Open Citizen Comment Procedure

1) Public Hearings – Any citizen is allowed to ask questions and/or make comments during any public hearing scheduled for a particular issue.

2) "Citizen Communication" – Public comment can be provided on any item on the agenda or on issues affecting the City not on the agenda. Public comments should generally be limited to 3-5 minutes. Citizens are encouraged (but not required) to contact City Administration one week prior to the meeting, preferably in writing, to be placed on the agenda. Doing so provides Council an opportunity to give consideration to the issue-comment.

COUNCIL PRAYER
Ministerial Alliance

Rolla City Council Meeting
Monday, August 20, 2018
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

PLEDGE OF ALLEGIANCE
Councilman Daniel Jones

I. PUBLIC HEARINGS
A) Ordinance Setting the 2018 Tax Rate – (Finance Director Steffanie Rogers) – First Reading (Final Reading Requested)

B) Resolution Approving Major Subdivision Preliminary Plat of St. Maria’s Tatandra
   (St. Maria’s Tatandra) – (City Planner James Shields) – Motion

C) Ordinance Amending Chapter 42 of the Code Pertaining to Use of Rights-of-Way
   Located within Zoning District (Zoned ROW Uses) –
   (City Planner James Shields) – First Reading (Final Reading Requested)

D) Ordinance Designating Sections of the City’s Rights-of-Ways a Single Family
   Zoning District (R-1) (Zone ROW R-1) – (City Planner James Shields) –
   First Reading (Final Reading Requested)

II. SPECIAL PRESENTATIONS
A) Missouri Department of Conservation Tree City USA –
   (Mr. Russell Hinnah & Mr. Mike Fleischhauer)

B) Rolla Municipal Utilities (RMU) FY 2019 Budget Review and FY 2018 Third Quarter Report– (RMU General Manager Rodney Bourne)

III. OLD BUSINESS
A) Ordinance Authorizing the Mayor to Enter into An Agreement with Pierce Asphalt, LLC
   for 2018 Phase II Asphalt Improvements, Project 475 –
   (City Engineer Darin Pryor) – Final Reading
IV. NEW BUSINESS
   A) Motion Authorizing the Closing of Certain Streets on Oct. 31, 2018, for Halloween —
       (Public Works Director Steve Hargis) — Motion
   B) Ordinance Amending Chapter 33 of the Rolla City Code Pertaining to the Police Personnel
       Board — (City Administrator John Butz) — First Reading
   C) Discussion Regarding City’s Personnel Rules and Regulations Update —
       (Finance Director Steffanic Rogers) - Discussion
   D) Resolution Authorizing the Mayor to Execute a Technical Assistance Contract with the
       Phelps County Landfill Board – (Environmental Services Director Brady Wilson) — Motion

V. CLAIMS and/or FISCAL TRANSACTIONS
   None.

VI. MAYOR/CITY COUNCIL COMMENTS
   A) FY 2019 Budget Workshop, Monday, August 27, 2018, 5:30 p.m., City Council Chambers

VII. CITIZEN COMMUNICATION
   A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION
   Pursuant to RSMo. 510.021, the Rolla City Council will discuss the following in Closed
   Session:
       A) Real Estate

X. ADJOURNMENT
DEPARTMENT: Steffanie D. Rogers  
Finance Director  

ACTION REQUESTED: Public Hearing/Ordinance – 1st & Final Reading  

DATE: August 20, 2018  

BUDGET APPROPRIATION: $1.66 M  

SUBJECT: Consider Public Hearing & Ordinance Setting 2018 Tax Rate  

COMMENTARY:  
Council is asked to consider the proposed ordinance establishing the 2018 real estate tax levy for the City of Rolla. State law requires that the tax rates be certified to the County Clerk by September 1. Due to the State time requirements, a first and final reading of the proposed ordinance is requested at this time.

<table>
<thead>
<tr>
<th>Tax Levy Rates</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Municipal Purposes</td>
<td>$ 0.4598</td>
<td>$ 0.4577</td>
</tr>
<tr>
<td>Public Library Purposes</td>
<td>0.1919</td>
<td>0.1910</td>
</tr>
<tr>
<td>Public Park Purposes</td>
<td>0.1132</td>
<td>0.1127</td>
</tr>
<tr>
<td>TOTAL LEVY</td>
<td>$ 0.7649</td>
<td>$ 0.7614</td>
</tr>
</tbody>
</table>

Projected Revenues Budgeted in 2019 For 2018 Assessed Valuation:

- General $ 64,849 Increase from current year revenues
- Library $27,140 Increase from current year revenues
- Park $15,859 Increase from current year revenues

Staff is recommending a motion to approve the ordinance to set the 2018 tax rates.
AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2018.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: There is hereby levied a tax on each and every one hundred dollars ($100.00) assessed valuation of all taxable real property within the corporate limits of the City of Rolla, Missouri, made taxable by law, for the year 2018, the following sums and amounts:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Municipal</td>
<td>$0.4598</td>
</tr>
<tr>
<td>Public Library</td>
<td>0.1919</td>
</tr>
<tr>
<td>Park Purposes</td>
<td>0.1132</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$0.7649</strong></td>
</tr>
</tbody>
</table>

Section 2: This ordinance shall be in full force and effect from and after the date of its passage and approval.


APPROVED:

ATTEST: MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

I. A. A.
NOTICE OF PUBLIC HEARING

Public Notice is hereby given by the Rolla City Council that a Public Hearing will be held at 6:30 p.m. on Monday, August 20, 2018, in City of Rolla Council Chambers, 901 North Elm Street for the purpose of considering the 2018 tax rates as follow:

For General Municipal Purposes $0.4558
For Public Library Purposes $0.1919
For Public Park Purposes $0.1132

NOTICE OF 2017 AGGREGATE ASSESSED VALUATION

State Assessed Railroad & Utility - Real Estate $1,011,669
Local Railroad & Utility - Real Estate 412,000
Real Estate - Residential 123,490,860
Real Estate - Agricultural & Horticultural 172,900
Real Estate - Forest Crop & Mineral Rights 0
Real Estate - Industrial, etc. 88,296,910
State Assessed Railroad & Utility - Personal Property 0
Local Railroad & Utility - Personal Property 0
Personal Property 0

Current Valuation $213,384,339
TIF Assessed Valuation $1,029,280
Total Current Valuation $212,355,059
New Construction $2,586,610

NOTICE OF 2018 AGGREGATE ASSESSED VALUATION

State Assessed Railroad & Utility - Real Estate $982,324
Local Railroad & Utility - Real Estate 162,520
Real Estate - Residential 125,648,800
Real Estate - Agricultural & Horticultural 170,450
Real Estate - Forest Crop & Mineral Rights 0
Real Estate - Industrial, etc. 91,242,690
State Assessed Railroad & Utility - Personal Property 0
Local Railroad & Utility - Personal Property 0
Personal Property 0

Current Valuation $218,206,784
TIF Assessed Valuation $(1,282,900)
Total Current Valuation $216,923,884
New Construction $4,812,130

PROJECTED REVENUE FOR 2018 AGGREGATE ASSESSED VALUATION

General $997,499
Library $416,260
Park $245,615

All persons interested for or against the proposed tax rates may be present at said Public Hearing and will be heard.

Given under my hand and Seal of the City of Rolla, Missouri, this 31st day of July 2018.

Carol Daniels
City Clerk
CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  
ACTION REQUESTED: Public Hearing/Resolution

SUBJECT: A resolution to approve the Major Subdivision Preliminary Plat of St. Maria's Tatandra, which is a plat that divides an approximately 42-acre tract of land that is identified by the Phelps County Assessor's Account Number of 12081, into 58 lots and 4 outlots.

LOCATION: The subject property is located in Rolla, Missouri, approximately 250 feet north of the intersection of Liberty Drive and McCutchen Drive (See Figure 1 for a general location map). The parcel is identified by the Phelps County Assessor's Account Number of 12081.

PROJECT DESCRIPTION: In June of 2018, the City Council approved the annexation of the subject parcel, the simultaneous zoning of the subject parcel to the Multi-Family (zoning) District (R-3), and a development agreement between the developer, St. Maria's LLC, and the City of Rolla (The City). The Development Agreement (See Figure 5) includes two provisions that guarantee future development on the subject parcel will be limited to about 5.5 units per acre in gross density and approximately 9.8 units per acre in net density, which is almost identical to the maximum density of the Two-Family District. Limitations on density are induced through the provisions that are located in Item 11 of the Development Agreement, "Planning and Zoning", which states that no more than 58 lots for residential use will be created and no more than a fourplex will be constructed on each residential lot. The revised draft of the Preliminary Plat map for this project reflects (See Figure 2) this mandate of a maximum of 58 residential lots. As indicated through application materials, meetings, and a presentation/Q&A with neighboring residents/property owners, the applicant will develop the subject parcel as a low-density, amenity-rich (will include a dog park, natural areas, and a clubhouse, see Development Agreement’s Exhibit A) subdivision of brick or stone exterior, two-story, multi-family dwelling units (shared walls only, no units above another). The Planning and Zoning Commission approved St. Maria's Declaration of Covenants and Restrictions (the Declaration). However, because the Declaration is to be recorded with the Final Plat and because of the permanent nature of such an approval, staff is requesting that the City Council approve the Declaration through the same ordinance that will approve Final Plat map. The Preliminary Development Plans have been submitted and are under review.

I. B.1.
PROCESS: According to Section 42-25.2 of the Rolla City Code (the Code), the Planning and Zoning Commission (P&Z) shall recommend to the City Council the approval, the conditional approval, or the disapproval of a preliminary plat map and forward the proposal to City Council for consideration. City Council can approve or deny through resolution. A Public Hearing is held at the City Council meeting at which the resolution is heard. If approved, the applicant shall prepare a final plat together with development plans for the required public improvements and submit these items to the Community Development Director (the Director). The Director shall determine if the submittals are in substantial conformance to the preliminary plat. The City Council will consider these application materials and accept the final plat, reject the final plat, or accept the final plat and impose conditions or changes if it is found to be inconsistent with the Code. The final plat shall not be approved by the City Council until the development plans have been accepted by the City Engineer and the engineer of Rolla Municipal Utilities (RMU). While no final plat may be approved before the Development Plans have been accepted, preliminary plats may be approved without the acceptance of Development Plans (Sec. 42-32.2, 42-25.2(4)). The last step of a major subdivision is to collect signatures and record the final plat with the Declaration.

SUBDIVISION STANDARDS CONFORMANCE ANALYSIS: Below, one will find comments on the Preliminary Plat’s conformance with subdivision standards found throughout Article II of Chapter 42 of the Code, Subdivisions. Refer to the proper Section/Subsection for the specific language on standards (Section 42-26.2 and Section 42-26.6).

SECTION 42-26.2. STREETS:
(1) Conformity: These new streets are not shown on the Official Map. Therefore, they must only conform to the other provisions found below.
(2) Relation to Adjoining Streets: It is not practicable to adjoin to the existing subdivision to the south and there is only unincorporated Phelps County to the east and north.
(3) Projection of Streets: The unplatted land that abuts the subject parcel is outside city limits. In addition, while the development only has one point of ingress/egress using a public street, through discussion at the Development Review Committee (DRC) meetings for the approval of the development agreement and with the approval of the Fire Chief, a private, gated 20-foot gravel secondary emergency access road to connect the dead-end to Liberty Drive. This provision is detailed in item 8(A) of the Development Agreement. The P&Z granted a variance for this deviation.
(4) Street Jogs Prohibited: Only one street jog exists and it is over 300 feet.
(5) Dead-end Streets or Cul-de-sac: All cul-de-sacs meet the minimum property line diameter requirements and the only dead-end street is about 110 feet in length. Public Works indicated at the DRC meeting that this provision is met.
(6) Marginal Access or Service Streets: The Public Works Department (Public Works) did not indicate a need for such streets.
(7) Minor Streets: St. Maria’s streets are considered minor local streets and because these streets do not lead to any other subdivisions, they do not encourage through traffic.
(8) Street Widths: The ROW width on the plat is 50 feet and the pavement width is 34 feet (four of that is Rollover curb and gutter). These widths meet minimum width standards.
(9) Low-Density Residential Subdivisions: This provision does not apply because this is a multi-family development.

I B A
(10) **Intersections:** Public Works indicated that this standard is met.

(11) **Subdivision into Tracts Larger than Ordinary Building Lots:** While large tracts were created, these tracts are not to be developed as residential lots. These tracts (or outlots as they are labeled on the plat) are to be used for either natural areas, a dog park, or a community center (clubhouse). According to the Development Agreement, only 58 lots are permitted to be used for residential purposes and the associated outlots are to be used for either natural areas, a dog park, or a community center (clubhouse). At the request of the City, the applicant has provided a plat note that restricts the use of these outlots accordingly.

(12) **Curves:** This standard does not apply because all streets are minor.

(13) **Street Grades:** Road Profile A of the first draft of the Preliminary Development Plans shows a 400-foot stretch of road that exceeds the nine percent maximum grade for minor roads (approx. 12%). The City Engineer and the Fire Chief indicated that they do not oppose the variance from this standard that was issued by the P&Z to the applicant.

(14) **Reserve Strips:** No reserve strips are requested.

(15) **Parallel Streets:** No railroads or limited access roadways exist near development.

(16) **Half-Street Prohibited:** No such streets are proposed.

(17) **Street Names and Numbers:** The street names will be St. Maria, St. Mathew, and St. Michael. No such names exist in Rolla.

(18) **Access to Streets Across Ditches:** No proposed streets are separated from any proposed lots by ditches.

(19) **Street Vacations:** No vacations are proposed.

(20) **Private Streets:** No private streets are proposed.

**SECTION 42-26.6. LOTS**

(1) **Dimensions:** In the first draft of the Preliminary Plat, seven corner lots showed incorrect setback lines because the agent was unaware that the front of a corner lot is determined by which side is the narrowest. The revised draft that is attached to this staff report and that was presented to P&Z has all of the setback lines drawn correctly. The agent of the applicant on behalf of the applicant requested a variance that would allow the front and side yards of corner lots to be determined by building orientation (this variance was granted by the P&Z) instead of by the definition of the term “Front of Lot”. To ensure the setback lines on the Plat do not contradict building permits that are issued for these corner lots, staff asked the P&Z to recommend that a condition of the approval of the Preliminary Plat map be that the setback lines are not delineated on said Plat for said corner lots. This condition was recommended by the P&Z.

In addition, there are six lots situated around the cul-de-sacs of the subdivision that only have 50-foot lot widths. The minimum lot width/frontage requirement for R-3 lots is 75 feet. The single-family district (R-1) has a minimum lot frontage requirement of 40 feet and a minimum lot width 60 feet (the min. frontage is a third of the required width). This differentiation between width and frontage was made specifically to accommodate lots that are situated around cul-de-sacs. The angles of the sides of rectangular lots become obtuse when the front lot line is bent into a circular shape. The shape of the lot becomes irregular and it would be unreasonable to penalize developers for having these types of lots by mandating the frontages to be the same width as other lots in the subdivision.
because this would force cul-de-sac lots to be unnecessarily wide beyond the immediate fronts. Because multi-family development is not normally associated with cul-de-sacs, R-3 width/frontage requirements were not differentiated in the same way as the equivalent R-1 standards. If R-3 frontages only needed to be two-thirds of their width, the minimum frontage requirement would only need to be 50 feet, which means that St. Maria’s 50-foot lots would conform to the Code. Regardless, Section 42-210.4(c) states that “Where an irregularly shaped lot has more area than required for its particular district, lot width may be computed at the most usable portion of the lot”. Said lots that do not appear to conform to minimum frontage requirements actually do conform when computed in the manner stated above in Section 42-210.4(c).

(2) Location: On the revised draft of the Preliminary Plat, except for Outlot B, all residential lots and all outlots have frontage on a publicly dedicated street right-of-way. Outlot B will be a dog park and, as indicated on said Plat, there will be two 15-foot wide sidewalk and utility easements and one 15-foot sidewalk easement into this lot. The sidewalks will be paved. Fire Chief was satisfied with access to lots.

(3) Lines: No lots violate this standard.

(4) Corner Lots: Corner lots do not lack an ability to accommodate required building setbacks.

(5) Flooding: No lots are within Zone A, B, or C of the City’s Flood Insurance Rate Map.

(6) Lot Remnants: There are no undersized lot remnants.

(7) Double Frontage and Reverse Frontage Lots: Only Outlot D touches two streets. However, only one side meets minimum frontage/width requirements. This is the only side that would qualify as the front in this instance.

(8) Flag Lots: No flag lots are proposed.

SECTION 42-29. SUBDIVISION IMPROVEMENTS: Below, one will find comments on the preliminary plat’s conformance to provisions regarding subdivision improvements. The Preliminary Development Plans have been submitted and Public Works has submitted a comment memo in regards those plans (See Figure II for said comment memo). The comments below are general comments and do not delve into the specifics of whether or not the development plans meet the City of Rolla’s “Standards and Specifications”. That type of detail is encompassed in the development plan review by Public Works and RMU. Figure 8 contains the exact language of Section 42-29.

(1) Streets and Alleys: No alleys are proposed, but all new streets will be paved and curb and gutter (rollover curbs will be provided) will be provided. In addition, The City will construct a roundabout and improve McCutchen Drive along the development, except that the Developer will reimburse the City for such improvements with a $44,040 payment for curb and sidewalk and a payment of $4,497 for storm sewer. See item 8(c) and 8(b) of the Development Agreement for details on street improvements.

(2) Sanitary Sewers: See item 6 of the Development Agreement for details and Figure II for Public Works’ comments on development plans.

(3) Storm Sewers: See Figure II for Public Works’ comments on development plans.

(4) Survey Standards and Monuments: No issues with this provision have been indicated by Public Works (See the Public Works plat memo in Figure 3).

(5) Permits: Self-explanatory.
(6) Sidewalks: Sidewalks are being provided in excess of minimum requirements (e.g. provided on cul-de-sac streets, 5-foot sidewalks instead of 4-foot minimum).

(7) Utilities (following comments also apply to Section 42-26.4 - Utility Easements): See both comment memos from Rolla Municipal Utilities (RMU) (See Figure 4) and Public Works. In addition, see Items 4 and 5 of the Development Agreement for details about water and electrical service. It should be noted that the Developer will be paying a $2,893.80 water frontage fee and the City, through RMU, will provide the development with underground utilities and street lighting. Section 8.9 of the Declaration (See Figure 10 for full document) clarifies who may be providing the water. RMU is still discussing the necessary size of the easements that will be needed to accommodate water infrastructure and the water main layout. The size of the utility easements may change on the Final Plat. The water main layout will be approved through the acceptance of the Final Development Plans.

(8) Underground Wiring: Wiring will be underground.

(9) Fire Hydrants: See Figure 11 for Public Works’ comments on fire hydrants.

PARKLAND DEDICATION: Item 2 of the Development Agreement states that the Developer shall follow all City of Rolla Park Dedication requirements, as proposed, with a cash in-lieu payment in the amount of $24,895.50. This is based on 7% of the developed area (as indicated initially by the Developer) of 23.71 acres and a cash in-lieu of $15,000 per acre of park requirement. However, it was agreed that, if the plat indicated more acreage of residential development than the preliminary layout indicated, the Developer would pay that amount instead of what is stated in the Development Agreement. At the request of the City, the applicant has drawn a note on the preliminary plat that states the sum of the square footage of all 58 residential lots (nonresidential lots are not included in parkland dedication) and states that this square footage was used to calculate the in-lieu-fee parkland payment. The total square footage of said lots is 1,132,019. Seven percent of that square footage is 1.8191306 acres, which, if multiplied by $15,000, is $27,286.959.

DECLARATION OF COVENANTS AND RESTRICTIONS: Within the Development Agreement, Item 10, there are provisions that refer to Sections 42-218 through 42-218.3. These provisions detail the rules that the applicant must follow in regards to property owners’ associations, covenants/by-laws, and maintenance of commonly owned property. Documents that detail how a developer will comply with such rules, in this case, a declaration of covenants and restrictions, shall be approved before any final plat is recorded and shall be recorded with a final plat, as they are to become part of such a plat. Within the Development Agreement, it is stated that common property will not become a nuisance and that the maintenance of open space will never become the City’s responsibility. See Figure 9 to see a full analysis of how the Declaration (See Figure 10 for full document) appears to conform to the Code. In addition, according to Section 42-218.3, developer maintenance responsibility shall be specifically indicated in a letter of agreement. The Development Agreement serves to satisfy this requirement.

VARIANCES & CONDITIONS: According to Section 42-24 of the Code, the P&Z may grant variances to improvements and design standards, such as building lines (i.e. setbacks). Three variances were requested (See Figure 12) by the agent of the applicant on behalf of the applicant. For more information about the variances to the street grade and to egress/ingress standards, see
the subdivision standards conformance analysis above (Section 42-26.2(13) and Section 42-
26.2(3), respectively). During the P&Z meeting, there was no question about the ability for the 
P&Z to grant these variances without prior approval from the Board of Adjustment (BOA).
However, one commissioner claimed that the BOA needed to approve the variance associated with
the setbacks of the side yards and front yards of corner lots before the P&Z could issue the variance
again (he voted against the applicant's proposal). In particular, this belief came from his
interpretation of the following clause in Section 42-24:

No application for preliminary plat which would create conditions requiring a
variance or exception from zoning regulations by the Board of Adjustment, shall
be submitted to the Commission unless and until the applicant's petition for
variance or exception shall have been first approved by the Board of Adjustment.

It is clear to staff that Section 42-24 explicitly authorizes the P&Z to issue variances from setback
requirements. In addition, staff came to the following conclusion before submitting said plat to
P&Z: Because said plat has all of the correct setbacks delineated on it, the submittal of said plat to
P&Z would not "create conditions requiring a variance or exception from zoning regulations by
the Board of Adjustment". Regardless, the variances were approved with two staff-requested
conditions: (1) That the setback lines for the corner lots shall not be shown on said plat, as staff
believes this would be contradictory to the actual future setbacks of those lots; and (2) that the
variances be stated on said plat to make record of said variances and to inform those who view the
plat. The City Council, within 30 days, may elect to conduct an independent review of any variance
request and may grant, reverse, modify, or affirm the decision by the Commission.

PUBLIC COMMENTS: No protest petitions have been filed. However, at the P&Z meeting,
Judy Jepsen said that she had been on the Board of Adjustment for two terms, each term being
five-year terms, and that she does not recall any variance proposals for such types of development. 
She said that variances are typically requested by individual owners who seek relief from the
zoning ordinance due to hardship. One of the agents of the applicant, Cameron Schweiss, explained
the variance requests with more detail than was submitted in the variance request letter (Fig. 12).

ACTION REQUIRED: Apart from one nay vote, the majority of the Planning and Zoning
Commission voted to grant the three above-mentioned variances with the two above-mentioned
conditions, and voted recommending to the City Council the approval of the Declaration of
Covenants and Restrictions and the Preliminary Plat of St. Maria’s Tatandra. The action requested
from the Planning & Zoning Commission is to, through a resolution, approve, deny, or
conditionally approve the Preliminary Plat of St. Maria’s Tatandra.
Figure 1, SUB18-08, General Location Map
Figure 2, SUB18-08, Revised Preliminary Plat Map
DEVELOPMENT NOTES

- The following use restrictions shall apply to all land within this subdivision until otherwise authorized by the City of Rolia:

  Outlot C (clubhouse lot) shall not be permitted to be used for residential, commercial or industrial uses. Outlot D shall be permitted to be used for noncommercial, private not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or property owners association in accordance with Section 42-214.

  Outlots A and D (natural area lots) shall not be permitted to be used for commercial, residential, or industrial purposes. Outlots A and E shall be permitted to be used as open space.

  Outlot B (Dog Park) shall not be permitted to be used for commercial, residential, or industrial purposes. Outlot B shall be permitted to be used as a private park.

- The total square footage of Lots 1 through 56 equals 1.132,019 square feet. This quantity was used to calculate the fee-in-lieu of parkland dedication fee.
Memo

TO: Community Development
FROM: Everett Briggs/Public Works Staff
Cc: Sylvester Furse, SH, DP, DI, DF, TF, AM and File
DATE: July 27, 2018
SUBJECT: Preliminary Plat Review of St. Maria’s Tattara

The public works staff has completed review of the above referenced plat and except for the following finds it to be in accordance with City of Rolla, Missouri Subdivision codes. The City of Rolla Codes can be accessed online at: rollacity.org, and then click on the city ordinance button. PLEASE NOTE THAT WE HAVE RECEIVED THE DEVELOPMENT PLANS AND ARE REVIEWING THEM.

1) Based on the R-3 zoning of this subdivision the Land Development Permit fee would be calculated as follows:  
   - LDP Fee = $600 + (42 Acres x $150 per acre) = $6900
2) If approved by the Public Works Director a fee in lieu of storm water detention facilities would be due on this subdivision. This fee would be calculated as follows:  
   - In Lieu of Fee = $1500 per acre x 42 Acres = $63,000
3) Closing of the plat could not be run because the required written description of the out boundary was not provided on the plat. Also there are bearing and distances missing on the plat.
4) Proposed street names and right of way widths need to be added.
5) The out lots “B & C” do not have the minimum "S" of street frontage required for the R-3 zoning. Also neither of these lots are served with utilities.
6) What happens if any of these out lots are sold? Can they be developed?
7) Are we in agreement that the gravel drive running across out lot E will be sufficient for the required second point of access required by city code?
8) The plat should show utility easements for the storm sewers running into and across out lots D and E.
9) Utility easements should be shown across out lot F for the proposed gravity sanitary sewer line, pump station and sanitary sewer force main.
10) Utility easement needs to be shown for the waterline running across out lots D & E. Do we need utility easement to be shown across the City of Rolla lot that fronts on Liberty Drive?
11) The existing sanitary sewer running along the west side of McCutchen Drive between Eastwood Drive and 18th Street needs to be shown.
12) A ten foot wide utility easement should be added running along and adjacent to all street right of ways.

I.B.10.
MEMO

To: James Shields
From: Vicki Casen
Subject: Development Review Committee
Date: July 31, 2018

RMU has reviewed the articles submitted for discussion at the July 31, 2018 meeting and provides the following comments:

1. **Right of Way Zoning to R2 (City of Rolla):** RMU has no comments at this time.

2. **Amend Article III of Chapter 42 (City of Rolla):** RMU has no comments at this time.

3. **St Maria’s Tatandra (Woessner):** RMU requests 20' utility easements along all proposed street frontage and along McCutchen Drive. RMU has reviewed the draft development plans and provided some input to Archer Elgin. RMU would prefer water main installation to be under the sidewalk if not under the pavement. The plans will require additional review once they are more fully developed and before approval is provided for submission to DNR along with an application for a water construction permit.

c: Rodney Boume, RMU General Manager
Chad Davis, RMU Operations Manager
AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN ST. MARIA'S LLC AND THE CITY OF ROLLA THAT IS ASSOCIATED WITH THE PROPOSED DEVELOPMENT TO OCCUR ON THE 42.06-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 12081 SUBSEQUENT TO THE ANNEXATION AND ZONING OF SAID PARCEL. (ST. MARIA'S)

WHEREAS, the City of Rolla desires to enter into a voluntary Development Agreement, which is attached hereto as Exhibit B, among the City of Rolla (the City) and St. Maria's LLC (the Development Agreement) with regard to the development proposed to occur on the parcel identified with the Phelps County Assessor's Account Number of 12081 (the property) subsequent to the annexation and zoning of said parcel;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1. The City Council finds and determines that it is necessary and desirable to enter into the voluntary Development Agreement to ensure safe and adequate access in the future to the property and the surrounding area, to mitigate the impact on the public road system as development occurs on the property, and in accordance with the preliminary layout, which is referred to as Exhibit A in said Development Agreement, will further define each party's duties and responsibilities to help ensure that their respective actions are coordinated in order to meet the shared objectives and minimize uncertainties and delays in the development process. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Development Agreement. The City Clerk is hereby authorized and directed to affix the seal of the City thereto. The Development Agreement shall be substantially maintained in its form as attached hereto as Exhibit B, which Development Agreement is hereby approved by the City Council, with the condition that and changes to the Development Agreement therein shall be approved by the Community Development Director or other agent of the City who may be in charge of determining the validity of such changes.

Section 2. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council and approval by the Mayor.


APPROVED AS TO FORM:

City Counselor

4421
DEVELOPMENT AGREEMENT

Date of Document: June 4, 2018

Grantor: St. Maria's L.L.C.

Grantee: City of Rolla

Mailing Address: 1703 North Bishop, Rolla, MO 65401

Legal Description: Page 2

Reference Book and Page(s): 

page 4

I.B.14.
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is entered into the 12th day of July, 2018, by St. Maria’s Development, LLC with the City of Rolla, Missouri, a municipal corporation (hereinafter “City”).

WHEREAS, St. Maria’s Development, LLC has proposed a residential development on approximately 42 acres located on property owned by St. Maria’s Development, LLC located on McCutchen Drive and outside the City of Rolla, Missouri (hereinafter the “Property”); and

WHEREAS, St. Maria’s Development, LLC plans to annex the property for said development as a subdivision, zoned R-3 Multi-family; and

WHEREAS, St. Maria’s Development, LLC has submitted a preliminary layout for the entire property to be developed (attached hereto as Exhibit A); and

WHEREAS, in order to ensure safe and adequate access in the future to the property and the area, and to mitigate the impact on the public road system as development occurs on the property, the parties agree that approval of annexation and zoning of the property should be subject to the terms of this agreement between St. Maria’s Development, LLC and the City, and

WHEREAS, by voluntarily entering into this agreement, St. Maria’s Development, LLC and the City, in accordance with the preliminary layout described above, intend to further define their duties and responsibilities to ensure that their respective actions are coordinated in order to meet the shared objectives and minimize uncertainties and delays in the development process, and

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows.

1. The terms of this agreement apply to the following property and all portions thereof:

A. A fractional part of Lot 1 commencing at the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7 West, running: thence East along the quarter section line 100 rods; thence South 64 rods; thence West 100 rods to the township line between Township 37, Range 7 and Township 37, Range 8; thence North along the township line 64 rods to the place of beginning, all in Section 6, Township 37, Range 7 containing forty acres, more or less.

Also a tract of land, to-wit, commencing at a point 100 rods East and 64 rods South of the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7, thence South 16 rods, thence West 24 rods, thence North 16 rods, thence East 24 rods to place of beginning, except a strip of land 105 feet in width and 16 rods in length off of the West end of the said above described tract of land, this strip runs North and South and is known as the Hawkins Grave Yard.

Page 5

I.B.15.
2. Park Dedication. The parties agree that the Developer shall follow all City of Rolla Park Dedication requirements as proposed with a cash in-lieu amount of $24,895.50. This is based on 7% of the developed area of 23.71 acres and a cash in lieu of $15,000 per acre of park requirement.

3. Storm Water Management Requirements. The parties agree that the Developer will follow all City of Rolla storm water management regulations.

4. Electrical Distribution. The City through the Rolla Municipal Utilities shall provide the development with curb side underground electric distribution within dedicated utility easements. Rolla Municipal Utilities will provide street lighting according to typical standards.

5. Water Service. The City through the Rolla Municipal Utilities shall exercise its option with Public Water District Number 2 of Phelps County as outlined in the Stipulation and Consent Judgment in Case No. 4:97CV01854-FRW in the United States District Court for the Eastern District of Missouri Eastern Division and provide the development with water service. The developer shall be responsible for the design and installation of water service in accordance with City standards. Water lines to be placed between the back of curb and the public right of way. There is an existing water frontage fee of $3.18 per linear foot along McCutchen Drive.

6. Sanitary Sewer Service. The City shall provide a gravity sanitary sewer line for 1,250 linear feet with six manholes along the north line of the proposed development as shown on Exhibit “A”. The Developer shall reimburse the City $15.18 per linear feet or $18,975.00. This represents one half of the total cost to install this sewer main. The Developer shall design and construct the remaining sanitary sewer collection system, sanitary sewer pump station (lift station) and sanitary sewer force main within the development. The sanitary sewer system within the development shall be constructed per the City's design standards, except that sanitary sewer lines may be constructed in the front, side or back yards. All sanitary sewer lines and the lift station shall be constructed within easements dedicated or deeded to the City. After the sanitary sewer collection system, lift station and force main are completed and accepted by the City, the City will own, operate and maintain the entire sanitary sewer system within the development.

7. Solid Waste Service. The City of Rolla will provide this service with a roll out trash cart for each individual dwelling unit.

8. Public Improvements.

A The parties agree that the public improvements for the development shall be made in accordance with all applicable city ordinance requirements and subject to the City’s inspection and approval. The Developer shall be responsible for obtaining approval for any portion of the improvements that require approval from other state or applicable jurisdictions.
B. The parties further agree that the City of Rolla will construct the Roundabout shown on Exhibit "A" and the street improvements along McCutchen Drive, except that the developers shall reimburse the city for the cost of the concrete curb and sidewalk along the remaining McCutchen Drive frontage of 910 lineal feet at a cost of $44,00 per lineal or $44,040.00. In addition, the Developer will provide storm sewer materials for 400 lineal feet of 12" concrete pipe and 3 inlets for $4,497.00.

C. The parties further agree that the interior streets improved in accordance with City standards, using a rollover concrete curb and gutter shall and a sidewalk on both sides of the street. Curb and street widths shall be a minimum of 30 feet for two-lane traffic and 15 feet for one-way traffic. The sidewalks shall be constructed up against the curb and shall be a minimum of 4 feet in width.

D. A "secondary emergency access drive" must be constructed at the approximate location that such access is delineated and labeled on Exhibit A. If there are no fire hydrants along the secondary emergency access drive (i.e. a secondary emergency access road), the width of the road shall be a minimum of 20 feet. If there are fire hydrants along this road or these roads, the width shall be 26 feet wide. All secondary emergency access roads shall be maintained all-weather-surfaced roads consisting of crushed stone capable of supporting 80,000 pounds. If a gate is constructed to limit access, the gate must be able to be opened by a single person and if the gate is locked, a Knox locking padlock must be used.

9. Easements. All necessary easements will be dedicated by a subdivision plat and shall be a maximum of 20 feet.

10. Property Owner's Association. All common open space and improvements shall be protected by legal arrangements that are satisfactory to the City and sufficient to assure their maintenance and preservation for the purposes intended. Covenants or other legal arrangements shall specify ownership of the common open space and common improvements, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the consent of the City, and other specifications deemed necessary by the City and consistent with Chapter 42-21R through 42-21S of the Rolla City Code.

11. Planning and Zoning. The parties agree that the developer will annex the property into the City consistent with current annexations laws regarding voluntary annexations and the zoning will be established with a Multi-Family (R-3) zoning classification. The developer further agrees that no more than a fourplex shall be constructed on each lot as shown on the attached Exhibit "A." The number of lots for residential use will be a maximum of 58 lots.
12. Applicable Standards and Approvals. All of the improvements outlined herein shall be made in accordance with all applicable city ordinance requirements, with the exception of those outlined in this agreement. The Developer shall be responsible for obtaining approval for any portion of the improvements that require approval from other state or applicable jurisdictions.

13. Recording of Agreement. City agrees to record this agreement with the Phelps County Recorder's Office and agrees to pay the costs of said recording. The Covenant herein shall run with the land as described above and shall be binding and inure to the benefit of the parties hereto and their successors and assigns and on any future and subsequent purchasers.

14. Complete Agreement. This agreement shall constitute the complete agreement between the parties and any modification shall be in writing and signed by both parties.

15. Severability. Any provision of this agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.

16. Authority. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement. This agreement shall not be valid until executed by the parties and approved by ordinance duly enacted by the City Council of the City of Rolla, Missouri.

17. Termination. Either party at its option may terminate this agreement in writing, if the entire property has not been annexed by the city within 180 days from the date of execution of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date

[Signature]
Mayor

[Signature]
City Clerk

[Signature]
City Counselor

St Maria's Development, LLC

Managing Member

Page 8

Date: 8.18.18
ANALYSIS OF ST. MARIA'S TATANDRA SUBDIVISION DECLARATION OF COVENANTS AND RESTRICTIONS

According to Section 42-218.1, the covenants and restrictions shall provide:

a. For the establishment of the condominium or homeowners association or trust prior to the sale of any property;
   ➢ Appears to be Found – e.g. 3.1

b. For the method of maintenance;
   ➢ Appears to be found – e.g. 3.5(b) + (g)

c. That open space restrictions and maintenance shall be permanent;
   ➢ Appears to be implied by perpetuity clauses.

d. That the homeowners are liable for the payment of maintenance fees and capital assessments;
   ➢ Appears to be found – e.g. 6.1, 6.2

e. That unpaid homeowners fees and assessments will be a lien on the property of the delinquent homeowners;
   ➢ Appears to be found 6.10, 6.1

f. That the association or trustee shall be responsible for liability insurance, taxes and perpetual maintenance;
   ➢ Appears to be found – e.g. 3.5(c)

g. That membership shall be mandatory for each homeowner and any successive buyer;
   ➢ Appears to be found – e.g. 3.1

h. That each homeowner, at the time of purchase, shall be furnished with a copy of the approved restrictions or conditions;
   ➢ Appears to be found in Section 11.1

i. That any association or trust formed to own and maintain common open space and common improvements will not be dissolved without consent of the City; and
   ➢ Appears to be found in Section 3.9

j. That the City of Rolla shall assume no responsibility for the enforcement of private restrictive covenants.
   ➢ Appears to be found in Section 11.4

According to Sec. 42-218, there a few other items that need to be in such a document and they are as follows:

1. Responsibility for maintenance:
   ➢ Appears to be found – Implied throughout 3.5

2. Mandatory Assessments
   ➢ Appears to be found – e.g. Throughout Article 6

I. B.19.
August 13, 2018

City of Rolla  
Community Development Department  
901 North Elm Street  
Rolla, MO 65401

ATTN: James Shields, City Planner

RE: St. Maria’s, LLC – Proposed Variances at St. Maria’s Tatandra Development

Dear Mr. Shields:

On behalf of St. Maria’s, LLC, we hereby petition the City for the following variances related to the St. Maria’s Tatandra development located on McCutchen Rd:

- Variance from the maximum street grade requirement found in Sect. 42-26.2(13) to allow an approximate 400-foot section of road from Sta. 17+00 to Sta. 21+00 to exceed the nine percent maximum grade for minor streets.
- A variance to allow the future building orientation to determine applicability of “front yard” and “side yard” setbacks on corner lots. This variance would be applicable to lots 5, 11, 26, 33, 34, 39, 43 and 52.
- A variance from the requirement for all subdivisions of 25 lots or more to provide two means of egress/ingress with a public street. Instead, the developer will provide a secondary access to the development through a private, gated 20-foot gravel secondary emergency access road.

We appreciate your consideration. Feel free to contact me with any questions or concerns.

