



**AGENDA
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
OCTOBER 17, 2024 AT 5:30 PM**

*****AMENDED*****
(Added Agenda & Packet Action Item #18)
(Updated Agenda Packet Action Item #12, and #16)

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/876951173>

You can also dial in using your phone.
United States: +1 (571) 317-3112

Access Code: 876-951-173

CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor

Chelaine Marion, Mayor Pro-Tem

Shane Saum, Council Member

Stephanie Smith, Council Member

Rob Durbin, Council Member

Paul Roberts, Council Member

Paul Prince, Council Member

EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City Council Board/Commission/Committee Liaisons.
 - Economic Development Advisory Committee, Councilor Saum
 - Golf Course Advisory Committee, Councilor Saum
 - Governmental Affairs, Councilor Saum
 - Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate; Councilor Saum
 - Turnback Canyon Trail Conservancy, Councilor Smith
 - Airport Advisory Board, Councilor Durbin
 - Planning & Zoning Commission, Councilor Durbin
 - Board of Adjustment, Mayor Pro Tem Marion
 - Lago Vista Independent School District, Mayor Pro Tem Marion
 - Lago Vista Starry Skies, Mayor Pro Tem Marion
 - Building and Standards Commission, Councilor Roberts
 - Library Advisory Board, Councilor Prince
 - Parks & Recreation Advisory Committee, Councilor Prince
 - Lago Vista Property Owner's Association, Councilor Prince
 - Youth Advisory Committee, Mayor Sullivan
 - Keep Lago Vista Beautiful, Mayor Sullivan
 - Capital Area Council of Governments, Mayor Sullivan
 - CapMetro, Mayor Sullivan

- Texas Department of Transportation, Mayor Sullivan

2. Routine Reports from City staff.

PRESENTATIONS

WORK SESSION

3. Discussion regarding the addition of the AAB Chair representing the City to regulatory agencies for airport funding opportunities.

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

4. Consider approval of the October 3, 2024, regular meeting minutes.
5. Consider approval of the October 3, 2024, special meeting minutes.
6. Discussion, consideration, and possible action authorizing the City Manager to purchase a horizontal wood grinder for \$133,291.07 that was approved in FY 24-25's Solid Waste budget for an amount of \$145,718.
7. Discussion, consideration, and possible action authorizing the City Manager to purchase a John Deer skid steer for \$57,032.00 that was approved in the Sewer Services FY 24-25 budget in the amount of \$60,000.00
8. Discussion, consideration, and possible action authorizing the City Manager to Purchase a John Deer skid steer for \$57,032.00 that was approved in the Water Services FY 24-25 budget in the amount of \$60,000.00.

PUBLIC HEARING AND POSSIBLE ACTION

9. Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-01, an ordinance of the City of Lago Vista, Texas, amending Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business, sometimes referred to as a home occupation.
10. Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-02, an ordinance of the City of Lago Vista, Texas, amending Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts.
11. Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-03; an ordinance of the of the City of Lago Vista, amending Section 6.105 and Section 15.50 of Chapter 14 to update a cross-reference to the

site development plan regulations.

ACTION ITEMS

12. Discussion, consideration, and possible action on Ordinance 24-10-17-04; an ordinance of the of the City of Lago Vista, amending the Sign Ordinance, Chapter 5 of the Lago Vista Code of Ordinances, regarding political expression; signs, wayfinding signs and directional signs in a public right-of-way; and variance or appeal procedures related to sign permits.
13. Discussion, consideration and possible action on Resolution No. 24-2079 formally accepting the public infrastructure for Lakeside at Tessera, Phase 3C which includes streets, underground storm drain, water distribution, and sewer collection systems.
14. Discussion, consideration, and possible action regarding a citizen petition to purchase adjacent property owned by the City of Lago Vista.
15. Discussion, consideration, and possible action to adopt revisions to the City's Personnel Policies and Procedures.
16. Discussion, consideration and possible action on Ordinance No. 24-10-17-05, regarding Employee Separation Agreements including, but not limited to, current policies utilized in recent separation agreements and a proposed ordinance requiring City Council approval for all Department Head Separation Agreements.
17. Discussion, consideration, and possible action on Ordinance 24-10-17-XX, an ordinance of the City of Lago Vista amending the code of ordinances by amending Chapter 1, General Provisions by adding a new Article 1.200, "Release from Extraterritorial Jurisdiction, providing for procedures for processing petitions for release from the City's ETJ, and mending Appendix A, Fee Schedule to add a fee for processing petitions for release; providing for the following: findings of fact, severability, repealer, effective date, and proper notice and meeting clauses.
18. Discussion, consideration and possible action on Resolution No. 24-2080 advocating support to procure federal funding for the expansion of wastewater and drinking water infrastructure through community project funding dollars with the assistance of Congressman Michael McCaul's office.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above **AMENDED** Notice was posted on the Bulletin Board in accordance with Government Code section 551.0411(b) located at all times in City Hall in said City at 5:00 PM on the 14th day of October, 2024.

