximum or minimum amount**, for labor and expense effort based on the attached standard rate sheet and as required to complete the associated scope of services items.

I. Surveying - Topographic & Boundary (fixed fee):	\$ 3,900.00
II. Design Services (fixed fee):	\$47,000.00
III. Subsurface Utility Engineering: Gas Line locate (fixed fee)	<u>\$ 4,000.00</u>
	\$54,900.00
IV. Easement Preparation (per parcel)	\$ 1,500.00

Reimbursable expenses such as reproduction and mileage will be billed at direct cost with a 1.05 multiplier.

ADDITIONAL SERVICES: Additional Services shall be any service provided by the CONSULTANT which is not specifically included in **BASIC SERVICES** as defined above or delineated in Attachment 'A'. **ADDITIONAL SERVICES** may include, but shall not be limited to:

- a.) Geotechnical studies or services;
- b.) Construction material testing services;
- c.) Environmental services;
- d.) Subcontract charges not described in **BASIC SERVICES** or Attachment 'A';
- e.) Construction staking;
- f.) Real Estate Appraisal services.

ADDITIONAL SERVICES: Additional Services shall be considered additional work and shall be reimbursed at standard TNP hourly rates or TNP standard rates for items provided in-house, or direct expenses times a multiplier of 1.05 for non-labor, subcontract or mileage items. Standard TNP hourly rates are included in Attachment 'B', attached hereto and incorporated herein for all purposes.

PAYMENT TERMS: The CITY shall be billed monthly for services rendered and pay

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promptly upon receipt of invoice. Delays of transmitting payments to the CONSULTANT more than 30 days from invoice date may result in cessation of services until payment is received.

In the event of a disputed or contested billing by CITY, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. CITY shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21st) calendar day after the date the CITY receives the invoice. CITY shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of the Consultant, CITY shall proceed to process said invoice, or the disputed portion of the invoice. If a dispute is resolved in favor of the CITY, Consultant shall submit to CITY a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid CITY in processing payment for the remaining balance. Such revised invoice shall have a new invoice number, clearly referencing the previous submitted invoice. CITY agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

Failure of the CITY to pay an invoice, for a reason other than upon written notification to the Consultant within sixty (60) days from the date of the invoice shall grant the Consultant the right, in addition to any and all other rights provided, to, upon written notice to the CITY, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10th) calendar day after written notice of suspension was provided to CITY, in accordance with Chapter 2251, Subchapter "D" ("Remedy for Nonpayment") of the *Texas Government Code*. The CITY shall not be required to pay any invoice submitted by the Consultant if the Consultant breached any provision(s) herein.

Article III

SCHEDULE: The Scope of Services shall be completed according to the schedule outlined in Attachment 'C', attached hereto and incorporated herein for all purposes.

Article IV

CONTRACT PROVISIONS: This Agreement for Professional Services shall be governed in accordance with the Contract Provisions provided as Attachment 'D', attached hereto and incorporated herein for all purposes. This Agreement, including Attachments 'A' through 'E', represents the entire agreement between the parties regarding the subject matter hereof and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modifies except by written agreement duly executed by both parties. Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any

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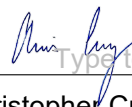
third-party beneficiaries by entering into this Agreement.

Please execute and return a signed copy for our files. Receipt of an executed copy of this Agreement will serve as notice to proceed. No work shall commence on the Agreement until an executed copy of this Agreement is received by CONSULTANT. By signing below, the signer warrants that he or she is authorized to execute binding contracts for the CITY.

Approved by CITY:

Accepted by CONSULTANT:

By: _____

By:  _____
Type text here

Title: _____

Title: Christopher Cuny, P.E.

Date: _____

Title: Director of Engineering Services

Date: _____



ATTACHMENT 'A' SCOPE OF SERVICES

I. SURVEYING – TOPOGRAPHIC & BOUNDARY

- A. Perform a Topographic Design Survey of the project area identifying the topography (1-foot contours), visible features and above ground improvements including buildings, driveways, sidewalks, culverts, paved areas, visible utilities, trees, landscaped areas and other pertinent features within the project area as necessary for engineering design. Survey information provided by TNP will be referenced to Grid North of the Texas Coordinate System of 1983 {North Central Zone No. 4202; NAD83(2011) Epoch 2010} and NAVD88, as derived locally from Western Data Systems Continuously Operating Reference Stations via real time kinematic survey methods. A minimum of two bench marks will be established at strategic locations around the project area for use during the design and construction phases of the project. The limits of survey will extend from the edge of the Hwy 205 pavement to 100 feet beyond proposed right-of-way (ROW).
- B. Perform right-of-way (ROW) verification and boundary determination including a thorough investigation of boundary markers/corners of the adjoining properties. Title research and deeds obtained of the project limits and the adjoining property owners will be conducted and a final property/ROW base will be prepared by a Registered Professional Land Surveyor.
- C. Provide a Base Map depicting the results of the Topographic Design Survey and Property Survey in AutoCAD format for in-house design.

II. EASEMENT PREPARATION

- A. Prepare Separate Instrument Exhibit and Legal Description for filing using the boundary information described above. Easements exhibits will be provided for use by the city or by ROW services in obtaining easements necessary for the completion of the project.
- B. It is anticipated that up to five (5) easements may be needed for the project based upon a preliminary property search.

III. DESIGN SERVICES

1. COORDINATION AND DATA COLLECTION

Design Kickoff Coordination Meeting:

The CONSULTANT will attend a design kick-off meeting with City to discuss and coordinate the various aspects of the project and discuss the anticipated project schedule.

**Data Collection:**

In addition to the information already provided by the CITY, the CONSULTANT will research and make efforts to obtain additional information to aid in the design of the proposed improvements. The CONSULTANT will also identify and seek to obtain data that may impact the project including: franchise utilities, drainage facilities, land use plans, thoroughfare plans, meter water, sewer and drainage plans. CONSULTANT will call DigTESS to have franchise utilities located prior to survey.

Coordination with other Agencies:

During the design process THE CONSULTANT shall coordinate with utility owners and TXDOT. These entities shall also be contacted if applicable, to determine plans for any proposed facilities or adjustment to existing facilities within the project limits. The information obtained shall be shown on the preliminary plans.

2. DESIGN ENGINEERING

The CONSULTANT will prepare plans for the Master plan and Phase 1 Project as follows:

Master Plan: A wastewater service map will be prepared indicating the proposed location and size of the waster water lines and d\shall identify the location and pumping capacity of any potential lift station sites along the commercial areas adjacent to and along Hwy 205. These plans will indicate the approximate length and depth of the sewer lines and shall be used to provide general information necessary to plan for sewer line sizes, manhole depths for Phase 1 construction plans, to make certain that future areas can tie into the Phase 1 system

Phase 1 Construction Plans will be prepared with Plan and profile sheets indicating line size and location, bore locations, connections to existing lines, etc. and all pertinent information needed to construct the project.

Existing utilities will be shown on the plan sheets. The CONSULTANT will coordinate with the various franchise utility companies and the City in an attempt to identify if the proposed wastewater line improvements conflict with any existing or proposed utility lines.

Engineering plans shall be submitted to the CITY as scheduled in the Project Schedule shown in Attachment 'C.' The CONSULTANT shall deliver two (2) sets of engineering plans to the CITY for review. Generally, engineering plan sheets will be organized as follows:

- a. Cover Sheet
- b. General Notes Sheet

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- c. Horizontal and Vertical Control Sheet(s)
- d. Sewer Line Plan and Profile Sheets
- e. Construction Details Sheets

Specifications for the project will be per the Technical Specifications of NCTCOG to be incorporated by reference.

THE CONSULTANT shall submit a preliminary estimate of probable construction cost with the preliminary plans and specifications submittal.

Review Meeting with City

After the CITY completes its review of the engineering plans, The CONSULTANT shall schedule a meeting to discuss the CITY's review comments if any, and shall make revisions the City's Engineering consultant may suggest.

Following the meeting with the City TNP will revise plans and specifications based on comments received from the CITY and franchise utility companies.

Provide one (1) copy of the 100% plans and specifications along with an updated opinion of probable costs to the CITY for confirmation that the plans are ready for bidding.

3. BIDDING SERVICES

Once the Engineering design has been approved by the CITY and the City provides the notice to proceed with bidding services The CONSULTANT will provide the following services under this task:

The CONSULTANT will perform the following services for the Phase 1 Section of the Sanitary Sewer project. The CONSULTANT will prepare specifications including the Construction Contract, Bid Form, Bonds, and General and Supplementary Conditions of the Construction Contract. The CONSULTANT shall utilize forms prepared by the Engineers Joint Contract Documents Committee (EJCDC).

The most current version of the North Central Texas Council of Government (NCTCOG) Standard Specifications for Public Works Construction will be used for technical specifications and will be incorporated by reference. Special technical specifications will be prepared if necessary for any items that deviate from the NCTCOG specifications. Documents related to the front-end specifications and technical specifications shall be reviewed and approved by the City prior to distribution to potential contractors, as provided herein.

Prepare Erosion Control Plans in accordance with NCTCOG and TCEQ requirements. The contractor's means and methods will determine whether or not a Storm Water Pollution Prevention Plan (SWPPP) is needed. If determined necessary, the CONSULTANT will assist the contractor in compiling information necessary for the SWPPP. The contractor shall be responsible for implementing

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TNP Firm  Registrations

Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601
Texas Board of Architectural Examiners, Firm No. BR 2673



and facilitating the SWPPP.

Prepare general Traffic Control Plans and guidelines for where the proposed waste water lines are to be installed within or adjacent to the existing road right-of-way.

Post plans and specifications to BidSync for access by potential bidders, vendors, and suppliers. It is anticipated that BidSync will be the primary means of prospective bidders accessing the plans and specifications.

Prepare up to 15 sets of plans and specifications for distribution to prospective bidders and CITY staff. A non-refundable deposit will be required of prospective bidders for the plans and specifications.

Prepare for and participate in a Pre-Bid Meeting.

Issue addenda as required.

Answer contractor questions.

Attend bid opening, prepare a tabulation of bids, and prepare a letter summarizing the bids and making a recommendation of award to the CITY.

4. CONSTRUCTION ADMINISTRATION SERVICES

The CONSULTANT will not provide resident Construction Representation Services but will provide construction phase services as specifically stated below. For purpose of this contract the time of construction for Phase 1 of the project is anticipated to be three (3) months.

A. Pre-Construction Conference

The CONSULTANT will conduct a pre-construction conference prior to commencement of work at the site.