Sincerely,

[Signature]

Cameron Schweiss, PE

I. B. 20
RESOLUTION NO. ____________

A RESOLUTION TO APPROVE THE MAJOR SUBDIVISION PRELIMINARY PLAT OF ST. MARIA'S TATANDRA, WHICH IS A PLAT THAT DIVIDES AN APPROXIMATELY 42-ACRE TRACT OF LAND THAT IS IDENTIFIED BY THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 12081, INTO 58 LOTS AND 4 OUTLOTS. (ST. MARIA'S TATANDRA)

WHEREAS, a public notice was duly published on August 4, 2018, in the Rolla Daily News that, in accordance with law, provided notice that a public hearing on said proposal would be held at Rolla City Hall, 901 North Elm Street, Rolla, Missouri, at 6:30 P.M on August 20, 2018; and

WHEREAS, the Rolla City Council, during its meeting held on August 20, 2018, conducted a public hearing on this resolution; and

WHEREAS, the Planning and Zoning Commission met on August 14, 2018, and, with a majority vote, agreed to make the recommendation to the City Council that St. Maria's Declaration of Covenants & Restrictions and the Preliminary Plat of St. Maria's Tatandra be approved; and

WHEREAS, the Planning and Zoning Commission met on August 14, 2018, and, with a majority vote, agreed to grant the three following variances on the conditions that these three variances be noted on the Final Plat and that the setback lines for the corner lots within the subdivision not be drawn on the Final Plat:

1. A Variance from the maximum street grade requirement found in Section 42-26.2(13) of the Rolla City Code to allow an approximate 400-foot section of road from Sta. 17+00 to Sta. 21+00 to exceed the nine percent maximum grade for minor streets, but to not exceed 12 percent.

2. A variance to allow the future building orientation to determine applicability of “front yard” and “side yard” setbacks on corner lots.

3. A variance from the requirement for all subdivisions of 25 lots or more to provide two means of egress/ingress with a public street, Section 42-26.2(3). Instead, the developer shall provide a secondary access to the development through a private, gated 20-foot gravel secondary emergency access road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

SECTION 1: A resolution to approve the Major Subdivision Preliminary Plat of St. Maria's Tatandra, which is a plat that divides an approximately 42-acre tract of land that is identified by the Phelps County Assessor's Account Number of 12081, into 58 lots and 4 outlots.
SECTION 2: That, through this resolution, the approval of this preliminary plat shall be effective for one year and if the Final Plat is not submitted for approval within the one-year period, this resolution shall be rendered null and void, except that the Planning & Zoning Commission may extend the effective period in six-month increments with the written request by the subdivider justifying the extension. The approved submission of a partial or phased final plat for a portion of a preliminary plat area shall validate the remainder of the preliminary plat for a one-year period.

SECTION 3: That this resolution shall be in full force and effect from the date of its passage and approval. Building permits may not be issued by the Community Development Department until the Final Plat conforms to the Conditions of the Approval of the Subdivision Variances that were granted to the Subdivider of St. Maria's Tatandra, that such plat is filed with the Phelps County Recorder of Deeds, and that the Final Development Plans for public improvements have been approved by the Public Works Director.


APPROVED:

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTIOl REQUESTED: Public Hearing, First/Final Readings

SUBJECT: A request to amend Article III of Chapter 42, which is known as the Rolla Planning and Zoning Code, by adding language that pertains to the use of rights-of-way that are located within a zoning district.

(Zoned ROW Uses)

MEETING DATE: 08-20-2018

GENERAL INFORMATION:
CASE NUMBER: TXT18-06 SUBMISSION DATE: 07-18-2018
LEGAL AD DATE: 08-04-2018 300 FOOT NOTICE: NA

APPLICANT/LOCATION: The City of Rolla is the applicant.

PROJECT BACKGROUND: Administration recommended to the Community Development Department that the appropriate ROW should be zoned. Staff recommends that the City of Rolla (the City) adopt an entirely new Official Zoning Map that locates any section of ROW that is within 250 feet of an existing residential zoning district in the single-family (zoning) District (R-1). The percentage of ROW being zoned R-1 (approx. 58%) is similar to the percentage of land zoned residential in Rolla (approx. 51%). The initial proposal was to zone ROW that was within 1000 feet of residential district. Staff found that the 250-foot buffer would be a better option because industrial and heavy commercial areas would be less likely to abut R-1. This action is being proposed to address the numerous changes in law that affect the use of the ROW. The most recent change will further affect the use of the City’s ROW in certain areas on August 28, which is why the City is asking for first and final readings. Through the City’s zoning regulations, the City has in place use, bulk, and height restrictions that could be used to preserve the residential character of the City’s neighborhoods by ensuring that ROW that are near those neighborhoods reflect their residential character.

TEXT AMENDMENT: In order to ensure zoning the ROW does not affect other zoning regulations and the proper use of the ROW, staff recommends adding the following language to Section 42-142(j) of the Rolla City Code:

j. Zoned Rights-of-Way: No use otherwise authorized in the respective zoning district shall be permitted in the rights-of-way that is not specifically authorized by the City’s rights-of-way regulations, specifically Chapter 36 of the Rolla City Code. Any provision of this Article that refers to being adjacent to, abutting, or within a certain distance of a residential zoning district or property zoned residential does not apply if the adjacent, abutting, or nearby zoning district or property is the City’s rights-of-way.

ACTION REQUESTED: The Planning & Zoning Commission unanimously voted to recommend approval of this proposal. The action requested from the City Council is to conduct a public hearing on and the first and final readings of the applicant’s proposal to amend Article III of Chapter 42, which is known as the Rolla Planning and Zoning Code, by adding language that pertains to the use of rights-of-way that are located within a zoning district.
ORDINANCE NO. ____________

AN ORDINANCE AMENDING SECTION 42-142, GENERAL PROVISIONS, OF DIVISION I OF ARTICLE III OF CHAPTER 42, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, BY ADDING LANGUAGE THAT PERTAINS TO THE USE OF RIGHTS-OF-WAY THAT ARE LOCATED WITHIN A ZONING DISTRICT. (ZONED ROW USES)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

SECTION 1. Section 42-142, General Provisions, of Division I of Article III of Chapter 42 of the Rolla City Code is hereby amended by deleting the following language:

j. Reserved.

SECTION 2. Section 42-142, General Provisions, of Division I of Article III of Chapter 42 of the Rolla City Code is hereby amended by adding the following language:

j. Zoned Rights-of-Way: No use otherwise authorized in the respective zoning district shall be permitted in the rights-of-way that is not specifically authorized by the City's rights-of-way regulations, specifically Chapter 36 of the Rolla City Code. Any provision of this Article that refers to being adjacent to, abutting, or within a certain distance of a residential zoning district or property zoned residential does not apply if the adjacent, abutting, or nearby zoning district or property is the City's rights-of-way.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor

I.C.2.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: Public Hearing, First/Final Readings

SUBJECT: A request to designate sections of the City of Rolla's rights-of-way as the Single-Family (zoning) District (R-1) by adopting the attached version of the Official Zoning Map. (Zone ROW R-1)

MEETING DATE: 08-20-2018

GENERAL INFORMATION:
CASE NUMBER: ZON18-07 SUBMISSION DATE: 07-18-2018
LEGAL AD DATE: 08-04-2018 300 FOOT NOTICE: NA

APPLICANT/LOCATION: The City of Rolla is the applicant. For areas affected, see proposed new Official Zoning Map (Figure 1).

CURRENT USE AND FLUM DESIGNATION: Rolla’s rights-of-way (ROW) are not currently zoned and do not currently have a future land use designation.

PROJECT DESCRIPTION: Administration recommended to the Community Development Department that the appropriate ROW should be zoned. Staff recommends that the City of Rolla (the City) adopt an entirely new Official Zoning Map that locates any section of ROW that is within 250 feet of an existing residential zoning district in the single-family (zoning) District (R-1). The percentage of ROW being zoned R-1 (approx. 58%) is similar to the percentage of land zoned residential in Rolla (approx. 51%). The initial proposal was to zone ROW that was within 1000 feet of residential district. Staff found that the 250 foot buffer would be a better option due to the fact that industrial and heavy commercial areas would be less likely to abut R-1. This action is being proposed to address the numerous changes in law that affect use of the ROW. The most recent change will further affect the use of the City’s ROW in certain areas on August 28, which is why the City is asking for first and final readings. Through the City’s zoning regulations, the City has in place use, bulk, and height restrictions that could be used to preserve the residential character of the City’s neighborhoods by ensuring that ROW that are near those neighborhoods reflect their residential character.

ACTION REQUESTED: The Planning & Zoning Commission unanimously voted to recommend approval of this proposal. The action requested from the City Council is to conduct a public hearing on and the first and final readings of the applicant’s proposal to designate sections of the City of Rolla’s rights-of-way as the Single-Family (zoning) District (R-1) by adopting the attached version of the Official Zoning Map.

I.D.I.
Figure 1, ZON18-07, Proposed Official Zoning Map
ORDINANCE NO._______

AN ORDINANCE DESIGNATING SECTIONS OF THE CITY OF ROLLA'S RIGHTS-OF-WAY AS THE SINGLE-FAMILY (ZONING) DISTRICT (R-1) BY ADOPTING THE ATTACHED VERSION OF THE OFFICIAL ZONING MAP. (Zone ROW R-1)

WHEREAS, on July 18, 2018, the City of Rolla proposed an ordinance that would designate sections of the City of Rolla’s rights-of-way as the Single-Family (zoning) District (R-1) by adopting the attached version of the Official Zoning Map; and

WHEREAS, a public notice was duly published on August 4, 2018, in the Rolla Daily News that, in accordance with law, provided notice that a public hearing on said proposal would be held at Rolla City Hall, 901 North Elm Street, Rolla, Missouri, at 6:30 P.M. on August 20, 2018; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on August 14, 2018, at 5:30 P.M. and recommended that the City Council approve the proposed ordinance; and

WHEREAS, the Rolla City Council, during its meeting held on August 20, 2018, conducted a public hearing on and the first and final readings of this rezoning ordinance; and

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said change of zoning and by those citizens opposing said change, the City Council found the proposals would promote the public health, safety, morals, and general welfare of the City of Rolla, Missouri, and would be for the best interest of said City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

SECTION 1: That the Rolla Planning and Zoning Code, Ordinance No. 3414, which is Chapter 42 of the Code of the City of Rolla, Missouri, and a code that, in accordance with the Comprehensive Plan, divides the City of Rolla into zoning districts; controls the regulation and restriction of the erection, construction, reconstruction, alteration or use of buildings, structures, or land within such districts; and controls the number, shape, and area of such zoning districts on the Official Zoning Map; is hereby amended by adopting the new Official Zoning Map attached to this ordinance.

SECTION 2: This ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the rezoning process has been completed by the City Council.


APPROVED:

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor

I . D . 3.
Tree City USA®
Take Pride in a Greener Community

You have seen the signs along the road and perhaps a Tree City USA flag flying at city hall in other communities. Towns and cities that have received their Tree City USA recognition take pride in this distinction. And the people who live there enjoy the valuable benefits of having a greener, healthier community.

Tree City USA is a national recognition program that began in 1976 and is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and National Association of State Foresters. By meeting four fundamental standards, an incorporated municipality of any size can qualify.

Applying for the Tree City USA award is easy and the recognition is outstanding. There are now thousands of communities that proudly receive roadside signs, fly the flag of Tree City USA and — knowing the value of participation — renew their application every year.

"Tree City USA is a great way to get the community involved in green space. A community that feels involved will take better care of their environment." — AUSON LITCH, FORT SMITH, AR.

FUNDAMENTAL COMPONENTS OF TREE CITY USA

I STANDARD 1
A TREE BOARD OR DEPARTMENT
The formation of a tree board or department often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

II STANDARD 2:
A TREE CARE ORDINANCE
City ordinances reflect the values of a community. That is, they speak about what its residents believe are worth protecting to create or maintain their quality of life and an environment that is both safe and pleasant. Trees are certainly worthy of this formal attention for the common good.

A public tree care ordinance encourages beautification, air cooling and purification, noise abatement, property value enhancement, and all the other attributes of trees in cities of all sizes. It also enables city government to prevent and control destructive insects and diseases, avoid unnecessary costs and liability from hazardous trees and tree-related accidents, and protect residents from unscrupulous or careless operators.

III STANDARD 3
A COMMUNITY FORESTRY PROGRAM WITH AN ANNUAL BUDGET OF AT LEAST $2 PER CAPITA
Most communities probably already spend at least $2 per capita. Also, community trees — when cared for — can actually save money. A managed program can ensure benefits that surely outweigh costs. It does require dollars to plant and keep trees in healthy condition, but this should not be a barrier to becoming a Tree City USA.

IV STANDARD 4:
AN ARBOR DAY PROCLAMATION AND OBSERVANCE
The importance of this tree-planting holiday provides an excellent opportunity to educate about trees and tree care. It also creates pride within the community and can help garner public support for the city’s entire urban forestry program.

Part of the fun of Arbor Day is creating something that will be enjoyed by the whole community. Visit arborday.org/celebrate for ways to make your community celebration a memorable one.

Arbor Day Foundation
100 Arbor Ave • Nebraska City, NE 68410
HOW TO EARN TREE CITY USA RECOGNITION

1. Get Your Community Interested — Find Allies and Partners
2. Contact Your State Urban and Community Forestry Coordinator
3. Work Together to Fulfill the Four Tree City USA Standards
4. Celebrate Arbor Day!
5. Submit your Application

Communities that receive Tree City USA recognition receive support that helps make the celebration easy to plan and conduct. Here is some of what you will receive in your first year:

- Two road signs.
- A 4' x 6' Tree City USA flag.
- Beautiful wall plaque.

TREE CITY USA: Your Community Is Ready

As the first step in helping your town or city become a Tree City USA community, an important person for you to contact is the urban and community forester's coordinator in your state forester's office. Visit arborday.org/coordinators for your contact's information and a directory list of all states.

Your state coordinator is the resource for beginning your Tree City USA application. He or she will have answers to your questions and will be more than happy to help your community become a Tree City USA.

How to Apply

Simplicity is one of the principles of the Tree City USA application and annual recertification process. Experience has shown that getting started as a Tree City USA often results from a single individual or a small group taking the lead. Here is all you have to do:

A. Talk with the person in your community currently responsible for trees (city forester, park superintendent, public works director, etc.). Also discuss with your mayor, city manager, city clerk, a key council person, or whoever else in your city government should be informed and whose support you will need.

B. Go to portal.arborday.org. The Tree City USA application can easily be completed online.

C. The application is normally completed by the city forester or other person responsible for trees, or the tree board chair. Once your application is submitted, it's reviewed at a state level and then it will be reviewed by the Arbor Day Foundation at a national level. To learn more about applying and your state's deadlines visit arborday.org/treecityusa.
Rolla Municipal Utilities

FY2019 BUDGET

October 1, 2018 - September 30, 2019

Approved by Rolla Board of Public Works
July 24, 2018
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- Minimum Cash Reserve Statement ..................... 3
- Cash Flow Statement ....................................... 5
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I  BUDGET SUMMARY

- Budget Summary Analysis
- Operating Statement
- Minimum Cash Reserve Statement
- Cash Flow Statement
- Transfers to City
- Non-Operating Revenue
### BUDGET SUMMARY ANALYSIS - FY2019 BUDGETED

<table>
<thead>
<tr>
<th></th>
<th>ELECTRIC &amp; PWR PROD</th>
<th>WATER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATING REVENUE</td>
<td>$26,856,939</td>
<td>$2,651,782</td>
<td>$29,508,721</td>
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<tr>
<td>OPERATING EXPENSE</td>
<td>-$27,762,507</td>
<td>-$2,878,500</td>
<td>-$30,641,007</td>
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<tr>
<td><strong>BUDGETED OPERATING MARGIN</strong> *</td>
<td>-$905,568</td>
<td>-$228,718</td>
<td>-$1,132,286</td>
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<tr>
<td>OTHER REVENUE &amp; EXPENSE</td>
<td>$494,250</td>
<td>$164,750</td>
<td>$659,000</td>
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<tr>
<td><strong>BUDGETED NET INCOME</strong> *</td>
<td>-$411,318</td>
<td>-$61,968</td>
<td>-$473,286</td>
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<tr>
<td>NON-CASH REVENUE</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Donated Capital Assets (Contractor Mains)</td>
<td></td>
<td>-$50,000</td>
<td>-$50,000</td>
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<tr>
<td>NON-CASH EXPENSE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation - RMU **</td>
<td>$1,836,000</td>
<td>$707,000</td>
<td>$2,543,000</td>
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<tr>
<td>Depreciation - City</td>
<td>$55,000</td>
<td>$170,000</td>
<td>$225,000</td>
</tr>
<tr>
<td>CAPITAL EXPENDITURES **</td>
<td>-$2,482,750</td>
<td>-$1,229,625</td>
<td>-$3,712,375</td>
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<tr>
<td>LEASE OBLIGATIONS</td>
<td>$0</td>
<td>-$150,000</td>
<td>-$150,000</td>
</tr>
<tr>
<td><strong>BUDGETED RESERVE TRANSFER</strong> *</td>
<td>-$1,003,068</td>
<td>-$614,593</td>
<td>-$1,617,661</td>
</tr>
</tbody>
</table>

**CASH ACCOUNT FOR FY2019**

<table>
<thead>
<tr>
<th></th>
<th>FY2019 - BUDGETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS OF OCTOBER 1, 2019 - budgeted</td>
<td>$12,225,620</td>
</tr>
<tr>
<td>Less OCTOBER 1, 2019 - projected</td>
<td>-$13,843,281</td>
</tr>
<tr>
<td><strong>CHANGE IN CASH</strong> *</td>
<td>-$1,617,661</td>
</tr>
</tbody>
</table>

* Assuming all revenues collected
** Includes Fiber
# OPERATING STATEMENT

## OPERATING REVENUE

<table>
<thead>
<tr>
<th>Service</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Sales</td>
<td>$11,572,509</td>
<td>$11,551,356</td>
<td>$11,126,688</td>
</tr>
<tr>
<td>Commercial Sales</td>
<td>$4,790,758</td>
<td>$4,667,014</td>
<td>$4,677,576</td>
</tr>
<tr>
<td>Power Service Sales</td>
<td>$8,094,063</td>
<td>$8,313,845</td>
<td>$8,333,582</td>
</tr>
<tr>
<td>Industrial Sales</td>
<td>$4,360,529</td>
<td>$4,390,382</td>
<td>$4,354,470</td>
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<tr>
<td>Area/Street Lighting</td>
<td>$211,246</td>
<td>$200,226</td>
<td>$199,993</td>
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<tr>
<td>Fire Sprinkler Line Fees</td>
<td>$36,229</td>
<td>$36,780</td>
<td>$36,780</td>
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<tr>
<td>Special Sales (Water)</td>
<td>$171,382</td>
<td>$169,778</td>
<td>$165,055</td>
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<tr>
<td>Miscellaneous Fees</td>
<td>$80,486</td>
<td>$67,000</td>
<td>$67,000</td>
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<tr>
<td>Generation Standby Service (Power Prod)</td>
<td>$83,086</td>
<td>$83,086</td>
<td>$83,086</td>
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<tr>
<td>Capacity &amp; Operating Credits (Power Prod)</td>
<td>$312,572</td>
<td>$284,024</td>
<td>$280,000</td>
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<tr>
<td>Interdepartmental Services - City</td>
<td>$179,352</td>
<td>$174,180</td>
<td>$164,491</td>
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<tr>
<td>Unbilled Receivables</td>
<td>$31,793</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td><strong>$29,924,604</strong></td>
<td><strong>$29,957,673</strong></td>
<td><strong>$29,505,722</strong></td>
</tr>
</tbody>
</table>

## OPERATING EXPENSES

<table>
<thead>
<tr>
<th>Expense</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmission</td>
<td>$66,148</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Depreciation - RMU *</td>
<td>$2,502,765</td>
<td>$2,533,000</td>
<td>$2,543,000</td>
</tr>
<tr>
<td>Depreciation - City (Electric) **</td>
<td>$60,305</td>
<td>$55,000</td>
<td>$55,000</td>
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<tr>
<td>Depreciation - City (Water) ***</td>
<td>$166,376</td>
<td>$170,000</td>
<td>$170,000</td>
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<tr>
<td>Interest on Electric Project</td>
<td>$390,731</td>
<td>$549,000</td>
<td>$0</td>
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<tr>
<td>Interest on Water Project</td>
<td>$46,020</td>
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<td>$34,000</td>
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<tr>
<td>Interest on Deposits</td>
<td>$3,876</td>
<td>$5,000</td>
<td>$5,000</td>
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<tr>
<td>Power Purchases (Electric)</td>
<td>$20,902,670</td>
<td>$22,027,303</td>
<td>$22,133,507</td>
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<tr>
<td>Source of Supply (Water)</td>
<td>$351,067</td>
<td>$492,000</td>
<td>$494,000</td>
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<tr>
<td>Treatment (Water)</td>
<td>$11,699</td>
<td>$22,000</td>
<td>$22,000</td>
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<tr>
<td>Distribution</td>
<td>$1,766,136</td>
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<td>$1,990,000</td>
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<tr>
<td>Customer Accounting</td>
<td>$610,576</td>
<td>$675,000</td>
<td>$741,500</td>
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<tr>
<td>Administrative and General</td>
<td>$2,108,531</td>
<td>$2,428,000</td>
<td>$2,428,000</td>
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<tr>
<td>Interdept Expenses - City</td>
<td>$1,908</td>
<td>$2,250</td>
<td>$0</td>
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<tr>
<td><strong>Total Operating Expenses</strong></td>
<td><strong>$28,988,808</strong></td>
<td><strong>$31,322,553</strong></td>
<td><strong>$30,641,007</strong></td>
</tr>
</tbody>
</table>

## OPERATING MARGIN

<table>
<thead>
<tr>
<th>Margin</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td><strong>$935,797</strong></td>
<td><strong>-1,364,880</strong></td>
<td><strong>-1,132,285</strong></td>
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</tbody>
</table>

## NON-OPERATING REVENUE

<table>
<thead>
<tr>
<th>Revenue</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Revenue</td>
<td>$58,568</td>
<td>$58,568</td>
<td>$100,000</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>$557,055</td>
<td>$1,256,500</td>
<td>$559,000</td>
</tr>
<tr>
<td><strong>Total Non-Operating Revenue</strong></td>
<td><strong>$645,623</strong></td>
<td><strong>$1,315,068</strong></td>
<td><strong>$659,000</strong></td>
</tr>
</tbody>
</table>

## NET INCOME

<table>
<thead>
<tr>
<th>Income</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NET INCOME</strong></td>
<td><strong>$1,581,420</strong></td>
<td><strong>-49,812</strong></td>
<td><strong>-473,285</strong></td>
</tr>
</tbody>
</table>

*Includes Fiber
**Streetslights (City)
***Fire protection (City)
MINIMUM CASH RESERVE STATEMENT

To help insure timely completion of capital improvements and enable the utility to meet requirements for large unexpected expenditures, a Minimum Cash Reserve Statement is hereby established. Minimum cash reserves attempts to quantify the minimum amount of cash the utility should keep in reserve, actual cash reserves may vary substantially above the minimum and is dependent on the life cycle of assets that are currently in service. The methodology used in this statement is based on certain assumptions related to percent of operation and maintenance, rate base, debt service, and capital improvements. The establishment of minimum cash reserves should consider a number of factors including:

WORKING CAPITAL LAG
Timing differences between when expenses are incurred and revenues received from customers. Establishing a minimum cash reserve helps to ensure cash exists to pay expenses in a timely manner. Examples of uncertainties that should be considered include financial risks, rate setting policies, and variability in power supply costs.

INVESTMENT IN ASSETS
Catastrophic events may occur that require substantial amounts of cash reserves to replace damaged assets. Some examples of catastrophic events include ice storms, earthquakes, wind storms, floods, frozen water mains, or tornadoes. Many of these catastrophic events may allow the utility to recover the cost of damages from FEMA. However FEMA reimbursements can take between six months to two (2) years to recover. The utility should ensure adequate cash reserves exist to replace assets in a timely fashion. The minimum reserve levels are often combined with emergency funding from banks or bonding agencies.

ANNUAL DEBT SERVICE
Debt service payments do not occur evenly throughout the year and often occurs at periodic times. The utility has to ensure adequate cash reserves exist to fund the debt service payment when the payment is due.

CAPITAL IMPROVEMENT PROGRAM
Some capital improvements are funded through lease/purchases and some through cash reserves. The establishment of a minimum cash reserve level helps to ensure timely replacement or construction of assets.

If certain events occur that result in cash reserves falling below the minimum levels established by the Rolla Board of Public Works, action is needed to restore the cash reserves above the minimum levels. These actions may consider a number of factors including:
- Rate adjustments
- Cost reductions
- Funding of capital improvement programs
- Modification of the assumptions used to determine cash reserve levels

The assumptions should be reviewed annually, and modified if necessary, to reflect the Rolla Board of Public Works and Management's philosophy on minimum cash reserve levels.

Based on the assumptions used, the minimum cash levels are listed for Fiscal Years 2017 - 2019 in Tables A and B shown on page 4.
## FY2019 BUDGET

### MINIMUM CASH RESERVE STATEMENT (continued)

#### Table A

<table>
<thead>
<tr>
<th>Minimum Cash Reserve Levels - ELECTRIC &amp; POWER PRODUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inputs</strong></td>
</tr>
<tr>
<td><strong>FY2017</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital improvements (5-year plan)</td>
</tr>
<tr>
<td><strong>Percentages</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital Improvements (5-year plan)</td>
</tr>
<tr>
<td><strong>Calculations</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital Improvements (5-year plan)</td>
</tr>
</tbody>
</table>

**Min Cash Reserve Level - Elec/PP** $9,317,097 $9,929,314 $9,266,293

**Operating Benchmark - Elec/Pwr Prod** $13,975,645 $14,893,970 $13,899,440

## Table B

<table>
<thead>
<tr>
<th>Minimum Cash Reserve Levels - WATER</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inputs</strong></td>
</tr>
<tr>
<td><strong>FY2017</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital improvements (5-year plan)</td>
</tr>
<tr>
<td><strong>Percentages</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital Improvements (5-year plan)</td>
</tr>
<tr>
<td><strong>Calculations</strong></td>
</tr>
<tr>
<td>Operation &amp; Maintenance less Depreciation</td>
</tr>
<tr>
<td>Rate Base</td>
</tr>
<tr>
<td>Debt Service (annual)</td>
</tr>
<tr>
<td>Capital Improvements (5-year plan)</td>
</tr>
</tbody>
</table>

**Min Cash Reserve Level - Water** $1,897,085 $2,016,833 $1,805,766

**Operating Benchmark - Water** $2,845,628 $3,025,250 $2,708,652
CASH FLOW STATEMENT

**SOURCE OF CASH**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected cash as of October 1, 2018</td>
<td>$13,843,281</td>
</tr>
<tr>
<td>Public Utility Account</td>
<td>$1,517,150</td>
</tr>
<tr>
<td>Public Utility Money Market Account</td>
<td>$0</td>
</tr>
<tr>
<td>Working Fund Account</td>
<td>$50,000</td>
</tr>
<tr>
<td>State Tax Fund Account</td>
<td>$2,000</td>
</tr>
<tr>
<td>Electronic Funds Account</td>
<td>$50,000</td>
</tr>
<tr>
<td>CAPITAL RESERVE ACCT - Electric</td>
<td></td>
</tr>
<tr>
<td>Money Market Account</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>CAPITAL RESERVE ACCT - Water</td>
<td></td>
</tr>
<tr>
<td>Money Market Account</td>
<td>$3,224,131</td>
</tr>
<tr>
<td>LEASE-PURCHASE INTEREST FUND (UMB)</td>
<td>$0</td>
</tr>
<tr>
<td>OPERATING MARGIN *</td>
<td>-$1,132,286</td>
</tr>
<tr>
<td>Electric Department</td>
<td>-$305,568</td>
</tr>
<tr>
<td>Water Department</td>
<td>-$226,718</td>
</tr>
<tr>
<td>NON-OPERATING REVENUE***</td>
<td>$609,000</td>
</tr>
<tr>
<td>DEPRECIATION - (Non-Cash Expense) *</td>
<td>$2,768,000</td>
</tr>
<tr>
<td>Rota Municipal Utilities</td>
<td>$2,543,000</td>
</tr>
<tr>
<td>City of Rota</td>
<td>$225,000</td>
</tr>
<tr>
<td><strong>Total Source of Cash</strong></td>
<td>$16,087,995</td>
</tr>
</tbody>
</table>

**USE OF CASH**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAPITAL EXPENDITURES **</td>
<td>$3,712,375</td>
</tr>
<tr>
<td>Electric Department</td>
<td>$2,482,750</td>
</tr>
<tr>
<td>Water Department</td>
<td>$1,229,625</td>
</tr>
<tr>
<td>FY2017 LEASE Obligations</td>
<td>$150,000</td>
</tr>
<tr>
<td>Standpipe/Weather projects</td>
<td>$150,000</td>
</tr>
<tr>
<td>Power Supply Infrastructure project</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Projected cash October 1, 2017</strong></td>
<td>$12,225,620</td>
</tr>
<tr>
<td>Public Utility Account</td>
<td>-$576,301</td>
</tr>
<tr>
<td>Public Utility Money Market Account</td>
<td>$0</td>
</tr>
<tr>
<td>Working Fund</td>
<td>$50,000</td>
</tr>
<tr>
<td>State Tax Fund</td>
<td>$2,000</td>
</tr>
<tr>
<td>Electronic Funds Account</td>
<td>$50,000</td>
</tr>
<tr>
<td>CAPITAL RESERVE ACCT - Electric</td>
<td></td>
</tr>
<tr>
<td>Money Market Account</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>CAPITAL RESERVE ACCT - Water</td>
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</tr>
<tr>
<td>Money Market Account</td>
<td>$2,700,421</td>
</tr>
<tr>
<td><strong>Total Use of Cash</strong></td>
<td>$16,087,995</td>
</tr>
</tbody>
</table>

*Includes Fiber Depreciation

**Includes Fiber

*** Donated Capital Assets (Contractor Mains) is not included. (Noncash)
TRANSFER TO CITY

TRANSFER TO CITY GENERAL FUND
The following charges are billed and collected by RMU for the City of Rolla. The amounts of these charges are adopted and approved by the Rolla City Council.

FY2019 BUDGET

PAYMENT IN LIEU OF TAX (PILOT)
5% of Electric & Water Sales including Service Availability Fees (SAF)

$1,446,144
RoSa Municipal Utilities
FY2019 BUDGET

NON-OPERATING REVENUE

INTEREST REVENUE

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Money Market Checking</td>
<td>$98,000</td>
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<tr>
<td>Super-Now Checking</td>
<td>$1,000</td>
</tr>
<tr>
<td>Miscellaneous Interest (Other accounts)</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

Total Interest Revenue $100,000

OTHER REVENUE

Miscellaneous non-operating revenue from material sales/services, late fees, frontage fees, grants, donated capital assets, and fiber revenue $613,000

Less non-operating revenue deductions * -$54,000

Total Other Revenue $559,000

TOTAL NON-OPERATING REVENUE $659,000

* Fiber Depreciation not included
II OPERATING BUDGET

- Electric Department
- Water Department
### OPERATING STATEMENT - Electric Department

#### OPERATING REVENUE

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2017 ACTUAL</th>
<th>FY2018 PROJECTED</th>
<th>FY2019 BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Sales</td>
<td>$9,948,233</td>
<td>$10,477,160</td>
<td>$10,038,160</td>
</tr>
<tr>
<td>Commercial Sales</td>
<td>$4,333,746</td>
<td>$4,510,700</td>
<td>$4,503,000</td>
</tr>
<tr>
<td>Power Service Sales</td>
<td>$7,735,383</td>
<td>$8,321,187</td>
<td>$8,346,412</td>
</tr>
<tr>
<td>Industrial Sales</td>
<td>$4,249,034</td>
<td>$4,675,450</td>
<td>$4,608,450</td>
</tr>
<tr>
<td>Area/Street Lighting</td>
<td>$211,246</td>
<td>$202,976</td>
<td>$202,743</td>
</tr>
<tr>
<td>Power Production</td>
<td>$395,658</td>
<td>$367,110</td>
<td>$363,086</td>
</tr>
<tr>
<td>Miscellaneous Fees</td>
<td>$60,364</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>Interdepartmental Services - City</td>
<td>$134,514</td>
<td>$130,635</td>
<td>$138,358</td>
</tr>
<tr>
<td>Unbilled Receivables</td>
<td>$23,845</td>
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<td></td>
</tr>
<tr>
<td>Power Cost Adjustments</td>
<td>$0</td>
<td>-$1,339,970</td>
<td>-$1,308,860</td>
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<tr>
<td>Hartmann US</td>
<td>$0</td>
<td>-$101,706</td>
<td>-$84,420</td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td><strong>$27,092,022</strong></td>
<td><strong>$27,293,544</strong></td>
<td><strong>$26,856,939</strong></td>
</tr>
</tbody>
</table>

#### OPERATING EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
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<tbody>
<tr>
<td>Transmission</td>
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<td>Depreciation - RMU *</td>
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<td>$1,836,000</td>
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<tr>
<td>Depreciation - City **</td>
<td>$60,305</td>
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<td>Interest on Electric project</td>
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<td>Interest on Deposits</td>
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#### OPERATING MARGIN

- FOR ELECTRIC DEPARTMENT
  
  $432,110
  
  **-8-**
OPERATING REVENUE - Electric Department

<table>
<thead>
<tr>
<th>Category</th>
<th>Residential Sales</th>
<th>Commercial Sales</th>
<th>Power Service Sales</th>
<th>Industrial Sales</th>
<th>Area/Street Lighting</th>
<th>Total Power Production</th>
<th>Miscellaneous Fees</th>
<th>Interdepartmental Services - City</th>
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<tbody>
<tr>
<td>Total kWh/kW sold FY2019</td>
<td>$8,010,000</td>
<td>$1,441,800</td>
<td>$6,062,264</td>
<td>$3,628,050</td>
<td>$46,200</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
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<tr>
<td>Avg Mtr/Month BUDGET</td>
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<td>$232,800</td>
<td>$2,112,548</td>
<td>$959,400</td>
<td>$21,000</td>
<td>$321,600</td>
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<tr>
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<td>90,000,000</td>
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<td>56,000,000</td>
<td>550,000</td>
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<td>970</td>
<td>234,750</td>
<td>110,000</td>
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<tr>
<td>Power Cost Adjustment</td>
<td>-$477,000</td>
<td>-$85,860</td>
<td>-$2,750</td>
<td>-$84,420</td>
<td>-$2,750</td>
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<tr>
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<tr>
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<td>-$7,420</td>
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<td>-$84,420</td>
<td>-$159,000</td>
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<tr>
<td>Total Residential Sales</td>
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<td>$7,986,182</td>
<td>$4,307,430</td>
<td>$199,993</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
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<tr>
<td>Commercial: Single-Phase Energy</td>
<td>$1,441,800</td>
<td>$232,800</td>
<td>$2,112,548</td>
<td>$959,400</td>
<td>$21,000</td>
<td>$321,600</td>
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<tr>
<td>Service Availability Fees</td>
<td>$1,896,000</td>
<td>$232,800</td>
<td>$2,112,548</td>
<td>$959,400</td>
<td>$21,000</td>
<td>$321,600</td>
<td></td>
<td></td>
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<tr>
<td>Power Cost Adjustment</td>
<td>-$477,000</td>
<td>-$85,860</td>
<td>-$2,750</td>
<td>-$84,420</td>
<td>-$2,750</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Commercial: Three-Phase Energy</td>
<td>$2,670,000</td>
<td>$2,112,548</td>
<td>$87,870,000</td>
<td>$46,200</td>
<td>$42</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Service Availability Fees</td>
<td>$158,400</td>
<td>$1,580</td>
<td>$87,870,000</td>
<td>$46,200</td>
<td>$42</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Power Cost Adjustment</td>
<td>-$7,450</td>
<td>-$7,420</td>
<td>$159,000</td>
<td>$159,000</td>
<td>$159,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>$87,870,000</td>
<td>$46,200</td>
<td>$42</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Power Service Demand</td>
<td>$2,112,548</td>
<td>$2,112,548</td>
<td>$87,870,000</td>
<td>$46,200</td>
<td>$42</td>
<td>$363,086</td>
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<td>$138,368</td>
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<tr>
<td>Total Power Service Sales</td>
<td>$7,986,182</td>
<td>$4,268,140</td>
<td>$7,986,182</td>
<td>$4,307,430</td>
<td>$199,993</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
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<td>$83,086</td>
<td>$321,600</td>
<td>$21,000</td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
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<tr>
<td>Industrial Demand</td>
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<td>$321,600</td>
<td>$21,000</td>
<td></td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Service Availability Fees</td>
<td>?</td>
<td>$21,000</td>
<td>$321,600</td>
<td>$21,000</td>
<td></td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
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<tr>
<td>Power Cost Adjustment</td>
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<td>$321,600</td>
<td>$216,600</td>
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<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Utility Cost Assistance</td>
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<td>-$84,420</td>
<td>$321,600</td>
<td>$84,420</td>
<td></td>
<td>$363,086</td>
<td>$50,000</td>
<td>$138,368</td>
</tr>
<tr>
<td>Total Industrial Sales</td>
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<td>$363,086</td>
<td>$363,086</td>
<td></td>
<td>$138,368</td>
<td>$50,000</td>
<td>$138,368</td>
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</table>

TOTAL OPERATING REVENUE FOR ELECTRIC DEPARTMENT $26,856,939
## Rolla Municipal Utilities