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Eric DeLaCruz, City Secretary

SUBJECT: Routine Reports from City Council
Board/Commission/Committee Liaisons.

- Economic Development Advisory Committee, Councilor Saum
- Golf Course Advisory Committee, Councilor Saum
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate; Councilor Saum
- Turnback Canyon Trail Conservancy, Councilor Smith
- Airport Advisory Board, Councilor Durbin
- Planning & Zoning Commission, Councilor Durbin
- Board of Adjustment, Mayor Pro Tem Marion
- Lago Vista Independent School District, Mayor Pro Tem Marion
- Lago Vista Starry Skies, Mayor Pro Tem Marion
- Building and Standards Commission, Councilor Roberts
- Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Lago Vista Property Owner's Association, Councilor Prince
- Youth Advisory Committee, Mayor Sullivan
- Keep Lago Vista Beautiful, Mayor Sullivan
- Capital Area Council of Governments, Mayor Sullivan
- CapMetro, Mayor Sullivan
- Texas Department of Transportation, Mayor Sullivan

FINANCIAL IMPACT: N/A



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CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Eric DeLaCruz, City Secretary

SUBJECT: Routine Reports from City staff.

FINANCIAL IMPACT: N/A



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CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Tracie Hlavinka, City Manager

SUBJECT: Discussion regarding the addition of the AAB Chair representing the City to regulatory agencies for airport funding opportunities.

BACKGROUND: At the most recent Airport Advisory Board meeting, a subcommittee proposed including Steve Lowry, alongside Councilor Durbin, as representatives to State and Federal regulatory agencies. Councilor Durbin serves as the Council liaison to the Airport Advisory Board, while Mr. Lowry is the AAB Chairperson.

Mr. Lowry has held the position of Chairperson for over three years and brings extensive experience as a professional engineer and business executive, specializing in design and construction services for major airports.

FINANCIAL IMPACT: None at this time.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Eric DeLaCruz, Assistant City Secretary

SUBJECT: Consider approval of the October 3, 2024, regular meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[2024-10-03-cc-reg-min.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, OCTOBER 3, 2024**

BE IT REMEMBERED that on the 3rd day of October A.D., 2024, the City Council held a regular meeting at 4:00 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Kevin Sullivan	Mayor	Chelaine Marion	Mayor Pro Tem (virtual)
Shane Saum	Council Member (left at 9 p.m.)	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member (virtual)		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the meeting to order at 4:04 p.m. and announced that all council members were present.

EXECUTIVE SESSION

At 4:05 p.m., Council convened into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel regarding the award of the Golf Course Irrigation project. (Texas Government Code Section 551.071)
- C. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)
 - 1. Consideration of Separation Agreement with City Manager
 - 2. Conduct Interviews of Interim City Manager candidates
- D. Consultation with Legal Counsel and deliberation regarding the appointment, employment, or duties of Human Resource Director. (Texas Government Code Section 551.071 and 551.074)
- E. Consultation with Legal Counsel and deliberation regarding appointment or employment of outside Counsel for an Ethics Complaint as required by Section 1.1811 of the City Code of Ordinances. (Texas Government Code Section 551.071 and 551.074)

At 6:32 p.m., Council reconvened from Executive Session into open session to move forward on the agenda, Council returned to Executive Session following discussion and action of the remaining agenda items.

0:02:18 to 0:02:56

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

Mayor Sullivan led the Pledge of Allegiance and Pledge to the Texas Flag.

0:03:08 to 0:06:09

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Gene Harris discussed a statement made by Benjamin Franklin June 28 1787, Constitutional Convention with regard to the importance of prayer in government as well as daily lives.

Mike Zaydel spoke during Action Items on Agenda Item No. 7 to state his opposition to the proposed study because of the lengthy time that transpires from completion of the study to the actual execution of the study (predicted to be at least five years).