B. Visits to Site and Observation of Construction

The CONSULTANT will provide limited on-site construction observation services during construction phase, but the CONSULTANT will visit the site as directed by the CITY. Weekly site visits shall be provided during active construction periods in order to observe the progress of the Work. Such visits and observations are not intended to be exhaustive or to extend to every aspect of the Contractor's work in progress. Observations are to be limited to confirming general conformance with the plans and specifications. Construction inspection if desired



by the City will be performed by the CITY's inspection service consultant or others.

The purpose of the CONSULTANT'S site visits will be to provide the CITY a greater degree of confidence that the completed work will conform in general to the Contract Documents. CONSULTANT shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures, of construction selected by contractor, for safety precautions and programs incident to Contractors work, not for any failure of contractor to comply with the laws and regulations applicable to Contractors furnishing and performing the work. Accordingly, the CONSULTANT neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the Contract Documents.

C. Recommendations with Respect to Defective Work

The CONSULTANT will recommend to the CITY that the contractor's work be disapproved and rejected while it is in progress if, on the basis of observations noted above, the CONSULTANT believes that such work will not produce a completed project that conforms generally to the Contract Documents.

D. Clarifications and Interpretations

The CONSULTANT will respond to reasonable contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents. Any orders authorizing variations from the Contract Documents will be made by the CITY.

E. Change Orders

The CONSULTANT may recommend Change Orders to the CITY and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

F. Shop Drawings and Samples

The CONSULTANT will review and approve/comment on all submittals submitted by the Contractor. The review will only be for general conformance with the information given in the Contract Documents.

G. Substitutes

The CONSULTANT will evaluate and determine acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the

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Contract Documents.

C. Applications for Payment

The CONSULTANT shall review the contractor's applications for payment and accompanying supporting documentation. The CONSULTANT will issue a recommendation for payment in writing to the CITY.

D. Substantial Completion

The CONSULTANT will, upon notice of the Contractor and invitation from the CITY, perform a site visit to determine if the work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items in the Contract Documents with the exception of items identified on a final punch list.

E. Final Acceptance of Work

The CONSULTANT will participate in a final site visit with the CITY and contractor to determine if the completed work is generally in accordance with the Contract Documents and punch list so that the CONSULTANT can recommend, in writing, final payment to the Contractor.

F. Record Drawings

Upon receipt of comments from the CITY's Inspector and the Contractor, the CONSULTANT will prepare the Record Drawings (for each project phase). Record Drawings will be revisions to the construction drawings that reflect changes during the construction process reported to the CONSULTANT. One (1) set of Record Drawings will be delivered to the CITY. The CONSULTANT will also provide an electronic file of Record Drawings as PDF's and an AutoCAD base file of the Project.

ATTACHMENT 'B'
TEAGUE NALL AND PERKINS, INC.
2019 - 2020 Standard Hourly Rates
Effective January 1, 2019 to December 31, 2020

Engineering/Landscape Architecture/ROW	Hourly Billing Rate
Principal or Director	\$250
Team Leader	\$230
Senior Project Manager	\$220
Project Manager	\$175
Senior Engineer	\$230
Project Engineer	\$160
Engineer III/IV	\$135
Engineer I/II	\$125
Landscape Architect / Planner	\$160
Landscape Designer	\$120
Senior Designer	\$140
Designer	\$130
Senior CAD Technician	\$125
CAD Technician	\$110
IT Technician	\$170
Clerical	\$80
ROW Manager	\$190
Senior ROW Agent	\$160
ROW Agent	\$125
Relocation Agent	\$160
ROW Admin	\$70
Intern	\$70

Surveying	Hourly Billing Rate
Survey Manager	\$230
Registered Professional Land Surveyor (RPLS)	\$195
Field Coordinator	\$140
S.I.T. or Senior Survey Technician	\$140
Survey Technician	\$110
1-Person Field Crew w/Equipment**	\$145
2-Person Field Crew w/Equipment**	\$175
3-Person Field Crew w/Equipment**	\$200
4-Person Field Crew w/Equipment**	\$220
Flagger	\$50
Abstractor (Property Deed Research)	\$90
Small Unmanned Aerial Systems (sUAS) Equipment & Crew	\$400
Terrestrial Scanning Equipment & Crew	\$250

Utility Management, Utility Coordination, and SUE	Hourly Billing Rate
Senior Utility Coordinator	\$165
Utility Coordinator	\$150
SUE Project Manager	\$190
SUE Engineer	\$170
Field Coordinator	\$140
Sr. Utility Location Specialist	\$140
Utility Location Specialist	\$90
1-Person Designator Crew w/Equipment***	\$145
2-Person Designator Crew w/Equipment***	\$170
2-Person Vac Excavator Crew w/Equip (Exposing Utility Only)	\$275 (4 hr. min.)
Core Drill (equipment only)	\$750 per day
SUE QL-A Test Hole (0 < 4 ft)	\$1,250 each
SUE QL-A Test Hole (> 4 < 6 ft)	\$1,500 each
SUE QL-A Test Hole (> 6 < 8 ft)	\$1,750 each
SUE QL-A Test Hole (> 8 < 10 ft)	\$2,000 each
SUE QL-A Test Hole (> 10 < 12 ft)	\$2,250 each
SUE QL-A Test Hole (> 12 < 14 ft)	\$2,500 each

Construction Management, Construction Engineering and Inspection (CEI)	Hourly Billing Rate
Construction Inspector II	\$100
Construction Inspector III	\$110
Senior Construction Inspector	\$130
Construction Superintendent	\$180
Senior Project Manager	\$220

Direct Cost Reimbursables

A fee equal to 3% of labor billings shall be included on each monthly invoice for prints, plots, photocopies, plans or documents on CD, DVD or memory devices, and mileage. No individual or separate accounting of these items will be performed by TNP.

Any permit fees, filing fees, or other fees related to the project and paid on behalf of the client by TNP to other entities shall be invoiced at 1.10 times actual cost.

Notes:

All subcontracted and outsourced services shall be billed at rates comparable to TNP's billing rates above or cost times a multiplier of 1.10.

* *Rates shown are for 2019 and 2020 and are subject to change in subsequent years.*

** *Survey equipment may include truck, ATV, Robotic Total Station, GPS Units and Digital Level.*

*** *Includes crew labor, vehicle costs, and field supplies.*



ATTACHMENT 'C' PROJECT SCHEDULE

Master Planning Phase shall be complete within 45 days from the date of receipt of a signed contract. For Phase 1 of the project, the CONSULTANT shall endeavor to accomplish the work in accordance with the following schedule:

- Submit final design within 45 days of completion of survey and Subsurface Utility Engineering (as surveying on private property will be required, CONSULTANT does not have complete control of surveying schedule).
- Submit final plans with any revisions requested by the city's engineering consultant within 15 days of receipt of the CITY's comments.

CONSULTANT shall endeavor to complete the work per the above schedule. It is understood and agreed that the objective of all involved in this project is to produce and provide quality and complete information and deliverables, which requires a considerable amount of coordination and cooperation, as well as adequate time for research, analysis and development. It is also understood that CONSULTANT's ability to perform the scope of service is dependent upon timely receipt of information and data from the CITY, as well as other requested materials as may be needed to complete the work. Adjustments in schedule may be required should information or data from the CITY become delayed or not provided in a timely manner.



ATTACHMENT 'D' CONTRACT PROVISIONS

1. AUTHORIZATION TO PROCEED

Signing this Agreement shall be construed as authorization for TNP, Inc. to proceed with the work, unless otherwise provided for in this Agreement.

2. LABOR COSTS

TNP, Inc.'s Labor Costs shall be the amount of salaries paid TNP, Inc.'s employees for work performed on CITY's Project plus a stipulated percentage of such salaries to cover all payroll-related taxes, payments, premiums, and benefits.

3. DIRECT EXPENSES

TNP, Inc.'s Direct Expenses shall be those costs incurred on or directly for the CITY's Project, including but not limited to necessary transportation costs including mileage at TNP, Inc.'s current rate when its, or its employee's, automobiles are used, meals, lodging, laboratory tests, computer services, telephone, printing and binding charges times a multiplier of 1.10. Reimbursement for these expenses shall be on the basis of actual charges when furnished by commercial sources and on the basis of usual commercial charges when furnished by TNP, Inc. Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be kept for auditing purposes.

4. OUTSIDE SERVICES

When technical or professional services are furnished by an outside source, an additional amount of 10% (actual cost times a multiplier of 1.10) shall be added to the cost of these services for TNP, Inc.'s administrative costs.

5. OPINION OF PROBABLE COST

In providing opinions of probable cost, the CITY understands that TNP, Inc. has no control over construction costs or the price of labor, equipment, or materials, or over the Contractor's method of pricing, and that the opinions of probable cost provided to CITY are to be made on the basis of the design professional's qualifications and experience. TNP, Inc. makes

no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

6. PROFESSIONAL STANDARDS

TNP, Inc. shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in the State of Texas, for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Authorization. TNP, Inc. makes no other warranty, expressed or implied.

7. TERMINATION

This Agreement may be terminated for convenience upon 30 days' written notice by either party with or without cause. On termination, Engineer will be paid for all work performed up to the date of notification. If no notice of termination is given and termination is not for cause, relationships and obligations created by this Agreement except Articles 8 through 15, will be terminated upon completion of all applicable requirements of this Agreement.

In the event that any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought in Grayson County, Texas, and shall be governed by the laws of the State of Texas.

8. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of this Agreement for any cause.

9. REMEDIES/MEDIATION

In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the CITY and the ENGINEER agree that all disputes between them arising out of or relating to this Agreement may be submitted to nonbinding mediation unless the parties mutually agree otherwise. The exercise of mediation in no way limits the rights and/or remedies available to

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TNP Firm Registrations

Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601
Texas Board of Architectural Examiners, Firm No. BR 2673



either party in law or in equity under this Agreement.

The CITY and the ENGINEER further agree to include a similar mediation provision in all agreements with independent contractors and consultants retained for the project and to require all independent contractors and consultants retained also to include a similar mediation provision in all agreements with subcontractors, subconsultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.

10. LEGAL EXPENSES

In the event legal action is brought by CITY or TNP, Inc. against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for fees, costs and expenses as may be set by the court.

11. PAYMENT TO TNP, INC.

Monthly invoices will be issued by TNP, Inc. for all work performed under the terms of this agreement. Invoices are due and payable on receipt. If payment is not received within 30 days of invoice date, all work on CITY's project shall cease and all work products and documents shall be withheld until payment is received by TNP. Time shall be added to the project schedule for any work stoppages resulting from CITY's failure to render payment within 30 days of invoice date. Interest at the rate of 1½% per month will be charged on all past-due amounts, unless not permitted by law, in which case, interest will be charged at the highest amount permitted by law.

12. ADDITIONAL SERVICES

Services not specified as Basic Services in Scope and Attachment 'A' will be provided by TNP, Inc. as Additional Services when requested and approved in writing by the CITY. Additional services will be paid for by CITY as indicated in Article II, Compensation.