### FY2019 Budget

#### Operating Expenses - Electric Department

<table>
<thead>
<tr>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRANSMISSION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3566/Bulk Sm; Misc Transmission Exp</td>
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<td>$0</td>
</tr>
<tr>
<td>3570/Bulk Sm: Station Equipment</td>
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<tr>
<td>3571/Bulk Sm: Towers &amp; Fixtures</td>
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<tr>
<td>3557/Bulk Sm: Meters</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total Transmission</strong></td>
<td>$66,148</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

| **DEPRECIATION** | | |
| 4403/Rolla Municipal Utilities (RMU) | $1,460,627 | $1,390,000 | $1,400,000 |
| 5403/RMU (Fiber 75%) | $20,948 | $21,000 | $21,000 |
| 7403/RMU (Power Production) | $412,877 | $415,000 | $415,000 |
| 4404/City of Rolla | $50,305 | $55,000 | $55,000 |
| **Total Depreciation** | $1,954,758 | $1,881,000 | $1,891,000 |

| **INTEREST** | | |
| 5430/Power Supply Infrastructure project | $390,731 | $545,000 | $4,000 |
| 4431/Deposits | $3,338 | $4,000 | $4,000 |
| **Total Interest** | $394,069 | $549,000 | $4,000 |

| **POWER PURCHASES/4555** | | |
| $20,802,670 | $22,027,303 | $22,133,507 |

| **DISTRIBUTION** | | |
| 4571/O & M - Transmission Lines | $594 | $8,000 | $8,000 |
| 4584/Transportation (Clearing Account) | $9,938 | | |
| 4588/Misc Distribution Expense | $441,786 | $450,000 | $460,000 |
| 4591/Maintenance Structures | $13,628 | $20,000 | $14,000 |
| 4592/O & M - Station Equipment | $34,963 | $40,000 | $75,000 |
| 4593/O & M - Overhead Lines | $538,041 | $550,000 | $550,000 |
| 4594/O & M - Underground Lines | $66,167 | $50,000 | $50,000 |
| 4595/Maintenance Transformers | $7,450 | $10,000 | $10,000 |
| 4596/O & M - Streetlights | $23,644 | $25,000 | $25,000 |
| 4597/O & M - Meters | $74,907 | $75,000 | $80,000 |
| 4600/Cost of Electric - Plant Removal | $783 | $1,000 | $1,000 |
| 7547/Fuel | $37,884 | $30,000 | $30,000 |
| 7548/Generation Expense | $5,974 | $10,000 | $10,000 |
| 7549/Miscellaneous | $0 | $1,000 | $0 |
| 7552/Structures | $0 | $0 | $0 |
| 7553/Generation & Electric Equipment | $54,896 | $70,000 | $90,000 |
| **Total Distribution** | $1,310,655 | $1,350,000 | $1,403,000 |

| **CUSTOMER ACCOUNTING & COLLECTING** | | |
| 4902/Meter Reading Expenses | $24,341 | $40,000 | $53,000 |
| 4903/Customer Records & Collections | $400,880 | $410,000 | $440,000 |
| 4904/Uncollectible Accounts | $17,118 | $30,000 | $30,000 |
| **Total Customer Acctg & Collecting** | $442,337 | $480,000 | $523,000 |

| **ADMINISTRATIVE AND GENERAL** | | |
| 4913/Advertising | $23,130 | $18,000 | $18,000 |
| 4920/Administrative & General Salaries | $156,549 | $150,000 | $150,000 |
| 4921/Office Supplies and Expenses | $77,392 | $85,000 | $87,000 |
| 4923/Outside Services Employed | $32,072 | $150,000 | $100,000 |
| 4924/Insurance | $142,973 | $145,000 | $150,000 |
| 7924/Insurance (Power Production) | $25,680 | $28,000 | $28,000 |
| * 4926/Employer Benefits | $1,045,097 | $1,150,000 | $1,150,000 |
| 7926/Employer Benefits (Power Production) | $32,955 | $36,000 | $37,000 |
| 4930/Misc. General Expenses | $21,880 | $27,000 | $28,000 |
| 4932/Maintenance General Plant | $29,640 | $30,000 | $30,000 |
| **Total Administrative & General** | $1,587,388 | $1,619,000 | $1,783,000 |
| 0426/Interdept Expenses (City) | $1,908 | $2,250 | $0 |

**Total Operating Expenses (Elec)**

<table>
<thead>
<tr>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>$26,859,912</td>
<td>$26,133,553</td>
<td>$27,762,507</td>
</tr>
</tbody>
</table>

*Includes $300,000 for additional LAGERS unfunded accrued liability payments (FY2016 & Only)*
II OPERATING BUDGET

- Electric Department
- Water Department
# OPERATING STATEMENT - Water Department

<table>
<thead>
<tr>
<th>OPERATING REVENUE</th>
<th>FY2017 ACTUAL</th>
<th>FY2018 PROJECTED</th>
<th>FY2019 BUDGET</th>
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</thead>
<tbody>
<tr>
<td>Residential Sales</td>
<td>$1,624,276</td>
<td>$1,622,120</td>
<td>$1,609,372</td>
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<tr>
<td>Non-Residential Sales</td>
<td>$811,372</td>
<td>$855,004</td>
<td>$852,620</td>
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<tr>
<td>Special Sales</td>
<td>$171,382</td>
<td>$176,540</td>
<td>$171,620</td>
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<tr>
<td>Fire Sprinkler Lines</td>
<td>$36,829</td>
<td>$36,780</td>
<td>$36,780</td>
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<tr>
<td>Miscellaneous Fees</td>
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<td>$17,000</td>
<td>$17,000</td>
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<tr>
<td>Interdepartmental Services - City</td>
<td>$44,838</td>
<td>$43,545</td>
<td>$46,123</td>
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<tr>
<td>Unbilled Receivables</td>
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<tr>
<td>Water Cost Adjustments</td>
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<td>Hartmann US</td>
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<td><strong>Total Operating Revenue</strong></td>
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<td><strong>$2,651,782</strong></td>
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<table>
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<tr>
<th>OPERATING EXPENSES</th>
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<tr>
<td>Depreciation - RMU *</td>
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<td>$707,000</td>
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<tr>
<td>Depreciation - City **</td>
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<td>$170,000</td>
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<td>Interest on Water Project</td>
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<tr>
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<tr>
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<td><strong>$2,878,500</strong></td>
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**OPERATING MARGIN FOR WATER DEPARTMENT**

$387,872 $524,871 $226,718

1. includes Fiber
2. Fire protection (City)
## OPERATING REVENUE - Water Department

### Residential Sales:

<table>
<thead>
<tr>
<th>Size</th>
<th>Total Gals Sold</th>
<th>FY2019 Budget</th>
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<tbody>
<tr>
<td>Residential Water</td>
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<tr>
<td>5/8&quot; or 3/4&quot;</td>
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<td>$678,348</td>
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<tr>
<td>1&quot;</td>
<td>63</td>
<td>5,316</td>
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<tr>
<td>1-1/2&quot;</td>
<td>2</td>
<td>408</td>
</tr>
<tr>
<td>2&quot;</td>
<td>37</td>
<td>11,100</td>
</tr>
<tr>
<td>3&quot;</td>
<td>1</td>
<td>600</td>
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<tr>
<td>Water Cost Adjustment</td>
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<th>Size</th>
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<tbody>
<tr>
<td>Non-Residential Water</td>
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<tr>
<td>Service Availability Fees:</td>
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<tr>
<td>5/8&quot; or 3/4&quot;</td>
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<td>2,700</td>
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<tr>
<td>6&quot;</td>
<td>1</td>
<td>3,000</td>
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<tr>
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<tr>
<td>Utility Cost Assistance</td>
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### Special Sales

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</thead>
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<tr>
<td>Total Special Sales</td>
<td></td>
<td>$165,055</td>
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### Fire Sprinkler Line Fees

<table>
<thead>
<tr>
<th>Size</th>
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<tbody>
<tr>
<td>&lt;=4&quot;</td>
<td>99</td>
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<tr>
<td>6&quot;</td>
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<tr>
<td>8&quot;</td>
<td>10</td>
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<tr>
<td>10&quot;</td>
<td>1</td>
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<tr>
<td>Total Fire Sprinkler Line Fees</td>
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### Miscellaneous Fees

<table>
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<tr>
<th>Type</th>
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<tbody>
<tr>
<td>Service Fees</td>
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<tr>
<td>Total Miscellaneous Fees</td>
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### Interdepartmental Services - City

<table>
<thead>
<tr>
<th>Type</th>
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<tbody>
<tr>
<td>Billing City Services (25%)</td>
<td></td>
<td>$46,123</td>
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**TOTAL OPERATING REVENUE FOR WATER DEPARTMENT**

$2,651,782
## OPERATING EXPENSES - Water Department

<table>
<thead>
<tr>
<th>Category</th>
<th>FY2017 Actual</th>
<th>FY2018 Projected</th>
<th>FY2019 Budget</th>
</tr>
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<tbody>
<tr>
<td><strong>DEPRECIATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8403/Rolla Municipal Utilities</td>
<td>$601,329</td>
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<tr>
<td>5403/Rolla Municipal Utilities (Fiber 25%)</td>
<td>$6,983</td>
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<tr>
<td>* 8404/City of Rolla</td>
<td>$166,376</td>
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<tr>
<td><strong>Total Depreciation</strong></td>
<td>$774,688</td>
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<td><strong>INTEREST</strong></td>
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<tr>
<td>8430/Water project</td>
<td>$46,020</td>
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<td>8431/Deposits</td>
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<td><strong>Total Interest</strong></td>
<td>$46,557</td>
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<td><strong>SOURCE OF SUPPLY</strong></td>
<td></td>
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<tr>
<td>8611/O &amp; M - Wells &amp; Well Houses</td>
<td>$43,104</td>
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<tr>
<td>8623/Fuel or Power for Pumping</td>
<td>$304,772</td>
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<td>8633/O &amp; M - Pumps &amp; Pump Houses</td>
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<td><strong>Total Source of Supply</strong></td>
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<td><strong>TREATMENT</strong></td>
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<tr>
<td>8641/Chemicals</td>
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<td>8652/O &amp; M - Treatment</td>
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<td><strong>Total Treatment</strong></td>
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<tr>
<td><strong>DISTRIBUTION</strong></td>
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<tr>
<td>8600/Cost of Water Plant Removal</td>
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<tr>
<td>8655/Miscellaneous Distribution</td>
<td>$149,868</td>
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<td>8672/O &amp; M - Towers</td>
<td>$36</td>
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<td>8673/O &amp; M - Mains</td>
<td>$172,562</td>
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<td>8675/O &amp; M - Service Lines</td>
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<td>8676/O &amp; M - Meters</td>
<td>$83,440</td>
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<tr>
<td>8677/Maintenance Hydrants</td>
<td>$22,910</td>
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<td><strong>Total Distribution</strong></td>
<td>$455,481</td>
<td>$952,000</td>
<td>$587,000</td>
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<td><strong>CUSTOMER ACCOUNTING &amp; COLLECTING</strong></td>
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<tr>
<td>8902/Meter Reading Expenses</td>
<td>$24,337</td>
<td>$23,000</td>
<td>$31,500</td>
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<tr>
<td>8903/Records &amp; Collection Expenses</td>
<td>$138,197</td>
<td>$160,000</td>
<td>$175,000</td>
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<tr>
<td>8904/Uncollectible Accounts</td>
<td>$5,705</td>
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<td>$12,000</td>
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<tr>
<td><strong>Total Customer Acctg &amp; Collecting</strong></td>
<td>$168,240</td>
<td>$195,000</td>
<td>$218,500</td>
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<tr>
<td><strong>ADMINISTRATIVE AND GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8913/Advertising</td>
<td>$5,978</td>
<td>$6,000</td>
<td>$6,000</td>
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<tr>
<td>8920/Administrative &amp; General Salaries</td>
<td>$52,184</td>
<td>$54,000</td>
<td>$56,000</td>
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<tr>
<td>8921/Office Supplies and Expenses</td>
<td>$30,568</td>
<td>$38,000</td>
<td>$40,000</td>
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<tr>
<td>8923/Outside Services Employed</td>
<td>$2,621</td>
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<tr>
<td>8924/Insurance</td>
<td>$80,429</td>
<td>$80,000</td>
<td>$82,000</td>
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<tr>
<td>** 8926/Employees Benefits</td>
<td>$335,984</td>
<td>$400,000</td>
<td>$430,000</td>
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<tr>
<td>8930/Misc General - Expenses</td>
<td>$3,507</td>
<td>$9,000</td>
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<tr>
<td>8932/Maintenance General Plant</td>
<td>$9,682</td>
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<tr>
<td><strong>Total Administrative &amp; General</strong></td>
<td>$521,163</td>
<td>$609,000</td>
<td>$645,000</td>
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</table>

**TOTAL OPERATING EXPENSES FOR WATER DEPARTMENT**

$2,328,895 $3,189,000 $2,878,500

* Fire Protection (City)

** includes $100,000 for additional LAGERS unfunded accrued liability payments (FY2016 Only)
III  CAPITAL EXPENDITURES
    BUDGET

    - Summary
    - Electric Department
    - Water Department
## Capital Expenditures - Summary

<table>
<thead>
<tr>
<th></th>
<th>FY2017 Actual</th>
<th>FY2018 Projected</th>
<th>FY2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Electric</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transmission (138kV)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Sub-Transmission (34 kV)</td>
<td>$42,202</td>
<td>$245,000</td>
<td>$85,000</td>
</tr>
<tr>
<td>Distribution</td>
<td>$1,073,979</td>
<td>$1,247,000</td>
<td>$1,415,000</td>
</tr>
<tr>
<td>General Plant</td>
<td>$50,108</td>
<td>$549,750</td>
<td>$951,250</td>
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<tr>
<td>Fiber (75%)</td>
<td>$113,320</td>
<td>$31,500</td>
<td>$31,500</td>
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<tr>
<td><strong>Total Electric Cap Exp</strong></td>
<td>$1,177,608</td>
<td>$2,073,250</td>
<td>$2,482,750</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Source of Supply</td>
<td>$33,260</td>
<td>$44,000</td>
<td>$24,000</td>
</tr>
<tr>
<td>Pumping Plant</td>
<td>-$149,645</td>
<td>$250,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Water Treatment</td>
<td>$0</td>
<td>$15,000</td>
<td>$15,000</td>
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<tr>
<td>Distribution</td>
<td>$1,694,518</td>
<td>$1,690,000</td>
<td>$690,000</td>
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<tr>
<td>General Plant</td>
<td>$16,703</td>
<td>$139,750</td>
<td>$240,125</td>
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<tr>
<td>Fiber (25%)</td>
<td>$3,773</td>
<td>$10,500</td>
<td>$10,500</td>
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<tr>
<td><strong>Total Water Cap Exp</strong></td>
<td>$1,598,608</td>
<td>$2,149,250</td>
<td>$1,229,625</td>
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<tr>
<td><strong>Total Capital Expenditures</strong></td>
<td>$2,776,217</td>
<td>$4,222,500</td>
<td>$3,712,375</td>
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</table>
## Rolla Municipal Utilities
### FY2019 BUDGET

## CAPITAL EXPENDITURES - Electric Department

### TRANSMISSION (138 kV)

<table>
<thead>
<tr>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>3350/Land &amp; Land Rights</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>3353/Station Equipment</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>3355/Poles, Towers, &amp; Fixtures</td>
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<td>$0</td>
</tr>
<tr>
<td>3356/Overhead Conductors &amp; Devices</td>
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<td>$0</td>
</tr>
<tr>
<td>3370/Meters</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>3303/Ameren Tapping Stations</td>
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<td>$0</td>
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<tr>
<td><strong>Total Transmission</strong></td>
<td>$0</td>
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### SUB-TRANSMISSION (34.5 kV)

<table>
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<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>4350/Land &amp; Land Rights</td>
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<td>$0</td>
</tr>
<tr>
<td>4355/Poles &amp; Fixtures</td>
<td>$904</td>
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<tr>
<td>4356/Overhead Conductors &amp; Devices</td>
<td>$207</td>
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<tr>
<td>4357/Underground Conductors &amp; Devices</td>
<td>$41,090</td>
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<tr>
<td>4358/Underground Conduit</td>
<td>$0</td>
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</tr>
<tr>
<td><strong>Total Sub-Transmission</strong></td>
<td>$42,202</td>
<td>$245,000</td>
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### DISTRIBUTION

<table>
<thead>
<tr>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>4360/Land and Land Rights</td>
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<td>$0</td>
</tr>
<tr>
<td>4361/Structures &amp; Improvements</td>
<td>$387,503</td>
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</tr>
<tr>
<td>4362/Station Equipment</td>
<td>$11,124</td>
<td>$495,000</td>
</tr>
<tr>
<td>4364/Poles, Towers &amp; Fixtures</td>
<td>$94,506</td>
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<tr>
<td>4365/Overhead Conductors &amp; Devices</td>
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<tr>
<td>4366/Underground Conduit</td>
<td>$41,090</td>
<td>$50,000</td>
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<tr>
<td>4367/Underground Conductors &amp; Devices</td>
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<tr>
<td>4368/Line Transformers</td>
<td>$168,558</td>
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<tr>
<td>4369/Services</td>
<td>$18,643</td>
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<tr>
<td>4370/Meters</td>
<td>$56,418</td>
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<tr>
<td>4372/Rental Property: Customer Premises</td>
<td>$753</td>
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<tr>
<td>4373/Streetlighting &amp; Signal Systems</td>
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<tr>
<td>7344/Generators</td>
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<tr>
<td>7345/Accessory Electric Equipment</td>
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<tr>
<td>7346/ Misc Power Plant Equipment</td>
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<td>$0</td>
</tr>
<tr>
<td>7362/Station Equipment &amp; Transformers</td>
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</tr>
<tr>
<td><strong>Total Distribution</strong></td>
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### GENERAL PLANT

<table>
<thead>
<tr>
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<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>4390/Land and Land Rights (75%)</td>
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<td>$0</td>
</tr>
<tr>
<td>4391/Structures &amp; Improvements (75%)</td>
<td>$23,183</td>
<td>$35,000</td>
</tr>
<tr>
<td>4392/Office Furniture &amp; Equipment (75%)</td>
<td>$8,265</td>
<td>$231,000</td>
</tr>
<tr>
<td>4392/Transportation Equipment (75%)</td>
<td>$21,782</td>
<td>$102,000</td>
</tr>
<tr>
<td>4394/Tools, Shop &amp; Garage Equip (75%)</td>
<td>-$3,122</td>
<td>$25,000</td>
</tr>
<tr>
<td>4395/Laboratory Equipment</td>
<td>$0</td>
<td>$3,750</td>
</tr>
<tr>
<td>4396/Power Operated Equipment (75%)</td>
<td>$0</td>
<td>$148,000</td>
</tr>
<tr>
<td>4397/Communication Equipment (75%)</td>
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<td>$5,000</td>
</tr>
<tr>
<td><strong>Total General Plant</strong></td>
<td>$50,108</td>
<td>$549,750</td>
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</table>

### CAPITAL EXPENDITURES/FIBER (75%)

<table>
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<tr>
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<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>4398/Land and Land Rights (75%)</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>4399/Structures &amp; Improvements (75%)</td>
<td>$23,183</td>
<td>$35,000</td>
</tr>
<tr>
<td>4391/Office Furniture &amp; Equipment (75%)</td>
<td>$8,265</td>
<td>$231,000</td>
</tr>
<tr>
<td>4392/Transportation Equipment (75%)</td>
<td>$21,782</td>
<td>$102,000</td>
</tr>
<tr>
<td>4394/Tools, Shop &amp; Garage Equip (75%)</td>
<td>-$3,122</td>
<td>$25,000</td>
</tr>
<tr>
<td>4395/Laboratory Equipment</td>
<td>$0</td>
<td>$3,750</td>
</tr>
<tr>
<td>4396/Power Operated Equipment (75%)</td>
<td>$0</td>
<td>$148,000</td>
</tr>
<tr>
<td>4397/Communication Equipment (75%)</td>
<td>$0</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total General Plant</strong></td>
<td>$50,108</td>
<td>$549,750</td>
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</table>

## TOTAL CAPITAL EXPENDITURES FOR ELECTRIC DEPARTMENT

<table>
<thead>
<tr>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>PROJECTED</td>
<td>BUDGET</td>
</tr>
<tr>
<td>$1,177,608</td>
<td>$2,073,250</td>
<td>$2,482,750</td>
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</table>
## CAPITAL EXPENDITURES - Water Department

<table>
<thead>
<tr>
<th>Source of Supply</th>
<th>FY2017 Actual</th>
<th>FY2018 Projected</th>
<th>FY2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>8310/Land and Land Rights</td>
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<tr>
<td>8311/Structures &amp; Improvements</td>
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<tr>
<td>8314/Wells and Springs</td>
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<td>$0</td>
</tr>
<tr>
<td><strong>Total Source of Supply</strong></td>
<td><strong>$33,260</strong></td>
<td><strong>$44,000</strong></td>
<td><strong>$24,000</strong></td>
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</table>

### Pumping Plant

<table>
<thead>
<tr>
<th>Source of Supply</th>
<th>FY2017 Actual</th>
<th>FY2018 Projected</th>
<th>FY2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>8320/Land and Land Rights</td>
<td>$0</td>
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<tr>
<td>8321/Structures &amp; Improvements</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>8325/Electric Pumping Equipment</td>
<td>-$149,645</td>
<td>$250,000</td>
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<tr>
<td><strong>Total Pumping Plant</strong></td>
<td><strong>-$149,645</strong></td>
<td><strong>$250,000</strong></td>
<td><strong>$250,000</strong></td>
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### Water Treatment

<table>
<thead>
<tr>
<th>Source of Supply</th>
<th>FY2017 Actual</th>
<th>FY2018 Projected</th>
<th>FY2019 Budget</th>
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</thead>
<tbody>
<tr>
<td>8332/Equipment Chlorination</td>
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<td><strong>$0</strong></td>
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### Distribution

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<td>8340/Land and Land Rights</td>
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<td>8342/Reservoirs &amp; Standpipes</td>
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<td>8343/Transmission &amp; Distribution Mains</td>
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<td>8346/Meters</td>
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<td>8348/Fire Hydrants</td>
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### General Plant

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<tr>
<td>8395/Laboratory Equipment</td>
<td>$0</td>
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<td>4389/Land and Land Rights (25%)</td>
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<td>4390/Structures &amp; Improvements (25%)</td>
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<td>4391/Office Furniture &amp; Equipment (25%)</td>
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<td>4392/Transportation Equipment (25%)</td>
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<td>4394/Tools, Shop &amp; Garage Equip (25%)</td>
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<td>4395/Laboratory Equipment (25%)</td>
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<td>4396/Power Operated Equipment (25%)</td>
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<td>4397/Communication Equipment (25%)</td>
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### Capital Expenditures/Fiber (25%)

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<td><strong>CAPITAL EXPENDITURES/FIBER (25%)</strong></td>
<td><strong>$3,773</strong></td>
<td><strong>$10,500</strong></td>
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### Total Capital Expenditures

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<td><strong>TOTAL CAPITAL EXPENDITURES FOR WATER DEPARTMENT</strong></td>
<td><strong>$1,598,608</strong></td>
<td><strong>$2,149,250</strong></td>
<td><strong>$1,229,625</strong></td>
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IV OTHER INFORMATION

- Unfunded Budget Requests
### UNFUNDED BUDGET REQUESTS

#### ADMINISTRATIVE
- AMR/AMI project: $500,000

#### SERVICE DEPARTMENT
- **Equipment/Facilities**
  - Fiber optic infrastructure: $100,000
  - Truck #6 DIGGER/DERRICK: $225,000
  - Truck #14: $30,000
  - HyPoint #1 & #2 Buildings: $200,000
  - Skid Loader: $95,000
  - Leak Detection Equipment: $350,000

**TOTAL UNFUNDED BUDGET REQUESTS**: $1,500,000
V PERSONNEL & COMPENSATION

- Salary Schedule
<table>
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<td>Operations Manager</td>
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<tr>
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<td>$47,154</td>
<td>$55,474</td>
<td>$63,794</td>
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<td>Power Production Foreman</td>
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<tr>
<td>Engineer (EIT)</td>
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<td>$55,474</td>
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<td>Tree Trimming Foreman</td>
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<td>$23.77</td>
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<td>Purchasing Agent/Warehouseman</td>
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## Salary Schedule - continued

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<td>$21.46</td>
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<td>$39,853</td>
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<td>$30,472</td>
<td>$35,048</td>
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</table>

(E) = Exempt
2018
Fiscal Year 3rd Quarter Report

Rolla Municipal Utilities
Provided to Rolla City Council
August 20, 2018
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Rolia Board of Public Works Statement 3

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A STATEMENT BY THE
BOARD OF PUBLIC WORKS

The Electric Power and Water System of the City of Rolla will be known as the ROLLA MUNICIPAL UTILITIES. Mr. J. E. Bronson will continue as general manager.

It will be the policy of the Board to operate the Rolla Municipal Utilities strictly on a business basis. There will be no change in the general policies of the management. All rates will be the same for the present.

The Board has three primary obligations:
1. To give the best possible service to the Citizens of Rolla.
2. To accumulate funds for the payment of the indebtedness. (Bond Issue and Revenue Certificates).
3. To build up reserve funds for any emergency and for replacement of machinery and equipment.

Regarding Service Interruptions:
This trouble is not in the local system, but in the source of supply. We hope eventually to have other sources of supply available and improve the electric service in Rolla.

Beginning immediately, $1000.00 per month from the profits will be paid to the General Fund of the City of Rolla, which is to replace the Franchise Tax formerly paid by the Missouri General Utilities.

No merchandise will be sold in competition with local merchants.
No repair service will be maintained in competition with local Electric Service men.

Next Monday, November 12th, our offices will open in our new building, formerly the Negro U. S. O Building, 102 W. 9th Street. All business will be transacted from this location after that date. The Rolla Free Public Library will occupy the second floor, and the State Board of Health and the County Agent the basement of this building. These quarters are furnished to the above organizations without cost as a public service of the Rolla Municipal Utilities.

Rolla Board of Public Works

H. E. CASTLEMAN, President
F. H. FRAME, Vice-President
R. E. SCHUMAN, Secretary
F. A. CAMERON, Member
THIRD QUARTER FINANCIAL RECAP (Unaudited)

OPERATING INCOME and EXPENSES

<table>
<thead>
<tr>
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<th>3rd Quarter FYTD 2017</th>
<th>3rd Quarter FYTD 2018</th>
<th>CHANGE</th>
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<td>OPERATING REVENUES</td>
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<td>OPERATING EXPENSES</td>
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<td>OPERATING INCOME</td>
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<td>OTHER INCOME &amp; EXP.</td>
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<td>NET INCOME</td>
<td>$132,881</td>
<td>$1,112,347</td>
<td>$979,466</td>
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Upon completion of the third quarter of FY 2018, Operating Revenues are up $795,561 as compared to last year. Operating Expenses are up $1,035,209 for the same period resulting in an Operating Income of $638,586, which is up $890,352. When combined with miscellaneous income and expenses, RMU experienced a Net income of $1,112,347, which is up $979,466 as compared to the third quarter of FY2017.
STATUS OF PENDING PROJECTS

ELECTRIC DEPARTMENT

• ELECTRICAL EXTENSIONS/UPGRADES


Rolla Police Department, 1050 N Pine Street — Replaced existing transformer. Started and completed, June 18, 2018.


**ELECTRIC GENERATION**


**WATER DEPARTMENT**

**WATER MAIN INSTALLATION**

- Bridge School Road, Highway 72 extension — Replaced 8” water main with 12” PVC. Started, December 13, 2017. Ongoing.
- 6th Street – Elm to Walnut Streets (City street reconstruction) — Replaced existing mains with 8” and 12” PVC. Started, May 14, 2018. Ongoing.
- Well #11 — Repairs to damaged electric equipment in well house. Started, November 16, 2017. Ongoing.

(2) WATER TAPS

(0) FIRE HYDRANTS

**FIBER/SCADA**

- Reviewing options for breaker settings adjustments at substations.
- Reconfiguring fiber system at Kingshighway and Faulkner.

**TRAINING/PERSOONNEL**

- New Hires: One Night Serviceman; Two Laborer I and one promoted from Laborer I to Tree Trimmer. June 26, 2018
• **MPUA/MoPEP UPDATE**
  - All but one solar farm is now in service. Farmington is awaiting Ameren interconnection approval, making eleven (11) – 3.2MW DC farms in operation.
  - The City of Odessa is requesting MoPEP develop Economic Development/Load Factor Improvement rates to assist in an economic development opportunity.
  - Consideration is being given to create a Line Worker Services program. This would allow a traveling line crew to assist communities short on line workers, emergency response, or the need for extra help with a project.
  - The Prevailing Wage bill passed, including a floor of $75,000 for public works projects.
  - The Commission's order denying the Grain Belt Express transmission line application has been reversed and the case is remanded to the Commission to determine whether Grain Belt's proposed utility project is necessary or convenient for public service.
  - The Laddonia project expansion in conjunction with POET's expansion of it's neighboring ethanol plant is still in the planning stages.
  - KCP&L's merger with Westar has been approved. KCP&L has a current rate case with MoPSC. Ameren and Empire both have Fuel Adjustment Clause increases pending.
  - The American Public Power Association (APPA) honored several Missouri municipal utilities with a "Certificate of Excellence" for reliable performance, as shown by comparing outage records against nationwide data gathered by the Energy Information Administration (EIA). Utilities honored included, Chillicothe, Harrisonville, Jackson, Marshall, Rolla, and Trenton. The MPUA member utilities were among 129 public power utilities nationwide that earned recognition from APPA. The "Certificate of Excellence" is based on the top 25 percent of reliability nationwide, as measured against the national data on EIA's system Average Interruption Duration Index, or SAIDI.
DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Project #475 – 2018 Phase II Asphalt Improvements

BUDGET APPROPRIATION: $120,000.00 DATE: 08/20/18

COMMENTARY:

City staff asked for and received bids for Project #475 – 2018 Phase II Asphalt Improvements. Council approved the $117,292.86 bid from Pierce Asphalt, LLC at the August 06, 2018 council meeting.

Staff is requesting final reading of the ordinance authorizing the Mayor to enter into the contract with Pierce Asphalt, LLC for $117,292.86.
ORDINANCE NO. __________

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT, LLC, FOR 2018 PHASE II ASPHALT IMPROVEMENTS, PROJECT #475.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri an agreement between the City of Rolla, Missouri and Pierce Asphalt, LLC, for 2018 Phase II Asphalt Improvements, Project #475, a copy of said agreement being attached hereto and marked Exhibit A.


APPROVED:

______________________________
MAYOR

ATTEST:

______________________________
CITY CLERK

APPROVED AS TO FORM:

______________________________
CITY COUNSELOR
EXHIBIT A

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this ______ Day of ________ by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and Pierce Asphalt Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: 2018 Phase II Asphalt Improvements, PROJECT 475, in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner's official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor's proposal, for the construction of 2018 Phase II Asphalt Improvements, PROJECT 475.
EXHIBIT A

It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

Safety Training:

a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.

b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.

c. Contractor acknowledges and agrees that any of Contractor’s employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.

d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

Notice of Penalties for Failure to Provide Safety Training

a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars ($2,500.00), plus one hundred dollars ($100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.

b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.

c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract
EXHIBIT A

Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.

ARTICLE V. That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of $117,292.86 for All work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

ARTICLE VI. That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract.

Liquidated Damages - Should the contractor fail to complete the work on or before the completion date specified the contractor will be charged liquidated damages in the amount of $100.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

ARTICLE VII. Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

ARTICLE VIII. Before the final payment can be made on the project to the Contractor, the Contractor must complete and return the Contractor's Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner.
EXHIBIT A

IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

BY

Mayor, Owner, Party of the First Part

CONTRACTOR

BY

Printed Name Printed Name/Title

STATE OF MISSOURI )
SS )
County of Phelps )

On this ________ day of ________, before me appeared __________________________, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the corporate seal of said municipal corporation and that said instrument is the corporate seal of said municipal corporation and that said instrument was signed under authority of the City Council of the City of Rolla, Missouri; and the said __________________________ Acknowledged said instrument to be the free act and deed of said municipal corporation.

My commission expires: __________________________

Notary Public

STATE OF MISSOURI )
SS )
County of Phelps )

On this ________ day of ________, before me appeared __________________________, to me personally known, who, being by me duly sworn, did say that (s)he is the __________________________ of __________________________ and that the seal affixed to said instrument is the corporate seal of said corporation by authority of its board of directors; and the said __________________________ acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: __________________________

Notary Public
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis ACTION REQUESTED: Motion

ITEM/SUBJECT: Halloween - Closing Pine Street

BUDGET APPROPRIATION (IF APPLICABLE) DATE: 08/20/18

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

COMMENTARY: Rolla Area Chamber of Commerce and The Downtown Business Association has requested Pine Street from 6th Street to 12th Street be closed to traffic on Halloween, October 31st, 2018. The street will be closed from 3:30 pm to 8:00 pm. The organizations will be at the council meeting to discuss the event and answer questions.

Staff recommends approval
COMMENTARY:

With the comprehensive review of the City’s Personnel Rules Administration was directed to review the personnel appeals process – particularly with respect to the appointment of a “hearing officer”.

Legal has reviewed both the Personnel Rules and Chapter 33 of the City Code for consistency and is recommending the changes.

Recommendation: 1st Reading

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That Sections 33-21, 33-22, 33-30, and 33-36, of the General Ordinances of the City of Rolla, Missouri, known as the Code of the City of Rolla, Missouri, pertaining to the Police Personnel Board are hereby repealed and new Sections 33-21, 33-22, 33-30, and 33-36 are hereby enacted in lieu thereof as follow:

Article II - Police Personnel Board

Sec. 33-21. Police personnel board – Creation; composition; terms of office; qualifications generally.

There shall be established a Police Department Personnel Board, consisting of six members. They shall be selected by the Mayor with the advice and consent of the City Council. Board appointments will require the approval of the City Council through a majority vote of the members elected to the City Council. Members of the Police Personnel Board shall serve four-year terms. The board members shall receive no compensation. The members shall be at least twenty-one years of age, taxpaying citizens, and qualified voters of the City. Any member of the board may be removed by the Mayor and a majority vote of all members elected to the City Council for failure to attend meetings of the personnel board, or for good cause shown. In the event a hearing officer must be appointed to preside over any disciplinary hearing, said hearing officer shall have no vote in any action taken and may be compensated as agreed to by the City.

Sec. 33-22. Police personnel board – Meetings; organization.

The Police Personnel Board shall be subject to call and shall meet at such times and places as may be designated by the board chairman. The chairman of the board, to be elected by the board, shall preside at all meetings of the board, except for disciplinary hearings. Members of the board shall also elect a vice-chair to serve in the chairman’s absence and a secretary for recording minutes of meetings.
Article III - Suspension, Demotion, Dismissal

Sec. 33-30. Right of appeal.

Any police officer receiving written notice of disciplinary action shall have the right to appeal such action in accordance with the city personnel rules and regulations. The decision of the city administrator may be appealed to the police personnel board within seven calendar days of receipt of the decision of the city administrator concerning the appeal. The city administrator shall immediately file such request with the chairman of the police personnel board. Upon receipt of written request to appeal, the police personnel board shall grant a hearing, which may be public if requested in writing by the police officer, under the provisions of Section 33-36; provided that upon the filing of such request for hearing before the police personnel board, any order or discharge may be temporarily stayed and such police officer may be suspended from duty without any pay until such time as the police personnel board has conducted the hearing as provided in Section 33-36.

Article IV – Hearings

Sec. 33-36. Investigation and hearing by Police Personnel Board; report of decision to city council; rights of disciplined officer.

The personnel board shall, upon written application for hearing, make an investigation of the reasons stated for the disciplinary action. Any such hearing shall be closed to the public unless a written request for a public hearing is submitted to the board by the police officer in the application for hearing. It shall be the duty of the personnel board to hold the hearing as requested in a convenient place and in accordance with the rules and regulations as may from time to time be promulgated by the City. After holding the hearing as herein provided, the personnel board shall report in writing within three day, unless time is extended for good cause, all facts and circumstances developed in their investigation and the hearing held pertaining to the reasons as to why such police officer received disciplinary action and the decision of the police personnel board concerning whether or not the disciplinary action will be upheld, modified or repealed. The city administrator shall provide the Mayor and the city council with the report of the police personnel board. The police officer disciplined shall not be deprived of the right to legal counsel and shall be afforded the right under the rules of civil procedure to subpoena and cause to be subpoenaed witnesses on his behalf and the right to cross-examine witnesses who appear against him.
Section 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval.


APPROVED

ATTEST: ________________________________

MAYOR

____________________________

CITY CLERK

APPROVED AS TO FORM:

____________________________

CITY COUNSELOR

IV. 8.4.
CURRENT CITY CODE

Article II - Police Personnel Board

Sec. 33-21. Police personnel board - Creation; composition; terms of office; qualifications generally.

There shall be established a Police Department Personnel Board, consisting of six members. They shall be selected by the Mayor with the advice and consent of the City Council. Board appointments will require the approval of the City Council through a majority vote of the members elected to the City Council. Members of the personnel board shall serve four-year terms, except that the current board shall have one member serving a one-year term, one member serving a two-year term, two members serving three-year terms, and two members serving four-year terms. The personnel board shall receive no compensation. The members of the personnel board shall be at least twenty-one years of age, paying citizens and qualified voters of the city. Any member of the personnel board may be removed by the Mayor and a majority vote of all members elected to the City Council for failure to attend meetings of the personnel board, or for good cause shown. (Ord. 2162, §1; Ord. 2229, §1; Ord. 3911, §1)

Sec. 33-22. Police personnel board - Meetings; organization.

The Police Personnel Board shall be subject to call and shall meet at such times and places as may be designated by the board chairman. The chairman of the board, to be elected by the board, shall preside at all meetings of the board. Members of the board shall also elect a vice-president and secretary. (Ord. 2471A, §1; Ord. 3911, §1)

Article III - Suspension, Demotion, Dismissal

Sec. 33-30. Right of appeal.

Any police officer receiving written notice of disciplinary action shall have the right to appeal such action in accordance with the city personnel rules and regulations. The decision of the city administrator may be appealed to the police personnel board within seven calendar days of receipt of the decision of the city administrator concerning the appeal. The city administrator shall be notified in writing that an appeal to the police personnel board is desired and the city administrator shall immediately file such request with the chairman of the police personnel board. Upon receipt of application, the police personnel board shall grant a public hearing under the provisions of Section 33-36; provided that upon the filing of such request for hearing before the police personnel board, any order or discharge shall be temporarily stayed and such police officer shall be suspended from duty without any pay until such time as the police personnel board shall have conducted a public hearing as provided in Section 33-36. (Ord. 2210, §3.)
Article IV – Hearings

Sec. 33-36. Investigation and hearing by police personnel board; report of decision to city council; rights of disciplined officer.

The personnel board shall, upon application for a public hearing, make an investigation of the reasons stated for the disciplinary action. It shall be the duty of the personnel board to hold a public hearing as requested in a convenient place and in accordance with the rules and regulations as may from time to time be promulgated by the personnel board. After the holding of a public hearing as herein provided, the personnel board shall report in writing within three days, unless the time is extended for a good cause, all facts and circumstances developed in their investigation and the public hearing held pertaining to the reasons as to why such police officer received disciplinary action and the decision of the police personnel board concerning whether or not the disciplinary action will be upheld or repealed. The city administrator shall provide the mayor and the city council with the report of the police personnel board. The police officer disciplined shall not be deprived of the right to legal counsel and shall be afforded the right under the rules of civil procedure to subpoena and cause to be subpoenaed witnesses in his behalf and the right to cross examine witnesses who appear against him. (Ord. 2210, §4.)
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Steffanie D. Rogers
Finance Director

ACTION REQUESTED: Discussion

DATE: August 20, 2018

BUDGET APPROPRIATION: $0.00

SUBJECT: Discussion Regarding Updates to the City of Rolla Personnel Manual

COMMENTARY:

The Personnel Rules were last revised and adopted by City Council on April 2, 2007. The City conducts a formal review of the policies every five (5) to seven (7) years. Policy review began in 2016 and progressed through 2018 with Administration, Department Director and legal review.