0:06:29 to 0:41:30

WORK SESSION

3. Receive a presentation by Michael Wilt from the Texas State Affordable Housing Corporation (TSAHC) in recognition of the challenge for our workforce and local heroes to live in the community they serve.

Mayor Pro Tem Marion introduced the team from the Texas State Affordable Housing Corporation and they made a presentation explaining how the non-profit group assists local heroes to purchase residences in the community. Norma Owen spoke to the need for this program and for educating citizens, employees and prospective employees.

0:41:34 to 0:45:17

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations. – City of Lago Vista Teachers’ Day October 5, 2024, Proclamation was presented
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

Mayor Sullivan announced the following:

- Hosting their Annual FALL Clean-up Days Event on October 16th, 17th from 1 to 6 p.m. and October 19th from 8 to 4 p.m. See the City Website for details.
- Accepting applications to fill positions on the Charter Review Committee. Applications are available on the city website. The deadline to submit a completed application to the City Secretary is October 30, 2024.
- Council is currently accepting annual applications to serve on City Boards, Committees and Commissions. Applications are being accepted until 5 pm on Thursday, November 7, 2024.
- Green Center hours continue on Saturday, October 5th from 10 a.m. until 4 p.m.

- KLVB will have a city wide street clean on October 12th at 9:00 a.m. Meet at the KLVB site at the Bar-K park to receive an assigned clean-up street area.

Councilor Roberts

- Trunk or Treat event on 10-26-24, sponsored by the Lago Vista Independent School District.
- Brews and Balloons on November 9, 2024, at Bar-K Park from 2 p.m. until 8 p.m.

Mayor Pro Tem Marion

- Monthly coffee with veterans at the Hope Center on October 18, 2024, (held the third Friday of the month) from 8 a.m. to 10 a.m.

Councilor Saum

- Reminded everyone of the upcoming St. Mary's Festival and the dunking booth that most of Council will be participating. October 12, 2024, from 10 a.m. until 3 p.m. at 6100 Lohman Ford Road.

STAFF AND COUNCIL LIAISON REPORTS

0:47:18 to 0:49:50

1. Routine Reports from City staff.

Police Chief Boshears announced that Detective Sgt. Frank Allocca graduated from the Bill Blackwood Law Enforcement Management Institute of Texas Leadership Command College. It is ranked as prestigious as FBI training schools. It is financed through court fines and does not cost the city for the program.

0:49:50 to 0:56:35

2. Routine Reports from City Council Board/Commission/Committee Liaisons.

- Economic Development Advisory Committee, Councilor Saum
- Golf Course Advisory Committee, Councilor Saum
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate; Councilor Saum
- Turnback Canyon Trail Conservancy, Councilor Smith
- Airport Advisory Board, Councilor Durbin
- Planning & Zoning Commission, Councilor Durbin
- Board of Adjustment, Mayor Pro Tem Marion
- Lago Vista Independent School District, Mayor Pro Tem Marion
- Lago Vista Starry Skies, Mayor Pro Tem Marion
- Building and Standards Commission, Councilor Roberts
- Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Lago Vista Property Owner's Association, Councilor Prince
- Youth Advisory Committee, Mayor Sullivan
- Keep Lago Vista Beautiful, Mayor Sullivan

- Capital Area Council of Governments, Mayor Sullivan
- CapMetro, Mayor Sullivan
- Texas Department of Transportation, Mayor Sullivan

0:56:36 to 0:58:01

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

4. Discussion, consideration, and possible action to approve an Addendum to the Interlocal Agreement with the Lago Vista Independent School District to include a second School Resource Officer position.
5. Consider for approval Resolution No. 24-2077 appointing the Mayor as the Chief Executive Officer and Authorized Representative to act in all matters in connection with the FEMA Hazard Mitigation Assistance (HMA) Grant Project and Committing the City to provide matching funds to secure and complete the FEMA Hazard Mitigation Grant.
6. Consider approval of a Resolution No. 24-2078 by the City of Lago Vista encouraging all local residents to register to vote, and then exercise their right to vote for the candidates of their choice on November 5, 2024.

On a motion by Councilor Roberts, seconded by Councilor Smith, City Council voted unanimously (7-0) to approve the Consent Agenda as presented. Motion carried.

At 7:29 p.m., Council recessed the regular meeting to open the Special Called City Council Meeting.

After adjourning the Special Called Meeting at 7:37 p.m., Council returned to the Regular Meeting.