13. SALES TAX

In accordance with the State Sales Tax Codes, certain surveying services are taxable.

Applicable sales tax is not included in the fee set forth and will be added on and collected when required by state law. Sales tax at the applicable rate will be indicated on invoice statements.

14. SURVEYING SERVICES

In accordance with the Professional Land Surveying Practices Act of 1989, the CITY is informed that any complaints about surveying services may be forwarded to the Texas Board of Professional Land Surveying, 12100 Park 35 Circle, Building A, Suite 156, MC-230, Austin, Texas 78753, (512) 239-5263.

15. LANDSCAPE ARCHITECT SERVICES

The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as landscape architects in Texas. The CITY is informed that any complaints about landscape architecture services be forwarded to the Texas Board of Architectural Examiners, Hobby Building: 333 Guadalupe, Suite 2-350, Austin, Texas 78701, Telephone (512) 305-9000, Fax (512) 305-8900.

16. INVALIDITY CLAUSE

In case any one or more of the provisions contained in this Agreement shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.

17. PROJECT SITE SAFETY

TNP, Inc. has no duty or responsibility for project site safety. Means and methods of construction and jobsite safety are the sole responsibility of the contractor.

18. DRAINAGE CLAUSE

The parties to this Agreement recognize that the development of real property has the potential to increase water runoff on downstream properties, and that such increase in runoff increases the possibility of water damage to downstream properties.

19. INTERPRETATION

The limitations of liability and indemnities will apply whether Engineer's liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory liability; or any other cause of action, except for willful misconduct or gross negligence for limitations of

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TNP Firm  Registrations

Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601
Texas Board of Architectural Examiners, Firm No. BR 2673



liability and sole negligence for indemnification, and shall apply to Engineer's officers, affiliated corporation, employees and subcontractors. The law of the state of Texas shall govern the validity of this Agreement, its Interpretation and performance, and any other claims related to it.

20. LIABILITY

- a. Engineer's services shall be governed by the negligence standard for professional services, measured as of the time those services are performed.
- b. The Owner's review, approval, or acceptance of, or payment for, any of these services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performances of this Agreement, and the Engineer shall be and remain liable in accordance with applicable law for all damages to the Owner caused by Engineer's omissions or negligent performance of any of the services furnished under this Agreement.
- c. To the maximum extent permitted by law, Engineer's liability for Owner damages for any cause or combinations of causes will, in the aggregate, not exceed the limits of the Engineer's professional liability insurance coverage.
- d. As used herein, Engineer includes the corporation, subcontractors, and any of its or their officers, or employees.

21. INDEMNIFICATION

CONSULTANT SHALL HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), INTELLECTUAL PROPERTY INFRINGEMENT CLAIMS (INCLUDING PATENT, COPYRIGHT AND TRADEMARK INFRINGEMENTS), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEYS' FEES AND EXPENSES INCURRED IN ENFORCING THIS INDEMNITY), TO THE EXTENT CAUSED BY OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS,

LICENSEES, INVITEES, OR ANY OTHER ENTITY OVER WHICH THE CONSULTANT EXERCISES CONTROL, IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT AND/OR ARISING OUT OF PROFESSIONAL SERVICES PROVIDED BY CONSULTANT PURSUANT TO THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY (HEREINAFTER "CLAIMS"). THIS INDEMNIFICATION SHALL EXTEND TO THE PAYMENT OR REIMBURSEMENT OF THE CITY'S REASONABLE ATTORNEY'S FEES AND ASSOCIATED COSTS, COURT COSTS, AND SETTLEMENT COSTS IN PROPORTION TO THE CONSULTANT'S LIABILITY.

CONSULTANT SHALL PROMPTLY NOTIFY CITY OF THE DEFENSE COUNSEL RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER, AND TIMELY NOTIFY CITY OF ANY AND ALL LEGAL ACTIONS TAKEN BY THE DEFENSE COUNSEL REGARDING ANY AND ALL CLAIMS.

THIS ARTICLE SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

22. CONSULTANT INSURANCE REQUIREMENTS

(a) Required Professional Liability

Insurance – Consultant shall maintain, at no expense to CITY, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars (\$1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars (\$2,000,000.00) in the aggregate. Such policy shall require the provision of written notice to CITY at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish CITY with certificates evidencing such coverage prior to commencing work on the Project.

(b) Required General Liability Insurance

Consistent with the terms and provisions of Attachment "E," CITY of Denison Contractor Insurance Requirements, Consultant shall maintain, at no expense to CITY, a general liability insurance policy with a company that maintains a minimum rating of "A" by A.M.

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TNP Firm  Registrations

Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601
Texas Board of Architectural Examiners, Firm No. BR 2673



Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars (\$1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars (\$2,000,000.00) in the aggregate. Such policy shall name the CITY, its officers, agents, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the CITY for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to CITY at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish CITY with certificates evidencing such coverage prior to commencing work on the Project.

(c) Required Workers Compensation

Insurance – Consistent with the terms and provisions of Attachment “E,” CITY of Denison Contractor Insurance Requirements, Consultant shall maintain, at no expense to CITY, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of “A” by A.M. Best's Key Rating Guide, or other equivalent service(s), and authorized to transact business in the State of Texas. Such policy shall provide for a waiver of subrogation against the CITY for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to CITY at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish CITY with certificates evidencing such coverage prior to commencing work on the Project.

(d) Circumstances Requiring Business

Auto – Consistent with the terms and conditions of Attachment “E”, Consultant shall maintain, at no expense to the CITY, a Business Auto Liability coverage insurance policy with a company that maintains a minimum rating of “A” by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars (\$2,000,000.00). Such policy shall name the CITY, its officers, agents, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the CITY for injuries, including death, property damage, or any other loss to the extent that the same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to the CITY at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish CITY with certificates evidencing such coverage prior to commencing work on the Project.

23. OWNERSHIP OF DOCUMENTS

The Project is the property of the CITY, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any materials for any other purpose not relating to the Project without CITY's prior written consent. Consultant shall retain an ownership interest in the project documents, whether or not the Project is completed. CITY shall be furnished with such reproductions of the, plans, data, documents, maps, and any other information as defined in Exhibit “A.” Upon completion of the work, or any earlier termination of this Agreement, Consultant will revise plans, data, documents, maps, and any other information as defined in Exhibit “A” to reflect changes while working on the Project and promptly furnish the same to the CITY in an acceptable electronic format. The CITY may make and retain copies for information and reference for the following purposes completion of the Project, and/or additions, alterations, modifications, and/or revisions to

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TNP Firm  Registrations

Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601
Texas Board of Architectural Examiners, Firm No. BR 2673



the Project. Consultant acknowledges that CITY is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or Sub-Consultants) under this Agreement are instruments of service in respect of the Project and property of the CITY and upon completion of the Project shall thereafter be

subject to the Texas Public Information Act (*Texas Government Code*, Chapter 552) and any other applicable laws requiring public disclosure of the information contained in said documents.

24. ASSIGNMENT

Neither Party will assign all or any part of this Agreement without prior written consent to the other party.

North East Texas Inspections

638 Chisholm Ranch Dr., Rockwall Texas 75032 972-998-3415

There were 14 new single family residential home permits issued in January, 2020. The attached addendum reflects the home address, valuation, square footage and name of the Builder.

There were 6 new accessory projects permitted including single trades, swimming pools, outdoor living, shop buildings and other accessory endeavors that are also attached.

Thank you for choosing North East Texas Inspections for your Building Services provider.

January 2020

David Ellis, Building Official

January 2020 New SFR	Valuation	Square ft.	Fee	Builder
1922 galenda		2866	\$875.00	highland
1701 budino		3142	\$875.00	highland
1288 somerset		5638	\$1,025.00	covenant
1714 cima		2594	\$875.00	bloomfield
1710 budino		3000	\$875.00	bloomfield
1747 bertino		2624	\$875.00	bloomfield
1819 tuscan		2824	\$875.00	altura
1765 bertino		2824	\$875.00	altura
1825 tuscan		2360	\$875.00	altura
1831 tuscan		2624	\$ 875.00	altura
1711 bertino		3090	\$875.00	altura
1759 brtino		2706	\$875.00	altura
1324 somerset		9303	\$1,025.00	m. eido
1728 san donato		2357	\$875.00	highland
			\$12,550.00	

Accessory permits January 2020	Project	Valuation	Fee
1000 pullen rd.	rm addon		\$375.00
1305 somerset lane	solar		\$150.00
440 Briar Geln	plmbg		\$75.00
1061 kingsbridge	outdoor kitchen		\$375.00
1839 bertino	const. trl.		\$150.00
1096 fm 1139	generator		\$75.00
			\$1,200.00

January 2020 Onsite inspections actual

1913 recioto	flatwork
1835 tuscan	plmbg rough
1843 tuscan	plmbg rough
1909 recioto	plmbg rough
1901 recioto	plmbg rough
1709 budino	plmbg rough
1778 bertino	flatwork
1784 bertino	flatwork
1796 bertino	flatwork
1790 bertino	flatwork
1796 bertino	flatwork
1796 bertino	flatwork
1411 via toscana	flatwork
1789 bertino	gas meter
1789 bertino	electric meter
1808 bertino	t-pole
1814 bertino	t-pole
1808 amalfi	t-pole
1807 tuscan	t-pole
5763 hwy 205	plmbg rough
1711 cima	plmbg rough
5763 hwy 205	t-pole
1169 lucca	electric meter
2005 corleone	gas meter
2005 corleone	electric meter
2009 corleone	gas meter
2009 corleone	electric meter
2029 corleone	gas meter
2029 corleone	electric meter
1745 amarone	gas meter
2033 corleone	gas meter
1745 amarone	electric meter
1194 lucca	frame mep
1484 siena	frame mep
1709 budino	plmbg rough
1789 bertino	gas meter
1201 artesia	slab
5763 s. hwy 205	foundation
2005 corleone	flatwork
2009 corleone	flatwork
2029 corleone	flatwork
1745 amarone	flatwork
1702 puglia	flatwork
1061 kingsbridge	pier holes
251 pheasant hill	foundation
1321 arezzo	pool deck electric