Attached you will find a copy of the proposed personnel manual for the City of Rolla. While there are numerous text changes throughout, a summary of key changes are as follows:

1. Added stepfather and stepmother to the definition of immediate family (page 11). This change is to better recognize the step parent roles of a blended family.
2. Added clarification to new employee familiarization (page 21). This is to provide clarification that when a new hire signs the acknowledgement form, they agree that they have received a copy of the personnel manual, have gone over the major sections during orientation but have not read and/or understand the policy.
3. Added clarification for the promotion process for City departments (page 30).
4. Added clarification for departmental transfers (pages 31-32). An employee must retain a position in their current department for at least one (1) year before requesting a transfer. Currently new hires are finishing training with one department and transferring to another department with different demands.
5. Added Columbus Day to the holiday schedule (page 43).
6. Added language to clarify items in the Borrowed Leave Policy (page 48-50). The majority of changes in this section are to the members of the Borrowed Leave Committee. The changes are to create consistency with the Administrative Advisory Committee.
7. Added clarification to the hearing procedures for the Police Personnel Board and City Personnel Appeals Board (page 69). A hearing officer will be approved and appointed prior to the hearing.
8. Rewrote Chapter 18 and created an Administrative Advisory Committee (AAC) (page 71). This replaces the past Employee Advisory Committee (EAC) and reduces the number of committees used to review various City functions.
9. Added a section for social media (page 104-105). This addresses the growing participation in social media in the workplace.
10. The proposed changes will be in effect on October 1, 2018, subject to the first reading of the ordinance on September 4, 2018 and the final reading on September 17, 2018.

Staff is recommending the discussion of these proposed changes.
OFFICIALS
OF THE
CITY OF ROLLA, MISSOURI

Mayor
Louis J Magdits

City Council

Ward 1
Daniel Jones
Jonathan Hines

Ward 2
Matthew Crowell
Ann Murphey

Ward 3
Dave Schott
Jacob Rohter

Ward 4
John Meusch
Jody Eberly

Ward 5
Jim Williams
Brian Woolley

Ward 6
Steven Jung
Tiffany Henry

City Administrator
John D. Butz

Adopted By Council Action

Effective Date
October 1, 2018
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CHAPTER 1: GENERAL PROVISIONS

1) Purpose of Policies: These policies set forth the principles and procedures that will be followed by the City of Rolla (hereinafter called the City) in the administration of its personnel program. They are intended to establish an efficient, equitable, and functional system of personnel administration. Further, they should provide a specific basis for consistent handling of matters related to the personnel function. They emphasize the principle that qualified personnel, pursuing high standards of conduct insuring fairness and impartiality constitute the best public service, and these rules shall be applied in accordance with this general purpose.

2) Public Contact and Public Service Philosophy: This City exists to serve its citizens, and to provide to them the best in quality local government services. In a very broad sense, the citizens are the employers; and, therefore, should be treated with the greatest respect and consideration. In so far as possible, it is the employees' job to assure that the citizen's municipal service needs are met. It is expected that the citizens will encounter courteous, pleasant, helpful and willing local government workers as they come to the City with their problems.

3) Scope: These policies are intended to apply to all City employees; however, some policies and/or procedures are directed towards specific employee groups (e.g., exempt or nonexempt employees, sworn officers, fire, etc.) and some may apply differently to one group or another. In addition, the City recognizes the need of certain departments within the City organization to have more specific policy guidelines pertaining to their respective departments and would encourage each department to develop its own policy manual governing its internal operation. However, where a direct contradiction exists between departmental policy and the City's Rules and Regulations, the City's Rules and Regulations shall supersede any departmental policy.

4) Language: The text of this manual is written in common layman's English. Therefore, the various provisions of this document are to be interpreted in terms of their ordinarily understood meanings (i.e., intended to mean those things a reasonable man or woman would think they mean). Words like he/she are used to refer to an employee of either gender and imply no intent to discriminate by their usage.

5) Application: Because these are general guidelines for personnel administration, this document should not be considered as an employment contract with any City employee or employee group.

6) Adoption: These policies are prepared and recommended by the City Administrator, reviewed by staff, Administrative Advisory Committee, Legal Counsel and adopted by the City Council.

7) Administration of the Policies: The City Administrator shall be responsible for the administration and interpretation of these policies and may promulgate such directions as are necessary to clarify, supplement or implement the provisions set forth.

   a) If personnel matters not covered by these policies should arise, the City Administrator may render a decision. If such a decision indicates a change in or an addition to these policies, the change or addition shall be included as an amendment to the appropriate chapter of these policies upon approval by the City Council.

   b) Actions and decisions of the City Council shall be final.
c) In the absence of the City Administrator, the Mayor shall have the authority to act for the City Administrator.

8) **Revision of Policies:** These policies are subject to amendment and revision at such time and in such respect as the City may find it necessary and desirable.

   a) The City Administrator may make recommendations concerning revisions necessary to effectively carry out the personnel program.

   b) Upon revisions of these policies, formal written notice of the revision shall be given to all employees within fifteen (15) days of the revision.
CHAPTER 2: DEFINITIONS

Definition of Terms: The following terms are defined for these Personnel Rules and Regulations:

1) Active Service - being present and able to perform the duties to which an employee has been assigned.

2) Administrative Action - effective procedures taken by the City Administrator, Department Director or supervisor against an employee for cause, including but not limited to, warnings (verbal or written), counseling or reprimand (oral or written).

3) Administrative Advisory Committee (AAC) - a group of City employees representing all City employees for direct representation with the Administration dealing with mutual concerns.

4) Anniversary Date - date of appointment of a new employee to a full-time regular position in the City.

5) Appeal - the right of an employee to have a hearing beyond his immediate supervisor with a higher authority for review of a grievance.

6) Applicant - a person who has filed a formal application and/or resume for employment with the City.

7) Appointing Authority - the individual or body having the power to make appointments, to remove or to discipline employees and perform other duties as enumerated within this Personnel Code. For the City, the appointing authority, except for Department Directors, is the City Administrator. For Department Directors the appointing authority is the Mayor with the consent of the City Council.

8) Appointment - the designation of a person by the appointing authority to occupy a position and his/her induction into employment in such position.

9) Assembled Examination - a written, oral or physical test at a specified time and place at which applicants are required to appear for testing under supervision.

10) Calendar Month - from the first day through and including the last day of any one of the twelve months in the year.

11) Calendar Week - seven consecutive calendar days starting on Sunday and ending on Saturday.

12) Calendar Year - January through December.

13) Certification - the act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment.

14) City - City of Rolla.

15) City Administrator - appointed Administrator for the City.
16) Class - one or more positions sufficiently alike in respect to work duties and responsibilities that (1) the same title may be used reasonably and fairly to designate each position allocated to the class, (2) the same minimum education and work experience qualification may be required and (3) the same salary range may apply with equity.

17) Classification - the original assignment of a position to an appropriate class based on the kind, difficulty and responsibility of the work to be performed.

18) Class Series - the arrangement in sequence of classes that are alike in the general nature of the work but are not at the same level of difficulty and responsibility.

19) Class Specification - a written statement of the characteristic duties, responsibilities and qualification requirements that distinguish a specific class from other classes.

20) Classification Plan - the schedule of classes covering the employees of the City.

21) Compensation - salary, wage and all other forms of valuable consideration, earned by or paid to any employee for service in any position.

22) Compensation Plan - the rate of compensation for the class of positions in each grade of the Classification Plan.

23) Compensatory Time - hours when a non-exempt employee is not working and which are paid for at the employee's regular rate of pay. ("Comp Time")

24) Compensatory Time in Lieu of Overtime - hours when an employee is not working and which are paid for at the employee's regular rate of pay but accrued at a rate of one and one half (1 1/2) hours per one (1) hour worked.

25) Demotion - the movement of an employee from a position in one class to a position in another class with less responsible duties and a lower maximum salary rate, accompanied by at least a one (1) step reduction in pay.

26) Department Director - any full-time appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance, and services to be performed by a City department.

27) Dependent Family Member: a member of the immediate family for whom the employee has primary care while residing in the employee's household.

28) Disciplinary Action - effective procedures taken by the City Administrator or Department Director against an employee for cause, is including, but not limited to, disciplinary probation, suspension, demotion, transfer or discharge.

29) Discrimination Complaint - an employee who believes that he/she has been denied equal employment opportunity or equal treatment because of race, color, creed, national origin, religion, sex, veteran/military status, disability or other protected classification by law, has the right to file a complaint with the City Administrator and the appropriate state and federal agencies.

30) Dismissal - the permanent separation for cause of an employee from the City's service.
31) Emergency - a sudden and unforeseen happening that requires the unscheduled services of any personnel to protect the health, welfare and safety of citizens and/or community property.

32) Employee - an individual who is legally employed by the City and is compensated through City payroll for his/her services.

33) Examination - the process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

34) Executive Safety Committee - members shall consist of the City Administrator and Department Directors.

35) Exempt - an “executive”, “administrative”, “professional” employee, or any other qualifying category as defined by FLSA. This employee may receive compensatory time off for overtime work at the rate of one hour for one hour worked at the discretion of his/her Department Director and the City Administrator. There is no compensatory time balance carried from payroll to payroll.

36) Extended Family - aunt, uncle, niece, nephew, grandparent-in-law, grandchild-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepsister, stepbrother, half-brother, half-sister or significant personal friend.

37) Fringe Benefits - extra non-salaried compensation paid for or granted by the City in whole or part for specific terms.

38) Full-Time Employee - an employee, either regular or probationary, who is appointed to a position which normally requires services for the entire normal work week and is anticipated to work a minimum of 2080 hours per year of service (2,117 for police, 2,912 for fire).

39) Furlough - a temporary loss of job due to layoff.

40) Gender and Number - every pronoun includes corresponding pronouns of different genders or numbers or both, to the extent the context permits.

41) Grade - a group of classes of positions sufficiently similar with respect to the level of duties and responsibility or with respect to the prevailing rates of compensation for comparable work, so that the same rate of pay may be applied with equity to all classes of positions in the grade.

42) Grievance - a disagreement relating to employment and working conditions or relationships between an employee and the immediate supervisor or other employees. The nature of the disagreement is such that the employee's rights as an employee are believed to have been infringed upon, and thus some action by management is sought. Shall also include appeals of disciplinary action.

43) Health Care Provider - any of the following licensed or certified professions: a doctor of medicine or osteopathy, podiatrists, dentists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct subluxation as demonstrated by x-rays to exist), nurse practitioners and nurse midwives, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee relies on a Christian Science practitioner the City may require a second opinion from a medical doctor.
44) Immediate Family - spouse, son or daughter, parent, stepfather, stepmother, mother-in-law, father-in-law, grandparent, brother, sister, grandchild or any other individual residing with the employee for a significant amount of time (i.e. five (5) years or longer).

45) Incapable of Self Care - the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, including: grooming, hygiene, bathing, dressing, eating, taking public transportation, maintaining a residence, etc.

46) Incompetence - not capable of performing a specific job.

47) Incumbent - current position holder.

48) Inefficiency - wasteful of time, energy or materials.

49) Insubordination - failure to recognize or accept the authority of a superior.

50) Intern - an individual participating in an on-the-job work program in connection with enrollment in either a graduate or undergraduate program at a recognized college or university. Such individual may be considered a temporary employee and compensated at a rate separate from the standard salary schedule or compensated through a work study program affiliated with an accredited organization.

51) Job - a group of similar positions in a single organization; synonymous with Class for the purpose of these policies.

52) Job Analysis - process of determining, by observation and study, the tasks, which comprise the job and the skills, knowledge, abilities and responsibilities, required of an employee.

53) Job Description - written summaries of the facts disclosed by the job analysis.

54) Lack of Funds - a situation in which the City is forced to modify or remove positions because it does not have the funds to pay the salaries of the incumbent employees.

55) Layoff - the separation of any employee, which has been made necessary by lack of work or funds or other reasons, not related to fault, delinquency or misconduct on the part of an employee.

56) Leave - any authorized absence during regular working hours.

57) Longevity - the length of time the employee has been continuously employed with the City.

58) May - denotes permissive but not mandatory.

59) Merit Date - the assigned date on which an employee may be reviewed for an annual merit increase. This date could be the anniversary date, the date on which the employee is promoted to another position, the date on which the employee is transferred to another City department, or other date designated by City Administration for an annual review.

60) Merit Increase - advancement in pay of a full-time regular employee to a higher step in the pay grade based upon display of merit performance in duties and not requiring a change in basic duties.

61) Negligence - the omission of any reasonable precaution, care or action.
62) Nonexempt - designates an employee or position, which is compensated for overtime work
(either in money or comp time) at the rate of one and one-half times the regular rate that is
consistent with the City Personnel Rules and Regulations and FLSA. This would include all
full-time City employees except for exempt and unclassified personnel.

63) Overtime - time worked in excess of the total number of hours, which comprise the normal
workweek for any position except for safety personnel.

64) Outside Work - all gainful employment, other than the performance of official duties,
including, but not limited to self-employment, working for another employer, management
or operation of a private business for profit (including personally-owned businesses,
partnerships, corporations and other business entities).

65) Parent - biological parent or a person who stood in loco parentis to the employee. Parents-
in-law are not included. The terms parent and son or daughter are to be broadly construed
to ensure leave for any individual having actual day-to-day responsibility for caring for the
child or parent.

66) Part-Time Employee - an employee, who is appointed to a position which normally requires
services for less than the normal work week and is compensated on the basis of an hourly
rate. Part-time personnel have no fringe benefits, seniority, grievance or appeal privilege.
For further clarification on personnel policies applicable to part-time employees, please see
the department manual.

67) Pay Plan - refers to the schedule of wage rates designed for the City's job classifications.

68) Performance Evaluation - an annual or probationary review of the work performance and
conduct of an employee by his immediate supervisor, which is reviewed by the Department
Director and City Administrator.

69) Personnel Action - any action taken with reference to appointment, compensation,
promotion, transfer, layoff, dismissal or other action affecting status of employment.

70) Personnel Officer - the City Administrator, or delegate, responsible for the proper
administration of the City personnel system.

71) Policy - the various policy provisions or rules of operation, found in the sections of the
personnel policy.

72) Position - a group of current duties and responsibilities assigned or delegated by competent
authority, requiring the full-time or part-time employment of one person.

73) Probationary Period - a working test period during which an employee is required to
demonstrate fitness by actual performance of the duties of the position to which the
employee is appointed, promoted or transferred. Department Directors require at least
twelve (12) month probation while all other positions require at least six (6) month
probation.

74) Promotion - the movement of an employee from a position in one class to a position in
another class with more responsible duties and a higher maximum salary rate, accompanied
by at least a one (1) step increase in pay.

75) Range - refers to the minimum and maximum wages of a specific range within the Pay Plan.
76) Reassignment - a change of an employee from one position to another position in the same department where there is no change in grade level or salary.

77) Reclassification - a reassignment or change in classification of an individual position by raising it to a higher class, reducing it to a lower class on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such position.

78) Regular Employee - a full-time or part-time employee who has been appointed to a budgeted position after successfully completing a probationary period.

79) Regular Rate of Pay - for the purpose of computing overtime pay, the actual hourly rate at which an employee is paid for normal non-overtime work.

80) Reprimand - a written or oral statement of an offense or deficiency, which may be made a part of the employee's personnel file.

81) Retirement - the termination of an employee who is eligible for or has elected early retirement.

82) Safety Committee - serves as a direct link between employees and management concerning issues of safety. The Safety Committee shall consist of members of the Employee Advisory Committee and the Finance Director or his/her appointee.

83) Safety Coordinator - shall be the Finance Director or other person designated by the City Administrator.

84) Seasonal Personnel - individuals hired on a full-time or part-time basis for a limited number of weeks or months. The City hires most seasonal personnel during the summer months. Seasonal personnel have no fringe benefits, seniority, grievance or appeal privileges.

85) Separation - the end of employment of an employee due to resignation, dismissal, retirement or other reasons.

86) Shall - mandatory.

87) Son or Daughter - a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing "in loco parentis" who is either less than 18 years of age or 18 years of age or older and is unable to provide self-care because of a physical or mental impairment that substantially limits one or more major life activities.

88) Spouse - a person legally married to a current employee as defined by the federal Defense of Marriage Act or recognized under State law, as required by the federal Full Faith and Credit Clause of the United States Constitution.

89) Step - in the Pay Plan it refers to a specific wage rate within a range.

90) Supervisor - a person responsible for direct supervision of an employee, normally Department Directors.

91) Suspension - a temporary separation without pay for a period not to exceed thirty (30) days resulting from an offense or deficiency. Upon approval of the City Administrator, a suspension with pay may be authorized pending investigation. Discipline or suspension of Department Directors shall rest with the Mayor upon advice from the City Administrator.
92) Temporary Employee - an employee who is appointed to a position, either part-time or full-time, which is created with a specific time limit as set forth in the offer of employment. Employees in such positions shall be eligible for benefits only if an outside agency is willing to reimburse the City for both salary and benefits.

93) Temporary Position - a position in which the employee is regularly scheduled to work forty (40) hours or less per week, but for a period of time not to exceed one (1) year.

94) Temporary Status - the designation of an individual occupying a position (to include contract and manpower employees) in which the employee does not accrue the benefits or rights of an employee in regular status.

95) Termination - permanent separation of an employee from City employment, resulting from death, discharge, layoff, resignation or retirement.

96) Termination Date - last day at work with the City.

97) Transfer - the movement of an employee, with no accompanying change in pay, from a position in one class to a position in the same or another class having the same maximum salary rate, involving the performance of similar duties and requiring essentially the same basic qualifications.

98) Unclassified - designates an employee or position which carries an exempt status from overtime pay because of being in an executive or upper management position.

99) Vacancy - a duly created position, which is not occupied and for which funds have been provided.

100) Warning - a verbal notice of a work-related offense or deficiency that may be noted in the personnel file.

101) Work Day - a standard workday shall consist of a regularly recurring set of scheduled hours that the employee is required to be on duty on the employer’s premises, or at a workplace for the employer. A standard workday shall be twenty-four (24) hours for fire personnel, twelve (12) hours for police personnel and eight (8) hours for all other employees.

102) Work Week - a standard work week consisting of a regularly recurring set of seven (7) consecutive days for which forty (40) hours are to be totaled; or as for nonexempt sworn police personnel, a regularly recurring set of twenty-eight (28) consecutive days for which one hundred seventy-one (171) hours are to be totaled; or as for non-exempt fire personnel, a regularly recurring set of twenty-eight (28) consecutive days for which two hundred twelve (212) hours are to be totaled.

103) Work Year - a standard work year shall normally consist of fifty-two (52) standard workweeks.
CHAPTER 3: ETHICS AND STANDARDS

1) Employee Code of Ethics: An Employee of the City shall:

   a) Practice high moral principles in all aspects relating to activities of the City, and in personal relationships that could reflect upon the integrity of the City.

   b) Strive to protect and enhance the reputation of the City and its employees, remembering that City employees are public servants.

   c) Treat all citizens equally with courtesy, impartiality and refrain from granting any special advantages to any citizen beyond what is available to all citizens.

   d) Keep confidential all information acquired by reason of one's position, which may be used for personal or financial gain for the employee or other persons.

   e) Avoid receiving, soliciting or otherwise obtaining anything of valuable benefit from any other public official or employee which is intended to influence the performance of official duties.

   f) Make no private promises of any kind binding upon the duties of employment, since a public employee possesses no private work, which can be binding on public duty.

   g) Engage in no business with public corporations of a governmental nature, either directly or indirectly, which is inconsistent with, or may be construed as a conflict of interest, with the performance of his governmental duties.

   h) Avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principal concern.

   i) Never practice discrimination through the dispensation of special favors or privileges to anyone, whether for remuneration or not; never accept, for himself/herself or his/her family, favors or benefits induced by reason of City employment.

   j) Refrain from securing special privileges or exemptions for oneself or one's relatives or other persons that are not available to all citizens.

   k) Declare to the appropriate authority the nature and extent of any financial or personal interest in a City contract or other legislation, when participating in discussions or giving an official opinion of the matter.

   l) Use City vehicles, equipment, supplies, and/or property only for City work and not for personal benefit or profit, except when it is available to the public generally or provided by administrative regulations.

   m) Recognize and believe that personal profit by misuse of public time is dishonest.

   n) Commit oneself to industrious work; giving a full day's labor for a full day's pay and bringing to the performance of his assigned duties an earnest effort and an attitude of cooperation.
o) Seek to promote harmony among fellow employees and to encourage an atmosphere of cooperation and teamwork.

p) Seek to find and employ more efficient and economical methods of accomplishing tasks.

q) Handle all matters of personnel on the basis of merit, with impartiality and fairness.

r) Be committed to the principle of practicing loyalty to country and City above loyalty to persons or party.

2) **Employee Conduct:** Each employee is expected to maintain the highest standards of conduct, cooperation, efficiency and economy in their work for the City. Attitudes should remain high and optimistic. If at any time these work habits or attitudes should become deficient, it shall be the duty of the Department Director to point them out and encourage the employee to correct them through oral and/or written warnings.

a) All City employees hold a measure of public trust. They, therefore, should avoid any conduct, which may even give the appearance of furthering personal self-interests through use of their official position(s). This means that all City employees are expected to conduct themselves in a professional and responsible manner while at work or officially representing the City. This also means that employees are required to observe commonly accepted standards of honesty, good faith, loyalty and fair dealing in the performance of their work activities in strict conformity with all applicable laws and ordinances.

b) Employees shall arrange and conduct their personal financial affairs so that creditors and collection agencies will not have to make use of the offices of the City for the purpose of making collections. For further information on garnishments, see Chapter 19.

c) Employees are encouraged to exercise their constitutional right and obligation to vote in all elections. Employees are prohibited from seeking favors or assistance, from the Mayor or City Council members for matters pertaining to City government. No employee shall engage in political activity in support of any political candidate or party while on duty or functioning in an official capacity.

d) Employees shall be given reasonable time off to cast their vote on election days if their work schedule would prevent them from voting.

e) No employee of the City shall seek or hold any elected public office, within the Rolla City government structure. Employees may seek and hold any other elected position, which will not create any conflict of interest or time. In the event an employee is elected to a public office and conflict of interest arises in performance of the City position and the elected position, the employee will be required to resign from one of the two positions.
f) All City-owned facilities, buildings, equipment, motor vehicles, tools, supplies, materials and other items of value are for the expressed purpose of carrying out City services. No employee, or agent of the City, shall use any City-owned facility, building, motor vehicle, tool, supply, material or other items of value for their personal benefit or for the personal benefit of any other individual, unless such action is required in the performance of official duties and approved by the City Administrator.

g) A City employee in his/her official capacity shall not assist in the sale of any goods or services by permitting his endorsement of said goods or services to be used for advertising purposes.

h) City employees are prohibited from accepting any/all gifts or gratuities of $25 and over from persons doing or seeking to do business with the City. Further, all employees should discourage any person from offering such gifts and gratuities. Items in the category of advertising novelties (i.e. matches, caps, pencils, calendars) having wide distribution may be retained by the employee. Also any gift which will be made available to all or many employees may be retained upon approval by the City Administrator.

i) No official or employee of the City shall, without the approval of the City Administrator, disclose confidential information concerning the property, government, personnel or affairs of the City. Nor shall an employee under any circumstances use such information to advance their financial or other private interests.

j) City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities and as prescribed by departmental policies. For further information on the dress policy, see Chapter 19.

k) Any employee leaving the City service, for any reason, is responsible for returning any City property, which he/she may have in his/her possession. This includes, but is not limited to tools, keys, clothing, office supplies and equipment.

l) All employees will be alert to any conditions anywhere in the City, which may cause accidents or injury and shall report such conditions immediately to their supervisor. The City will promptly investigate such conditions and if it finds the conditions unsafe, will take appropriate corrective action.

m) Any employee having knowledge of any improper or illegal actions or activities shall immediately report such actions or activity to their immediate supervisor or to any other appointed or elected official. Failure to do so shall be cause for disciplinary action.
CHAPTER 4: EQUAL EMPLOYMENT OPPORTUNITY POLICY

General Policy Statement: The City is an equal opportunity employer and prohibits discrimination against employees or applicants on the basis of race, color, religion, sex, national origin, age, disability, military status, sexual orientation or any factor whose consideration is prohibited by federal, state or local law. This non-discrimination policy shall apply to all aspects of the employment relationship, including, but not limited to, hiring, compensation and termination. We are proud of our Equal Opportunity Policy and intend to comply with not only the letter, but the spirit of these laws. Our success is based on the abilities, potential and aspirations of all employees working together for the public good.
CHAPTER 5: POLICY PROHIBITING WORKPLACE HARASSMENT AND DISCRIMINATION

1) **Purpose of Sexual Harassment Policy**: It is the policy of the City that all employees have the right to work in an environment free of all forms of harassment. The City does not condone and will not tolerate harassment or discrimination of any kind. The purpose of this policy is to maintain a healthy work environment for all City employees and to provide procedures for reporting, investigating and resolving complaints of harassment, sexual or otherwise.

2) **Policy**: It is the policy of the City to maintain a professional work environment free of harassment and discrimination, by preventing harassment and discrimination in any form, taking direct and immediate action to report, investigate and remedy all instances which may occur and by not tolerating harassment or discrimination in any form or at any level. All employees of the City are expected to treat others with dignity and respect. Harassment and Discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, disability, veteran/military status, sexual orientation or other factor whose consideration is protected by federal, state or local laws will not be tolerated. Any individual engaging in harassment or acts of discrimination will be subject to appropriate disciplinary action, including termination.

3) **Examples Of Sexual And Other Forms Of Harassment**
   a) Examples of harassment may include:
      1) Verbal harassment, including derogatory remarks, comments, slurs, jokes or pranks that relate to race, color, religion, sex, national origin, age, disability or military status
      2) Visual harassment, including derogatory written words, markings, posters, gestures, cartoons, drawings, T-shirts, etc. that relate to race, color, religion, sex, national origin, age, disability or veteran/military status
      3) Physical interference with normal work or movement
      4) Unwelcome sexual touching or advances
      5) Requests or demands for sexual favors

4) **Sexual Harassment**: If directed to another individual, certain verbal and physical conduct of a sexual nature may constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance, or of creating an intimidating hostile or offensive working environment. The person being harassed as well as the harasser may be a woman or a man/woman, or both may be of the same sex.

5) **Complaint Procedure**:
   a) If you believe that you are being harassed or discriminated against due to your race, color, religion, sex, national origin, age, disability, veteran/military status, sexual orientation or other factor whose consideration is protected by federal, state or local laws, the incident should be immediately reported to any one or more of the following:
SuperAsor, City Administrator or other appropriate official as outlined in the formal grievance procedure. This procedure should be used to report claims of harassment involving supervisory employees, fellow employees and any other person dealt with in the workplace. In the event the complaint concerns the employee's direct supervisor, the complaint should be directed to the City Administrator. After a claim is reported, an investigation will be conducted and appropriate corrective action will be taken. Each complaint will be kept confidential to the greatest extent possible and the complaining employee will not be penalized or retaliated against for making such a complaint. Any individual who retaliates against any person making a complaint under this procedure will be subject to appropriate disciplinary action, including termination.

b) Employees, who believe they are being subjected to sexual or other forms of workplace harassment should, if feasible, inform the person committing the conduct that the actions are unwelcome and offensive and should be stopped immediately. If the person does not immediately stop the offensive behavior, the employee should promptly contact the appropriate supervisor for assistance.

c) It is recognized that some persons may prefer to deal with some incidents of offensive behavior themselves without reporting the incident to a supervisor and filing a formal complaint. The City has an obligation to prevent, investigate and correct sexual and other forms of workplace harassment. Employees are required to officially report all instances of harassment as outlined in this section.

d) Harassment by Employees of Another Department:

1) If one employee is subjected to sexual or other forms of harassment by an employee from another department, the harassment should be reported to the affected supervisor of the department.

2) Supervisors receiving reports of sexual harassment of employees by persons who are not employees of their department will contact the City Administrator or designee immediately. The supervisor may personally contact the offending party to resolve the situation or may request assistance from a more appropriate official. In all cases, the supervisor will submit a departmental memorandum reporting in detail the situation, the action taken and the results obtained.

6) Employees Witnessing Suspected Harassment Or Discriminatory Conduct: Employees who observe conduct which appears to constitute sexual or other forms of workplace harassment or discriminatory conduct are required to inform their supervisor of their observations or submit a departmental memorandum, detailing the alleged misconduct. An employee's failure to report harassment or discrimination that he/she has observed will be subject to discipline up to and including discharge. Failure by supervisory and management personnel to take appropriate action will be grounds for discipline up to and including discharge.

7) Prohibition of Retaliation: Employees are encouraged to report instances of harassment and/or discriminatory treatment to their supervisors and to the City Administrator. Retaliation against individuals who complain of harassment and/or discriminatory treatment is strictly prohibited. Retaliating or discriminating against someone for complaining about harassment, discrimination or cooperating in an investigation is also a violation of this policy that can result in discipline or discharge. If an employee believes they have been retaliated against, even if the retaliation is subtle, report this fact immediately to the supervisor or the City Administrator. Any employee who takes part in such investigation will be protected from retaliation.
8) **Disciplinary Action:** Disciplinary action, up to and including dismissal, will be taken against employees who violate the City’s Policy Prohibiting Workplace Harassment and Discrimination.

9) **New Employees Familiarization:** The City shall make every effort to disseminate and explain its policy prohibiting harassment and discrimination to all employees. Each employee is required to sign an acknowledgement form as part of the new hire orientation process. The signing of this form does not acknowledge the employee has read and/or understands the personnel manual or policies within, but acknowledges receipt and general review thereof. The signed form will become a part of the employee’s permanent employment file. This harassment policy will be covered in the employee orientation to ensure this policy is made known to all new employees, including the fact that the policy will be available to them at all times in the Personnel Rules and Regulations manual maintained in their workplace. Additionally, all employees, including supervisors, will receive periodic training to reinforce the policies and procedures outlined in this policy.

10) **Authority:** The authority of the City Administrator issues this policy. Any policy additions, deviations or revisions shall be made only at the direction of the City Administrator.
CHAPTER 6: DRUG AND ALCOHOL ABUSE POLICY

1) Purpose:
   a) To assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances.
   b) To comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs.
   c) To provide safe, dependable and economical services to its citizens, to provide safe working conditions for its employees and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City to provide healthy, satisfying, working environments for its employees.
   d) To meet these goals, it is the policy of the City to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner, to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse, to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

2) Policy: The City shall designate the physician, health care institution, clinic and/or laboratory to conduct the testing (as well as any changes in such designation).
   a) The City reserves the right to require an employee submit to drug and alcohol testing under the following circumstances:
      1) The City will administer drug tests to all final candidates (18 years and older) for hire regardless of the position being filled. Prospective employees will be instructed of the requirement to submit to such testing for alcohol and unauthorized drugs as set forth for alcohol and unauthorized drugs as set forth herein. Any positive unauthorized drug or alcohol test result or the refusal and/or failure, to cooperate with such testing will result in the applicants disqualification from consideration
      2) Employees who serve in positions designated as “safety sensitive” or who operate City vehicles and/or other motorized equipment will be required to undergo testing that complies with the Omnibus Transportation Employees Act of 1991, as amended and all applicable United States Department of Transportation regulations. Such requirements include periodic random drug testing. All such testing pursuant to DOT regulations shall be conducted in accordance therewith
      3) In the case of a work-related accident that requires medical treatment (excluding routine first aid) or damage to property
      4) Where there is reasonable suspicion that the employee is under the influence of and/or has recently ingested an unauthorized drug and/or alcohol
      5) Where the employee has failed prior urinalysis and/or other screening for unauthorized drugs and alcohol

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6) Prior to his/her return from rehabilitation leave pursuant to Section 6 below.

3) **REFUSAL TO SUBMIT TO TESTING:** An employee who refuses to submit to testing will be discharged. Any employee submitting to a test will be allowed to present a list of prescription or non-prescription drugs to the testing facility and those will be considered in making an evaluation of the test results. Upon request, an employee shall be permitted to provide split samples.

4) **EMPLOYEE COOPERATION:** Each employee to be tested pursuant to this Policy shall cooperate fully, execute and complete truthfully such documents and releases as may be required by the physician, health care institution, clinic and/or laboratory and authorize a written report of the results and/or other relevant records and testimony to be submitted to the City.

5) **DISCIPLINE:** If an employee submits to testing pursuant to this Chapter and is under the influence of alcohol and/or unauthorized drugs, the employee will be subject to immediate discipline up to and including discharge. Should discipline short of discharge be imposed, the employee must successfully complete an approved rehabilitation program (as described herein) prior to returning to work.

   a) A second positive testing shall automatically result in immediate termination

   b) The presence of alcohol shall not be considered to exist where the alcohol concentration in the employee's blood or breath is less than .02

   c) It is a dischargeable offense for an employee to consume alcoholic beverages or use or possess unauthorized drugs on City premises, vehicles and work sites, including parking lots and/or during his/her work shift or while engaged in City business

   d) Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment

   e) This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of City policy or state and federal laws, or as provided in the workers compensation laws

   f) Disciplinary action which may be undertaken pursuant to this policy and the provisions of the Personnel Rules and Regulations shall constitute an independent administrative action against the employee involved and shall not be dependent upon or controlled in any manner by any other civil, administrative or criminal proceedings which are or may be instituted against the employee

   g) This policy does not apply to probationary or temporary employees

6) **REHABILITATION:**

   a) Administration of the Employee Assistance Program (EAP): A member of the Finance Department will administer the EAP for the City, as designated by the City Administrator. The City Administrator and the EAP Administrator shall develop necessary procedures to maintain confidentiality of records and to ensure the functions of the EAP are properly carried out.
b) Functions of the EAP: The EAP will function primarily as an intake and referral service for those employees who have either voluntarily sought help for substance abuse problems or who have been directed by the appointing authority to seek assistance through the program. Under the supervision of the City Administrator, the EAP Administrator will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment services, programs and institutions in the community. The EAP Administrator will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of health care or other applicable benefit plans, including use of leave time.

c) An employee who, prior to being asked to submit to authorized drug and/or alcohol testing, requests leave to seek substance abuse treatment will be offered unpaid rehabilitation leave. The purpose of rehabilitation leave shall be to allow the employee to seek medical treatment, with the goal of the employee returning to the workplace as a productive and safe employee. The rehabilitation leave shall operate as follows:

1) Within seven (7) days of the start of the rehabilitation leave, the employee shall submit to the EAP Administrator an initial written report of a health care institution, physician or clinic (reasonably qualified within the discretion of the City) outlining the plan of treatment for the employee, as well as the anticipated duration thereof.

2) On a weekly basis thereafter, the employee shall submit to the EAP Administrator a written report of the physician, health care institution or clinic, outlining the employee’s treatment and progress and confirming his/her cooperation therein.

3) The employee shall give at least two (2) weeks’ written notice of the date he/she intends to return to work, which notice shall be accompanied by the written report of the physician, health care institution or clinic, reflecting that the employee can safely return and perform all essential functions of his or her job.

4) During the two (2) week notice period, the employee shall submit to testing pursuant in accordance with this policy.

5) During and after the rehabilitation leave, the employee shall execute such documents as may be necessary to allow the EAP Administrator to consult with the physician, health care institution and/or clinic and to obtain copies of all of the pertinent records and reports and to allow the physician, health care institution and/or clinic (and their agents) to testify in any proceeding arising as a result of this policy.

6) Upon successful completion of rehabilitation leave, the employee shall be asked to submit a drug and/or alcohol testing for a period up to eighteen (18) months, as prescribed by the Substance Abuse Professional (SAP) coordinating rehab.

d) The acceptance by an employee of the rehabilitation assistance plan does not serve as a bar to imposing disciplinary action related to violations of this policy.

e) EAP Records to be Held in Confidence: All information regarding voluntary and mandatory referrals to the EAP shall be confidential. Records of the EAP shall be maintained by the EAP Administrator in a secured location and shall not be placed in an employee’s personnel file. The EAP Administrator is authorized to release the contents of the confidential folder only by permission of the City Administrator.
f) All costs associated with a rehabilitation program and follow-up drug and alcohol testing shall be at the expense of the employee.

7) Coordination with Other Laws and Policies:

   a) This policy shall be administered in compliance with other federal, state and local laws related to employee health and welfare policies, leave policies, benefit programs and other related policies of the City. In the case of apparent conflicts between this policy, other policies and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

   b) In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of this policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

8) Amendments: This policy is subject to amendment by the City. Amendments made shall be provided to employees upon adoption and shall become effective as provided by the Policy Administrator.

9) Right of Appeal Substance Abuse: An employee who receives formal discipline (dismissal, suspension without pay, demotion, reduction in compensation) for violation of the provisions of this policy is entitled to appeal rights.
CHAPTER 7: CLASSIFICATION PLAN

1) **Classification Plan:** The City classification plan has been adopted by the City Council. This plan classifies City positions based on assigned work duties and responsibilities. The present plan was developed by the City Administrator and approved by the City Council. The formalized system of classification shall include the position requirements, total job content, job descriptions and the necessary requirements of the position.

2) **Purposes of Plan:** The position classification plan is intended to insure that the classification of a position is commensurate with pay, work duties and classifications are matched, positions within a classification are similar to other positions in the same class, position requirements are equal to the requirements of education, experience and training qualifications, recruitment and selection are based on the classifications of this system and promotions are based on the classification system.

3) **Administration of Plan:** The City Administrator shall be responsible for review, upgrade and application of the position classification plan.

4) **Annual Review of Plan:** Annually, the City Administrator and Department Directors will review the classification plan. If the City Administrator determines that substantial changes have occurred in the job contents of the majority of City positions, the City Administrator may undertake a total reclassification review, subject to Council approval.

5) **Steps for Classification:** Any employee may request a position reclassification review but will be limited to one review every twelve (12) months. An initial job classification or reclassification shall consist of the following requirements and procedures.

   a) Proposed class specifications are prepared by the employee or Department Director. These specifications will include the Class Title, definition and purpose of the job, normal functions and duties, needed knowledge and skills, required training and experience and any other necessary requirements.

   b) The revised job description will be presented to the City Administrator for his/her approval or disapproval.

6) **Effect of Classification Changes on Incumbents:** Title changes, with no increase or decrease of job content, do not constitute a reclassification.

   a) Employees occupying a changed job class must possess the requirements of the position, as determined by the City Administrator. The City Administrator shall establish the pay range of the reclassified position.

   b) The City Administrator may allow a non-qualified incumbent to remain in a reclassified position until the incumbent is reasonably able to complete the necessary requirements for the position classification.

7) **Conflict with the Rules:** No portion of any reference manual or operational guidelines will supersede or be in conflict with the contents of the Personnel Rules and Regulations of the City.

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CHAPTER 8: SALARY ADMINISTRATION AND PROMOTION PROCEDURES

1) General Salary Policy: The City salary policy has four (4) major objectives: internal equity, external competitiveness, personal motivation and equal pay for equal work performed.

2) Salary Plan: A salary plan will minimally include the following:
   a) A salary or compensation schedule which contains all of the pay ranges within a pay class
   b) A listing of all positions with the appropriate grade, class and title of the position
   c) Any supplements, amendments, or revisions as approved by the City Council (typically with the adoption of the budget).