1910 Galenda	plmbg rough
1914 galenda	plmbg rough
1804 radda	plmbg rough
1621 san donato	electric meter
1830 belagio	electric meter
1713 san donato	gas meter
1710 cima	gas meter
1710 cima	electric meter
1925 recioto	gas meter
1925 recioto	electric meter
1905 recioto	gas meter
1905 recioto	electric meter
1182 lucca	plmbg rough
1804 radda	plmbg rough
1937 recioto	plmbg rough
1910 Galenda	plmbg rough
1914 galenda	plmbg rough
1918 galenda	plmbg rough
1713 san donato	gas meter
1621 san donato	gas meter
1194 lucca	frame mep
1194 siena	frame mep
1713 san donato	electric meter
1713 pienze	frame mep
1804 radda	flatwork
440 briar glen	water heater
1711 cima	t-pole
1830 belagio	gas meter
1713 pienze	t-pole
1808 radda	final co
1839 tuscany	gas meter
1839 tuscany	electric meter
1804 radda	flatwork
1910 Galenda	flatwork
1914 galenda	flatwork
1918 galenda	flatwork
1922 galenda	t-pole
1723 bertino	gas meter
1723 bertino	electric meter
1729 bertino	gas meter
1729 bertino	electric meter
1735 bertino	gas meter
1735 bertino	electric meter
1741 bertino	gas meter
1741 bertino	electric meter
1804 radda	flatwork
1839 bertino	t-pole

1169 lucca	final co
1830 belagio	gas meter
1808 radda	gas meter
1921 recito	final co
1633 san donato	final co
1061 kingsbridge	patio cover
1750 fm 550	frame mep
1830 belagio	gas meter
1979 voltera	electric meter
1750 fm 550	frame mep
1734 amarone	gas meter
1979 voltera	gas meter
1847 tuscan	final co
1734 amarone	electric meter
1716 san donato	frame mep
1910 Galenda	flatwork
1720 san donato	frame mep
1914 galenda	flatwork
1918 galenda	flatwork
1711 cima	flatwork
1937 recioto	flatwork
1702 amarone	gas meter
1702 amarone	electric meter
1750 fm 550	frame mep
980 fm 1139	belly steel
1702 amarone	gas meter
1702 amarone	electric meter
1937 recioto	flatwork
1711 cima	flatwork
1288 somerset	t-pole
2005 corleone	gas meter
2009 corleone	gas meter
1029 corleone	gas meter
2033 corleone	electric meter
1745 amarone	gas meter
1745 amarone	electric meter
1710 voltera	gas meter
1709 pieneze	gas meter
1758 amarone	gas meter
1719 voltera	electric meter
1810 belagio	electric meter
1719 voltera	gas meter
1810 belagio	gas meter
1201 artesia	frame mep
1789 bertino	final co
1795 bertino	frame mep
1324 somerset	t-pole

ROCKWALL COUNTY SHERIFF
972 TL TOWNSEND ROCKWALL , TX 75087

CC.IncDate Between '01/01/2020' And '01/31/2020' AND CC.District = '41' AND

IsNull(CC.Jurisdiction, 'Default') = 'Default'

CFS History Search
Public Report

CFS #	Create When	Location	CallType Disposition
2020-004021	1/31/2020 09:34:54 AM		MEDICAL CALL ASSIGNMENT COMPLET
2020-003997	1/31/2020 05:12:24 AM		DISTURBANCE ASSIGNMENT COMPLET
2020-003902	1/30/2020 06:15:17 PM		MOTORIST ASSIST ASSIGNMENT COMP
2020-003791	1/30/2020 06:08:56 AM		RECKLESS DRIVER ASSIGNMENT COMF
2020-003753	1/29/2020 10:07:04 PM		RUNAWAY ASSIGNMENT COMPLETE
2020-003676	1/29/2020 10:22:09 AM		DISTURBANCE ASSIGNMENT COMPLET
2020-003488	1/27/2020 07:42:41 PM		SUSPICIOUS PERSON/VEHICLE ASSIGN
2020-003455	1/27/2020 02:30:13 PM		BURGLARY BUILDING RSO REPORT TA
2020-003426	1/27/2020 09:44:28 AM		MEET COMPLAINANT ASSIGNMENT COM
2020-003418	1/27/2020 08:00:40 AM		ACCIDENT MINOR ACCIDENT REPORT
2020-003374	1/26/2020 10:05:44 PM		ALARM FALSE ALARM
2020-003348	1/26/2020 06:07:56 PM		ASSAULT ARREST
2020-003347	1/26/2020 06:04:17 PM		MEDICAL CALL ASSIGNMENT COMPLET
2020-003314	1/26/2020 09:09:40 AM		PERSON W/ GUN UTL
2020-003289	1/25/2020 11:04:17 PM		ANIMAL VISCIOUS ASSIGNMENT COMPL
2020-003284	1/25/2020 10:26:06 PM		WELFARE CHECK RSO REPORT TAKEN
2020-003268	1/25/2020 04:00:39 PM		THEFT RSO REPORT TAKEN
2020-003245	1/25/2020 08:24:57 AM		ANIMAL COMPLAINT ASSIGNMENT COM
2020-003209	1/25/2020 12:24:34 AM		RECKLESS DRIVER UTL
2020-003145	1/24/2020 05:21:34 PM		MEDICAL CALL ASSIGNMENT COMPLET
2020-003139	1/24/2020 03:11:58 PM		RECKLESS DRIVER WARNING
2020-002938	1/23/2020 09:23:29 AM		WELFARE CHECK UTL

CAD Report 71

Page 1 Of 3

CFS #	Create When	Location	CallType Disposition
2020-002796	1/22/2020 08:35:04 AM	7005 KENNINGTON DR MOLENDON OH 43041	SUSPICIOUS PERSON/VEHICLE ASSIGN
2020-002674	1/21/2020 10:56:14 AM		THEFT RSO REPORT TAKEN
2020-002132	1/17/2020 05:55:41 PM		ACCIDENT HIT & RUN ACCIDENT REPOF
2020-001950	1/16/2020 09:25:15 AM		LIFT ASSIST ASSIGNMENT COMPLETE
2020-001909	1/15/2020 11:12:43 PM		LIFT ASSIST ASSIGNMENT COMPLETE
2020-001868	1/15/2020 06:35:47 PM		SHOTS FIRED ASSIGNMENT COMPLETE
2020-001729	1/14/2020 06:00:32 PM		ALARM FALSE ALARM
2020-001640	1/13/2020 11:57:03 PM		MEDICAL CALL ASSIGNMENT COMPLET
2020-001567	1/13/2020 09:43:19 AM		MEDICAL CALL RSO REPORT TAKEN
2020-001556	1/13/2020 07:58:57 AM		WELFARE CHECK UTL
2020-001495	1/12/2020 04:57:10 PM		DISTURBANCE NO OFFENSE
2020-001487	1/12/2020 02:26:09 PM		ANIMAL COMPLAINT UTL
2020-001483	1/12/2020 12:37:15 PM		BURGLARY RESIDENCE ASSIGNMENT C
2020-001480	1/12/2020 11:51:58 AM		DISTURBANCE ASSIGNMENT COMPLET
2020-001456	1/12/2020 02:20:38 AM		ANIMAL LOOSE LIVESTOCK ASSIGNMEN
2020-001408	1/11/2020 09:04:09 PM		MEET COMPLAINANT ASSIGNMENT COM
2020-001357	1/11/2020 01:26:45 PM		ALARM FALSE ALARM
2020-001306	1/11/2020 12:43:12 AM		MISCELLANEOUS ASSIGNMENT COMPL
2020-001274	1/10/2020 05:23:50 PM		RECKLESS DRIVER UTL
2020-001129	1/9/2020 05:43:58 PM		ALARM ASSIGNMENT COMPLETE
2020-001057	1/9/2020 06:01:24 AM		ALARM ASSIGNMENT COMPLETE
2020-001030	1/9/2020 12:02:18 AM		ALARM ASSIGNMENT COMPLETE
2020-000987	1/8/2020 04:52:55 PM		MEET COMPLAINANT ASSIGNMENT COM
2020-000983	1/8/2020 04:04:44 PM		THEFT ASSIGNMENT COMPLETE
2020-000975	1/8/2020 02:24:35 PM		ALARM ASSIGNMENT COMPLETE
2020-000972	1/8/2020 01:23:14 PM		MEET COMPLAINANT RSO REPORT TAK
2020-000897	1/7/2020 08:53:48 PM		MISCELLANEOUS ASSIGNMENT COMPL
CAD Report 71			

CFS #	Create When	Location	CallType Disposition
2020-000856	1/7/2020 12:47:32 PM		MEDICAL CALL ASSIGNMENT COMPLET
2020-000841	1/7/2020 10:07:10 AM		SUSPICIOUS ACTIVITY ASSIGNMENT CC
2020-000625	1/5/2020 03:59:17 PM		WELFARE CHECK UTL
2020-000492	1/4/2020 11:32:58 AM		FRAUD RSO REPORT TAKEN
2020-000168	1/2/2020 09:43:45 AM		MEET COMPLAINANT ASSIGNMENT COM
2020-000092	1/1/2020 06:50:31 PM		FIRE GRASS ASSIGNMENT COMPLETE
2020-000067	1/1/2020 12:33:40 PM		MEET COMPLAINANT ASSIGNMENT COM
Total: 56			

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City of McLendon Chisholm
Operating Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue and Expenses				Prior Period Revenue and Expenses			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
Revenue								
302 · Franchise Income	94,916	\$ 121,960	65%	\$ 187,000	\$ 3,717	\$ 28,594	18%	\$ 154,830
303 · Development Income	620	810	5%	15,000	-	10,954	38%	29,000
304 · Building Permit Income	74,332	278,166	84%	330,000	30,557	67,911	14%	492,419
305 · Municipal Court Income	-	-	0%	1,800	-	359	120%	300
306 · Interest Income	2,209	7,248	39%	18,500	1,541	4,871	- %	-
307 · Sign Permit Income	-	-	0%	100	-	-	- %	-
308 · Septic Fees	1,700	5,375	69%	7,800	1,000	1,500	8%	17,885
309 · Food Enforcement	600	900	72%	1,250	600	1,050	175%	600
310 · Sales Tax Revenue	30,058	97,240	47%	205,750	16,158	66,437	43%	154,603
311 · PID Admin Expense Reimbursement	-	-	- %	-	-	690	15%	4,750
313 · Donations	200	836	139%	600	-	1,449	290%	500
314 · Copies Public Inf. Income	-	-	0%	130	-	40	- %	-
315 · Miscellaneous Income	-	-	- %	-	-	-	- %	-
317 · Ad Valorem Tax	150,979	539,957	100%	537,708	218,427	326,310	93%	350,579
318 · Tax Certifications	-	74	98%	75	37	51	- %	-
320 · NSF Fee Revenue	-	-	- %	-	-	-	- %	-
321 · Credit Card Fee Revenue	31	732	133%	550	15	60	4%	1,501
Total Revenue	\$ 355,645	\$ 1,053,297	81%	\$ 1,306,263	\$ 272,052	\$ 510,275	81%	\$ 1,206,967

City of McLendon Chisholm
Operating Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue and Expenses				Prior Period Revenue and Expenses			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
Expenditures								
Operating Expenditures								
401 · Municipal Court	\$ -	\$ -	0%	\$ 50	\$ -	\$ 7	- %	\$ 1,515
402 · Election Expense	-	-	0%	12,250	-	-	- %	10,000
410 · Building Inspections	13,750	59,240	50%	117,742	8,675	25,900	17%	155,818
411 · Environment Regulation Expense	800	1,930	31%	6,255	1,000	2,200	21%	10,465
414 · Animal Control	-	-	0%	18,000	-	-	- %	-
415 · Section 380 Grant Program	7,136	10,444	275%	3,800	-	-	- %	-
418 · Membership Fees	-	375	24%	1,575	250	625	21%	3,000
422 · Public Notice Expense	-	14,336	157%	9,150	6,318	6,573	293%	2,243
423 · Community Functions	-	7,290	1458%	500	-	156	3%	5,464
426 · Appraisal District Collection	-	1,903	38%	5,000	1,660	-	0%	5,883
430 · Public Safety	25,068	170,492	56%	306,555	24,322	128,262	34%	375,211
Total 400 Operating Expenditures	\$ 46,754	\$ 219,255	46%	\$ 480,877	\$ 42,225	\$ 165,383	29%	\$ 569,599
Occupancy Expenditures								
502 · Electricity	\$ 223	\$ 929	34%	\$ 2,700	\$ 221	894	23%	\$ 3,915
506 · Water	1,355	4,033	101%	4,000	268	1,245	14%	8,952
510 · Propane Gas	-	-	0%	788	-	-	- %	788
512 · Trash Pick up	-	-	0%	1,344	-	-	- %	-
514 · Building Maint/Improvements	620	1,623	13%	12,200	558	4,453	83%	5,356
516 · Lawn Maintenance	685	2,740	32%	8,500	685	2,740	34%	8,144
517 · Council Meeting Expenses	-	-	- %	-	-	-	- %	-
518 · Janitorial	-	-	- %	-	-	40	1%	4,181
520 · Telephone & Internet	619	2,459	36%	6,900	466	2,015	27%	7,593

City of McLendon Chisholm
Operating Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue and Expenses				Prior Period Revenue and Expenses			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
522 · Website Expense	184	1,018	102%	1,000	238	418	35%	1,202
Total 500 Occupancy Expenditures	\$ 3,686	\$ 12,803	34%	\$ 37,432	\$ 2,436	\$ 11,804	34%	\$ 40,131
General & Administrative Expenditures								
602 · County Clerk Ordinance Filings	-	\$ -	- %	\$ -	\$ -	\$ -	- %	\$ -
603 · Citizen Recognition	-	-	- %	-	-	-	0%	500
604 · Municipal Manuals, Books & Maps	59	346	138%	250	-	25	0%	12,803
606 · Employee Costs	14,370	57,960	26%	222,455	10,884	75,355	38%	199,218
618 · Liability Insurance	-	5,292	70%	7,517	-	7,063	77%	9,227
619 · Software Subscriptions	469	5,167	27%	19,000	377	15,233	102%	15,000
621 · IT Support	650	2,450	45%	5,500	225	900	18%	5,000
622 · Office Supplies - City Hall	369	1,248	42%	3,000	-	1,276	41%	3,124
623 · Office Equipment	149	447	17%	2,600	(106)	1,014	38%	2,655
624 · Office Equip Maintenance	-	1,052	70%	1,500	-	1,083	39%	2,797
625 · Printed Materials	-	564	33%	1,700	70	995	66%	1,502
626 · Postage-City Hall	63	164	12%	1,410	31	801	23%	3,490
628 · Bank Fees	416	841	56%	1,500	60	304	30%	1,010
630 · Legal & Professional								
63001-Accounting & Payroll services	4,411	17,632	34%	52,514	6,253	22,989	46%	50,000
63002 - Financial Audit	-	-	0%	15,000	9,500	9,500	63%	15,000
63003 - Legal	2,441	7,451	19%	40,000	2,560	15,240	12%	124,000
63005 - City Planner	-	520	1%	45,000	7,308	25,200	96%	26,376
63008 - Financial Consulting	1,059	13,641	52%	26,000	1,033	3,301	- %	-
63009 - Engineering	-	4,044	27%	15,000		-	- %	
645 · Transcription Services	-	-	- %	-	219	3,104	- %	-

City of McLendon Chisholm
Operating Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue and Expenses				Prior Period Revenue and Expenses			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
646 · Mileage Expense	-	84	17%	500	-	132	13%	1,052
647 · Council Meetings & Development	-	-	0%	650	-	33	1%	3,996
648 · Training	873	1,773	26%	6,750	192	2,043	41%	5,000
649 · Expense Account - City Administrator	-	-	- %	-	-	-	0%	126
650 · Expense Account - Mayor	-	-	- %	-	-	-	0%	105
652 · Staff Appreciation	-	650	76%	850	-	760	380%	200
655 · Code of Ordinance	-	-	0%	3,500	1,000	1,000	13%	8,000
699 · Miscellaneous Expense	100	100	- %	-	-	-	0%	150
		-						
Total G & A Expenditures	\$ 25,429	\$ 121,427	26%	\$ 472,196	\$ 39,605	187,350	26%	\$ 490,331
700 · Capital Expenditures - Public Safety		\$ -	0%	\$ 15,000	\$ 3,148	\$ 74,899	125%	\$ 60,000
700 · Capital Expenditures - Operating	\$ -	-	0%	35,000	\$ -	\$ 9,900	31%	\$ 32,000
Total Capital Expenditures	\$ -	\$ -	0%	\$ 50,000	\$ 3,148	\$ 84,799	92%	\$ 92,000
Total Expenditures	\$ 75,869	\$ 353,485	34%	\$ 1,040,505	\$ 87,415	\$ 449,335	34%	\$ 1,192,061
Surplus (Deficit)	\$ 279,776	\$ 699,812	263%	\$ 265,758	\$ 184,637	\$ 60,940	263%	\$ 14,906

City of McLendon Chisholm
Utility Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
Revenue								
306 · Interest Income	\$ 795	\$ 3,107	32%	\$ 9,750	\$ 787	\$ 2,890	56%	\$ 5,206
Sewer Utility Revenue								
32200 · Sewer Usage Fees	26,464	\$ 88,947	39%	228,360	14,933	71,604	45%	159,653
32201 · Sewer Tap Fees	45,000	132,000	183%	72,000	9,000	24,000	13%	189,000
32204 · Sewer Deposit Refunds	(144)	(294)	27%	(1,100)	(70)	(305)	20%	(1,540)
Transfer from Utility Fund Surplus			0%	49,554		-		
Total Revenue	\$ 72,115	\$ 223,760	62%	\$ 358,564	\$ 24,650	\$ 98,188	28%	\$ 352,319
Expenditures								
Operation & Maintenance Expenditures								
Sewer Operation & Maintenance								
41304 · O&M Agreement	4,236	\$ 13,526	40%	\$ 33,570	7,565	\$ 20,163	43%	\$ 47,094
41305 · O&M Maintenance	-	1,715	5%	\$ 36,000		-		
41308 · Electricity	-	27	- %	-		-	0%	42
41310 · Sewer Treatment	16,150	64,688	28%	231,794	17,045	66,485	85%	78,000
41312 · Tap Fee Developer Rebate	27,000	79,200	183%	43,200	5,400	14,400	13%	113,400
Total Operations Expenditures	\$ 47,386	\$ 159,156	46%	\$ 344,564	\$ 30,010	\$ 101,048	42%	\$ 238,536
600 · General & Administrative Exp	\$ 1,139	\$ 4,616	33%	\$ 14,000	943	\$ 3,370	25%	\$ 13,260
Total Expenditures	\$ 48,525	\$ 163,771	46%	\$ 358,564	\$ 30,953	\$ 104,418	41%	\$ 251,796
Surplus (Deficit)	\$ 23,590	\$ 59,988	- %	\$ -	\$ (6,303)	\$ (6,229)	-6%	\$ 100,523

City of McLendon Chisholm
Interest Sinking Fund Financial Summary
For the four months ended January 31, 2020

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures			
	Jan 2020 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2019-2020 Budget	Jan 2019 Actuals	Prior YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget
Revenue								
Ad Valorem Tax								
317 · Ad Valorem Tax	\$ 29,643	106,082	99%	\$ 107,426	\$ 142,654	\$ 213,083	93%	\$ 228,985
306 · Interest Income	45	1,079	- %	3,250	369	2,016	- %	-
Transfer from Excess Bond Proceeds		-	- %	-		-	- %	-
Transfer From Interest & Sinking Surplus		-	0%	30,968		-	- %	-
Total Revenue and Transfers In	\$ 29,688	\$ 107,161	76%	\$ 141,644	\$ 143,022	\$ 215,100	94%	\$ 228,985
Expenditures								
628 · Bank Fees Expense	\$ -	\$ -				\$ -		
660 · Bond Interest Expense	\$ 4,823	19,292	33%	\$ 58,113	4,989	\$ 19,954	33%	\$ 59,862
802 · Bond Cost Amortization	243	972	33%	2,912	243	\$ 971	- %	-
803 · Bond Premium Amortization	(782)	(3,126)	33%	(9,381)	(828)	\$ (3,314)	- %	-
Transfer To Bond Principal		-	0%	90,000		\$ -	0%	85,000
Transfer to Early Redemption Sinking Fund			- %	-		\$ -	0%	78,512
Total Expenditures and Transfers Out	\$ 4,284	\$ 17,138	12%	\$ 141,644	\$ 4,403	\$ 17,611	8%	\$ 223,374
Surplus (Deficit)	\$ 25,404	\$ 90,023	- %	\$ -	\$ 138,619	\$ 197,488	3520%	\$ 5,611

City of McLendon Chisholm
Detail Statement of Revenue & Expenditures by Fund
For the Month of January, 2020