3) Standards for Determining Pay Ranges: Pay ranges for the Department Directors and City Administrator shall be rated by the City Council. The internal considerations for the evaluation process utilize the ranking of the position by class and the evaluation of position using the following criteria: elements of experience, education, working conditions, personal hazards, physical demands, independence of action and supervisory authority. These factors will determine the internal equity and the equal pay for equal work performance of a position. External position competitiveness shall be established through periodic market appraisals and surveys conducted by the City Administrator’s office. Personal motivation shall be mandated through the use of the Merit Evaluation System.

4) Administration of the Salary Plan:
   a) The minimum step of a position shall normally be paid to any person meeting the minimum qualifications upon the original appointment to the position. An approval from the City Administrator must be procured in order to start an employee in a position at a higher than minimum step for the position.
   b) All City employees, with the exception of the City Administrator, have four (4) possible means of increasing their salary. These means are: Promotion, Position Reclassification, Cost of Living Increases, granted by the City Council, and through the performance based Merit Evaluation System.
   c) The performance based Merit Evaluation System is designed to assist the employee in striving towards the employee’s highest work potential. Pay increases are not guaranteed as a result of the performance evaluation. Pay increases or lack of pay increases shall be directly linked to the job performance of the employee. The evaluating supervisor, Department Director and City Administrator shall review the merit evaluation. The City Administrator shall make the final assessment of any or all conflicts arising out of the administration of the Salary Plan.
   d) The Merit Evaluation is to be conducted annually for each full-time employee, in accordance with Chapter 9 of the Personnel Rules. The annual evaluation shall be conducted either in December for all employees or on an individual employee hire or promotion date, as determined by the City Administrator. All full-time employees shall be evaluated, regardless of their pay grade and step.
e) The Merit Evaluation System is based on a combination point system for certain evaluated performance criteria plus performance objectives for each employee. An employee who receives an unsatisfactory rating will be placed on probation and will be subject to a mid-year evaluation and may be subject to disciplinary action in accordance with Chapter 14 of this manual. A rating for a minimum level of acceptable performance and no merit increase shall be awarded for this rating. A rating for strong employee skills, will justify a one step or two step merit increase, based on budget appropriation. Any requested step decrease for unsatisfactory performance must result in a conference between the Department Director and City Administrator prior to the interview between the rater and the employee. Standard merit increases shall be subject to funding availability.

f) Any merit increase, as allowed by the performance evaluation, shall become effective at the employee’s merit date or other date determined by the City Administrator, unless no evaluation has been submitted. No increase will be granted without the accompaniment of the Performance Evaluation submitted to the City Administrator for final review. All pay increases will become effective the date specified on the Change of Status (COS) form.

g) Merit increases for all affected employees will be available subject to budgetary constraints and limited by the maximum step or wage as determined by the pay range for each position classification.

h) The pay plan desires to reward good performance and to motivate employees to strive for ways to increase performance. Current employees who have reached the maximum pay in their grade and continue to perform at a rating of “Commendable” shall be awarded a non-recurring lump sum payment. Lump sum percentages will be determined during the budget process along with other pay allocations, such as any annual adjustment or merit.

i) The City Administrator may, for just cause, reduce the salary range, position, or classification of any employee. Any Department Director may also take this same action, with City Administrator approval. The employee may undertake an appeal of this action, as outlined in Chapter 15.

j) Annually, the City Administrator will propose a pay scale or matrix adjustment, if needed. The City Administrator determines if an adjustment is in order and presents his/her recommendation to the City Council. The recommendation shall be based on the combination of an established index, such as the Municipal Price or Consumer Price Index and the fiscal position of the City. At the time of the recommendation to Council, other comparative studies may be undertaken to determine the external competitiveness of the City. Any adjustment to the pay scale or matrix will apply to all full-time regular employees.

5) Payroll Deductions: Payroll check deductions will be made for Social Security, Federal Withholding Tax, Missouri Withholding Tax, Group Insurance Plans and Pension or Retirement Plans. The City Administrator may authorize other additional withholdings.

6) Payroll Check Distribution: All employees shall be paid biweekly. Payroll check stubs will be available for distribution by every second Thursday. Holidays or extenuating circumstances may change the issuance of payroll check stubs. All new employees shall use Direct Deposit effective January 1, 1999 if a payday falls on an official City holiday, and then checks will be distributed on the last working day prior to the holiday.
7) **Reclassification:** A promotion is the movement of an employee from one job classification, which has a lower job evaluation point total, to a higher job classification. The new job classification shall have a higher salary range placement on the established pay scale or matrix. A promotion may be accomplished in two (2) different ways. The first type of promotion is the movement of an employee to a higher position while the second method is accomplished through the reclassification process.

a) If an employee is promoted either by reclassification or has qualified to move to a higher classified position, the employee shall, at a minimum, move to the pay step, which represents an increase over the present position. For movements representing more than one step the Department Director and City Administrator must approve.

b) Job reclassifications will affect all incumbents of the evaluated job unless the evaluation reveals that the evaluated position is unique and is a new classification of a position.
CHAPTER 9: JOB APPLICATION AND SELECTION

1) Anticipation of Staffing Needs: To allow the recruitment of the best possible candidates for any given vacancy, the City Administrator's Office needs sufficient time to initiate a complete recruitment/selection process. It is best to anticipate changes in staffing needs as far in advance as possible. Planned staffing level increases must go through the annual budget preparation process. However, other staffing changes, such as retirements, maternity leaves and resignations may require other considerations.

2) Methods of Filling Vacancies: City vacancies may be filled by original appointment or by promotion, reassignment, transfer, demotion, reinstatement following suspension or reemployment.

a) When filling a budgeted vacancy, the Department Director filling the position shall submit the necessary paperwork to the City Administrator to complete the recruitment process.

3) Types of Appointments:

a) Regular Appointments:

1) Employees who satisfactorily complete their probationary periods become regular employees. Full-time regular employees may not be removed for political or any other "nonpareil" reason, except "for cause" or for poor performance. Regular employees shall enjoy all rights to full administrative "due process" and receive full employee benefits. However, such employees do not possess absolute property rights to their position, once regular status is gained.

2) Though also considered full-time regular employees, Department Directors serve at the pleasure of the City Council and can be removed for such things as disagreements over management philosophy, etc. This statement is not intended to condone arbitrary and capricious employment action on the part of the City Council for Department Directors.

b) Promotions:

1) A promotion is defined as moving an employee from one classification to a higher job classification, which also has a higher salary range.

2) Promotions from within the City work force shall be accomplished through a competitive application process and testing of applicants may be required for certain positions. An employee seeking a promotion to a vacant position shall submit an application to the Department Director and shall also notify his/her present supervisor of their intent to seek another position. The Department Director or designated supervisor may select the final promotional candidates and interview these applicants assuming no duly authorized board exists for the purpose of selection and promotion; i.e. Police Personnel Board, which provides a list of eligibility to the Police Chief for selection determination.

3) The City Administrator shall have the right to interview any of the applicants and the power to approve/disapprove the selected candidate. For supervisory, managerial or technical positions an internal and external selection process may be authorized simultaneously with approval of the City Administrator.
c) Re-employment Appointments:

1) The City may re-employ a former employee, separated from the City in good standing, into any position he/she is qualified to fill if the position is vacant. The re-employed individual may rejoin the retirement system. Provided the individual being re-employed has not withdrawn any funds from the City's retirement program, and the individual is willing to participate in any payback or vesting program the retirement system indicates must be contributed. The City Administrator may choose to give any re-employed individual regular employment status at the time of their re-employment. Employees affected herein shall receive compensation with their experience and qualifications as determined by the Department Director and City Administration but will be considered a new employee in determining seniority and years of service as it affects other benefits.

d) Part-time Appointment:

1) When a position is created or filled with an employee, who by prior arrangement works less than a standard workweek on a regularly scheduled basis, the filled position is considered to be a part-time position.

e) Temporary Appointments:

1) When a budgeted vacancy must be filled immediately, the City Administrator may make a temporary appointment. Temporary appointments are processed the same as any other appointment, except they should not last longer than six (6) months. The job announcement and recruitment process should be activated as soon as possible so that the vacancy can be filled in a normal manner. The temporary employee receives no advantage on other candidates because of his/her temporary employment status and must compete openly for the vacancy, as if are not a City employee.

f) Temporary Reassignments

1) All Departments may have emergency reasons to temporarily reassign an employee to perform work not normally expected within the existing position. Provided the temporary reassignment does not become regular, all employees are expected to complete all work that is temporarily assigned. Temporary reassignments do not have an adverse impact on the position's job evaluation or its classification. If the temporary reassignment lasts for more than six (6) months, it should be evaluated as a regular addition to the job.

g) Probationary Appointments

1) When a vacancy is filled by the original appointment of a new employee, the new employee is immediately given probationary status. For further information on probationary appointments, see Chapter 8.

h) Transfers

1) Regular employees may request a transfer to another position of the same classification and pay level in another division or department if a vacancy exists and the individual wishing the transfer possesses the necessary qualifications of that particular position. Employees wishing to be transferred outside their current department must retain their original position for at least one (1) year prior to the
requested transfer. Employees may also be transferred to another position, of the same classification, at the direction of the City Administrator. In transfer situations, the City will attempt to balance the needs of the City with the needs and preferences of the individual.

i) Demotions

1) A regular or probationary employee may be demoted for cause, failure to perform higher level work up to expectations or at the individual’s own request. Demotion is movement from a position of a higher classification and salary to a position of a lower job classification and salary. Three (3) types of demotion exist: voluntary demotions, involuntary demotions and downward reclassification. The following describes each of these:

a) Voluntary demotion - normally occurs where the individual, who was promoted to the higher class, feels they cannot effectively perform the higher level work and volunteers to step down to a level of work they and their supervisor feel they can perform

b) Involuntary demotion - for cause, demotions occur either because the individual cannot effectively perform the work of the higher level class or as a result of disciplinary action. Involuntary demotions shall result in a move to a lower level class or as a result of disciplinary action.

c) Downward reclassification - occurs when the assigned job duties diminish over time. In a downward reclassification, both the position and the incumbent are reclassified to a lower level class. This may occasionally occur where the need for higher-level performance no longer exists.

4) Position Interest Forms: Position Interest Forms are to be utilized when there is interest in a City position without vacancy.

a) All Position Interest Forms must be completed entirely and correctly for consideration.

b) The Finance Department will retain Position Interest Forms for one (1) year. The Finance Department will notify interested individuals when vacancies occur.

c) All Position Interest Forms and personal information is considered confidential and will not be made available to the public.

5) Announcement of Vacancies: The City may publish or announce position vacancies within the City organization in conjunction with any general public announcement. Qualified full-time employees have first opportunity to apply for a vacant City position if it is determined that there is a sufficient pool of candidates or qualifications to adequately fill the position. Acceptable forms of advertisement include: newspapers, bulletin boards, radio stations, placement agencies, professional journals and other social media. All Equal Employment Opportunity policies, as outlined in Chapter 4, will be strictly adhered to in the public selection process.

a) Notice of full-time job vacancies shall be posted on all City bulletin boards. The Department Director, with the consent of the City Administrator, may simultaneously advertise both inside and outside the City in an effort to hire the most competent person in the most expedient manner.

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b) No Department Director will fill a vacancy without the prior approval of the City Administrator. New positions must be evaluated and classified following the approval of such positions by the City Administrator.

c) Part-time employees are considered eligible for promotional vacancy postings and may compete for any full-time City position.

6) **Content of the Announcement:** The job announcement shall include the job title, job classification, nature of the work, job description summary, required minimum qualifications, testing requirements, pay range, closing date and the time, place and manner of making applications. All advertisements must conform to all Equal Employment Opportunity provisions. All job requirements shall be reviewed and approved by the City Administrator or his/her designated representative prior to advertisement.

7) **Application Forms:** Applications will be accepted only for open positions. Only relevant job related information shall be requested on the prescribed and adopted City job application.

   a) The applicant must sign all job applications. The signature serves as certification of truth regarding application information. The Department Director may request further proof of application claims.

   b) The Finance Department shall retain all received applications for a period of three (3) years from the time of application closing. This retention may be in an electronic format.

   c) All application and personnel information is considered confidential and will not be made available to the public.

8) **Screening:** Where possible a minimum of three (3) applicants shall be interviewed by the Department Director and/or the supervisor of the position to be filled. The City Administrator may also interview any of the final applicants. Prior work examples, if appropriate, may be required for viewing by the interviewer.

9) **Qualifications:** Existing state statute and applicable federal law shall govern minimum age requirements. Some positions may require a valid Missouri driver's license.

   a) City policy shall mandate that preference be given to hiring City residents, if all other qualifications are equal. [Fire Safety personnel shall be required to occupy a home within a twenty (20) mile radius or twenty-five (25) minute response at the posted speed limit of the City limits. The City Administrator may grant special exemption to this rule.] The City Administrator shall live within the corporate city limits. Promotion or change of job may result in a requirement to move nearer to the corporate City limits.

   b) A job applicant may be disqualified for consideration by the City Administrator or Department Director for the following reasons:

      1) The applicant does not meet the requirements necessary for filling the position

      2) Reference checks of the applicant's prior employer(s) disclose evidence of unsatisfactory performance

      3) Proven false statements made by the applicant on the application or other materials

      4) Submission of application to the wrong office or submission of application past the advertised time deadline.

   \[IV \cdot C. 34.\]
10) **Nepotism:** No two (2) members of an immediate or extended family, as defined in the Revised Statutes of Missouri, shall be considered for City employment or promotion if one member of a family would be the supervisor (direct or indirect) of another family member. For the purpose of this rule, supervisor shall be defined as the actual supervisor of the relative on a routine basis; emergency or short-term supervision as determined by the City Administrator does not violate this rule.

11) **Fraternization:** Supervisors and management employees at all levels should refrain from dating or developing any personal relationship with employees who report to them, whether directly or indirectly. Such relationships can be disruptive to the work environment, can create either a conflict of interest or the appearance of a conflict of interest and may lead to the belief of favoritism, discrimination, and claims of harassment. A supervisory relationship will be deemed to exist in any situation where the supervisor or management employee is in the chain of command, either functionally or administratively, over the other employee. In the event such a relationship does develop, it must be immediately reported by the supervisor or manager to his/her superior. If the relationship is not reported on a timely basis, this failure is cause for discipline, up to and including discharge. If the personal relationship becomes known or is reported on a timely basis, appropriate action will be taken by the City to prevent either the conflict of interest, favoritism, harassment or the appearance thereof. The supervisory relationship shall end. Further, all employees, whether supervisory or not, who date or develop personal relationships with co-workers will be expected to conduct such relationships exclusively outside of the workplace and outside of work hours. Failure to comply with this fraternization policy will be grounds for immediate discipline up to and including discharge.

12) **Notification:** Formal written notice of the final disposition of any advertised position shall be provided to all applicants reviewed by City personnel. The Finance Department shall be responsible for notification.

13) **Hiring Procedures for Police Officers:** Hiring of police officers will be in accordance with Federal Law, State Statutes, City Ordinances, City Personnel Rules and Regulations and Departmental Rules and Regulations, in this order.

14) **Pre-Employment Screening:** After an offer of employment has been made, the hiring department shall contact the Finance Department to schedule the necessary pre-employment screenings. These screenings consist of, but are not limited to, pre-employment drug screening, workman's compensation background screening, DOT background screening and a regular background screening.

15) **New Employee Orientation:** A vital part of the employment process is to assure each new employee receives an orientation in those aspects of work life that make working for the City unique. The Finance Department will coordinate with the hiring department the initial date of employment. Upon arrival of the new employee, or unless prior arrangements are made, the Finance Department will conduct the employee orientation.

   a) The orientation will include the completion of various forms, explanation of insurance benefits and being made familiar with the City's work rules, expectations, philosophies and policies. The new employee shall be informed about such employment conditions as salary administration, benefits, City ethics and standards of employee conduct, the performance evaluation process, etc. New employees shall also be given a copy of the City Personnel Rules and sign an acknowledgement of receipt and review.
b) Department Directors are responsible for providing more explicit new employee orientations and safety training, as it applies to specific work rules and requirements of each individual department.
CHAPTER 10: TRAINING/PROBATIONARY PERIOD

1) **Employee Training:** The City Administrator is authorized to undertake in-service training programs for employees with the intention that the quality of services rendered to the City may be raised and the employees may be assisted in equipping themselves for advancement in service to the City.

2) **Intern or Trainee Programs:** The City Administrator may establish trainee or intern training programs. Salaries of such trainees or interns shall be determined by the City Administrator and may vary from the standard salary schedule.

3) **Probationary Period:** The Department Director and City Administrator shall utilize the probationary period as an opportunity to observe the new employee's work, to train and aid the employee in adjustment to the position and to reject any employee whose work performance fails to meet required standards.

   a) All original appointments shall be tentative and subject to a probationary period of six (6) months unless the training period is departmentally or legally mandated to be longer. The Department Director may recommend up to two (2) three (3) month extensions of the original probation period and if approved must inform the employee that an extension has been authorized. Any interruption of service during the probationary period shall not be considered as part of the probationary period.

   b) Any probationary employee who is not performing their job at the expected level will be warned in writing of the unsatisfactory job performance. If the probationary employee does not improve to the expected job performance level, they will be released from employment or the Department Director may recommend a probationary period extension. The probationary employee may be released from employment at any time during probation with the approval of the Department Director and City Administrator. The City Administrator will decide whether the probationary employee is released from employment or granted an extension.

   c) Any probationary employee who is involuntarily transferred to another position in the same or different job class will only be required to fulfill the original probation period in progress, unless the transfer is a result of a disciplinary action. Any employee who voluntarily transfers to another position or is promoted into a new position may be required to fulfill a new probationary period if the Department Director and City Administrator should require a probationary period.

   d) Probationary employees should receive regular feedback on their performance. If performance is not satisfactory, interim performance evaluations may be justified. Ten (10) days prior to the completion of employee's probation period, the employee's supervisor shall evaluate the employee. This evaluation will be used to determine if the probationary employee is to become a full-time, non-probationary employee. A rating of less than "Marginal", as deemed by the Supervisor and Department Director, will result in the release of the probationary employee from employment with the City.

   e) Department Directors shall serve a one (1) year probationary period. Any legal requirements set forth by the State or Federal government that would lengthen the probationary period for any of these positions will supersede City policy.
CHAPTER 11: PERFORMANCE EVALUATIONS

I) General Policy: An annual evaluation shall be conducted prior to all full-time regular employees’ merit dates or other dates determined by the City Administrator. A mid-year “Interim Review” for assessing performance objective shall also be required of all full-time employees. More frequent evaluations may be required by the City Administrator in order to provide composite information for the annual evaluation. All evaluations shall be approved/disapproved by the Department Director and reviewed by the City Administrator.

a) There are several objectives of an employee performance evaluation are several. Unfortunately, the performance evaluation is too often viewed only as an exercise designed to determine the amount of pay increase to be awarded an employee. This is only one objective of performance evaluations. An effective system has the following basic objectives:

1) Promote Productivity and Raise the Level of Performance: Since the highest percentage of municipal dollars goes to salaries, it makes sense to focus on the management of people as a resource. Emphasis on productivity means emphasis on establishing standards of employee performance that not only reflects acceptable standards but “raises the bar” for future performance. A good performance evaluation system is the cornerstone of an organization-wide management philosophy that emphasizes productivity and continuous employee performance improvement.

2) Strengthen Employer Relations: Good communication between the employer and employees is crucial to developing and maintaining a dedicated and committed work force. Employees are motivated to perform their jobs better when they have a sense of their employer’s expectations and when they understand how their work contributes to the organization’s goals.

3) Other objectives are:
   a) Provide information on the need for change in organization structures.
   b) Check the effectiveness of personnel selection procedures.
   c) Serve as a basis for merit pay increases.
   d) Evaluate the potential of employees at all levels.
   e) Identify training needs.
   f) Improve morale.
   g) Strengthen the supervisor’s role in the organization.
   h) Provide the basis and documentation for personnel decisions.

2) Additional Performance Evaluations:

a) An evaluation may occur as the result of an employee’s satisfactory or unsatisfactory work behavior or service. This will be at the discretion of the Department Director.
b) An evaluation shall be completed when an employee is promoted and/or transferred. This evaluation shall be for the employee's present position, not the promoted or transferred position.

3) **Evaluation Form:** The City Administrator shall review all performance evaluation forms. The evaluation form shall have the rating categories and a point assignment for each behavioral related item. The rated item's scores shall be compiled to determine the employee evaluation score and combined with the Performance Rating. This score will be directly linked to one of three categories which will serve as the performance appraisal for each evaluated employee.

4) **Interim Performance Evaluation:** Midway through the annual evaluation process, the supervisor and employee will meet to review any Work Performance Criteria that were below performance standards in the most recent evaluation. Discussion on progress or improvements made, as well as other areas of noted concern/praise should be documented. The review should also include an assessment of the agreed upon Performance Objectives from the most recent evaluation, as well as any modifications, deletions or additions to the stated goals and objectives. A copy of the Interim Evaluation should be submitted to the City Administrator's Office to include in the Personnel File.

5) **Record Keeping:**
   a) The Employee shall sign the evaluation, not to necessarily show agreement, but to acknowledge that the evaluation was received and reviewed by the employee. The employee may request a copy of the performance evaluation after the Department Director and City Administrator have reviewed it. The fully executed evaluation and interim evaluation will be placed in the Primary Employee Personnel File in the City Administrator's Office and a copy retained in the department file.

   b) All employee performance evaluations shall remain confidential.

6) **Appeal Process:** Any employee wishing to contest the results of the performance evaluation must provide a written explanation of appeal to the next line supervisor, Department Director and if necessary the City Administrator within fourteen (14) days of the presentation of evaluation results to the employee. Specific reasons must be presented in the written explanation, as to why the evaluation should be changed. The decision of the City Administrator shall be final.

7) **Effect of the Evaluation Rating:** The evaluated employee should strive to improve any areas of deficiencies and should continue to work towards improving the rated strengths as listed on the performance evaluation. Merit increases shall be based on the performance evaluation, as outlined in Chapter 5 of this manual. A less than satisfactory performance evaluation could result in the employee being released from employment with the City.

8) **Dual Supervision:** All supervisors will evaluate any employee who is supervised by more than one (1) supervisor. All supervisors' evaluations shall be combined by the next higher department or City authority, in a form of a final performance evaluation for the determination of rating and merit increases.
CHAPTER 12: WORK SCHEDULES AND OVERTIME

1) **Hours of Work**: A normal work week consists of five (5) eight (8) hour days worked on a shift schedule determined or modified by each department to suit its staffing needs, with the approval of the City Administrator. This can vary to fit into a department's unique needs, as long as the work period defined is either a multiple of the standard forty (40) hour work week or fits the revised schedules approved for municipal police/fire functions by the Fair Labor Standards Act. This provision is intended to provide departments with maximum flexibility in scheduling staff work hours, provided the public's interests can still be served. This definition only applies to full-time regular employees.

   a) The Department Director, with City Administrator approval, shall prescribe the specific starting time, length of lunch break and finishing time for the standard day.

   b) Employees, who must vary from the prescribed hours of work on a regular basis for a legitimate reason, must secure Department Director and City Administrator approval.

   c) The City Administrator shall standardize fair work hours for all employees working in similar positions.

2) **Overtime**: Management has a responsibility for examining overtime usage patterns, for determining how much overtime should be worked and for determining if any overtime abuses exist within the current system. Management is also held fiscally accountable for expending overtime funds and is expected to use overtime only when it is truly necessary and when the work cannot be effectively accomplished within a specified time frame without it. The Fair Labor Standards Act (FLSA) legislation has created classes to deal with overtime.

   a) **Nonexempt** - designates an employee or position, which is compensated for overtime work (either in money or comp time) at the rate of one and one half times the regular rate that is consistent with the City Personnel Rules and Regulations and FLSA. This would include all full-time, part-time or seasonal employees except for exempt or unclassified employees.

   b) **Exempt** - designates an employee or position which is not compensated for overtime work and is classified as an executive, administrative or professional position. This employee may receive time off for work over forty (40) hours at the rate of one hour for each hour worked over forty (40) at the discretion of the Department Director and City Administrator. Said time off shall not be accumulated from one pay period to the next.

   c) Nonexempt employees shall receive overtime pay or comp time for all hours worked in excess of forty (40) hours in any seven (7) day work period. Overtime shall be paid at the rate of one and one half times their regular rate of pay and comp time at one and one half time each hour. Compensatory leave other than leave under the Family and Medical Leave Act and comp time leave shall be counted as hours worked in calculating overtime. For police and fire non-exempt employees, overtime and comp time does not apply until the worked hours exceed the 171 rule for police and 212 rule for fire.

   d) The Department Director must authorize overtime work for nonexempt employees in advance.

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e) At the option of the employee, with the Supervisor or Department Director approval, overtime hours worked may be paid with comp time if it does not unduly disrupt the operations of the department at a rate of one and one-half (1½) hours for each hour of overtime worked.

f) The maximum comp time which may be accrued, shall be seventy-two (72) hours (i.e., not more than forty-eight (48) hours of actual overtime worked) for all employees.

g) An employee who has resigned or whose employment is terminated is entitled to receive cash compensation for unused accumulated comp time.

3) **Overtime for Nonexempt Sworn Police Employees:** Nonexempt sworn police employees shall be those employees below the rank of Captains.

a) It is recognized that the nature of the police function requires time for briefing before the actual twelve (12) hour duty begins plus small amounts of overtime occasionally for such duties as report writing, court appearances, completion of an assignment, etc. At the option of the supervisor, comp time may be granted on an hour-for-hour basis in lieu of overtime pay anytime during the twenty-eight (28) day work period in which the time was earned.

b) Overtime hours accumulated are included in the 171 hour rule, which sets forth that any overtime hours earned for briefing, report writing, court appearances, completion of assignments, etc. (which are not traded for comp time) are added to the normal work hours. At the end of the twenty-eight (28) day work period, the employee receives compensation at their overtime rate for those hours in excess of the 171 hour rule.

c) Sworn police officers automatically receive a minimum of two (2) hours of pay for any court appearance.

d) Employees shall receive overtime pay or comp time at the rate of one and one half times the regular hourly rate for all hours worked under the following circumstances and as approved by the Chief of Police:

1) Called in to duty on a day off or after duty in emergency situation.

2) Grant hours worked are paid as automatic overtime pay. This time worked will be in addition to a normally scheduled shift or coordinated with a scheduled day off.

3) Hours scheduled plus overtime hours earned in excess of 171 accumulated during any twenty-eight (28) day work period.

e) Except for the personal holiday, nonexempt employees shall receive eight (8) hours pay for each City holiday, which may be accumulated and distributed in December of each year.

4) **Overtime for Nonexempt 24-Hour Shift Fire Employees:** Nonexempt fire employees shall be below the rank of Captain.

a) Nonexempt fire employees shall work twenty-four (24) hour days with forty-eight (48) hours rest between shifts except in emergency situations or with approval of the Chief.
b) Such employees shall be compensated for hours worked in excess of a twenty-four (24) hour shift, as a result of being at the scene of a fire or similar incident. Such compensation shall be at a rate of one and one half times the regular hourly rate. The two (2) hour minimum for callback does not apply.

c) For purposes of computing overtime for non-exempt personnel, the work period will consist of 212 hours worked in a twenty-eight (28) consecutive day work period.

d) With the exception of the personal holiday, nonexempt employees shall receive eight (8) hours pay for each City holiday, which may be accumulated and distributed in December of each year.

5) **Overtime for Exempt Employees:** Exempt employees shall be classified as such by the City Administrator but generally will be considered as management, professional, administrative or executive level personnel. An employee classified as exempt may appeal the exempt classification to the City Administrator who shall make a final decision in the matter. No additional pay shall be granted to exempt employees for time worked beyond the forty (40) hour work week. Generally, exempt employees are required to work as many hours as required to perform the functions of their position. Due to unique circumstances, a Department Director with the City Administrator approval may allow an exempt employee who is required to work more than six (6) consecutive hours over and above the course of their regular work schedule, straight compensation.

6) **Breaks:** Two fifteen (15) minute rest periods shall be provided each work day and scheduled by the Department Director. Under normal circumstances, one (1) hour shall be provided for lunch. The City Administrator and Department Director have the authority to stagger the lunch break to adequately staff the department over the lunch period. At the discretion of the Department Director, the lunch break may be limited to thirty (30) minutes. While occasionally necessary allowing employees to work through breaks or lunch shall be discouraged.

7) **Absences, Tardiness and Attendance:** Maintaining accurate attendance records is a basic personnel function. Attendance records are valuable during the performance evaluation process and help management determine the overall costs of absenteeism.

a) The Department Director and the employee are responsible for the accuracy of time and attendance records. Each employee’s immediate supervisor is most directly responsible for properly reporting employee absences and attendance, but the validity of the system begins with each employee’s personal honesty.

b) All employee attendance and absence records are to be recorded in the Time Entry module on a bi-weekly basis. Time submitted must be approved by the Department Director and submitted to payroll no later than the following Monday afternoon.

c) An employee is expected to be present during normal working hours. If for any reason an employee will be absent from work, he/she is expected to contact their supervisor and explain the circumstances causing the absence within one (1) hour before the starting of the shift and four (4) hours if sworn police personnel.

d) An employee is expected to arrive on time for work. If an employee is detained, he/she is expected to contact their supervisor and explain the circumstances.
e) Failure to notify the supervisor within a reasonable period of time of any tardiness or absence shall be grounds for disciplinary action.

f) Two (2) unexcused absences within a six (6) month period may, at the Department Director's discretion, be considered grounds for dismissal.

g) Any employee who is absent from work for two (2) consecutive work days without notification or authorization for such absence, may be deemed to have voluntarily terminated his/her.

8) **Call Back Time (Emergency):** Call back time occurs when the City calls out a non-exempt employee to perform work outside his/her regular shift schedule. Call back time pay should begin when the employee arrives at the assigned work site, unless an employee has previously reported to work that day.

a) When the reason for the call back time is complete, the employee is free to leave the work site, unless their regularly scheduled shift has just begun.

b) Call back time is compensated at automatic time and one half of the regular rate of pay.

c) Fire personnel receive a minimum of two (2) hours pay at time and one half for call back time.

d) As a premium pay, call back time shall not be included in the calculation of overtime or comp time.

9) **Stand-by Time:** An employee is on stand-by time during the period the employee is required to remain in the range of a telephone and to be available for emergencies in a reasonable period of time.

a) Employees placed on stand-by time are considered on this status until they are released by their supervisor or by a pre-established schedule.

b) To justify use of stand-by time, the department must have either mandated a twenty-four (24) hour operation (such as police or fire) or an operation that must be capable of covering emergency conditions on a short-term notice (e.g., sewer or wastewater operations).
CHAPTER 13: LEAVES

1) **Purpose:** The City in conformance may grant all leaves with rules established for each type of leave. The Finance Department is required to maintain permanent records of any absence from duty of all City employees.

2) **Legal Holidays:** It shall be the policy of the City to insure that all full-time regular employees enjoy the same number of holidays each year.

   a) All full-time employees are entitled to the following paid holidays:

   1) New Year's Day - January 1st
   2) Presidents' Day - Third Monday in February
   3) Martin Luther King Jr. Day - Third Monday in January
   4) Memorial Day - Last Monday in May
   5) Independence Day - July 4th
   6) Labor Day - First Monday in September
   7) Columbus Day - Second Monday in October
   8) Veteran's Day - November 11th
   9) Thanksgiving Day - Fourth Thursday in November
   10) Day after Thanksgiving - Fourth Friday in November (except Sanitation and Recycling will work this day and shall receive a banked holiday to be used within one (1) year).
   11) Christmas Eve - a eight hour holiday on December 24th when Christmas falls on Tuesday through Friday
   12) Christmas Day - December 25th
   13) Personal Holiday - All full-time regular employees shall be eligible to take one personal holiday per year using date of employment as the point of accrual. The personal holiday will be equal to one regular work day, as defined by Chapter 2, Section 101. The personal holiday must be used within twelve (12) months from the date of eligibility. Personal holidays cannot be carried over to the next year and will not be paid upon termination. Employees must obtain approval prior to using the desired day.

   b) When any of the above holidays shall fall on a Saturday, such holiday shall be observed on the preceding Friday. When any of the above holidays shall fall on a Sunday, such holiday shall be observed on the following Monday.

   c) General Employees absent the day before or the workday after a holiday except on an authorized leave may not be compensated for the holiday. Police and Fire Shift employees absent the day of a holiday except on an authorized leave may not be compensated for the holiday. No sick leave can be used in lieu of holiday pay unless the employee is scheduled to work. If sick leave is used, a written statement from a physician stating the absence was due to illness may be required in order to receive holiday pay.

   d) When any of the above holidays shall fall during an employee's vacation or authorized sick leave, such days shall not be charged against the employee as a vacation day or sick day respectively, but shall be paid as a holiday.

   e) Probationary employees shall be eligible for holidays.

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f) Personnel whose work schedule does not normally allow for the taking of holidays shall be compensated at the rate of eight (8) hours pay for each holiday observed or with the consent of the Department Director actual time off at the rate of one eight (8) hour day.

3) Annual Vacation Leave:

a) Each full-time regular employee is to be granted annual leave on the basis of the schedule listed below. It is critical to the individual's health, well-being and productivity that they be encouraged to use all the annual leave to which they are entitled. It is for this reason that one-half of an individual's annual leave must be used within the current calendar year and not accrued. An employee may sell up to one fourth (1/4) their accrued vacation to the City once per calendar year.

1) Each full-time regular employee shall earn annual leave at the following rates:

a) Less than four (4) years of continuous service:

1) Nonexempt twenty-four (24) hour shift fire employees - 120 hours per year accrued at the rate of ten (10) hours per month.

2) All other full-time regular employees - eighty (80) hours per year accrued at the rate of 6.67 hours per month.

b) After four (4) years of continuous service:

1) Nonexempt twenty-four (24) hour shift fire employees - 168 hours per year accrued at the rate of fourteen (14) hours per month.

2) All other full-time regular employees - 120 hours per year accrued at the rate of ten (10) hours per month.

c) After fourteen (14) years of continuous service:

1) Nonexempt twenty-four (24) hour shift fire employees - 240 hours per year accrued at the rate of twenty (20) hours per month.

2) All other full-time regular employees - 160 hours per year accrued at the rate of 13.33 hours per month.

b) For the purpose of computation, service during at least twenty (20) days of the first month hired or twenty (20) days of the last month employed shall entitle the employee to the accrual of vacation time for that month. All vacation time thereafter shall be credited to the employee after the first payroll of the month in which it accrues.

c) Vacation time shall not accrue to any employee while he/she is on any leave-of-absence without pay.

d) Employees desiring to take vacation should notify the Department Director at least two (2) weeks in advance for approval. Police and Fire Department employees shall submit requests for annual leave in accordance with established policy. All vacation shall be granted at such time as the public service will best permit. Vacations which would pose a hardship on the department, as determined by the Department Director, shall be denied. Vacation may be taken in multiples of one-half (1/2) hour. No vacation leave shall exceed the amount of the accrued leave.
e) All personnel working in a position requiring the handling of or accounting for funds shall be required to take annual leave during each fiscal year. The leave shall be taken in such a manner as to remove the employee from the position for a minimum of five (5) consecutive working days. During the period of absence, another employee in the department shall perform the employee’s duties.

f) Probationary appointees shall earn vacation time, but shall not be entitled to use vacation leave until the completion of the required probationary period unless approved by the Department Director and/or City Administrator.

g) An employee who has resigned, in accordance with Chapter 14, or who dies in service and is in good standing, or whose service has been otherwise terminated without prejudice toward the employee, shall be entitled to receive pay for the period of accrued vacation. An employee who has resigned without giving fourteen (14) day notice, except for the reasons provided for in Chapter 14, shall not be paid for accrued vacation. An employee who has been dismissed or who has resigned and is not in good standing in accordance with these regulations, shall be entitled to receive payment for the accrued vacation time which was accrued while such employee was in good standing.

h) Non-exempt fire employees may accrue vacation leave to a maximum of 336 hours (six (6) weeks and 240 hours (six (6) weeks) for all other employees. Unused vacation beyond the maximum allowed to be accrued shall be forfeited unless otherwise authorized in writing by the City Administrator. In no event will an employee be compensated for more than six (6) weeks of vacation time upon separation from City service.

4) **Sick Leave:**

a) All full-time regular employees shall be entitled to sick leave with pay. Sick leave is not a "right", like vacation, but a "privilege", to be used carefully.

1) Nonexempt twenty-four (24) hour shift fire employees - maximum of 1008 hours accrued at the rate of twenty-four (24) hours per month.

2) All other full-time regular employees - maximum of 720 hours accrued at the rate of eight (8) hours per month.

b) For the purpose of computation, service during at least twenty (20) days of the first month hired or twenty (20) days of the last month employed shall entitle the employee to the accrual of sick leave for that month. All sick leaves thereafter shall be credited to the employee after the first pay period of the month in which it accrues.

c) Sick leave shall not accrue to any employee while he/she is on leave-of-absence without pay.

d) In any case where a questionable or unconfirmed use of sick leave by an employee has been taken, the Department Director and/or City Administrator may require a written certification executed by a physician that the absence was due to illness. Sick leave taken for three (3) or more consecutive work days (two (2) consecutive work days for fire employees) may require a medical statement and may require a release from a medical physician authorizing a return to work. No sick leave shall be taken during the
last two (2) weeks of a resignation. Sick leave may be taken in multiples of one-half (1/2) hour.

e) Employees needing to take sick leave should notify their supervisor as far in advance of the starting time as possible but no later than one (1) hour before the normal starting time of the first working day of absence and, if possible, on each succeeding sick day. Failure to do so may result in sick leave not being granted and possible disciplinary action. Police and fire personnel should attempt to give four (4) hours advance notice when possible due to scheduling problems.

f) Sick leave shall be accumulated during the probationary period and may be used beginning with the second month of employment. Department Director approval is required for a probationary employee to use sick leave during the probationary period. However, if the employee resigns or is terminated during or at the end of the probationary period and has used more sick leave than could have been accumulated, the excess days will be deducted from the wages to be paid for the last pay period employed by the City.

g) Sick leave may be taken for the following reasons:

1) Illness or disability of the employee;
2) Illness of a dependent family member requiring the employee's personal care;
3) For the employee to keep a doctor, dentist or optical appointment or for the employee to use up to eight (8) hours sick leave to keep a doctor, dentist or optical appointment for an employee's dependent family member;
4) If the employee's presence at the work place would jeopardize the health of other employees due to exposure to contagious diseases;
5) In conjunction with leave used in the death of the employee's immediate family with the approval of the City Administrator.

h) While an employee is on paid sick leave, the accrual of sick leave and vacation leave benefits shall continue during the period of convalescence. Employees shall be allowed to use sick leave if the employee becomes ill on vacation and can show reasonable proof of illness. The employee must contact his/her designated supervisor or Department Director, just as though vacation time is not being used.

i) In a week where sick leave is used, overtime and comp time shall not be paid or accrued. The time will be paid at the employee's regular rate. For employees with flexible schedules, when sick leave is used within the bi-weekly pay period, no sick or comp time shall be paid or accrued. The time will be paid at the employee's regular rate.

j) When an insufficient sick leave balance remains to cover the absence of an employee, the remainder shall be charged to accumulated vacation.

k) The employee must keep the City informed of his/her condition by remaining in contact with employee's Department Director on a regular basis. An employee is to remain at home except for personal needs related to the reason for being on sick leave. While on sick leave an employee may be called or visited by a supervisor.