	Interest and Sinking Fund	Operating Fund	Public Safety	Utilities Fund
Revenue				
302 · Franchise Income				
30202 · FEC Electric	0.00	90,139.19	0.00	0.00
30204 · AT&T	0.00	4,689.54	0.00	0.00
30213 · Waste Connections	0.00	87.08	0.00	0.00
Total 302 · Franchise Income	0.00	94,915.81	0.00	0.00
303 · Development Income				
30301 · BOA	0.00	620.00	0.00	0.00
Total 303 · Development Income	0.00	620.00	0.00	0.00
304 · Building Permit Income				
30401 · Contractor Registration Fee Inc	0.00	200.00	0.00	0.00
30404 · Inspection Income	0.00	12,000.00	0.00	0.00
30405 · Building Permit & Plan Review	0.00	61,632.18	0.00	0.00
30408 · Swimming Pool Permits	0.00	500.00	0.00	0.00
Total 304 · Building Permit Income	0.00	74,332.18	0.00	0.00
306 · Interest Income				
30600 · Alliance Interest Income	0.00	1,151.89	0.00	332.89
30602 · Logic Interest Income	45.07	1,031.19	0.00	463.06
30603 · Tex Pool Interest Income	0.00	25.73	0.00	0.00
Total 306 · Interest Income	45.07	2,208.81	0.00	795.95
308 · Septic Fees				
30801 · OSSF Fee Income	0.00	1,700.00	0.00	0.00
Total 308 · Septic Fees	0.00	1,700.00	0.00	0.00
309 · Food Enforcement				
30904 · Health Permit	0.00	300.00	0.00	0.00
309 · Food Enforcement - Other	0.00	300.00	0.00	0.00
Total 309 · Food Enforcement	0.00	600.00	0.00	0.00
310 · Sales Tax Revenue	0.00	30,057.58	0.00	0.00
313 · Donations				

City of McLendon Chisholm
Detail Statement of Revenue & Expenditures by Fund
For the Month of January, 2020

	Interest and Sinking Fund	Operating Fund	Public Safety	Utilities Fund
313.2 · Veterans Memorial Fundraising C	0.00	200.00	0.00	0.00
Total 313 · Donations	0.00	200.00	0.00	0.00
317 · Ad Valorem Tax				
31701 · Ad Valorem Tax - M&O	0.00	152,666.01	0.00	0.00
31702 · Ad Valorem Tax - City Hall	29,959.28	0.00	0.00	0.00
31703 · Ad Valorem Refunds - M&O	0.00	-1,750.42	0.00	0.00
31705 · Ad Valorem Tax - Prior Years	1.23	1.89	0.00	0.00
31706 · Ad Valorem Tax - Penalty	12.83	42.60	0.00	0.00
31708 · Ad Valorem Refunds - City Hall	-342.72	0.00	0.00	0.00
31709 · Ad Valorem Tax - Interest	12.83	19.64	0.00	0.00
31710 · Ad Valorem Tax - Misc Adj	0.00	-0.41	0.00	0.00
37112 · Ad Valorem Business Property	0.00	0.00	0.00	0.00
Total 317 · Ad Valorem Tax	29,643.45	150,979.31	0.00	0.00
318 · Tax Certifications	0.00	0.00	0.00	0.00
319 · Grants	0.00	0.00	21,500.00	0.00
321 · Credit Card Fee Revenue	0.00	31.25	0.00	0.00
322 · Sewer Utility Revenue				
32200 · Sewer Usage Fees	0.00	0.00	0.00	26,464.50
32201 · Sewer Tap Fees	0.00	0.00	0.00	45,000.00
32204 · Sewer Deposit Refunds	0.00	0.00	0.00	-144.50
Total 322 · Sewer Utility Revenue	0.00	0.00	0.00	71,320.00
Total Revenue	29,688.52	355,644.94	21,500.00	72,115.95
Expenditures				
400 · Operating Expenditures				
410 · Building Inspections				
41003 · Building Inspections	0.00	13,750.00	0.00	0.00
Total 410 · Building Inspections	0.00	13,750.00	0.00	0.00
411 · Environment Regulation Expense				
41101 · Septic Inspection Fee	0.00	800.00	0.00	0.00

City of McLendon Chisholm
Detail Statement of Revenue & Expenditures by Fund
For the Month of January, 2020

	Interest and Sinking Fund	Operating Fund	Public Safety	Utilities Fund
Total 411 · Environment Regulation Expense	0.00	800.00	0.00	0.00
415 · Section 380 Grant Program	0.00	7,136.16	0.00	0.00
Total 400 · Operating Expenditures	0.00	21,686.16	0.00	0.00
413 · Sewer Operation & Maintenance				
41304 · O&M Agreement	0.00	0.00	0.00	4,236.63
41310 · Sewer Treatment	0.00	0.00	0.00	16,150.00
41312 · Tap Fee Developer Rebate	0.00	0.00	0.00	27,000.00
Total 413 · Sewer Operation & Maintenance	0.00	0.00	0.00	47,386.63
430 · Public Safety				
43002 · Fuel	0.00	0.00	1,004.33	0.00
43003 · Maintenance & Repair - Vehicles	0.00	0.00	1,338.51	0.00
43004 · Maintenance & Repair - Station	0.00	0.00	1,295.59	0.00
43005 · Gear and Supplies	0.00	0.00	388.51	0.00
43006 · Compliance	0.00	0.00	135.00	0.00
43030 · EMS	0.00	0.00	1,079.16	0.00
43035 · Street Lights	0.00	0.00	243.50	0.00
Total 430 · Public Safety	0.00	0.00	5,484.60	0.00
500 · Occupancy Expenditures				
502 · Electricity	0.00	223.03	277.53	0.00
506 · Water	0.00	1,355.38	50.12	0.00
514 · Building Maint/Improvements	0.00	620.50	0.00	0.00
516 · Lawn Maintenance	0.00	684.94	0.00	0.00
520 · Telephone & Internet	0.00	618.67	210.08	0.00
522 · Website Expense	0.00	184.05	0.00	0.00
525 · Penalties	0.00	0.00	2.37	0.00
Total 500 · Occupancy Expenditures	0.00	3,686.57	540.10	0.00
600 · General & Administrative Exp				
604 · Municipal Manuals, Books & Maps	0.00	58.50	0.00	0.00
606 · Employee Costs				
60601 · Staff Salaries	0.00	9,641.59	31,085.65	0.00

City of McLendon Chisholm
Detail Statement of Revenue & Expenditures by Fund
For the Month of January, 2020

	Interest and Sinking Fund	Operating Fund	Public Safety	Utilities Fund
60602 · Hourly PTO 0 - 3 Yrs	0.00	1,049.42	1,209.92	0.00
60604 · Holiday Pay	0.00	1,631.42	1,959.39	0.00
60609 · Payroll Tax Expense	0.00	942.66	2,547.33	0.00
60610 · Payroll Processing Fees	0.00	29.37	0.00	0.00
60612 · Retirement Plan Contributions	0.00	111.94	400.46	0.00
60613 · Health Insurance Expense	0.00	897.71	2,933.31	0.00
60614 · Dental Insurance Expense	0.00	58.87	240.15	0.00
60615 · Vision Insurance	0.00	6.84	27.88	0.00
Total 606 · Employee Costs	0.00	14,369.82	40,404.09	0.00
610 · Payroll Tax Expense	0.00	0.00	0.00	0.00
619 · Software Subscriptions	0.00	468.72	139.18	0.00
621 · IT Support	0.00	650.00	0.00	0.00
622 · Office Supplies - City Hall	0.00	369.05	0.00	0.00
623 · Office Equipment	0.00	149.49	0.00	0.00
626 · Postage-City Hall	0.00	62.77	0.00	0.00
628 · Bank Fees				
62801 · Service Charges	0.00	415.63	0.00	0.00
Total 628 · Bank Fees	0.00	415.63	0.00	0.00
630 · Legal & Professional				
63001 · Accounting & Payroll Services	0.00	4,411.00	0.00	1,139.00
63003 · Legal	0.00	2,441.00	0.00	0.00
648 · Training	0.00	873.50	0.00	0.00
660 · Bond Interest Expense	4,823.39	0.00	0.00	0.00
699 · Miscellaneous Expenses	0.00	100.00	0.00	0.00
Total 600 · General & Administrative Exp	4,823.39	25,428.73	40,543.27	1,139.00
Total Expenditures	4,823.39	50,801.46	46,567.97	48,525.63
Other Income/Expense				
Other Expenses				
802 · Bond Cost Amortization	242.66	0.00	0.00	0.00
803 · Bond Premium Amortization	-781.71	0.00	0.00	0.00

City of McLendon Chisholm
Detail Statement of Revenue & Expenditures by Fund
For the Month of January, 2020

	Interest and Sinking Fund	Operating Fund	Public Safety	Utilities Fund
Total Other Expenses	-539.05	0.00	0.00	0.00
Net Surplus (Deficit)	25,404.18	304,843.48	-25,067.97	23,590.32

City of McLendon Chisholm
Public Safety Detail Report
For the four months ended January 31, 2020

	Oct-19	Nov-19	Dec-19	Jan-20	YTD
Revenue					
313 · Donations	300.00	0.00	0.00	0.00	300.00
319 · Grants	21,857.41	21,500.00	21,500.00	21,500.00	86,357.41
Total Revenue	22,157.41	21,500.00	21,500.00	21,500.00	86,657.41
Expenditures					
400 · Operating Expenditures					
418 · Membership Fees	0.00	70.00	0.00	0.00	70.00
Total 400 · Operating Expenditures	0.00	70.00	0.00	0.00	70.00
430 · Public Safety					
43001 · Liability Insurance	7,730.24	0.00	0.00	0.00	7,730.24
43002 · Fuel	914.51	726.28	775.31	1,004.33	3,420.43
43003 · Maintenance & Repair - Vehicles	53.99	1,270.27	3,650.12	1,338.51	6,312.89
43004 · Maintenance & Repair - Station	973.43	807.81	327.33	1,295.59	3,404.16
43005 · Gear and Supplies	340.73	4,575.90	0.00	388.51	5,305.14
43006 · Compliance	76.94	0.00	0.00	135.00	211.94
43008 · Dispatch	10,000.00	0.00	0.00	0.00	10,000.00
43009 · Training	736.45	150.00	1,051.25	0.00	1,937.70
43030 · EMS	1,691.66	0.00	0.00	1,079.16	2,770.82
43035 · Street Lights	243.51	243.54	231.33	243.50	961.88
Total 430 · Public Safety	22,761.46	7,773.80	6,035.34	5,484.60	42,055.20
500 · Occupancy Expenditures					
502 · Electricity	350.26	252.12	232.22	277.53	1,112.13
506 · Water	30.55	49.47	33.17	50.12	163.31
512 · Trash	111.61	111.61	0.00	0.00	223.22
516 · Lawn Maintenance	120.00	0.00	0.00	0.00	120.00
520 · Telephone & Internet	200.30	450.90	0.00	210.08	861.28
525 · Penalties	0.00	4.60	2.99	2.37	9.96
Total 500 · Occupancy Expenditures	812.72	868.70	268.38	540.10	2,489.90
600 · General & Administrative Exp					
606 · Employee Costs					
60601 · Staff Salaries	33,879.94	52,890.28	37,881.41	31,085.65	155,737.28