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l) Sick leave can be carried over from year to year and can be accumulated beyond the maximum. Above the maximum, general employees can convert excess sick leave to vacation time at the rate of three (3) hours to one (1) hour, (fire personnel may convert at a rate of four (4) hours to one (1) hour). This conversion, if applicable, will take place on the employee's merit date.

m) An employee who has resigned in accordance with Chapter 14, or who dies in service or having worked for the City at least five (5) years the following shall apply:

1) A full-time regular employee will be entitled to one-fourth (1/4) pay of the unused accumulated sick leave up to nine (9) weeks (one-sixth (1/6) pay for non-exempt fire personnel) and any accumulated sick leave above nine (9) weeks will be at one-half (1/2) pay (one third (1/3) pay for fire personnel); but in no case will payment be made on more than eighteen (18) weeks.

   a) Example: 18 weeks of accumulated sick leave (maximum)
      9 weeks x 1/4 = 2.25 weeks
      9 weeks x 1/2 = 4.5 weeks
      6.75 weeks pay

   b) Example: 10 weeks of accumulated sick leave
      9 weeks x 1/4 = 2.25 weeks
      1 week x 1/2 = .5 weeks
      2.75 weeks pay

n) Any employee with less than five (5) years employment, commencing with the anniversary date, will receive no compensation for accumulated sick time upon retirement, resignation or termination.

o) Excessive Use of Sick Leave: If an employee appears to be abusing sick leave [on pace to use more than ninety-six (96) hours of sick leave, (144 hours for fire personnel) in a calendar year], the employee will be counseled that continued use of sick leave may result in a requirement to furnish a medical certificate for each subsequent absence of sick leave regardless of duration. If the use of sick leave continues, the employee may be notified in writing with a copy to the City Administrator that for a stated period all future requests for sick leave must be supported by a medical certificate certifying the incapacitation from duty and the duration of the incapacitation prior to the sick leave being approved.

   1) Employees may be required to furnish a medical certificate for each absence of sick leave which occurs on the regular work day, before or after the regular work day, after a holiday, payday or when the employee is on vacation.

   2) An employee who consistently abuses sick leave will be subject to disciplinary action up to and including termination.

5) If an employee has a chronic illness or serious medical condition which causes him/her to be absent frequently, he/she shall submit a written physician's statement to that effect no less frequently than monthly, in accordance with FMLA. The City Administrator may require the employee to undergo a medical examination to determine fitness for duty.
6) **Borrowed Leave Policy**

   a) **Purpose:** The purpose of the Borrowed Leave policy is to provide a mechanism, which will help preserve an employee’s economic integrity, which would otherwise be jeopardized as a result of a catastrophic illness or injury. Catastrophic illnesses or injuries can disrupt the lives of employees and their families.

   b) **Policy:** It is the policy of the City to provide Borrowed Leave administered in a fair and impartial manner, which will permit employees to borrow leave for a specified period and repay the time used.

   c) **Participation/Eligibility:**

      1) Participation in the Borrowed Leave program is strictly voluntary and confidential. Employees shall not be identified unless they self-identify.

      2) To be eligible, employees shall be:

         a) Full time employees for at least six (6) months on the application date.

         b) Have received a satisfactory rating on the most recent performance evaluation and have appropriately used sick leave.

         c) Have exhausted all other paid leave benefits.

   d) **Application Procedure:**

      1) Requests for Borrowed Leave shall be submitted on the Borrowed Leave Request Form to the Finance Department at least thirty (30) days in advance of the leave, if at all possible. If the employee is unable to submit his/her own request, family members or legal guardians may do so.

      2) In order to comply with HIPAA regulations, all Borrowed Leave correspondence will be maintained in a separate confidential file.

      3) An employee may request up to one (1) month leave per application.

         a) Regular hourly employees may receive up to 160 hours.

         b) Fire employees may receive up to 212 hours.

         c) Police employees may receive up to 171 hours.

   e) **Borrowed Leave Committee:**

      1) The Borrowed Leave Committee, shall consist of five (5) members from AAC:

         a) City Administrator

         b) Three (3) unaffected employee representatives appointed by the City Administrator

    \[\text{IV, C.49.}\]
c) Finance Director or designee, who will serve as coordinator, secretary and voting member. The duties of this position are as follows:

1) Coordinate meetings for the Borrowed Leave Committee, when request for use of leave is submitted.

2) Provide reports and copies to the Committee, including accumulated leave balances of the requesting employee, Borrowed Leave Request Forms, Certification of Health Care Provider Forms, Borrowed Leave balances, etc.

3) Take minutes of the Borrowed Leave Committee meetings and maintain Borrowed Leave records in confidential files.

4) Notify requesting employees of the Committee's decision within ten (10) working days from the Committee's decision date.

d) The responsibilities and rights of the Committee are:

1) Evaluate all requests for Borrowed Leave and determine if the request satisfies the requirements of this policy.

2) Review the employee's leave records and determine the need for Borrowed Leave.

3) The Committee has the right to require additional information or documentation from the employee, Department Director or physician to determine whether to approve or deny the request.

4) All Borrowed Leave is administered on a case by case basis.

5) Any decisions made by the committee, with regard to Borrowed Leave, are final, binding and are not subject to grievance or administrative review policies.

f) Employee Benefits:

1) For the purposes of this policy, Borrowed Leave shall be deducted from the employee's balance of FMLA time. Further, it shall have the effect of providing an employee with paid leave and not extending the FMLA duration.

2) An employee shall continue to accrue annual vacation and sick leave while on Borrowed Leave, unless the employee does not return to work. However, annual vacation and sick leave shall be used when accrued, as not to build future balances and reduce the pay back Borrowed Leave time used.

3) Benefits paid by the City shall be continued during Borrowed Leave. Payroll deductions will continue for employee elected benefits, as long as payroll checks are being issued.

4) An employee shall only be awarded Borrowed Leave benefits once during a twelve (12) month period. Sick leave withdrawn will be deducted from the employee's sick leave balance as it is expended.
5) A holiday occurring during the Borrowed Leave period shall be counted against holiday pay and not counted against Borrowed Leave.

6) The City shall treat Borrowed Leave payments as regular wages for purposes of income tax withholding.

g) Extensions: At the end of requested Borrowed Leave time, an employee may apply for additional Borrowed Leave through the same process described above. Each requested extension shall be for an additional one (1) month time per extension.

h) Returning to Work: An employee returning from Borrowed Leave, from an illness or injury to the employee, shall provide a Fitness for Duty Certification to the Finance Department before resuming the employee’s regular shift.

i) Repayment:

1) Employees shall not be eligible for additional Borrowed Leave until repayment of all Borrowed Leave balances owed.

2) Any employee receiving Borrowed Leave is under a moral obligation to repay the same number of hours used in the following twelve (12) months, unless extended by the Committee. After returning to work, repayment shall be as follows:

   a) Monthly-accumulated sick leave will be automatically used to repay the used Borrowed Leave.

   b) One-half (1/2) monthly accrued vacation will be automatically used to repay the used Borrowed Leave.

   c) When routine sick leave is needed, the Department Director shall coordinate with the Finance Department to balance the repayment with the necessary leave. After two (2) occurrences, a note from a physician may be required.

3) If an employee terminates prior to repaying Borrowed Leave owed, the City shall require monetary reimbursement from such employee. In the event an employee’s final payroll does not cover the remaining amount owed, repayment methods will be submitted in writing to the Finance Department.

7) Leaves With Pay: Special leave with pay may be granted to full-time regular and probationary employees by the City Administrator with prior approval under the following circumstances:

   a) Administrative Leave - Employees may be granted leave when weather conditions, acts of God or other special reasons exist which would make attendance at work dangerous or hazardous and when such factors might result in a threat to the safety or well-being of the employees. The City Administrator may declare Administrative Leave before, during or after the work day involved. Employees who work all or part of a day during which Administrative Leave has been declared, shall be credited with time off in the amount of time worked or receive straight time pay at the discretion of the Department Director. When, in the estimation of the City Administrator, inclement weather or hazardous conditions are not severe enough to declare Administrative Leave, an absence due to such conditions shall be charged to an employee’s accumulated leave, first to compensatory time, second to annual leave and then they shall not be paid for the day.
b) Bereavement Leave - An employee may be granted up to twenty-four (24) hours off in the event of the death of an immediate family member. Employees may be granted additional vacation or compensatory time-off when more than three (3) days are needed to deal with family deaths, at the discretion of the Department Director.

c) Educational Leave - An employee may be granted time for the purpose of attending classes, professional conferences, institutes, meetings or training seminars and for the completion of training or professional examinations, which in the opinion of the Department Director may contribute to the betterment or improvement of service. The employee is expected to make up the lost time through additional work hours, vacation time or time off without pay.

d) Civil Leave - Any employee (full or part time) summoned to appear as a witness before a court, grand jury or other public body or commission, which is not appearing as a regular part of their normal work routine, will be granted Civil Leave to cover the time off. This also applies to those called to serve jury duty or grand jury duty. Employees will be paid, on this leave status, at their regular rate. The stipend the court supplies for jury duty or witness service fee, not including mileage, are to be submitted to the Finance Department within two (2) days upon returning to work. Use of this type of leave is not charged against the employee's vacation or sick leave.

e) Military Leave With Pay - members of the uniformed services, as defined by the federal USERRA law and Missouri; are entitled to a leave of absence from their respective duties. There will be no loss of time, pay, regular leave, impairment of efficiency rating or of any other rights of benefits, to which otherwise entitled. This extends for all periods of military services during which they are engaged in the performance of duty or training in the service without regard to length of time and for all periods of military services during which they are engaged in the performance of duty in the service of the United States and Missouri law.

1) Leave with pay is not to exceed one hundred twenty (120) hours in any federal fiscal year.

2) Before any payment of salary is made, an employee shall file with the appointing authority or supervising agency an official order for the appropriate military authority as evidence of such duty. This order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order. This order should be forwarded to the Finance Department for the employees file.

3) Any person entitled to military leave shall only be charged military leave for any hours which that person would otherwise have been required to work had it not been for such military leave.

f) Miscellaneous Leave - Any employee shall be allowed paid miscellaneous leave for the following reasons:

1) Funerals - One (1) day may be allowed with prior approval for extended family members.

2) An employee may be granted a short leave with pay upon request, not to exceed eight (8) hours and approval from the City Administrator for personal reasons if the employee has no accrued vacation or compensatory leave.
8) **Leaves without Pay**: Leaves without pay occur because an employee needs more time off than they have accrued with their sick or annual leave. This special leave status holds their position open for them to return to at some future date.

a) A full-time regular or probationary employee, upon written request and City Administrator's approval, may obtain a continuous leave-of-absence without pay.

1) Such leave shall generally not be granted for more than three (3) months, except that upon written request prior to the expiration of such leave, the City Administrator may grant such extensions of leave, as appears best to serve the interests of the City.

2) At the expiration of a leave-of-absence or any extension thereof, the employee shall be returned to work. Should the employee fail to return to work promptly at the expiration of the leave-of-absence, except for valid reasons submitted in writing in advance, this shall be sufficient cause for dismissal.

3) Leave-of-absence implies an obligation and an agreement on the part of both the employer and employee. The employer agrees to reserve a position for the employee at the end of the leave-of-absence and the employee agrees to return to work, unless some unforeseen development outside the control of either should make such conditions impossible.

b) Military Leave Without Pay - This form of leave is automatically granted to employees subject to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) or state law. Those employees will be provided leave without pay and hold their position as required by federal and state law. The employees are not in a paid status so no benefits are earned until they return. Employees in this category may continue their active health insurance and 125 Plan benefits by paying the premiums due under those policies, for the length of the covered leave. Certain employees covered above may come back to full-time, paid status exactly where they were when they left City employment.

c) Maternity Leave - At the option of the employee requesting maternity leave without pay, the employee may elect to use this benefit regardless of how much annual vacation or sick leave they have available (since pregnancy is a condition, not an illness). Any portion of the time before and after delivery can be taken off in a paid leave status (i.e., vacation or sick leave) or can be taken as leave without pay. The normal length of a maternity leave without pay is twelve (12) weeks, however, this period can be extended up to six (6) months, at the request of the employee and the approval of the City Administrator. Because the employees are not in a paid status, no benefits are earned until they return. The employee should come back to full-time, paid status exactly where she was when she left City employment.

1) Employees on maternity leave may continue their active health care and insurance benefits by paying the premiums due on their policies, for the length of their leave. The employer guarantees any such employee that they will receive either their old job back or a position of the same classification upon their return to full-time status. If such employee was in probationary status when they began maternity leave without pay, they return to their former probationary status, with the same time remaining in their probationary period as they would have had at the time they left.
for maternity leave. Employees requesting maternity leave without pay status should request this benefit at least three (3) months in advance of their anticipated leave date. Additional consideration may be given to the length of the leave granted based on physician's recommendation.

2) The employer may fill the position of the individual on maternity leave without pay by a part-time or temporary employee for the length of the full-time employee's leave. The part-time or temporary employee filling such a position will be notified that employment will terminate when the regular employee returns from leave status. Questions regarding maternity leave without pay should be directed to the Finance Department.

d) Other Leaves Without Pay - When used in conjunction with illness or injury, employees who have exhausted all sick and vacation leave may receive leave without pay, provided they furnish a physician's statement, which gives diagnosis and prognosis of the illness and anticipated date of return. This type of leave is generally used only for long term, protracted illness or injury. The status of leave without pay holds open their job for a minimum of twelve (12) weeks in conformance with the Family Medical Leave Act (FMLA), see Chapter 21. These employees should come back to full-time, paid status exactly where they were when they left City employment. The City Administrator must approve this type of leave. The City reserves the right to run the twelve (12) weeks leave without pay concurrent with other paid leaves.

e) Educational Leave Without Pay - This leave is used to give a valued employee the opportunity to advance his/her education, provided the education being gained is job related and can enhance the individual's effectiveness when they return. This leave without pay status is granted for as short a period as one (1) semester or trimester. This type of leave without pay must be requested at least two (2) months in advance and can only be approved by the City Administrator. Employees may use educational leave without pay regardless of their sick and annual leave balances and can retain those, as is, until they return. These employees should come back to full-time, paid status exactly where they were when they left City employment.

f) Employees on authorized leave-of-absence without pay shall not be entitled to earn vacation, sick leave, other leaves and receive any other benefits of employment. An employee may elect to continue to receive health insurance coverage by submitting bi-weekly the total cost for their insurance to the Finance Department.
CHAPTER 14: EMPLOYEE BENEFITS

1) **Purpose:** This chapter defines and discusses the various benefits to which City employees are entitled. This section also examines the rules governing eligibility for several of the more special benefits. This chapter will not go into detail on the specifics on a number of programs, such as retirement or health care, but instead will concentrate on benefit package concepts and where to go within the City organization to get help about a particular program.

2) **Eligibility:**
   a) Full-Time Employment – Full-time personnel, those employees who are scheduled or intended to work a minimum of 2080 hours per year (2140 for police officers and 2912 for fire), are generally eligible to receive all of the available employee benefits. Any benefit or benefit plan discussed herein are subject to the terms and conditions of eligibility and coverage discussed in those plans. Employees with question or concerns should consult those plans and those responsible for administering those plans.
   b) Part-time and Temporary Employment - Part-time and temporary employees are generally ineligible for any employee benefits except unemployment compensation for part-time employees (if qualified) and workers' compensation for both part-time and temporary employees.

3) **Health, Dental and Life Insurance:** All full-time probationary and regular employees and their dependents are entitled to participate in the group health, dental and life insurance program, as a part of their regular benefits package. Since the City is self-funded, the premiums for this coverage for the employees are paid on a premium rate established each year by City Administration. New employees are covered beginning the first day of employment. Specific details about costs, coverage's and how to apply for claims are included with materials received from the Finance Department during the new hire orientation. For more information or questions, please contact the Finance Department.
   a) All full-time employees who retire from the City using one of four (4) retirement methods through LAGERS, may continue using the City's health and dental insurance programs. Specific details about costs, coverage's, how to apply for claims and other details may be received through the Finance Department before being processed for retirement.
   b) The retiree health plan shall have the same insurance coverage and benefits as the City’s group plan.
   c) Retiree must have retired from the City through LAGERS with at least fifteen (15) years of service with the City, unless otherwise approved by the City Administrator.
   d) Retiree must have been vested in LAGERS to be eligible for the plan.
   e) The retired employee may participate in the City’s health insurance plan until the retired employee becomes eligible for Medicare coverage.
   f) At the time a retired employee becomes ineligible for group coverage (receives Medicare coverage or death), the retiree's covered family, who has been continuously covered since the retired employee's retirement date, shall be eligible to continue the City's group coverage under the provisions of COBRA.
g) Once a retired employee or his/her eligible family members ceases continuous participation in the City's group health insurance plan, they may not re-enroll at a later date.

h) The employee must have been on the City's plan for at least one (1) year before retirement. At time of retirement, an employee may elect health insurance coverage to fit the specific needs. A retired employee can change coverage after retirement, however, no new family members can be added unless mandated by law.

i) The premium rates for the retirement plan will be twice the rate of the health Insurance plan for existing employees.

4) **Unemployment Insurance**: The City shall provide unemployment coverage for its employees.

5) **Social Security**: The City elects to provide the Old Age and Survivors Insurance Program, thus its employees will receive credit toward Social Security and Medicare.

6) **Retirement/Pension Plan**: The City provides a retirement program through the Missouri Local Government Employees Retirement Program (LAGERS). The City contributes a percentage of the employee's salary to the retirement program after six (6) months employment. The Finance Department will provide specific information concerning retirement upon request.

   a) Specifics of the retirement program's overall operation, including projections of retirement earnings for those considering retirement, are available through the Finance Department.

   b) Retirement counseling and pre-retirement counseling are available for all employees contemplating retirement.

7) **Savings Plans**: The City is associated with many Financial Institutions for direct deposit deductions within payroll. Information about this benefit may be obtained from the Finance Department.

8) **Voluntary Insurance Programs**: All full-time employees may elect to enroll in various voluntary insurance programs in order to supplement income if an occurrence takes place. This is a voluntary election withdrawn from the employee's payroll bi-weekly. Information about this benefit may be obtained from the Finance Department.

9) **Long-Term Disability Insurance**: All full-time employees are enrolled in the City's Long-Term Disability Insurance Programs which seeks to protect the income stream of disabled employees. The City incurs all associated costs of the LTD program. For more information or questions, please contact the Finance Department.

10) **Educational Reimbursement**: All full-time regular employees shall be encouraged to take advantage of educational and vocational courses which will help improve their performance in their current position and better prepare them for promotion to related and higher level positions with the City. Provided funds are budgeted, the City will pay a portion of the cost of such courses until the budget has been expended. Priority will be given for educational coursework to enhance an employee's current duties and the degree must be related to the employee's current position and/or department. Coursework pertaining to a Master's Degree or advanced studies shall be limited to exempt personnel.

   **N C.520**
a) The educational assistance program shall be open to any full-time regular employee who meets the requirements of any accredited college, business school, trade school or City-related certification program.

b) Reimbursement requests shall be limited to two (2) classes per semester. Any employee desiring to take courses under this program shall submit an "Education Assistance Request" to the Department Director for approval. The "request" shall then be forwarded to the Finance Director and then to City Administrator at least two (2) weeks in advance of the starting date of course(s). Final approval shall be subject to eligibility and funding availability.

c) The City may reimburse the employee for the cost based on the following schedule of grades: 90% for an "A", 80% for a "B" and 70% for a "C". If the course only assigns a pass/fail grade, it will be assumed to be a "B" grade for payment purposes. Should the employee fail to complete the course work or receive less than a satisfactory grade (defined as "C" for under graduate work and a "B" for graduate work), the employee will receive no reimbursement. Payment will be for tuition and related fees only (i.e. lab fees and student fees). Any additional cost incurred must be borne by the employee (i.e. books, tools).

d) The employee is responsible for satisfying the amount due with accredited institutions. The City will reimburse the employee after grades have been submitted.

e) All courses must be scheduled during non-working hours if payment is to be received from the City, unless an appropriate work schedule can be arranged and approved by the Department Director and City Administrator.

f) Each full-time regular employee is limited to a maximum of $2,000 per fiscal year in educational benefits.

g) Verification of grades earned under educational assistance shall be given to the City Administrator within four (4) weeks of the close of the academic term.

h) The employee shall be obligated to remain in the employment of the City a minimum of three (3) months for each credit hour earned or six (6) months for each certification received under this program. Failure to remain in the employment of the City accordingly will require a refund of the balance of the educational assistance received over the final twelve (12) months. This refundable amount will be prorated based on the employment obligation.

i) Probationary employees will not be eligible for any education allowance until after successful completion of probation.

j) Employees are encouraged to pursue financial assistance from other sources (i.e. the Reserves, scholarships or grants). If other education funding is available; the employee may still participate in the City's Educational Reimbursement program provided the employee is otherwise eligible for education assistance. The City may reimburse any uncovered balance of tuition not to exceed the regular reimbursement with proof of a passing grade and documentation of other financial assistance received.
11) **Training Reimbursement:** Any City employee may be eligible to receive training reimbursement benefits.

   a) When the Supervisor or Department Director feel that an employee's attendance at a particular training function is work related and in the City's best interests, the employee's attendance at that training program is considered as that employee's duty station for the session's duration. Whenever this situation occurs, no type of leave is charged the employee.

   b) Professional conferences and seminars are considered training for the purpose of this manual's general reference.

12) **Organizational Memberships:** Full-time regular employees may be eligible for reimbursement by the City for initial fees and periodic dues requested for memberships in professional organizations when such memberships are deemed by the Department Director and City Administrator to be advantageous to the City.

13) **Relocation Expense:** New employees in management and/or supervisory positions with the City may be reimbursed for expenses involved in relocating as specified in Chapter 13 of these policies. Prior approval must be granted by the City Administrator.

14) **Uniforms:** Some departments may require employees to wear uniforms and/or special safety equipment. Each department shall formulate a written policy covering the issuance, wearing and maintenance of uniforms and equipment. The department will supply the policy to the City Administrator's office. With the exception of footwear, the City shall provide reasonable safety equipment which shall be worn at all appropriate times.
CHAPTER 15: TRAVEL AND MEETINGS

1) **General Policy:** Employees will be reimbursed for reasonable authorized expenses incurred in behalf of the City and when traveling on City business. It is not intended that employees who travel for the City expend any part of their regular compensation to pay travel costs. At the same time, additional compensation for travel is not intended.

2) **Travel Authorization:**

a) For all travel outside the State of Missouri and having duration of more than one (1) day, a Request for Travel Authorization, with appropriate Department Director approval, must be submitted and approved by the City Administrator prior to initiating such travel.

b) Attached to the request should be some form of documentation as to the purpose of the trip. Conference advertisements, seminar schedules or letters pertaining to the necessity of a meeting would be considered appropriate documentation. Failure to secure the required prior approval of the Department Director and City Administrator (where required) may result in disallowance of the reimbursement.

c) For travel within the State of Missouri, appropriate Department Director’s approval must be obtained prior to the incurring of expenses.

d) Program travel includes travel related to the City’s program. The City Administrator, on the basis of appropriateness of position, authorizes participants.

e) Professional travel includes travel for professional organization meetings and specialized topic seminars. Professional travel shall be considered a growth opportunity for employees and shall be authorized when budget permits. The Department Director shall recommend participants.

f) Approved requests for travel should be submitted to the Finance Director three (3) working days prior to the commencement of travel.

3) **Commercial Transportation:**

a) Tickets for travel will be procured from the most cost effective source available. Use of lower priced coach class and round trip tickets is required when available. All unused tickets must be returned to the Finance Department immediately upon return for refund processing.

b) Transportation costs resulting from a change in itinerary occurring during a trip, including coach class air travel, bus, train, taxicabs and streetcar fares, will be reimbursed based on actual costs incurred, subject to the approval of the City Administrator. Receipts must be obtained.

c) Transportation costs not directly related to and from the prescribed destination (or to and from out-of-town living accommodations) are not subject to reimbursements.

d) Extensions of, or changes in, travel status for personal reasons or convenience which will increase the costs to the City, will not be reimbursed.
4) **Automobile Travel:**

   a) City vehicles shall be utilized for travel unless the use of a rental vehicle or privately-owned vehicle is specifically authorized.

   b) The use of privately-owned vehicles shall be reimbursed at a fixed rate authorized by the City Administrator and compared to the IRS rate. This rate is adjusted periodically.

   c) Use of privately-owned vehicles shall not be authorized if City vehicles are available and can be utilized effectively in carrying out the objectives of the city approved work plan.

   d) There shall be reimbursement for only one (1) privately-owned vehicle for each authorized meeting unless there are extenuating circumstances and approval is received from the Department Director prior to the meeting.

   e) The Department Director shall determine the mode of transportation.

   f) The Department Director, prior to contracting the use of a rental vehicle, must authorize the use of rental vehicles for travel within or out of the region. All receipts related to such rental costs shall be retained and submitted with the travel expense form. No mileage reimbursement will apply.

5) **Accommodations, Subsistence, and Incidental Costs:** Reimbursement for hotel and motel accommodations will be for the actual cost incurred for a single room with bath. When accommodations are required for extended periods of time, weekly rates should be obtained, if available.

   a) Reimbursement for meals, related to travel, will be made according to travel reimbursement form maintained by the City. Costs incurred beyond the approved schedule will be at the employee’s expense unless otherwise approved by the City Administrator. The City Administrator shall review this form on a periodic basis.

   b) When authorized by the City Administrator, travel expense for employment interviews incurred by applicants for management and supervisory positions may be reimbursed.

   c) Reimbursement for business related phone charges and tolls would be on the basis of reasonable actual costs incurred.

   d) All costs must have a receipt attached to the travel voucher for all accommodations and travel expenses incurred. Failure to attach such documentation may result in disallowance.

6) **Credit Card Authorization:**

   a) The Department Director may authorize the issuance of credit cards for their employees. Credit cards may be obtained from the Finance Department.

   b) It is encouraged that credit cards be checked out from the Finance Department. However, if phone/internet orders are needed, the Finance Department shall be contacted to provide a card number for each purchase. Employees shall not keep the card numbers for future purchases.
c) All credit cards shall be returned to the Finance Department within one (1) working day of the employees return.

d) The City Administrator and Mayor may use, and authorize the use of, credit cards by City Council Representatives.

7) **Travel and Expense Reports:**

a) The City shall provide travel reports to remit all expenses incurred while traveling on business.

b) The employee shall provide sufficient details for all expenditures. Expenses incurred on behalf of others on City business shall be listed by expenses and name of individuals and include justification.

c) Receipts are required to be attached to the travel and expense reports. These receipts shall include copies of air travel tickets and other transportation, credit card charges, hotel bills, meals and receipts for incidental expenses.

d) Expense reports are to be submitted to the Department Director for review as to propriety; reasonableness and accuracy of the expenses charged and should be submitted within three (3) days upon the employees return to the City.

e) Department Directors and/or the City Administrator shall review travel requests and approve any reimbursements. After review, the travel requests shall be forwarded to the Finance Department for payment.

f) Upon approval, reimbursement shall be provided as authorized.

g) The employee is responsible for the payment of all traffic tickets for which the employee is responsible, such as speeding, reckless driving, etc. The City is responsible for all traffic tickets issued against City vehicles for which there is an equipment problem, such as lights not operating, broken windshield, etc.
CHAPTER 16: SEPARATION AND DISCIPLINARY ACTION

1) Resignation:
   
a) An employee desiring to resign from the service of the City should present a resignation in writing to the Department Director at least fourteen (14) days prior to the desired last workday. Additional notification is desired for managerial positions based on the discretion of the City Administrator.

b) Failure to provide proper notice as required may result in forfeiture of accumulated vacation leave. The City shall have the right to require documentation and/or conduct investigations to determine if, in fact, circumstances warrant resignation with less than fourteen (14) calendar day notice. An employee resigning with less than fourteen (14) calendar day notice who desires payment for accumulated vacation leave, shall file a written request for payment with the City Administrator via the Department Director within three (3) calendar days following submission of the resignation stating the reasons why fourteen (14) calendar day notice cannot be provided. The City Administrator shall make a determination and notify the employee of the decision in writing. If payment is denied, the employee shall have the right to appeal the decision to the City Personnel Appeals Board. The decision of the City Personnel Appeals Board is final.

c) The employee may withdraw such resignation prior to the effective date, with approval of the Department Director and City Administrator, except in the case of Department Directors which shall require approval of the Mayor with concurrence of the City Council.

2) Discipline:
   
a) A verbal/written warning or verbal/written reprimand, disciplinary probation, forfeiture of day off, suspension, demotion or dismissal of an employee are authorized forms of discipline when it is determined an employee has performed improperly as specified in this section.

b) The following are declared to be improper conduct and may be grounds for disciplinary action. This list is intended to serve as a guide to employees and Department Directors and is not inclusive.

   1) Plea of guilty to or conviction of a felony or misdemeanor involving moral turpitude, infamous or disgraceful conduct.

   2) Acts of incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.

   3) Intentional or repeated carelessness, damage, loss or neglect in the care and handling of City property or equipment.

   4) Insubordination: Failure to obey any lawful directive made by a supervisor; noncompliance with rules, policies, procedures or assignments (provided the employee has been given clear instruction) shall be evidence of insubordination.

   5) Repeated absence with or without leave from duty without permission, proper notice or satisfactory reason. Any employee absent for more than two (2) consecutive work days without proper notice shall be deemed to have voluntarily terminated his/her position.
6) Abuse of sick leave or use of sick leave under false pretenses.
7) Repeated tardiness.
8) Willful disregard for instructions.
9) Serious or repeated violations of Department or City safety rules.
10) Misappropriation, destruction, theft or conversion of City property.
11) The falsification of any record, report or information required by the City.
12) Refusal or neglect to pay just debts. A showing of a reasonable effort to pay the debts shall be sufficient to clear the employee.
13) Repeated convictions or misdemeanors or traffic charges.
14) Failure to properly report accidents or personal injury.
15) Acts of misconduct while on duty.
16) Inducing or attempting to induce any personnel to commit an illegal act or to act in violation of any department or official rule, regulation or policy or participating therein.
17) The use of improper or abusive treatment to an individual in custody.
18) Offensive conduct or language toward the public, City officials or other personnel.
19) Solicitation or acceptance of money or anything of value to influence decisions or as rewards for decisions in City matters.
20) The employee subsequently becomes physically or mentally unfit for the performance of his/her duties, as determined by a physician chosen by the City.
21) Use of City vehicles or equipment for personal business without permission.
22) Engaging in personal business or other occupation while on duty.
23) Engaging in activities, which constitute a conflict of interest. Conduct in private life, which brings discredit upon the City service.
24) Disregard or inability to maintain compatible working relationships with other personnel/supervisors.
25) Guilty of any conduct unbecoming an employee of the City, either on or off duty, provided said conduct relates detrimentally to the employee’s ability to perform those job tasks assigned to him/her.
26) An employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change of pay rate or character of work reference.
27) The employee has been guilty of any violation of a criminal or penal statute, ordinance or law or misrepresentation upon application for employment, promotion or other job-related action.

28) Disregard for the City's Equal Employment Opportunity (EEO) policy prohibiting discrimination on the basis of race, creed, color, marital status, national origin, religion, sex, age, disability, political affiliation, veteran/military status or ancestry.

29) Violation of the City's Substance Abuse Policy by the introduction, possession or use of intoxicating liquors or controlled substances on City property or in City vehicles during working hours.

30) Violation of the City's Workplace Harassment Policy prohibiting discrimination on the basis of race, creed, color, marital status, national origin, religion, sex, age, disability, political affiliation, veteran/military status or ancestry as it pertains to employees and non-employees on City property.

31) Any continued or serious violation of these rules and regulations or any departmentally approved rules and regulations.

3) **Forms of Employee Discipline**: These are several forms of employee discipline. This listing does not necessarily imply a required sequence.

a) **Warning or Counseling**: Minor infractions of Rules and Regulations to include departmentally approved policies or poor job performance may result in a supervisor and/or Department Director giving an employee a warning (verbal or written) or counseling (verbal or written). The warning or counseling shall include a description of the deficiency and the appropriate corrective action to be taken. If a supervisor issues a warning or counseling, it shall be reflected in the employee’s upcoming Performance Evaluation. The warning or counseling will be recorded in the City’s permanent employee file. Warnings and counseling are considered to be an administrative action, as defined in Chapter 2 of the City’s Personnel Rules and Regulations and may not be appealed under Chapter 17. An employee receiving a warning or counseling may submit a written response to the warning or counseling to be maintained in the personnel file.

b) **Reprimand**: Failure to correct a deficiency pointed out to any employee through a warning or counseling, a serious infraction of rules and regulations or dereliction of duty, may result in a Supervisor’s and/or Department Director’s issuing an employee a written and/or oral reprimand. A reprimand is a written communication from the Department Director (in some cases, a ranking Supervisor) to the employee pointing out offenses or deficiencies and detailing the appropriate correction action needed. The employee and the person issuing it will sign the reprimand and a copy will be given to the employee. A copy will be placed in the City's employee permanent file. Reprimands are considered to be an administrative action, as defined in Chapter 2 of the City's Personnel Rules and Regulations, and may not be appealed under Chapter 17. An employee receiving a reprimand may submit a written response to the reprimand to be maintained in the personnel file.

c) **Disciplinary probation**: Defined as a period of time, not to exceed three (3) months (unless authorized by the City Administrator, where up to twelve (12) month probation can be used), during which the employee is placed under regular supervision and observation of his/her performance and/or conduct. An employee is not eligible for pay increases or promotional opportunities during this period. Written notice of such disciplinary action citing reasons and scope of action taken shall be provided the
employee. The Department Director and the employee shall sign such notice. A copy shall be provided to Administration for signature and placement in the employee's permanent file. Administration will forward a copy to the Finance Department for recording. Disciplinary probation is defined as "Disciplinary Action" in Chapter 2 of the City's Personnel Rules and Regulations, and may be appealed under Chapter 17 in accordance with disciplinary action appeal procedures.

d) **Suspension Without Pay:** A temporary separation for a period not to exceed thirty (30) consecutive calendar days for any offense or offenses, without pay, of an employee from his/her duties for disciplinary reasons or pending the outcome of an investigation involving an employee. Upon approval of the City Administrator, a suspension with pay may be invoked pending the outcome of investigations. An employee will not be permitted to exchange suspension time for vacation time or be eligible to take such leave or to receive pay increases. If found innocent or cleared, or if the suspension is overturned upon review or appeal, the employee's salary and benefits shall be retroactive to the date suspension commenced. Written notice of such disciplinary action citing reasons and scope of action taken shall be provided the employee. The Department Director and the employee shall sign such notice. A copy shall be provided to Administration for signature and placement in the employee's permanent file. Administration will forward a copy to the Finance Department for recording. Suspension is defined as "Disciplinary Action" in Chapter 2 of the City's Personnel Rules and Regulations and may be appealed under Chapter 17 in accordance with disciplinary action appeal procedures.

e) **Demotion:** the City Administrator may move an employee to a position classification having a lower salary range for unsatisfactory performance and/or conduct. Written notice of such disciplinary action citing reasons and scope of action taken shall be provided the employee. The Department Director and the employee shall sign such notice. A copy shall be provided to Administration for signature and placement in the employee's permanent file. Administration will forward a copy to the Finance Department for recording. Demotion is defined as "Disciplinary Action" in Chapter 2 of the City's Personnel Rules and Regulations, and may be appealed under Chapter 17 in accordance with disciplinary action appeal procedures.

f) **Termination/Dismissal:** the Department Director may dismiss an employee who has failed to respond to any of the above disciplinary measures or who has violated any of the provisions of this Chapter after review and approval of the action by the City Administrator. The employee shall be entitled to a hearing with the Department Director and City Administrator upon filing of written request. The City Administrator shall review all dismissals. Written notice of such disciplinary action citing reasons and scope of action taken shall be provided the employee. The Department Director shall sign such notice; the employee shall be given the opportunity to sign such notice. A copy shall be provided to Administration for signature and placement in the employee's permanent file. Administration will forward a copy to the Finance Department for recording. Dismissal is defined as "Disciplinary Action" in Chapter 2 of the City's Personnel Rules and Regulations and may be appealed under Chapter 17 in accordance with disciplinary action appeal procedures.

4) **Layoff:** Layoffs of full-time employees may occur when City revenues cannot support payroll expenses, if the position or project to which said employee has been assigned is abolished, if funds are not available to pay that salary or when reorganization occurs which would necessitate reducing staff. A layoff is a temporary or indefinite separation from employment because of lack of work, funds or some other cause over which the employee has no control. Written notice of at least fourteen (14) calendar days shall be given the employee.
a) The basis for determining which employee(s) will be affected by a layoff shall be as follows:

1) No full-time regular employee shall be separated from any position when there are temporary, probationary or part-time employees serving in the same class.

2) The City values performance as well as length of service. Within a given classification, layoffs will occur in inverse order of averaged performance evaluation scores. In the event two (2) employees have identical performance evaluation scores, the length of service is only determinative where one or more employees' performance evaluation scores are identical. In all other cases, an employee's performance evaluation score shall be determinative.

b) Within seven (7) calendar days of notice of layoff, the employee may appeal in writing to the City Administrator for a hearing.

c) The City Administrator shall hold a hearing with the employee within five (5) calendar days following receipt of a request for such hearing. The City Administrator shall render a decision in writing to the employee within four (4) calendar days after the hearing. If the employee is not satisfied with the decision of the City Administrator, a written appeal may be filed with the City Personnel Appeals Board within seven (7) calendar days following receipt of answer from the City Administrator. Decisions of the City Personnel Appeals Board are final.

d) The employee who has been laid off shall receive compensation for any earned and unused vacation and sick leave, if appropriate.

e) Employees laid off for funding reasons shall be eligible to return to the City at such time proper funding levels exist. Employees called back after layoff shall return with the same status as when they left. Last laid off shall be first rehired. The City Council shall approve the re-authorization of any position previously eliminated due to layoffs.

5) **Separation Procedures:** When an employee is separated from employment, either voluntarily or involuntarily, the final payroll will not be distributed until all materials and uniforms in the possession of the employee have been returned to the Department Director and relayed to the Finance Department. The Finance Department shall issue and distribute all final payroll documents accordingly.

6) **Separation Pay:** Upon separation from City employment with fourteen (14) calendar day notice, a regular employee will be paid any salary earned, safety award (for completed semi-annual period), overtime, holiday time, vacation leave (if employed twelve (12) consecutive months) and sick leave, if appropriate. The final payroll due any officer or employee, who may be indebted to the City or is terminated for theft, shall be reduced until the extent of such indebtedness has been determined and cleared. Payment arrangement shall be made with the Finance Director for any additional amount owed.
CHAPTER 17: EMPLOYEE RELATIONS/GRIEVANCES AND APPEALS

1) **General Policy on Employee Relations:** It shall be the policy of the City to establish such written or unwritten policies and procedures necessary to insure effective means of communication between employees and management and to promote a high level of employee morale.

2) **Working Conditions:** Every effort shall be made to provide and maintain working conditions which are conducive to a maximum work effort and which are in no way harmful to the employee. The City Administrator may make investigations of working conditions, which fail to meet such criteria and may direct Department Directors to correct conditions believed to be preventable.

3) **Orientation of New Employees:** It shall be the responsibility of the Department Director and the Finance Director to insure each new employee is fully informed as to the rights and obligations of employees, working conditions, duties, the general function of the City and other personnel policies. This orientation will include hours of work, overtime, leave, payroll and deductions, insurance programs, training, pay increases and promotion, workplace harassment and discrimination, drug and alcohol policy, as well as other policies.

4) **Communications:** Every effort shall be made to insure employees are made aware of changes in policy or procedures, additional duties, changes in personnel, general City business and other information necessary for effective job performances. Further, employees shall be given the opportunity to make suggestions for the good of the City and to request clarification of policy and management decisions.

5) **Grievances:**
   a) The City desires to resolve employee and/or applicant grievances and appeals promptly and fairly. All employees or applicants are free to present grievances and appeals for orderly settlement and shall be assured freedom from discrimination, coercion, restraint or reprisal. An employee and/or applicant shall be allowed reasonable time, during regular working hours, to initiate and process grievances upon notification and approval of the employee's supervisor or prospective supervisor. For purposes of this chapter, the words "grievance" and "appeal" shall be used interchangeably.

   b) All regular, temporary or prospective employees shall have the right to utilize the grievance and appeals procedures of this Chapter when in the employee's and/or applicant's opinion an action taken against him/her was without just cause.

   c) Warnings, counseling and reprimands are considered to be an administrative action and may not be appealed hereunder.

6) **Grievance Procedure:**
   a) A grievance or appeal must be taken to the Department Director within seven (7) calendar days following knowledge of the occurrence of the problem. If possible, the grievance should be settled at this level through discussions with the involved parties. If informal discussions do not resolve the issue, the matter shall be reduced to writing by the prospective employee, the employee or the employee's representative and be submitted to the Department Director within this same seven (7) day time period.
Department Director shall have five (5) work days to respond in writing. Copies of all documentation involved in the grievance or appeal shall be forwarded to Administration for signature and placement in the employee's permanent file. Administration will forward a copy to the Finance Department for recording.

b) In the event the grievance is not settled through procedures outlined in the above section, the applicant, employee and/or Department Director may forward the grievance or complaint in writing to the City Administrator within five (5) calendar days following receipt of the Department Director's response. Documentation must include specific circumstances and state the remedial action requested. The City Administrator shall investigate and document the matter and render his/her decision within seven (7) workdays of receipt of the request, unless the nature of the grievance requires additional time to investigate, but in that event, the City Administrator will provide the employee a written notice of the reasonable date of completion and when his/her decision will be rendered. In the event that the City Administrator does not satisfactorily reconcile the problem and the problem is defined as disciplinary action in accordance with Chapter 2 of the City's Personnel Rules and Regulations, the applicant or employee shall notify the City Administrator in writing within seven (7) calendar days following receipt of the decision of the City Administrator concerning the appeal. An employee or applicant may request a hearing before the City Personnel Appeals Board. Sworn police personnel may request a hearing before the Police Personnel Board. The City Administrator shall forward the request for hearing to the chairman of the City Personnel Appeals Board within seven (7) calendar days of receipt of such request for hearing. If a request is received from sworn police personnel, the City Administrator shall forward that request for hearing to the chairman of the Police Personnel Board within seven (7) calendar days of receipt of such request for hearing.

7) Composition of City Personnel Appeals Board:

   a) The Mayor with the approval of the City Council shall appoint the City Personnel Appeals Board.

   b) The purpose of the City Personnel Appeals Board shall be to hear appeals from applicants or employees concerning grievances and disciplinary actions not settled in the previous steps of the appeal process. A person appointed to the Board:

      1) Shall be in agreement with the basic policies and principles of merit employment,

      2) Shall be a qualified voter of the City,

      3) Shall have resided in the City at least four (4) years prior to the appointment,

      4) Shall be appointed for a three (3) year term,

      5) Shall serve without compensation,

      6) May not be a member of the Board while:

         a) Residing outside the City,

         b) Employed by the City,

         c) Holding an appointed or elected office of the City,
d) Running for an elective City or County public office,
e) Serving as an officer of a political party,
f) Within two (2) years after being a member of the Board be appointed to a position in the City service.

8) **Composition of Police Personnel Board:**

a) The Police Personnel Board is composed of six (6) members and shall be appointed by the Mayor with the advice and consent of the City Council.

b) A purpose of the Police Personnel Board shall be to interview and approve candidates for hire or promotion, as well as hear appeals from police department employees concerning grievances and disciplinary actions not settled through the Department's internal process or in the previous steps of the appeal process. Members shall serve four (4) year terms and shall receive no compensation. Board members shall be at least twenty-one (21) years of age, tax paying citizens and qualified voters of the City.

9) **Hearing Procedures:** The following procedures shall be followed by both the Police Personnel Board and the City Personnel Appeals Board:

a) The Board, upon receiving a valid request for a hearing, shall hold such hearing which shall be open to the public only if requested by the applicant, officer, employee or City. Unless requested by the employee, all Personnel Appeals Board meetings shall be closed to the public.

b) The Board shall give written notice of the date, time and place of such hearing to all parties to the hearing and to the Department Director, City Administrator, Mayor, City Counselor and any other person it deems appropriate. The notice shall set forth the caption of the case to be heard; state that a request for a hearing has been submitted in such case identifying the date the notice was filed and the name of the party filing the said notice; a brief statement of the matter involved in the case; and the time and date of the hearing. In no case may the Board issue its notice less than ten (10) days prior to the hearing.

c) The applicant, officer or employee requesting such a hearing may be represented by counsel and should be advised of such right by the Board by means of the aforesaid notice. The City, including the Department Director, Mayor and City Administrator, shall be represented by the City Counselor and such other counsel as the City may employ for such purposes.

d) Prior to the hearing, the City shall provide the Board with a copy of the notice of the disciplinary action taken and the grounds therefore. The notice may be amended any time prior to the hearing provided the applicant, police officer or employee is given a copy of the notice within a reasonable time before the date of the hearing. Such amended notice may set forth additional grounds for the disciplinary action taken and may prescribe disciplinary action different than that set forth in the original notice.
Prior to the hearing, the Board shall approve and appoint a Hearing Officer who shall have no vote in the Board's decision, but shall serve to preside over the hearing and rule on evidentiary matters. The elected City Municipal Judge shall serve in the capacity of Hearing Officer unless he/she declines or a conflict exists for the Judge to serve in such capacity. If the Municipal Judge cannot serve, the Mayor shall appoint a Hearing Officer, who is a licensed Attorney authorized to practice law in the State of Missouri and who is not a current member of the Police Personnel Board.

e) The City shall promptly set each appeal for hearing. The hearing date for each appeal shall provide the parties a reasonable time to prepare for the proceeding. The applicant, officer or employee requesting such hearing and the City may apply for and obtain one (1) continuance of the hearing by the Board for good cause.

f) Failure of the applicant, officer or employee to appear at such hearing at the time and place set forth in the aforesaid notice shall constitute a waiver of such applicant's, officer's or employee's right to such hearing.

g) The order in which such hearing shall be conducted is as follows:

1) Call to order by the chairman of the Board.

2) Reading of the notice of disciplinary action taken and grounds therefore.

3) Announcement by the parties as to whether they are ready for the hearing to proceed.

4) An opening statement by each party to the Board setting forth their position and briefly outlining the evidence they intend to produce.

5) Presentation of evidence by the City, followed by cross-examination, if any. The Board may limit cross-examination, re-direct and re-cross-examination so as to avoid redundant or repetitious evidence.

6) Presentation of evidence by applicant, officer or employee which shall also be subject to cross-examination and limitations as set forth in the preceding subparagraph.

7) Rebuttal evidence, if any, from the City followed by rebuttal evidence, if any, by the applicant, officer or employee.

h) Following the close of all evidence presented by the parties, the Board may:

1) Call the hearing and investigation to a conclusion.

2) Adjourn the hearing to a time certain for the purpose of hearing evidence or testimony not presented at the hearing, which the Board deems relevant.

i) Following the hearing, the Board may take the appeal under advisement for a period not to exceed ten (10) days. It shall issue its findings of fact and disposition of the appeal and shall make such findings and recommendations in writing and deliver a copy of the same to each party.
j) The Board, in making its disposition of the appeal, shall have the authority to:

1) Sustain the discipline imposed.

2) Order the modification of the disciplinary action. In such a case, the Board shall specifically set forth the nature and extent of any such modification.

3) Overturn the discipline imposed.

k) The Mayor or City Administrator imposing such disciplinary action shall, upon receipt of the Board's findings of fact and disposition of the appeal, implement the same after ten (10) days unless amended.

l) The Board shall have the power and authority to amend its findings of fact and disposition of the appeal within ten (10) days after making the same. If not amended within such time, such findings and recommendations are final.

m) The evidence and testimony presented at such hearing shall be recorded by a certified court reporter or stenographer. The City shall obtain the services of a certified court reporter or stenographer and pay for one copy of the transcript. Any additional copies of the transcript shall be obtained at the requesting parties' expense.

n) The board shall have the power to issue subpoenas and subpoenas duces tecum at the request of either party or upon its own motion. Failure to obey such subpoena shall cause such person to be subject to a citation of contempt by the Board. Any individual subpoenaed to testify before the Board shall receive compensation for travel in accordance with Section 491.130 RSMo.

o) The Board shall administer the hearing pursuant to the rule of evidence, pursuant to Chapter 536 RSMo., including the admission of both testimonial and documentary evidence, for the efficient and expeditious conduct of such hearings.

p) The Board may also amend or modify the rules set forth in this Chapter pertaining to the procedures for such hearings.

q) Should the Board, after having heard the evidence presented at such hearing and after giving due consideration to such evidence, find that it is deadlocked or unable to reach a decision acceptable to all members of such Board, it may:

1) Call for a rehearing of the appeal, in whole or in part.

2) Issue a decision acceptable to a majority of the Board which may be accompanied by a statement by such members of the Board in disagreement therewith. Such majority decision shall be the final action of the Board.

r) Any party who has exhausted all remedies provided by this Chapter and who is aggrieved by the final decision of the Board, whether such decision is affirmative or negative in form, shall be entitled to judicial review thereof as provided by law.

10) **Grievance Adjustments:** All adjustment of grievances processed under the procedures described shall be retroactive to the time the grievance is first submitted by the employee to the Department Director.
CHAPTER 18: ADMINISTRATIVE ADVISORY COMMITTEE (AAC)

1) **Purpose:** The purpose of the Administrative Advisory Committee (AAC) is to provide all departments direct representation with the Administration. This representation is concerning factors involving their working conditions, benefits and position as a City employee, to coordinate employee related City social activities and events and to serve as a forum for exchange of ideas, questions or comments City employees may have of the City or its policies.

2) **Membership:**
   a) Membership of the Administrative Advisory Committee shall consist of the following representatives:
      1) City Administrator
      2) Finance Director (also serving as record keeper and coordinator)
      3) Department Directors – 2 (appointed by the City Administrator)
      4) Upper Management – 2 (appointed by the City Administrator)
      5) Employee Representatives – 4 (full time employees appointed by the City Administrator)
   
   b) Members shall serve on the AAC for a term of two (2) years, but there is no limit to the number of terms they may serve. The terms shall run from October 1st through September 30th.

3) **Responsibility of Committee:**
   a) Loss Control and Safety Review
   b) Compensation Review
   c) Health and Wellness Review
   d) Employee Benefits Review
   e) Employee Relations and Recognition
   f) Borrowed Leave Review – for this purpose, the AAC will be comprised of members as defined in Chapter 13, Section 5.

4) **Meetings:** The AAC shall meet as needed but no less than annually.
CHAPTER 19: MISCELLANEOUS POLICIES

1) **Dress Policy:**

   a) Purpose: Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. An individual's habits of dress and personal grooming are an important part of the individual's total personality. Clothing should be appropriate and should be neat, clean, inoffensive and decent. Clothes often determine not only one's self-attitude, but also the way others look upon a person. In addition, society has set up standards of personal grooming which have become accepted and important parts of the social environment within which individuals live and work. The attire appropriate for leisure, play or certain kinds of work may be completely unsuitable for the business office. Thus, certain restrictions must be placed on the clothing choices of office personnel for the City.

   b) Clothing: Any mode of dress that may disrupt the professional environment may be deemed unacceptable. For safety purposes the City reserves the right to dictate required or prohibited clothing and grooming habits to reflect the nature of certain positions.

   c) Uniform Code: This dress code does not apply to those employees required to wear an official uniform as designated by the City. These uniforms shall be kept neat, worn complete and in the proper way and worn only during working hours.

2) **Garnishment Policy:**

   a) Purpose: According to Missouri law, the City has the right to discipline employees who have repeated garnishments against them. In addition to the following discipline, the City may deduct an additional cost per payroll processing for administrative costs. The key steps in this policy are making all employees aware of this policy, counseling the employee who has the garnishment, detailed documentation of the counseling and disciplinary measures.

   1) The State of Missouri Employment Security Division has advised the City that repeated and documented garnishments could relieve the City of any unemployment benefit claims if an employee were to be terminated as a result of repeated garnishments.

   2) The following procedures shall apply to garnishments other than court-ordered child support garnishments:

   a) First Court Ordered Garnishment - The Finance Department shall notify the Department Director. The employee's Department Director shall counsel the employee and issue a written warning with the employee's signature acknowledging the warning.

   b) Second Court Ordered Garnishment - The Finance Department shall notify the Department Director. The Department Director will counsel the employee, issue a written warning with the employee's signature acknowledging the warning and suspend the employee for eight (8) hours without pay.
c) Third Court Ordered Garnishment - The Finance Department shall notify the Department Director. The Department Director will counsel the employee, issue a written warning with the employee's signature acknowledging the warning and suspend the employee for twenty-four (24) hours without pay. During the twenty-four (24) hour suspension, the Department Director and City Administrator will review the case and determine whether the employee should be terminated from City employment.

3) Although this proposed policy might seem harsh, there must be a mechanism for discouraging repeat offenders. Every court ordered garnishment, whether it stems from the same creditor or not, will be viewed as a step within the procedure. This is to encourage the garnished employee to set up payment arrangements with their creditor rather than allowing bills to be paid at the City's expense. Court ordered child support garnishments are not considered a garnishment as it pertains to these rules.

3) **Outside Employment:** While the City does not, in theory, object to employee's holding outside, part-time employment, it is important to recognize such employment must not interfere with the employee's ability to successfully and competently perform the work function this City is expecting will be performed by incumbents of any of its positions.

a) Certain prohibitions normally apply to such outside employment situations, such as:

1) If outside employment creates a conflict of interest or places the employee in a position where the appearance of conflict of interest exists.

2) In any capacity where their part-time employer's work assignment requires the employee to advocate a position that is in direct conflict with City functions or ordinances.

b) Employees may accept outside employment in accordance with departmental policy if applicable, and with the permission of the Department Director and/or City Administrator. Employees are expected to report to work on time and to remain sufficiently alert to give the City their full and complete attention and commitment to delivery of quality public services.

c) In no case shall an employee be allowed to perform any outside employment duties while performing his/her City duties and responsibilities. Use of any City owned space, equipment, materials or resources for outside employment is strictly prohibited and may be subject to discipline up to and including termination.
CHAPTER 20: LOSS PREVENTION PROGRAM POLICY

1) **Purpose:** It is the intention of the City to develop, implement and administer an all-encompassing loss prevention program. The City maintains that its residents and employees are its most important assets. Therefore, their safety is our greatest responsibility. In all of our assignments, the health and safety of all should be the utmost consideration. Department Directors and supervisory personnel at all levels of the City work force are directed to make safety a matter of continuing concern equal in importance with all other operational considerations. This program is established to emphasize that effective loss prevention is an integral part of management procedures designed to fully utilize municipal equipment and personnel.

a) Within the operational activities of any endeavor, there may be exposure to personal injury or property damage that may be unintentionally hidden. Reviews of contemplated operations should include consideration of errors which could occur. The details of the working situation and methods should also receive consideration of the possibility of improper actions. Accidents are unplanned events but with proper planning most accidents can be avoided. The theory of loss prevention is to initiate the preplanning necessary to minimize unsafe acts, contain environmental hazards and control unsafe conditions.

b) The safety rules included in this manual have been compiled to give employees a set of guidelines to follow in conducting their job in a safe manner. Many of them are merely the application of common sense and good judgment. Some are specialized and represent general agreement as to the best way to avoid working hazards.

c) It is the responsibility of every employee to know, understand, practice and adhere to the safety rules applying to his/her job so they will not endanger themselves, a fellow employee or the general public. The employee shall also caution other employees about unsafe practices he observes.

d) It is the responsibility of every employee to promptly report any conditions of equipment, tools, property or work which might contribute to an accident.

e) Employees shall wear protective equipment in all areas posted or when nature of work warrants.

f) It is the responsibility of every supervisor to see that all work done complies with the safety rules covering the job. The supervisor shall not tolerate work methods which violate wholly or in part any established safety rules. The supervisor shall also make periodic inspections of all tools and equipment, having them repaired to insure their proper and safe operation.

g) Continued emphasis on loss prevention techniques, the refinement of work procedures and safe working conditions has reduced employee injuries and property damage. All employees are charged with the responsibility to adhere to the loss prevention program outlined in this manual. All employees are expected, as a condition of their employment, to adopt the concept that the safe way to complete a task is the most efficient and the only acceptable way. Safety will be included as a part of the performance evaluation of all municipal employees.
2) **Administrative Advisory Committee (AAC) Participation:** AAC shall function as the Safety Committee and will serve as a direct link between the employee and the Executive Safety Committee. The primary function of this committee will be to focus on internal solutions to safety problems and to actively support the Executive Safety Committee’s recommendations. Meetings shall be held at least quarterly and may be in conjunction with AAC meetings. In addition to the Safety Committee, each Department is encouraged to establish on-going safety training programs. The specific duties of the Safety Committee shall include, but not be limited to, the following:

a) Maintain a record of meeting minutes.

b) Review safety suggestions presented by employees.

c) Prepare for submission to the Executive Safety Committee those department matters that cannot be resolved at this level together with safety promotion recommendations developed by employees within the department.

d) Formulate recommendations for safety meeting materials, new policies and procedure changes, equipment needs and other needs that can enhance the loss prevention program.

e) Arouse and maintain the interest of employees and put safety recommendations approved by the Safety Coordinator and City Administrator into practice.

3) **Responsibilities:** Each City employee shall be fully responsible for implementing the provisions of this program as it pertains to the operations under his/her jurisdiction. The responsibilities listed below are minimum expectations and shall in no way be construed to limit individual initiative to implement more comprehensive procedures to reduce losses.

a) A supervisor has full responsibility for the safe actions of his employees and the safe performance of machines and equipment within his operating area. The full potential of an effective loss prevention program can only be realized when supervisors cooperate in all phases of the program. The following is a list of the loss prevention responsibilities of supervisors:

1) Must aggressively enforce the safety procedures that apply to the work they supervise.

2) Provide adequate basic job training and safety instruction to all employees under their jurisdiction.

3) Be fully accountable for preventable injuries, collisions and liabilities caused by his/her employees.

4) Ensure that all management policies herein are fully implemented for maximum efficiency of each job.

5) Provide continuing safety instruction while issuing daily work assignments to focus attention upon potential hazards, changes in work conditions or procedures.

6) Ensure that all employees are instructed and understand the use and need for protective equipment for specific hazardous jobs.

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7) Continually observe and evaluate work conditions and work procedures to detect and correct unsafe conditions and practices.

8) Promptly investigate all accidents and ensure recommended corrective actions are completed.

9) Make sure the necessary safety equipment and protective devices for each job are available, used and maintained properly.

10) Ensure work areas are kept clean and orderly at all times.

11) Ensure that employees arrive at work suitably attired and are physically and mentally alert to perform the job(s) they are expected to perform.

12) Complete all required accident investigation reports.

13) Ensure his/her employees refrain from any horseplay or distracting others.

b) Each employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their work to prevent injuries to themselves, their fellow workers and conserve material resources. Each employee shall:

1) Promptly report to their Supervisor all accidents and injuries occurring within the course of their employment.

2) Cooperate with and assist in investigation of accidents to identify correctable causes and to prevent reoccurrence.

3) Promptly report to their Supervisor all unsafe actions, practices or conditions they observe.

4) Become familiar with and observe approved safe work procedures during the course of work activities.

5) Keep work areas clean and orderly at all times.

6) Avoid engaging in any horseplay and refrain from distracting others.

7) Obey all safety rules and follow published work instructions.

8) Wear required protective equipment when working in hazardous operation areas.

9) Arrive at work suitably attired for the job(s) they are expected to perform.

10) Arrive at work physically and mentally alert for the job(s) they are expected to perform.

4) **Methods:** Each of the following loss prevention methods shares an important part in the overall loss prevention program.

   a) Inspections shall be conducted on a formal basis, at least every six (6) months by the Safety Coordinator and the Department Director. Information inspections should be made at a frequency to assure that hazards are kept at a minimum and safe work practices are enforced. Emphasis should be placed upon condition of facilities, equipment and machines, as well as implementation of the overall program such as:
1) Good housekeeping;
2) Use of prescribed protective equipment;
3) Compliance with published departmental work rules;
4) Qualification of drivers and condition of vehicles;
5) Proper storage of flammable liquids and maintenance of firefighting equipment;
6) Proper guarding of open pits, ditches, tanks, etc.;
7) Proper maintenance and storage of electrical equipment, power tools, and hand tools;
8) Administrative compliance with this manual and other pertinent directive.

b) Investigation of any accident is an invaluable tool in controlling losses. Each accident must be considered a total loss unless its true cause is objectively determined and all contributing deficiencies are corrected. Thorough investigation, recording and corrective follow-up of each accident can be time consuming but are important if we are to learn anything from the experience.

c) The supervisor of the person injured and the Safety Coordinator shall be informed within two (2) working days after it has occurred. Every injury shall be investigated. In the event a supervisor is injured, the investigation and report completion responsibility shall be assumed by the next employee in the work unit who would logically assume supervisory control in the absence of the injured supervisor. The investigation shall be in report form. The following procedures shall be adhered to as closely as possible:

1) Check the scene. Begin where the accident occurred and reconstruct as much as possible without repeating the accident.
2) Collect the evidence. If an injury or near miss occurs when machine parts or structures fail, it is essential to determine what failed and why.
3) Take pictures. If possible pictures should be taken immediately. This will help preserve the evidence at the time of the accident. Pictures can be a vital part of liability determination.
4) Interview witnesses. It is important to interview witnesses at the scene immediately or as soon thereafter as possible.
5) Interview the victim. If the injury is minor, the interview should be made as soon as possible. If the injury is serious, selecting the right time is a judgment factor and it must be considered.
6) Evaluate the evidence. Weigh the evidence and decide upon remedies to eliminate reoccurrences.

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d) When violations of policies, which are directly associated with saving lives, preventing injuries or eliminating suits occur, corrective action shall be immediate and positive. Disciplinary action shall be taken when any person causes an injury or destroys or damages equipment either by willfully violating safe work rules or by disregarding traffic regulations or by demonstration of an attitude of indifference or defiance.

1) Department Directors shall have latitude in determining the extent of disciplinary action to be taken within their departments; however, a continuation of this policy will be totally dependent upon the adequacy of actions taken.

a) The correction of improper performance, which leads to the unsafe act, requires much more attention than the correction of mechanical and machine hazards.

b) The correction of improper or unsafe actions requires possible instruction, a demonstration of how to do the job and following up to see that the instructions are followed.

c) Disciplinary action resulting from safety violations shall be monitored closely by the Safety Coordinator and in cases where little or no action is taken, those supervisors responsible shall be required to justify their lack of action to the City Administrator.

d) Department Directors must report all action taken against or with an employee following an accident. A copy of all disciplinary action reports resulting from an accident shall be provided to the Safety Coordinator.

e) An employee who damages equipment as a result of negligence, violation of an established safety rule or traffic law shall be responsible to pay up to $500 of the cost to repair such damaged vehicle or equipment. Such payment may be in a lump sum payment or installments but the Department Director must approve arrangements. The Finance Department must be notified of such payment arrangements.

5) **Occupational Illness and Injury Control:** Several steps may be taken to reduce the possibility of occupational illness and injuries.

a) All applicants for any City position may be required to grant permission for the City to research the applicant's workman's compensation history. Any findings shall be evaluated by a City appointed physician, as to determine fitness for duty.

b) The purpose of physical examinations is to determine whether the applicant's or employee's physical fitness is consistent with the job's physical requirements. It is the policy of the City that every new hire or rehired employee in the Police and Fire Departments will be required to take a pre-placement physical examination as determined by the City Administrator. Subsequent physical examination shall be required in the following instances:

1) An injured employee who has recently received medical attention must have medical approval before returning to work.

2) An employee absent from work for thirty (30) or more days must have medical authorization before returning to work.
3) When there is concern as to an employee's physical well-being following absenteeism, the employee should be sent to an authorized medical facility for examination.

4) Employees of hazardous occupations may be required to undergo an annual physical. Police officers and fire personnel are considered to fall into this classification.

5) The results and findings of the physical examination either for pre-placement, annual or re-evaluation, shall be treated as confidential. Information shall not be provided to anyone outside the normal processing agencies involved in hiring an individual without the individual's expressed consent in writing.

c) The physical fitness of employees is a prime requisite in preventing a significantly large number of personal injuries. All employees should be encouraged to seek regular exercise activity, especially employees in hazardous occupations.

d) The following procedures will be used for first aid treatment for sick or injured employees:

1) All injuries or illnesses, regardless of how minor, shall be reported. The supervisor shall send the injured employee to seek first aid or medical treatment from a City appointed physician using the referral for medical care form and shall notify the Safety Coordinator.

2) If the physician whom the employee has been sent to for treatment considers the employee unable to return to his/her regular job but can perform a major part of the job without aggravating the injury, such assignment can be made upon request from the supervisor and approved by the Department Director. In either case the Safety Coordinator shall be notified. The City is not required to provide light duty work for injured employees.

3) The Safety Coordinator or City Administrator accompanied by a City law enforcement officer shall promptly notify the family of an employee who is severely ill or injured.

4) The Safety Coordinator and Department Director shall be notified immediately of all disabling and/or probable disabling injuries.

e) In the event of a serious injury requiring immediate medical treatment, administer first aid as necessary and call for an ambulance.

f) Employees have the responsibility to inform their immediate supervisor and shall not attempt to work when taking strong or multiple medications, which cause dizziness, blackouts, drowsiness, double vision, impaired judgment or other abnormal reactions. A supervisor shall not allow an employee to work until treatment is complete and the effects of the medication have dissipated. Multiple medications sometimes affect an individual's ability to act and perform normally. When this is evident, the individual shall be required to consult with their physician for an adjustment in medication.

g) An employee reporting to work, who is obviously under the influence of alcohol or drugs, shall be treated under the Substance Abuse Policy.
h) An employee who is absent from work because of illness or injury, whether sick leave, disability leave, accident compensation time or leave-without-pay, shall not work outside the City employment.

i) The supervisor involved shall specify the designation and use of protective equipment for all jobs, which have an inherent injury potential. Detail specifications for the design, purchase and use of all protective equipment shall be coordinated among authorized department personnel, supervisors and users. Employees shall be fully accountable for the use of specialized protective equipment provided by the employer and shall pay for any lost or damaged equipment resulting from negligence. Equipment listed should be worn when hazards as described exist:

1) Hard hats to protect the head against falling objects or head bumping situations - all construction employees.

2) Goggles, face shields or safety glasses to guard against flying debris and welding sparks.

3) Earplugs or earmuffs to guard against prolonged exposure to noise exceeding sound tolerance levels as defined by law or excessive noise exposures.

4) Respirators, gas masks and self-contained breathing apparatus to protect employees against toxic or abnormal atmosphere conditions.

5) Safety shoes or metatarsal guards to protect feet against possible mashing from articles that can be dropped.

6) Reflective vests or bright articles to increase workmen or policemen visibility while working in or around traffic lanes.

7) Protective clothing such as gloves, sleeves, aprons, leggings and full suits to protect against lacerations, abrasions, bumps, heat or melted metals, etc.

8) Any and all other personal protective equipment as deemed necessary by each department. When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory. Supervisors shall be held accountable and disciplined, if deemed necessary, for employees allowed to work without compliance.

j) Educating employees on the reason for using or wearing the articles and the possible injuries that can result when the need is ignored can make enforcement easier. Employees who fail to use proper safety equipment shall be disciplined. At a minimum, the first offense shall be a written reprimand. Subsequent violations shall receive stronger discipline, such as suspension or termination depending upon the evaluation of the situation by the supervisor and Department Director.

k) Each employee shall wear clothing suitable for the job to be performed. Suitable clothing means clothing that will minimize the possibility of damage from moving machinery, hot or injurious substances, sunburn or other harmful agents. Individuals with long hair shall wear a cap or net while working around machines. Individuals required to wear breathing devices in toxic atmospheres shall be clean-shaven where the mask contacts the face when such breathing device requires a tight face-to-mask seal for proper
operation. Employees working in hazardous areas shall not wear tennis shoes, loafers or sandals. Employees shall not wear high platform sandals or shoes when working if the thickness of the sole and heel is extreme and causes the wearer to walk precariously. All shoes should be in good condition.

I) Each department and employee shall follow the occupational exposure procedures provide by the Finance Department and approved by the testing facility.

6) **Workers' Compensation Policy:** The State of Missouri's Workers' Compensation pays two-thirds (2/3) of the employee's average earnings after a designated waiting period. The City may pay the salary for the first three (3) days of disability unless this period is covered under the Workers' Compensation Act. This will be determined as part of the worker's compensation process and may not be paid immediately. No sick leave is to be deducted from the employees' accumulated sick leave.

a) When an employee requires medical attention, a physician, either at the City designated physician's office or at the emergency room, should immediately examine the employee. A prompt medical examination will ensure that the employee can receive immediate diagnosis and treatment and will result in either a follow-up examination recommendation or a release to return to work. All valid Workers' Compensation medical related services are entirely free to the employee.

b) No Chiropractic services shall be used in a Workers' Compensation incident unless specifically referred by the Workers' Compensation Carrier. An employee who chooses to procure chiropractic services, in a worker's compensation incident, will bear the cost of these services or may submit a claim through their medical insurance. Absences obtained from a chiropractor, who is not the tending physician, will not be paid by Workers' Compensation Insurance.

c) According to Missouri State Law, the City has the right to exclude or choose a physician to treat Workers' Compensation injuries. The City reserves the right to review each Workers' Compensation claim and consult with the Workers' Compensation Carrier for further physician referrals. The Finance Department and Department Director will monitor the status of each claim on a regular basis.

d) After consultation with the physician, the City reserves the right to place the employee in a light duty position. All light duty assignments will be in accordance with the physician's recommendations and will be subject to department availability.

7) **Workers' Compensation Program:** Each employee is entitled to receive statutory workers' compensation protection for work related injuries or illnesses. Generally, the state statutes provide for medical, surgical, hospital, and medicines to be covered to deal with any aftereffects of such work related incidents.

a) Each employee receives a state mandated percentage of normal compensation for any period of total disability. Partial payments for partial disability are also available under the program. Employees seeking more information about the workers' compensation program should contact the Finance Department.

b) Employees who are not working because of work-related injury or illness must stay in contact with their Department Director and shall not work for another organization while on worker's compensation leave. Employees must make contact by telephone with their Department Director at least every other workday.

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c) After an employee has been on Workers' Compensation for at least one (1) week, the City reserves the right to review the employee's condition and to refer the employee to another physician, selected by the City and Workers' Compensation Carrier, for review.

d) When an employee is injured on the job, the employee shall report the injury immediately to a supervisor and obtain medical assistance, if needed. A Workers' Compensation report and supervisor's investigation report shall be submitted to the Finance department no later than forty-eight (48) hours after the injury. Failure to submit the required reports, without notice, will result in the loss of the entire annual safety incentive. Depending on the circumstances and employee involvement, any failure to report an injury will result in the forfeiture of the entire annual safety incentive for both employees and the supervisor. Reporting is required even if the injury is perceived to be slight and no lost time is involved. This is necessary to protect the employee in the case of future disability resulting from the injury and not to jeopardize the injured employee's right to Workers' Compensation coverage.

e) When an employee is involved in an equipment or vehicle accident, the Rolla Police Department must be notified for immediate investigation and reporting. When a member of the Rolla Police Department is involved in an accident, the Missouri Highway Patrol must be notified for immediate investigation and reporting. In case an accident occurs outside City limits, the appropriate law enforcement agency must be notified for immediate investigation and reporting. Once proper authorities are notified, the Supervisor and/or Department Director must be notified. The Department Director shall notify the Finance Department immediately. A general liability report and supervisor's investigation report shall be submitted to the Finance department no later than forty-eight (48) hours after the accident or injury. Failure to submit the required reports, without notice, will result in the loss of the entire annual safety incentive. Depending on the circumstances and employee involvement, any failure to report an injury will result in the forfeiture of the entire annual safety incentive for both employees and the supervisor. Reporting is required even if the damages are perceived to be minimal. This is to insure proper coverage will be extended if unforeseen damages arise.

f) All City personnel and non-City personnel shall wear seat belts when operating or riding in City equipment that contains seat belts or unless the law provides an exemption. Disciplinary action will be taken should a violation of this rule occur. Also, if a City employee uses his/her private vehicle for a City job-related task and seat belts are not used, should an accident happen, the City would review its options for any payment that may be brought against the City for the accident.

g) In addition, all City personnel shall not talk on cell phones when operating equipment owned by the City. Hands free devices are acceptable to use.

8) **Fleet Safety:**

a) The selection of employees who will be required to drive full or part time shall be done with care. Drivers of municipal vehicles will be considered qualified when they meet the following criteria:

1) Possess a valid state driver's license of the proper class.

2) Sign a release permitting a check of their driving record.
3) A review of their traffic record shows they have not exceeded the permitted number of accidents or tickets. Three (3) moving violations, at-fault accidents or any combination thereof within any twelve (12) month period shall be grounds for suspension of driving privilege.

4) Capable of passing a physical examination with eye tests to determine depth perception, visual acuity, vertical and lateral balance, field of vision and color recognition.

5) Successfully passes a road test administered by the employee representative appointed by the Safety Coordinator.

b) All municipal drivers shall be trained on safe driving habits through use of the National Safety Council's Defensive Driving Course and/or a driving course of comparable quality and administered by the Safety Coordinator or the employee representative. The course should be given to each driver at least once every three (3) years. The course shall cover, but is not limited to:

1) Defensive driving skills

2) Split-second decision making

3) Backing-up rules

4) Safe distances

5) Intersection driving

6) Poor condition driving on snow, rain, ice, etc.

c) Establishment of a departmental preventative maintenance program for each municipal vehicle is essential. Files shall be maintained on all vehicles so that a log can be maintained on all planned maintenance, as well as repairs made from noted defects. Daily safety checks shall be made and recorded of all warning lights, brakes, steering, fluid levels, tires, mirrors, windows and all other safety features pertinent to the safe operation of each vehicle. Vehicles with safety defects shall not be driven.
CHAPTER 21: FAMILY MEDICAL LEAVE ACT POLICY (FMLA)

1) Family Medical Leave Act (FMLA):

   a) The Family Medical Leave Act (FMLA) provides unpaid leaves to employees for the birth, adoption or foster placement of a child, the employee's own serious illness, or the serious illness of a child, spouse or parent.

   b) For an employee to be eligible for FMLA benefits, an employee must have worked for the City:

      1) For at least twelve (12) months but the twelve (12) months of employment need not be consecutive and the employee need not work full time. Any week in which an employee was on the City's payroll for any part of the week counts toward the required twelve (12) months employment. Further, the twelve (12) months employment need not immediately precede the leave.

      2) Worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave. FMLA requires that the Fair Labor Standards Act (FLSA) hours worked standard be used to determine whether the 1,250-hour threshold has been met. Therefore, all hours which the City "suffers or permits" an employee to work are counted toward hours of service.

   c) Health Conditions Covered:

      1) The threshold question for medical leaves under FMLA is whether a "serious health condition" exists. A serious health condition means a disabling physical or mental illness, injury, impairment or condition and inpatient care in a hospital, nursing home or hospice. Serious health conditions involve:

         a) Any period of incapacity or treatment in connection with or consequent to inpatient care.

         b) Any period of incapacity requiring absence from work, school or other regular daily activities, for more than three (3) calendar days, also involving continuing treatment by or under the supervision of a health care provider.

         c) Conditions and illnesses affecting an employee's health to the extent of being absent from work on a recurring basis or for more than a few days for treatment or recovery.

         d) Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) days.

         e) For prenatal care.

      2) Examples of "serious health conditions" include: heart attacks, heart bypass operations and procedures, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries from serious accidents, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth.
3) An employee is unable to perform the duties of the job if the employee is unable to work at all or is unable to perform any of the essential functions of the job as defined by the America Disability Act (ADA).

4) Continuing Treatment: The continuing treatment by a health care provider means one or more of the following:
   a) The employee or family member is treated two (2) or more times for the injury or illness by a health care provider or by a provider of health care services under direction of a health care provider
   b) The employee or family member is treated by a health care provider on at least one (1) occasion and is given a regimen of continuing treatment under the supervision of the health care provider
   c) The employee or family member is under the continuing supervision of a health care provider for a long-term or chronic condition or disability, which cannot be cured.

2) Leaves Available:
   a) The employee is entitled to up to twelve (12) weeks of "family leave" (ordinarily unpaid) during a rolling twelve month period measured forward from the date leave first begins, provided certain eligibility requirements are met, under the following circumstances:
      1) Birth, Adoption or Foster Care:
         a) An employee is entitled to leave for:
            1) Birth of the employee's child.
            2) Placement of child for adoption or as precondition to adoption.
            3) Placement of a child in foster care.
         b) Entitlement expires twelve (12) months after birth, adoption or placement.
         c) Spouses who are both employed by the City are only entitled to one (1) twelve (12) week leave. However, the time may be split in any manner the spouses choose.
      2) Care of Sick Child, Spouse or Parent:
         a) An employee is entitled to leave to care for the employee's child, spouse or parent who has a "serious health condition".
         b) To "care for" includes caring for either physical or psychological needs.
         c) The City may request verification that the employee is needed to provide care or the employee's presence will be beneficial to the family member.