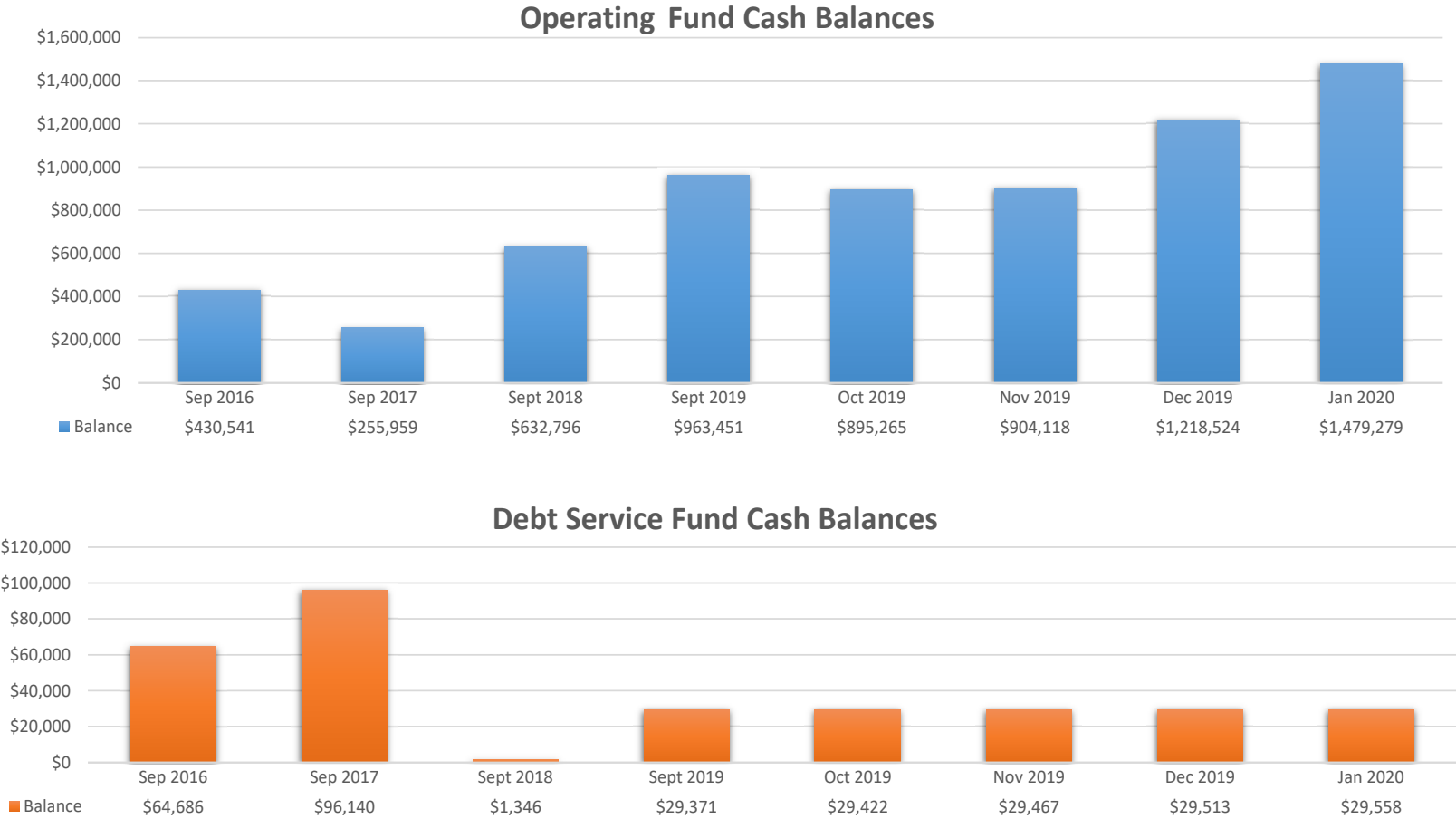
City of McLendon Chisholm
Public Safety Detail Report
For the four months ended January 31, 2020

60602 · Hourly PTO 0 - 3 Yrs	0.00	0.00	0.00	1,209.92	1,209.92
60604 · Holiday Pay	0.00	0.00	0.00	1,959.39	1,959.39
60609 · Payroll Tax Expense	2,518.23	3,936.29	2,824.71	2,547.33	11,826.56
60612 · Retirement Plan Contributions	2,362.54	3,555.70	2,383.26	400.46	8,701.96
60613 · Health Insurance Expense	3,261.86	3,261.86	3,227.66	2,933.31	12,684.69
60614 · Dental Insurance Expense	0.00	0.00	0.00	240.15	240.15
60615 · Vision Insurance	0.00	0.00	0.00	27.88	27.88
60616 · Disability Insurance	2,119.24	0.00	0.00	0.00	2,119.24
Total 606 · Employee Costs	44,141.81	63,644.13	46,317.04	40,404.09	194,507.07
610 · Payroll Tax Expense	0.00	0.00	0.00	0.00	0.00
618 · Insurance					
61803 · Workmen's Comp Ins	15,211.00	0.00	0.00	0.00	15,211.00
Total 618 · Insurance	15,211.00	0.00	0.00	0.00	15,211.00
619 · Software Subscriptions	0.00	0.00	0.00	139.18	139.18
62806 · Interest Expense	0.00	0.00	2,205.90	0.00	2,205.90
Total 628 · Bank Fees	0.00	0.00	2,205.90	0.00	2,205.90
652 · Staff Appreciation	0.00	0.00	463.15	0.00	463.15
699 · Miscellaneous Expenses	0.00	6.92	0.00	0.00	6.92
Total 600 · General & Administrative Exp	59,352.81	63,651.05	48,986.09	40,543.27	212,533.22
Total Expenditures	82,926.99	72,363.55	55,289.81	46,567.97	257,148.32
Net Surplus (Deficit)	-60,769.58	-50,863.55	-33,789.81	-25,067.97	-170,490.91

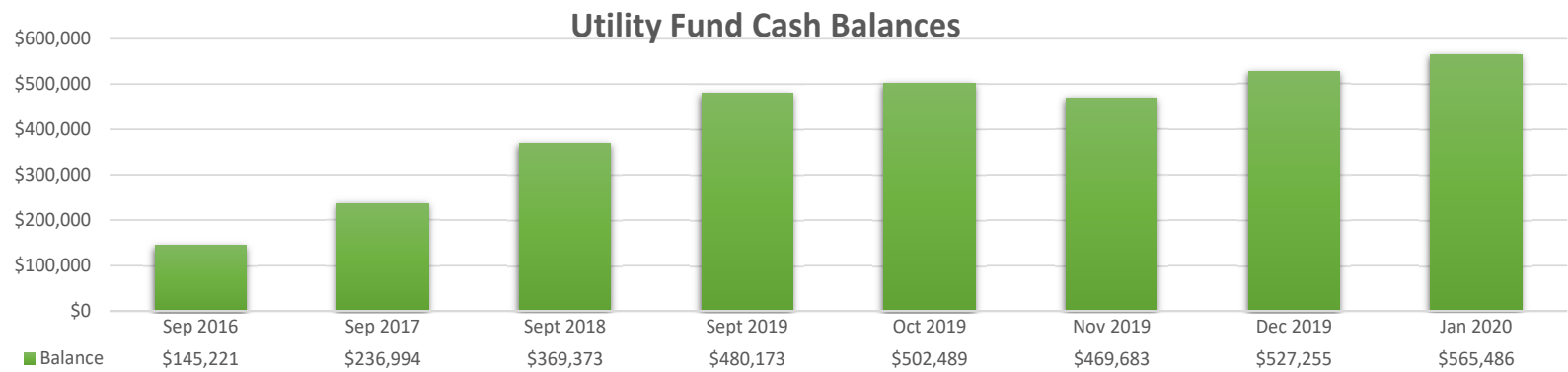
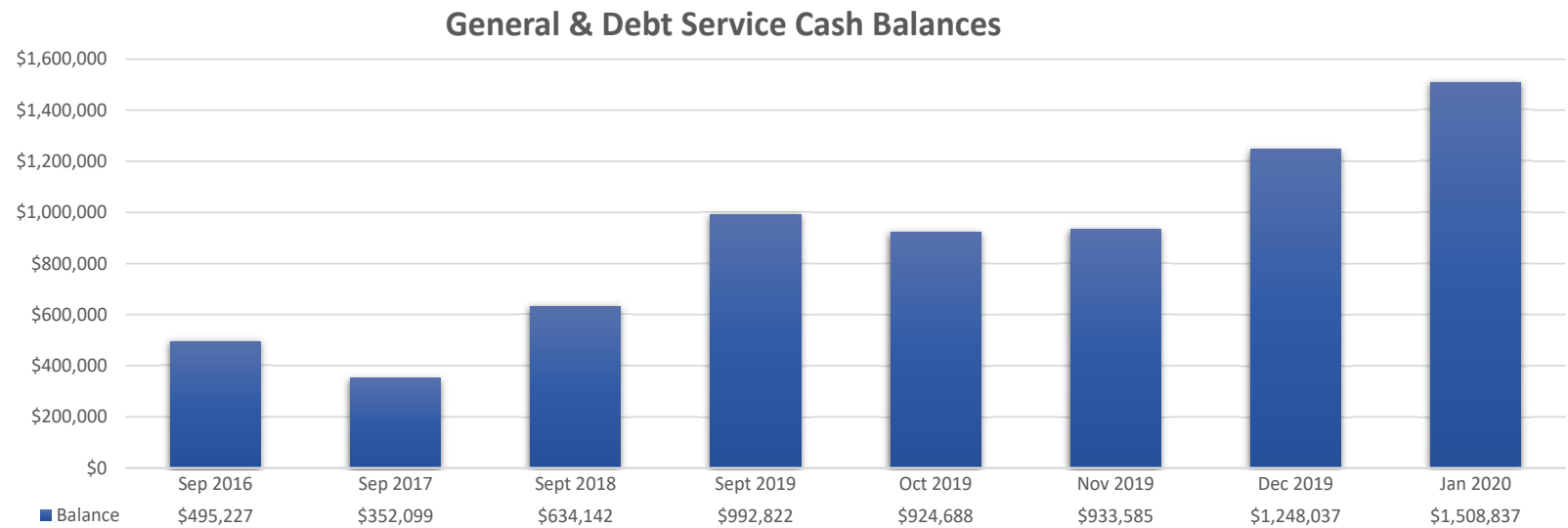
City of McLendon Chisholm
Cash Account Balances
For the four months ended January 31, 2020