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3) Employee Personal Illness:
   a) An employee with a "serious health condition" that renders the employee unable to work is entitled to "medical leave".

4) Any Leave Coordinated with Military Leave

3) **Procedural Requirements:**
   a) Medical Certification:

   1) **Requirement:** When an employee requests personal medical leave or leave to care for a child, spouse or parent, the City shall require an employee to provide medical certification from an appropriate health care provider. However, the only information the City can require the employee to provide in this certification is:
      a) The employee or family member has a serious health condition
      b) The date the serious health condition commenced and its probable duration
      c) The medical facts regarding the serious health condition
      d) A description of the extent to which the employee is unable to perform his or her job duties
      e) The employee is needed to care for the child, spouse or parent and the amount of time needed to provide the care.
      f) If the employee is requesting partial or intermittent leave, the City may request verification of the schedule of treatment.

   2) **Additional Medical Certification:** For employee medical leave the City may, at the City's expense, require the employee to obtain the opinion of a second health care provider chosen by the City. If the two health care providers disagree about any of the information in the certification, the parties may mutually select a third medical provider at the City's expense. The decision of the third provider shall be final and binding.

   3) **Medical Certification:** The City may request re-certification at reasonable intervals, but not more often than every thirty (30) days. If the employee requests an extension, circumstances change or the validity of the initial certification is questioned, the City may request additional re-certification.

4) **Fitness for Duty:**
   a) The City has a uniformly applied policy or practice requiring all employees taking leaves for similar purposes to obtain certification of fitness to return to work.
   b) The City shall deny return to employment until the certification is submitted.
b) Scheduling Leave:

1) Advance Notice:

a) Foreseeable or Planned Leave: An employee must provide the City with at least thirty (30) day notice for leave for birth, adoption, foster care or planned medical treatment when the need for the leave is foreseeable.

b) Unforeseeable: When unforeseeable, notice should be reasonable and practicable.

c) Form of Notice: The employee should provide notice either in person, by telephone, telegraph, fax or other electronic means. Notice may be given by an employee representative if the employee is unavailable to do so.

2) Not Unduly Disruptive: Foreseeable leave for planned treatment or supervision, the employee must make a reasonable effort to schedule the treatment as not to unduly disrupt City operations.

3) Partial Absences: The law provides that leave can be taken intermittently or on a reduced schedule. Upon the approval of the Department Director and the City Administrator, employees may take leave in non-continuous increments, e.g., every afternoon, every Friday, one (1) week each month, etc.

a) Family leave for birth, adoption or foster care can only be taken on an intermittent or reduced leave basis, if the City and employee agree.

b) Medical leave may be scheduled as medically necessary.

c) The City may temporarily transfer an employee taking intermittent or reduced schedule leave to a position more suitable for recurring periods of absence to better accommodate the leave. A transfer cannot penalize employees. Therefore, the wages and benefits must remain the same.

c) Employer Action:

1) The City can deny a requested leave if the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care.

2) The City may deny a requested leave if the employee does not provide the required medical certification within fifteen (15) calendar days, unless the employee was unable to comply because of the need for emergency health care.

4) Substitution of Employer-Provided Leave for Statutory Leave:

a) Substitution: An employee may choose or the City may require substitution of any unused, accrued paid:

1) Vacation, sick leave, personal or family leave for any portion of family leave for birth, adoption, foster placement or family illness.
2) Vacation, personal, medical or sick leave for any portion of statutory leaves for personal or family illness. However, the City is not required to provide sick leave or medical leave in any situation in which the employer does not normally provide leave for the purpose requested.

3) Employee-substituted leave shall be counted as leave taken under the FMLA.

5) **Other Rights and Benefits:**

   a) Rights and Benefits During Leave:

      1) Wages or Salary: FMLA provides only for unpaid leave; the City is not required to pay the employee while on statutory family or medical leave.

   2) Health Insurance:

      a) While an employee is on family or medical leave, the City must maintain coverage under any group health plan for the duration of the family or medical leave at the same level and under the same conditions coverage would have been provided if the employee had continued in employment from the date the employee commenced the family or medical leave until the date the employee was restored to employment.

      b) The City may require the employee to continue to make any contribution to a group health plan the employee would have made if the employee had not taken family or medical leave. If an employee is unable or refuses to make the contribution to the group health plan, the employee shall forfeit the health plan benefit until the employee is restored to employment.

      1) An employee has no obligation to continue health insurance benefits during the leave. If the employee chooses not to continue, the City must provide re-enrollment without additional qualifying requirements i.e., physical exam.

      2) The employee may elect, at the employee's option, to continue health insurance coverage by submitting the total cost of their insurance to the Finance Department in any of the following ways:

         a) Pay the City at time of regular payroll deductions

         b) Pay on COBRA schedule (but with no administrative fee)

         c) Prepay at employee's option.

      3) If the insurance lapses for nonpayment of premiums, the employee must be allowed to re-enroll without limitations or qualifications.

      4) The City may recover City paid premiums if the employee fails to return from leave except when the failure to return is because of a continuing serious health condition or circumstances beyond the employee's control.

   c) Accrual of Rights: With the exception of group health coverage, an employee is not entitled to accrue any other employment benefit while on statutory family or medical leave.
3) Rights and Benefits Upon Return From Leave:

a) Return to Former Position:

1) An employee, returning from family or medical leave, is entitled to the position held before the leave began, if the position is vacant. If, however, the former position is not vacant, the employee must be returned to “an equivalent position having equivalent employment benefits, pay and other terms and conditions of employment”.

2) If the employee would have been terminated during statutory leave for legitimate business reasons, such as a reduction in force, the employee has no reinstatement right.

b) Non-forfeiture: Accrued benefits cannot be forfeited. However, if benefits would have been changed had the employee not taken leave, the change can take effect.

6) Key Employees: Under very limited circumstances an employee who is identified as a "key" employee may be denied restoration to employment.

a) Key Employee Defined: A key employee is an employee who is salaried and is among the highest paid 10% of the employees employed. To determine who is the highest paid 10%, year-to-date earnings as of the date leave is requested are considered.

b) Denial of Restoration: The City may deny restoration to a "key employee" only if necessary to prevent substantial and grievous economic injury to the operations of the City.

c) Rights of Key Employee: The City has a number of obligations to a key employee:

1) The City must notify the employee of key employee status.

2) The City must notify the employee if the City believes there is a possibility the employee will not be restored at the end of the leave.

3) If the key employee elects not to return to work upon receiving the City's notice, the City must continue to maintain health benefits without recovery of employee shared premiums during the period of the leave.

4) The key employee may request reinstatement at the end of the leave. If reinstatement is denied at that time, the City must notify the employee, in writing, that substantial and grievous economic injury would result from reinstatement.

7) Prohibited Acts:

a) Non-Interference: employees of any rights under FMLA prohibit the City from interfering with, restraining or denying the exercise of FMLA.
b) Non-Discrimination:

   1) The City is prohibited from discharging or discriminating against persons who oppose practices that are unlawful under FMLA. Employees have the right to:

      a) Oppose a prohibited practice

      b) File, institute, or cause charge to be instituted

      c) Assist or intend to assist investigation or proceeding

      d) Testify.

8) Notice Requirement:

   a) The City shall post a notice describing the FMLA provisions.

   b) The City will furnish additional notice and information by including the FMLA benefits description in the employee's Personnel Rules and Regulations.

9) Enforcement:

   a) Right to Bring Action: The Secretary of Labor can enforce FMLA in accordance with the FLSA enforcement procedures. In addition, an individual employee can enforce FMLA through civil action in any Federal or State court of competent jurisdiction.

   b) Time Limits: Actions for relief must be brought in writing not later than two (2) years after the date of the last event constituting an alleged violation or within three (3) years of the last event if the violation is willful.

   c) Remedies: Available remedies include reinstatement, back pay, employment benefits, actual monetary losses, such as the cost of providing care and attorney’s fees. Further, if the City acts in bad faith, double damages will be awarded. Finally, the City is subject to a fine of $100 per day for failure to post the appropriate notice.

10) Record Keeping:

   a) The City must make, keep and preserve records regarding compliance with the FMLA. The records need not be kept in any particular order or form but must include:

      1) Basic payroll and identifying employee data

      2) Dates FMLA leave is taken, including hours of leave, if applicable

      3) Copies of all written notices

      4) Any documents describing employee benefits or City policies regarding paid and unpaid leaves

      5) Premium payments of employee benefits

      6) Records of any City employee disputes over the FMLA.
b) The City is not required to submit records to the government unless specifically requested to do so by the Department of Labor.
CHAPTER 22: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

1) Purpose: In the course of providing services to City employees, it is necessary to obtain personal medical or other relevant information about employees. Government regulations define how this information may be used or disclosed to others. The City is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information. This notice describes how information may be used. The City reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information maintained. If there is a change in the way information will be used, the City is responsible to notify employees of the change. Such notification can be made by mail, electronic communication or other form of communication. (A complete copy of the HIPAA policy may be obtained through the Finance Department.)

2) Notice of Privacy: The City must provide notice of privacy practices to use or disclose medical information as described below. Employees will be asked to sign and date an acknowledgement of this notice. Restrictions may be requested on how medical information will be used or disclosed. The City may or may not agree with the requested restriction. But if requested restrictions are agreeable, the City must honor the request.

a) Upon providing Privacy Notice, the City is permitted to use and disclose health information as summarized below:

1) City information may be disclosed to the employee.
2) Employee information may be disclosed to a personal representative or to a legal parent or guardian, for a minor.
3) Information may be used or disclosed for the purposes of administration of healthcare operations related to employee care.

b) Examples of disclosure for healthcare operations may include disclosure to a pharmacy for prescriptions. Examples of disclosure for payment may include patient billing and insurance claim processing.

1) Information may be used or disclosed pursuant to an agreement in compliance with any current or prior written authorization.
2) Information may be used or disclosed without consent if consent is not required. Examples of such instances include emergency treatment, instances when required by law to provide treatment, in situations where there is an inability to communicate or there is an indirect treatment relationship.
3) Information may be used or disclosed for non-medical purposes pursuant to and in compliance with written privacy authorizations.
4) Information may be used or disclosed in the reporting of a crime.

c) The City is required to disclose protected health information as summarized below:

1) To the employee upon employee request.
2) To the Secretary of Health and Human Services when required to investigate compliance with government regulations.

3) When required by law or legal process.

d) When using or disclosing medical information to others, the City will try to de-identify personal information when possible, and make a reasonable effort to limit disclosure to the minimum degree necessary for the purpose of the disclosure.

3) **Written Authorization:**

   a) The City must obtain written authorization to use or disclose medical information for any other use or disclosure not set forth in this notice. Written authorization is a separate form, which must:

   1) Be signed and dated

   2) Identify the person or entity making the disclosure

   3) Identify the person or entity receiving the disclosure

   4) Describe the purpose for the disclosure

   5) Identify the nature of the information being disclosed

   6) Expiration date of the disclosure.

   b) An employee has the right to refuse to sign the authorization and to revoke an authorization. The employee may request to inspect or to copy the information being disclosed and may request to receive a copy of the authorization. Information provided to others through the authorization may not be subject to privacy protections. When authorization is provided, the City must use or disclose your information in a manner that complies with your authorization. The City may not condition the provision of treatment, products or services on your authorization.

4) **Use and Disclosure of Information:**

   a) The City may use or disclose certain information without consent or authorization provided the employee is informed in advance and given an opportunity to agree or object to such use or disclosure of health information in the circumstances described below:

   1) The City may identify employees in a directory, using information to show name, location and general condition that does not communicate specific medical information. Employees will be informed of the persons to whom the directory will be disclosed, such as clergy, and will have a right to object to this disclosure.

   2) The City may use or disclose information in emergency circumstances if it is believed to be in the best interest for your treatment or care, and such disclosure is consistent with any prior expressed preference.

   a) The City may disclose information to family members involved in care.
b) The City may disclose information to next of kin.

c) In providing services when the employee is present and has the capacity to make a sound decision, employee consent may be requested or an opportunity to object to certain use or disclosure of information will be provided, or if it can be reasonably inferred from the circumstances that there is no objection to the disclosure.

d) In providing services when the employee is not present or does not have the capacity to make a sound decision, the City may make a decision to use or disclose information, which is in the best interest of the employee to an authorized public or private entity.

b) The City may use or disclose certain information without consent or authorization or opportunity to agree or object, as described below:

1) Use or disclose information as required by law.

2) Disclose information for health agency oversight purposes such as accrediting, auditing or inspections.

3) Disclose information in the course of judicial or administrative proceedings in response to a court order or subpoena or other lawful process.

4) Disclose information to law enforcement officials for law enforcement purposes or for reporting a victim of crime.

5) Use or disclose information when necessary to avert a serious threat to health or safety.

6) Use or disclose information on military personnel to the respective military command structure or in cases of national security.

c) The City may use or disclose an employee's health information, which is unique to our organization.

1) An employee has the following individual rights with respect to privacy of protected health information. An employee has the right to:

   e) Request restrictions on certain uses and disclosures of protected health information, but the City are not required to agree to a requested restriction.

   b) Grant and revoke authorization for certain non-medical uses and disclosures of protected health information.

   c) Receive confidential communications of protected health information.

   c) Inspect and copy protected health information.

   e) Amend protected health information.

   f) Receive a paper copy of this Privacy Notice, even if agreed to receive this notice electronically.
g) File a complaint with the City or the Secretary of the U.S. Department of Health and Human Services if believed that privacy rights were violated.

5) **Complaints:** No employee may be retaliated against in any way as a result of filing a complaint. In the event a complaint arises about the handling of private information, the employee may contact:

   a) The City Privacy Officer
      Finance Director
      Finance Department

   b) Secretary of the U.S. Department of Health and Human Services
      200 Independence Ave.,
      Washington, D.C. 20201.
1) Information Systems:

a) Purpose:

1) The City provides various types of electronic information systems to many employees to enable more efficient performance of their job functions. This means that many of our employees have access to one (1) or more forms of electronic equipment, media and services, including but not limited to, computers, printers, software, telephones, cellular telephones, pagers, e-mail, voice mail, fax machines, external electronic bulletin boards, wire services, online services, server and network based applications, the Internet, and the World Wide Web.

2) The City encourages the use of these resources because they can make data processing and communication more efficient and effective and because they are valuable sources of information and productivity. However, all employees and City representatives should remember that information systems, data, electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. No expectation of privacy in regards to use of these information systems and services should be expected by the employee in any respect related to accessing, using, transmitting data, storing data or communicating information via these systems and services.

3) This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City’s philosophy and set forth general guidelines governing the use of information systems, electronic media and services. By adopting this policy, it is the intent to ensure these systems and services are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others or contrary to the best interest of the City.

4) The following procedures apply to all information systems equipment, data, media and services that are:

   a) Accessed on or from City premises

   b) Accessed using City computer equipment or via City-paid access methods

   c) Used in a manner that identifies the individual as acting for or on behalf of the City; or in any way identifies the City.

b) Access and Authority:

1) Each Department Director shall determine which employees in their department shall have access to the various systems, data, media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the City.

2) The provisions of this Policy shall apply to the use of City-owned, provided equipment and services from home or other locations off City premises. City-owned equipment (e.g. lap tops) may be removed from premises solely for work related purposes with prior authorization from the Department Director.

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c) Prohibited Usage and Communications:

1) Information systems cannot be used for activities that are:
   a) Discriminatory or harassing
   b) Derogatory to any individual or group
   c) Defamatory or threatening
   d) Engaged in for any purpose that is illegal or contrary to the City policy or business interests.
   e) Designed to circumvent, nullify or evade security measures applied to information systems equipment or networks or to the data stored thereon (e.g. unauthorized access to secured or non-essential data, hacking, scanning, network traffic sniffing, data capture, etc.).

2) For the protection, integrity and security of City information system, networks, data, media and services shall not be used to download or transfer software, unless authorized by the MIS Department.

d) Personal Use:

1) Except as otherwise provided, information systems, networks, electronic media and services are provided for employees' business use during City time. Limited, occasional or incidental use of such systems for personal non-business purposes is permitted as set forth below:
   a) Personal use is limited to breaks, lunch or immediately before and after work
   b) Personal use must not interfere with the productivity of the employee or his/her co-workers
   c) Personal use does not involve any prohibited activity (see Section 1.d)
   d) Personal use does not consume system resources or storage capacity on an ongoing basis or to an excessive extent
   e) Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes.

2) City telephones and cellular phones are to be used for City business. However, brief limited personal use is permitted during the workday. The Finance Department will periodically review all telephone and cellular phone bills to assure personal use is not being abused. If abuse is identified, the City may require reimbursement.

3) The City may provide a stipend for cell phone usage based on the needs of employment.
4) Employees should not have any expectation of privacy with respect to data stored on City systems, personal use of the City's systems, electronic media or services.

e) Access to Employee Data and Communications:

1) Electronic data created, stored and communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, Internet and bulletin board systems, faxes, and similar electronic media may be accessed and monitored. The City respects its employees' desire to work without surveillance. However, the City reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access and disclose all data and data transmissions created, received or sent over the electronic communication systems for any purpose including but not limited to: cost analysis; resource allocation; optimum technical management of information resources, security and anti-virus scanning and detecting use which is in violation of policies or may constitute illegal activity. Disclosure will not be made except when necessary to enforce the policy, as permitted or required under the law, or for business purposes.

2) Any such monitoring, intercepting and accessing shall observe any and all confidentiality regulations under federal and state laws.

f) Security and Appropriate Use:

1) Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by the Department Director, employees are prohibited from engaging in, or attempting to engage in:

   a) Monitoring, accessing or intercepting the files or electronic communications of other employees or third parties

   b) Hacking or obtaining access to systems they are not authorized to use

   c) Using other people's log-ins or passwords

   d) Breaching, testing or monitoring computer or network security measures.

2) No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

3) Information systems, networks and services shall not be used in a manner likely to cause network congestion or significantly hamper the ability of other people to access and use the systems and network resources.

4) Anyone obtaining electronic access to other organizations', business', companies', municipalities' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials, except as permitted by the copyright owner.

5) Employees must understand that the unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically, improperly or cause data loss. Therefore,
before installing any new software or data, users should seek the assistance of the MIS Department. Users shall never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel. The MIS Department reserves the right to remove any software from City-owned information systems that is deemed counter-productive, harmful to overall system, network operations or security.

6) Most of the computing facilities automatically check for viruses before files and data transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software shall not be disabled, modified, uninstalled or otherwise inactivated.

7) Employees receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential and exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

8) Employees with access to City systems, networks and data from non-City owned locations and equipment are expected to take any steps necessary to secure their personal systems or any other systems used to access City systems and networks. This security required is in accordance with all policies and procedures established in this policy to prevent "piggy-back", "split-tunnel" or other unauthorized access by means for those systems.

g) Passwords: Each user accesses the information systems and network resources by means of a personal login name (assigned by the MIS Department) and password selected by the employee.

1) Passwords are intended to keep unauthorized individuals from accessing system resources and data. Login and password information also establishes a means of auditing access to systems and data. The failure to keep passwords confidential can allow unauthorized individuals to read, modify or delete information in which they should not have access. This includes e-mail messages, circulate e-mail forgeries and download or manipulate files on other systems.

2) The practice of using passwords should not lead employees to expect privacy with respect to data generated or stored on City systems, including messages sent or received. The use of passwords for security does not guarantee confidentiality.

3) Passwords shall never be given out over the phone, e-mailed, posted or kept within public view.

4) Employees are prohibited from disclosing passwords to anyone who is not an employee of the City. Employees also shall not disclose passwords to other employees, except when required by an urgent business matter.

5) The MIS Department reserves the right to implement such password, access and security policies as may become advisable with changes to technology. This may include password complexity requirements, password re-use restrictions and more advanced forms of authentication.
h) Encryption: Employees should not assume electronic communications are totally private. Encryption is used for purposes of safeguarding sensitive or confidential information, either in transit or in storage.

i) Participation in On-Line Forums:

1) Employees should remember any messages or information sent on City-provided facilities to one or more individuals via an electronic network (Internet mailing lists, bulletin boards and on-line services) are statements identifiable and attributable to the City.

2) The City recognizes participation in some forums might be important to the performance of an employee's job. Employees shall include the following disclaimer in all of their postings to public forums:

   a) "The views, opinions and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City."

3) Employees should note even with a disclaimer, a connection with the City exists and a statement could be imputed legally to the City. Therefore, employees shall not rely on disclaimers as a way of insulating the comments and opinions contributed to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City systems. Communications must not reveal confidential information and must not otherwise violate this or other City policies.

4) Employees must receive authorization from their Department Director prior to participating in an on-line forum. The employees shall be required to review the provisions of this section before they receive such authorization.

j) Policy Violations: Employees who abuse the privilege of access to information systems and resources, data, electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to discipline, up to and including termination and may be subject to civil liability and criminal prosecution.

2) E-Mail:

a) Purpose:

1) The City provides certain employees with systems to send and receive electronic mail (e-mail) in order to increase productivity. E-mail gives employees a useful way to exchange ideas, share files and keep in touch with colleagues, whether located in the next room, another City building or organizations.

2) The e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters or other documents created by employees in the course of the workday, are the property of the City and may constitute public records. This policy explains rules governing the appropriate use of e-mail and sets out the rights to access messages on the e-mail system. No expectation of privacy in regards to use of the e-mail system should be expected by the employee in any respect.
related to accessing, transmitting, sorting or communicating information via the system.

b) Access to Employee E-Mail:

1) Employees should not have any expectation of privacy with respect to messages or files sent, received or stored on the e-mail system. E-mail messages and files, like other types of correspondence and documents, can be accessed and read by authorized employees or authorized individuals outside the City. The City reserves the right to monitor, review, audit, intercept, access and discloses all messages created, received or sent over the e-mail system. Information contained in the e-mail system will only be disclosed to the extent permitted by law, for business purposes or as needed to enforce the policy. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:

a) Access by the MIS Department during the course of system maintenance or administration

b) Access approved by the employee, Department Director or City Administrator when there is an urgent business reason to access the employee's mailbox

c) Access approved by the Department Director or City Administrator when there is reason to believe the employee is using e-mail in violation of the Governing Unit's policies

d) Access approved by the Department Director, City Administrator or City Attorney in response to the receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.

2) Except as otherwise noted herein, e-mail should not be used to communicate sensitive or confidential information. Employees shall anticipate an e-mail message may be disclosed or read by individuals other than the intended recipient(s), since messages can be easily forwarded. In addition, while the City endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.

3) The confidentiality of any message shall not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.

4) Employees should understand electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, employees shall take care to use the same level of discretion and forethought before executing electronic messages.

c) Personal Use:

1) The City allows limited, occasional or incidental personal use of e-mail system during lunch, breaks or immediately before or after work, as long as such use does not:

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a) Involve any prohibited activity

b) Interfere with the productivity of the employee or his/her co-workers

c) Consume system resources or storage capacity on an ongoing basis

d) Involve large file transfers or otherwise deplete system resources available for business purposes.

2) Employees shall not have any expectations of privacy with respect to personal e-mail sent or received on the e-mail system. Since e-mail is not private, employees should limit sending personal messages that are sensitive or confidential.

d) Prohibited Activities: Employees are strictly prohibited from sending e-mail or otherwise using the e-mail system in connection with any of the following activities:

1) Engaging in personal business or entertainment on City time

2) Engaging in illegal, fraudulent or malicious activities

3) Sending or storing offensive, disruptive, obscene or defamatory material. Materials considered offensive include but are not limited to: any materials which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, national origin or disability

4) Annoying or harassing employees or citizens

5) Using another individual’s identity without explicit authorization

6) Attempting to test, circumvent or defeat security or auditing systems, without prior authorization

7) Accessing, retrieving or reading any e-mail messages sent to other individuals, without prior authorization from the Department Director

8) Permitting use of unauthorized individual to access the City’s e-mail system.

9) City-wide emails shall not be used for personal, for profit or not-for-profit efforts.

e) Confidential Information:

1) All employees are expected and required to protect confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of the Department Director or the City Administrator.

2) Employees are required to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material.
f) Record Retention:

1) The same rules applying to record retention for other City documents apply to e-mail. As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record.

2) The specific procedures to be followed with respect to the retention of e-mail records are contained in Section 3.

g) Encryption: Encrypting e-mail messages or attached files sent, stored or received on the e-mail system is prohibited except where explicitly authorized. Employees are prohibited from using or installing any encryption software without prior permission from the Department Director or MIS Department. Employees engaged in transmission of sensitive or confidential e-mail messages as part of their job functions or who must comply with other governmental regulations, shall have their Department Directory notify the MIS Department of such use. Appropriate encryption and security measures are placed on an as needed basis.

h) E-Mail Policy Violations: Employees violating the e-mail policy are subject to discipline, up to and including termination. Employees using the e-mail system for defamatory, illegal or fraudulent purposes and employees who break into unauthorized areas of the computer system also are subject to civil liability and criminal prosecution.

3) E-Mail Record Retention:

a) Purpose: The purpose of this policy is to emphasize certain types of e-mail are public records. The same rules which apply to record retention and disclosure for other documents apply to such records.

b) Nature of E-mail Records: As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record.

c) Components of an E-Mail Record: The e-mail record is defined to include the message, the identities of the sender and all recipients, the date and any non-archived attachments to the e-mail message. Any return receipt indicating the message received by the sender is also considered to be part of the record.

d) Saving and Indexing E-Mail Records: Initially the custodian bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-mail subject to records retention must be saved and should be indexed so it is linked to the related records in other media so that a complete record can be accessed when needed. E-mail records to be retained shall be archived to appropriate media, network drive or printed out and saved in the appropriate file. Any officer, Department Director or employee may request assistance from City Clerk in determining whether an e-mail is a public record.

e) Responsibilities for E-Mail Record Management:

1) Legal Custodian. The MIS Department shall maintain e-mail records of a City authority, having custody of records.
2) MIS Department. If e-mail is maintained in an on-line database, it is the responsibility of the MIS Department to provide technical support for City requests, as needed. When equipment is updated, the MIS Department shall ensure the ability to reproduce e-mail in a readable form is maintained and that e-mail programs are properly set up to archive e-mail.

f) Public Access to E-Mail Records: When a request for release of an e-mail public record, the City Clerk, Department Director or City Administrator shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney, if necessary. Access to or electronic copies of disclosed records shall be provided within a reasonable time.

g) Violation: Employees violating this policy are subject to discipline up to and including dismissal. In addition, violations of this policy may be referred for civil and/or criminal prosecution, where appropriate.

4) **Instant Messaging (IM):** For purposes of this policy, instant messaging shall be considered analogous to e-mail and shall be subject to the same policies and procedures as outlined in this Chapter, including prohibitions on certain uses and content, expectation of privacy, etc.

5) **Social Media:** For the purposes of this policy, this policy addresses use of such networks including: personal websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other kind of social media. The City respects the right of employees to use these media during their personal time; Personnel must avoid, however, inappropriate use on owned or provided equipment is prohibited.

   a) The City takes no position on personnel's decision to participate in the use of social media networks. In general, personnel that participate in social media are free to publish personal information without censorship by the City. Nothing in this policy is intended to prevent or discourage employees from engaging in legally protected activities.

   b) Employees may not make any statements pursuant to their official job duties. Employees may not make statements/posts that will disrupt the workplace or cause a threat to public safety.

   c) If an employee chooses to identify him/herself as City personnel on any social media network, the personnel must adhere to the following:

      1) All City employees are prohibited from displaying City logos, facilities, equipment or uniforms on any social media network without written permission from the City Administrator.

      2) Employees are prohibited from making statements about the City, other personnel, staff or City Council that could be considered as harassing, threatening, libelous, or defamatory in any way.
3) Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile environment, as well as any behavior that conflict with the City's Standard Operating Guidelines and Policies.

d) Any employee that fail to follow the guidelines set forth in this policy or that otherwise causes harm to the City via a social media posting will be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of inappropriate information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media. This responsibility may include liability for monetary damages for such disclosure.

e) Anything posted on the City's website or web log or other internet content for which the employee is responsible is subject to all City policies, rules, regulations, and guidelines. The City Administrator or designated personnel, are free to view and monitor personnel's website or web log at any time without consent or prior approval
CHAPTER 24: RECORDS AND REPORTS

1) **General Responsibility for Records and Reports:** The City Administrator shall be responsible for establishing and maintaining the system of record keeping deemed appropriate and necessary in order to effectively and efficiently carry out the policies set forth herein.

2) **Personnel Records:** The City Administrator's Office shall designate repositories for all such personnel files and records as the City Administrator deems necessary.

   a) A separate personnel file shall be maintained on each employee. The personnel file shall contain such information including: employment applications, position description, personal history, salary, withholding statements, address, social security number, evaluation reports, vacation and sick leave authorizations, notices of promotion/transfer, commendations or disciplinary action, reclassification, resignation letter, grievance notices and such other information as may be useful and pertinent. Employees are permitted to inspect all material contained within their own personnel file.

   b) The following items shall be considered public record: Employee's name, job title, salary, hiring date and termination date. All other information shall be considered confidential.

   c) Employees are required to notify their Department Director and Finance Department of changes in personnel records, such as change of address, change of marital status or number of dependents, etc.

   d) Records can be kept in digital or paper format, per the Missouri Records Retention Policy.

3) **Action Forms:** The City Administrator, or designee, shall develop those forms necessary to effectively carry out and communicate the policies and related actions required as set forth in these Personnel Policies and Procedures.

4) **Employment Forms:** To handle all types of personnel transactions, various employment forms have been devised. These forms are available through the Finance Department and include but are not limited to: employment and promotion applications, state and federal W-4 forms, Immigration and Naturalization Service I-9 forms, insurance beneficiary and health insurance enrollment forms, personnel record forms, direct deposit forms, Section 125 Plan forms, Lagers forms and brochures. Forms relating to the terminations, grievances and disciplinary action processes are available in the Administration Office and Finance Department. Copies of any such forms should be available for the employee’s inspection as well as available to the auditors or other governmental agencies, to examine as the need arises.

5) **Employee Access to Personnel Records:** This section is intended to assure all City employees have complete and free access to all information contained in their own individual personnel files. The official Personnel File will be located in the Administrator's Office, or designated area. This section is intended to protect each employee's rights to the privacy of those records. Personnel Files are available for employee inspection during normal business hours. Employees may request copies but shall be responsible for copying costs.

   a) Every employee has the right to challenge the information contained in his/her personnel file and to have a letter (or other notation) entered into that file stating the employee's position on any adverse action to which the file refers.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Brady Wilson

ACTION: Resolution

ITEM/SUBJECT: Technical Assistance Contract with Phelps County Landfill Board

BUDGET APPROPRIATION: NA

DATE: August 20, 2018

COMMENTARY:

The City of Rolla has provided technical and administrative support to the Phelps County Landfill Board for a number of years. These services include accounting and administrative services, oversight and monitoring of the operation of the Transfer Station and closed landfills, etc. These services have been provided by City staff via a formal written contract since 2003. The current contract has expired and staff is proposing renewal of the agreement for a three-year term. Hourly rates for support staff have been increased in the proposed Contract. The Landfill Board has already approved the contract as presented. A copy is attached for review and consideration.
RESOLUTION NO. ____________

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT BETWEEN THE CITY OF ROLLA AND THE PHELPS COUNTY LANDFILL BOARD.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the Mayor of the City of Rolla, Missouri, is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri, the Contract between the City of Rolla, Missouri, and the Phelps County Landfill Board attached hereto and marked Exhibit A.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage and approval.


APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR
TECHNICAL ASSISTANCE CONTRACT
By and between
THE PHELPS COUNTY LANDFILL BOARD
And
THE CITY OF ROLLA

This Agreement is made and entered into on the ______ day of ________, 2018, by and between Phelps County Landfill Board, Rolla, Missouri, hereinafter referred to as "Board" and the City of Rolla, hereinafter referred to as "City".

Now, therefore, in consideration of each of the agreements contained herein, the parties agree as follows:

1) Services to the Phelps County Landfill Board. City shall provide the service of one or more of its employees to the Board for purposes of providing technical assistance in the administration of the PCLB. The purpose of the PCLB is to provide solid waste disposal opportunities for the residents of Phelps County including but not limited to operation of transfer station(s) and composting facilities, and maintenance of closed landfills in Phelps County. The scope of services are as follows:

A) Accounting Services: A qualified accountant and his/her assistants shall be provided to accomplish the following tasks:

1) Prepare and maintain the necessary financial records of the Board, including appropriate journals and ledgers, using generally accepted accounting principles.

2) Prepare financial statements (Balance Sheet and Statement of Revenues and Expenditures) and report to the Board on the status of its financial position on a semi-annual basis, or as requested.

3) Prepare for submission the necessary reports required of not-for-profit boards and employers to the Internal Revenue Service if necessary.

4) Provide consultation on fiscal affairs with the Board and its designated representatives.

5) Provide direction and guidance in order to maintain the correct operating procedures.

6) Maintenance and management of all necessary bank accounts.

7) Assistance with and preparation of an annual budget.

8) Prepare payroll, W-2 and 1099s and related responsibilities, including the monthly completion of Federal and FICA tax deposits and quarterly reporting, if needed.

B) Administrative Services: Qualified individuals shall be available at the request of the Board and/or its employee to accomplish the following tasks:

1) Provide administrative assistance to the Board, its officers, committees and its employees as required and/or requested. This includes the day-to-day operation, including staff support, phone and fax support and necessary and ordinary supplies.
2) Coordinate meetings and assist the Board in the preparation of agendas and any other materials necessary or required for those meetings, including telephone verification of members attending.

3) Administer contracted operations on behalf of the PCLB (transfer station, land leases, etc.)

4) Supervise direct services offered by the Board (compost facility, closure/post-closure maintenance)

5) Record and keep on file all minutes of Board meetings and all other pertinent documents.

6) Keep an updated listing of all Board members.

7) Assure compliance with any and all MoDNR and other state regulations effecting solid waste disposal facilities. Provide information on legislative changes and/or mandates that may affect the members of the Board.

8) Preparation of correspondence and mailings.

9) Prepare pre-meeting notices and assist with compliance of Missouri's open meetings law.

10) Preparation and dissemination of news releases to the media, as directed.

11) Attend meetings as a representative of the Board, when requested.

12) Assist with the proper procurement of products and services, as needed.

13) Prepare and update bylaws, as needed.

14) Provide project follow-up as requested.

15) Prepare and distribute Requests for Proposals on behalf of the Board.

2) **Board to Supply.** The PCLB agrees to supply City with all needed information in order for it to completely and thoroughly do its job. The Board will also supply the salary and benefits of one full-time employee to be located at the landfill and transfer station site/compost facility whose employment will be consistent with the rights and privileges of all City employees. Compensation for this position will be in addition to the consideration provided for in Section 7 of this agreement.

3) **Independent Contractor.** Both the Board and City agree that City and its employees and representatives will act as independent contractors in the performance of its duties under this agreement. Neither City nor the Board shall have the authority to obligate or bind the other without the express written consent of the other party.

4) **Confidential Information.** City agrees that any information received by City and its employees and representatives during the term of this agreement, and at any time thereafter, will be treated by City in full confidence when so determined by the Board and in accordance with the MO Sunshine Law.

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5) **The Board to Hold Harmless City.** The Board will hold harmless City and the agents, employees, and representatives of City from all liability and claims of liability arising out of or incident to City's performance of its obligations under this agreement, excepting intentional misconduct or negligence of City. The Board further warrants and agrees that all data and information provided to City in conjunction with City's performance of its obligations hereunder, is true and correct.

6) **Time of Performance.** City will provide the services described in this agreement for the period commencing October, 2018 through September 2021. The time and services of this contract may be extended or amended by Addendum hereto, containing the signatories of the parties and an identification of the extension period including any other amendments to the original contract document.

7) **Consideration.** In consideration for the services provided by City hereunder the Board agrees to pay to the City an amount equal to 7% of the operating budget for fiscal services to be billed on a monthly/quarterly basis. In addition the Board agrees to pay the following amounts for administrative services to be billed on a monthly basis: $30 per hour for clerical support and $50 per hour for technical/management staff. Billing will include the date, name, rate of pay, and purpose of services provided.

8) **Termination of Agreement.** This agreement will terminate September 30, 2021, unless extended by Addendum hereto as provided in Section 6. However, City or the Board may terminate this contract without cause by giving the other party not less than ninety (90) days written notice thereof. In the event of termination prior to completion of the project, the Board shall pay the cost of services rendered by City and expenses incurred in the performance of this agreement to the effective date of termination.

9) **Equal Employment Opportunity.** The City and Board agree that during the performance of this agreement, neither shall discriminate against any employee who is employed in the project covered by this agreement, or discriminate against any applicant for employment due to race, color, religion, sex, age, handicap, or national origin.

10) **Compliance with Applicable Law and Regulation.** In the City's and Board's performance of this agreement each party shall comply with all applicable law and regulation, and each party hereto shall supply the other, where necessary or applicable, with information and data for compliance with such applicable law and regulation.

11) **Conflict of Interest.** No member of the governing Board or City, and no other officer, employee, or agent of same who exercises any functions or responsibilities in connection with the planning and carrying out of this agreement, shall have any personal financial interest, direct or indirect, in the project or this agreement.

12) **Authority to Enter into Agreement – Binding Affect.** Both City and the Board have been duly authorized to enter into this agreement by their respective governing body or board, as the case may be, and this agreement is a binding obligation on the parties hereto and may be enforced in accordance with its terms.

13) **Enforcement – Costs of Collection.** In the event the Board should default in the payment of any sum due hereunder or in the performance of any obligation on its part to be performed, and in the event City should retain or engage an attorney or attorneys to collect or enforce or protect its interest with respect to this agreement, the Board shall pay all costs and expenses of such collection, enforcement, or protection, including reasonable attorney's fees.
14) **Governing Law.** This agreement shall be governed by and constructed in accordance with the law of the State of Missouri, and where applicable, in accordance with federal law and regulation.

15) **Notices.** All notices, requests, demands or other communications provided for herein shall be in writing and shall be deemed to have been given when sent by registered or certified mail, with return receipt requested, addressed, as the case may be to City at City Hall, P.O. Box 979, Rolla, Missouri 65402; and to Board at the Phelps County Courthouse, 200 N. Main St., Rolla, MO 65402; or to such address as any party shall designate to the other from time to time manner.

16) **Amendments.** No amendment, modification, termination, or waiver of any provision hereof shall be effective unless the same shall be in writing and signed by the parties hereto.

17) **Severability of Provisions.** Any provision hereof which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of this agreement of affecting the validity or enforceability of such provision in any other jurisdiction.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

**PHELPS COUNTY LANDFILL BOARD**

________________________
Chairman

________________________
Attest

**CITY OF ROLLA, MO**

________________________
Mayor

________________________
Attest