Fund	Account	Sept 30,19	Oct 31,19	Nov 30,19	Dec 31,19
I&S	130 · 9003 Logic I&S Fund	29,371	29,422	29,467	29,513
I&S Total		29,371	29,422	29,467	29,513
Operating	100 · 3738 - Alliance Operating	370,625	301,503	309,458	622,951
Operating	103 · Texpool 300001	18,961	18,992	19,018	19,044
Operating	125 · Logic - 9001 General Fund	29,617	29,669	29,714	29,759
Operating	127 · 9004 Logic Operating	544,151	545,102	545,928	546,770
Operating Total		963,353	895,265	904,118	1,218,524
Utility	106 · 5071 - Alliance Utility Fund	178,334	200,122	166,858	223,962
Utility	126 · Logic - 9002 Utility Fund	301,840	302,367	302,825	303,293
Utility Total		480,173	502,489	469,683	527,255
Grand Total		1,472,898	1,427,177	1,403,268	1,775,292

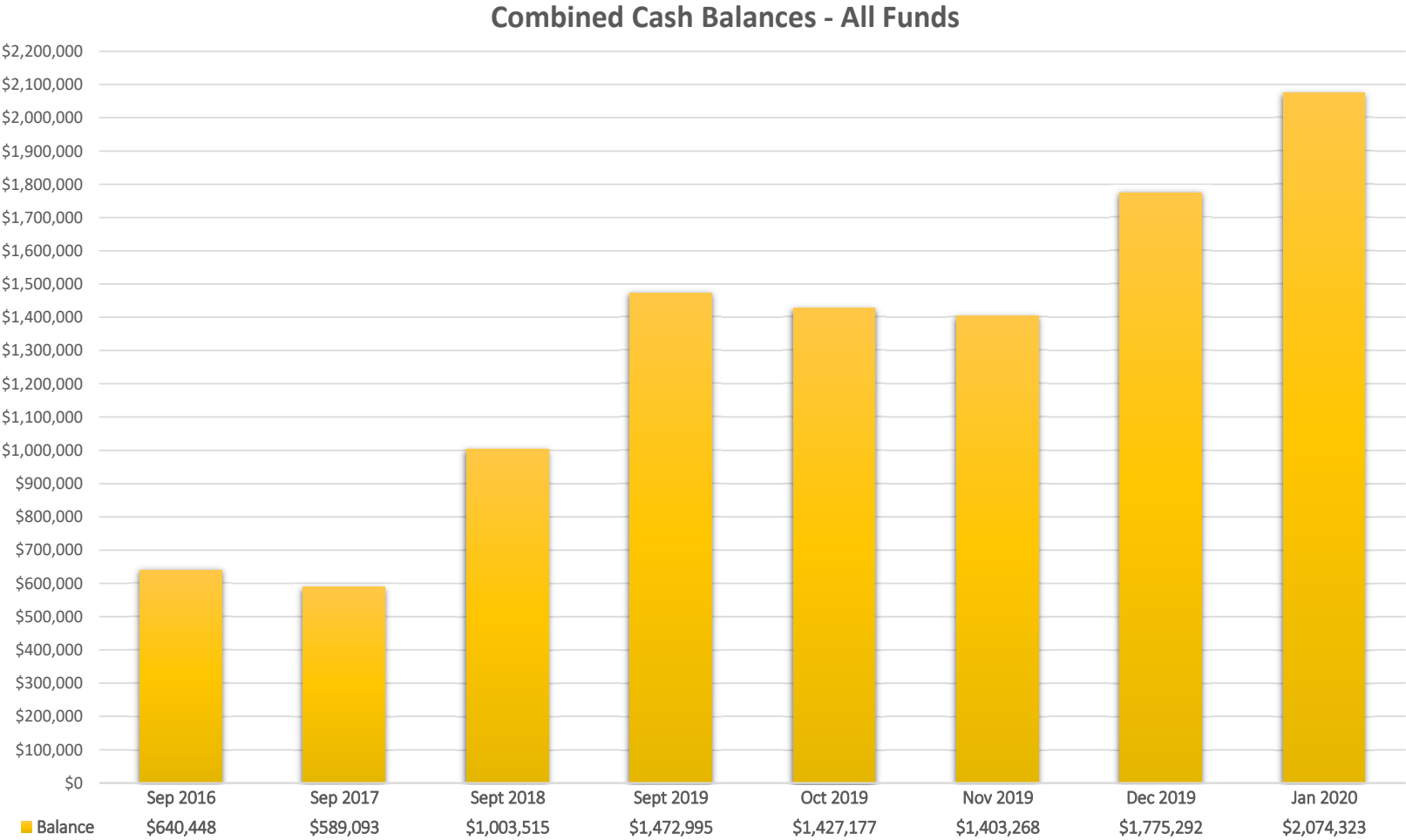
**City of McLendon Chisholm
Cash Balance Report
As of January 31, 2020**



**City of McLendon Chisholm
Cash Balance Report
As of January 31, 2020**



City of McLendon Chisholm
Cash Balance Report
As of January 31, 2020



Incident Date between 2020-01-01

and 2020-01-31

Incident Date	Incident Number	NFIRS Number	Incident Type Code	Incident Type	District	Status
1/1/2020	2020-00001	0000001	143	Grass fire	City Limit District	1
1/5/2020	2020-00002	0000003	143	Grass fire	County District	1
1/5/2020	2020-00003	0000004	143	Grass fire	County District	1
1/6/2020	2020-00004	0000005	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/6/2020	2020-00005	0000006	631	Authorized controlled burning	City Limit District	1
1/7/2020	2020-00006	0000007	622	No incident found on arrival at dispatch address	County District	1
1/7/2020	2020-00007	0000008	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/7/2020	2020-00008	0000009	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/8/2020	2020-00009	0000011	143	Grass fire	County District	1
1/8/2020	2020-00010	0000010	412	Gas leak (natural gas or LPG)	County District	1
1/8/2020	2020-00011	0000012	143	Grass fire	County Mutual Aid	1
1/13/2020	2020-00012	0000017	321	EMS call, excluding vehicle accident with injury	County District	1
1/13/2020	2020-00013	0000014	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/13/2020	2020-00014	0000013	700	False alarm or false call, other	County District	1
1/13/2020	2020-00015	0000028	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/14/2020	2020-00016	0000015	321	EMS call, excluding vehicle accident with injury	County District	1
1/14/2020	2020-00017	0000016	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/14/2020	2020-00018	0000018	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/15/2020	2020-00019	0000027	611	Dispatched & canceled en route	County District	1
1/16/2020	2020-00020	0000024	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/17/2020	2020-00021	0000019	324	Motor vehicle accident with no injuries.	City Limit District	1
1/17/2020	2020-00022	0000020	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/17/2020	2020-00023	0000021	311	Medical assist, assist EMS crew	County District	1
1/18/2020	2020-00024	0000022	324	Motor vehicle accident with no injuries.	County District	1
1/20/2020	2020-00025	0000023	321	EMS call, excluding vehicle accident with injury	County District	1
1/24/2020	2020-00026	0000025	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/26/2020	2020-00027	0000026	321	EMS call, excluding vehicle accident with injury	City Limit District	1
1/27/2020	2019-00028	0000029	324	Motor vehicle accident with no injuries.	County District	1
1/27/2020	2019-00029	0000030	321	EMS call, excluding vehicle accident with injury	County District	1
1/28/2020	2020-00030	0000031	321	EMS call, excluding vehicle accident with injury	County District	1
1/30/2020	2020-00031	0000033	321	EMS call, excluding vehicle accident with injury	County District	1
1/31/2020	2020-00032	0000034	321	EMS call, excluding vehicle accident with injury	City Limit District	1

1/31/2020	2020-00033	0000035	553	Public service	City Limit District	1
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Alarm Date between 2020-01-01 and 2020-01-31

Total Calls by District

District	2020-01-01	Total
City Limit District	14	14
County District	16	16
County Mutual Aid	1	1
Total	31	31



Jan 2020

Community Waste Disposal Monthly Report to the City of McLendon-Chisholm

Jason Roemer *Municipal Coordinator*





Municipal Recycling Program



Single Stream Recycling

Participation in the Residential Curbside Recycling Program continues to demonstrate that residents of the City of McLendon-Chisholm are dedicated to the preservation of the Texas environment for future generations.

The chart below details the statistics of the CWD Residential Curbside Recycling Program.

	Jan-20	Dec-19	Nov-19	Oct-19	Sep-19	Aug-19	Jul-19	Jun-19	May-19	Apr-19	Mar-19	Feb-19
Homes	969	929	929	955	955	964	972	920	910	922	804	716
Resi Rcy Tonnage	21.72	36.60	20.05	9.91	14.66	19.44	17.90	16.75	29.11	8.59	26.47	24.21
Pounds / Home / Month	44.83	78.79	43.16	20.75	30.70	40.33	36.83	36.41	63.98	18.63	65.85	67.63



Municipal Service Inquiries



Residential Solid Waste Services

The Solid Waste Industry has a standard service inquiry ratio of 1.0 inquiries per 1,000 service opportunities.

	Jan-20	Dec-19	Nov-19	Oct-19	Sep-19	Aug-19	Jul-19	Jun-19	May-19	Apr-19	Mar-19	Feb-19
Service Opportunities	8,391	8,045	8,045	8,270	8,270	8,348	8,417	7,967	7,881	7,985	6,963	6,201
Service Inquiries	11	1	3	18	5	10	4	2	3	5	10	38
Per 1,000 Service Opps	1.31	0.12	0.37	2.18	0.60	1.20	0.48	0.25	0.38	0.63	1.44	6.13



Customer Service Inquiries - Detail



Good Service is Good Business

CWD's Customer Service Community is available to provide solutions via phone or online. Our efficient team is here to support the City of McLendon-Chisholm and we continually strive for top-notch performance to ensure residents receive the most value out of their waste and recycling services.

City Account Complaints for the Period of 01/01/2020 - 01/31/2020

Account	Address	Service Type	Service Code		
108255-177	DONALD LEE				
				Total	1
108255-525	MASON DUFIELD	MAINTENANCE	NOTE		
				Total	1
108255-054	JOE GENTILE	RESI-RECYCLE	SERVICE RCYCART		
108255-014	GRINER JACOB	RESI-RECYCLE	SERVICE RCYCART		
				Total	2
108255-388	MORAVEC. CAYCE	RESI-TRASH	SERVICE TRASH CART		
108255-527	KATE KANUTH	RESI-TRASH	SERVICE TRASH CART		
108255-1006	CLAUDIA MONTANEZ	RESI-TRASH	SERVICE TRASH CART		
108255-1094	SHAON THOMAS	RESI-TRASH	SERVICE TRASH CART		
108255-1137	MELISSA ROUGELY	RESI-TRASH	SERVICE TRASH CART		
108255-1044	MICHELLE POWELL	RESI-TRASH	SERVICE TRASH CART		
108255-1094	SHAON THOMAS	RESI-TRASH	SERVICE TRASH CART		
				Total	7
				Grand Total	11