0:59:02 to 1:18:49

ACTION ITEMS

7. Discussion, consideration, and possible action regarding the execution of a contract for RFQ 24-05 for a Feasibility Study for New City Hall and Library, with Parkhill; and authorizing the City Manager to execute an agreement for such services (Awarded July 18, 2024, City Council Meeting).

City Manager Tracie Hlavinka presented the agenda item. She was available to answer questions and provide additional information.

On a motion by Councilor Roberts, seconded by Councilor Prince, City Council voted unanimously (7-0) to table this item until a future time. Motion carried.

At 7:57 p.m., Council convened into closed Executive Session to continue to discuss the Executive Items (A. through E.) as listed.

1:19:02 to 1:22:39

ACTION ON EXECUTIVE SESSION ITEMS (action and/or a vote may be taken on the following agenda items): *Councilor Saum had left the meeting and did not vote on these items.*

At 9:40 p.m., Council reconvened into open session to take action on the following:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)

No action was taken.

B. Consultation with Legal Counsel regarding the award of the Golf Course Irrigation project. (Texas Government Code Sections 551.071)

No action was taken.

C. Consultation with Legal Counsel and deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. (Texas Government Code Sections 551.071 and 551.074)

1. Consideration of Separation Agreement with City Manager

On a motion by Councilor Prince, seconded by Mayor Sullivan, to accept the presented separation agreement with City Manager with modifications as discussed in Executive Session. City Council voted four (4) ayes with Mayor Sullivan, Mayor Pro Tem Marion, Councilor Smith, and Councilor Prince in favor to two (2) nays with Councilor Durbin and Councilor Roberts in opposition. Motion carried.

2. Conduct Interviews of Interim City Manager candidates

On a motion by Councilor Prince, seconded by Councilor Smith, City Council voted unanimously (6-0) to appoint Taylor Whichard as interim City Manager. Motion carried.

D. Consultation with Legal Counsel and deliberation regarding the appointment, employment, or duties of Human Resource (HR) Director. (Texas Government Code Section 551.071 and 551.074)

On a motion by Councilor Prince, seconded by Councilor Roberts, City Council voted unanimously (6-0) to approve the City Manager's recommendation for the HR Director. Motion carried.

Councilor Roberts recused himself during the executive session discussion of this item and during the vote on this item.

E. Consultation with Legal Counsel and deliberation regarding appointment or employment of outside Counsel for an Ethics Complaint as required by Section 1.1811 of the City Code of Ordinances. (Texas Government Code Section 551.071 and 551.074)

On a motion by Councilor Prince, seconded by Councilor Smith, City Council voted unanimously (5-0) to direct the City Attorney to act as directed in Executive Session. Motion carried.

1:22:36 to 1:22:42
ADJOURNMENT

Mayor Sullivan adjourned the meeting at 9:41 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Eric DeLaCruz, Interim City Secretary

SUBJECT: Consider approval of the October 3, 2024, special meeting minutes.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[2024-10-03-cc-scm-min.pdf](#)

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, OCTOBER 3, 2024**

BE IT REMEMBERED that on the 3RD day of October A.D., 2024, the City Council held a regular meeting at 7:30 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Kevin Sullivan	Mayor	Chelaine Marion	Council Member (virtual)
Shane Saum	Council Member	Paul Roberts	Council Member
Stephanie Smith	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member (virtual)		

CALL TO ORDER, CALL OF ROLL

Mayor Sullivan called the special meeting to order at 7:30 p.m. and announced that all council members were present.

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

No one had signed up to speak at the special meeting.

ACTION ITEMS

00:37 – 01:28

1. Consider approval of the September 19, 2024, regular meeting minutes.

On a motion by Councilor Roberts, seconded by Councilor Prince, City Council voted unanimously (7-0) to approve the September 19, 2024, regular meeting minutes with the noted correction. Motion carried.

01:33 – 07:11

2. Discussion, consideration, and possible action, regarding Ordinance No.24-10-03-01 of the City of Lago Vista Texas, amending Ordinance No. 24-09-19-02, levying Ad Valorem Taxes for use and support of the Municipal Government of the City for the Fiscal Year beginning October 1, 2024 and terminating September 30, 2025; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

City Manager Tracie Hlavinka presented the agenda item. She was available to answer questions and provide additional information.

On a motion by Councilor Prince, seconded by Mayor Pro Tem Marion moved the property tax rate be increased by the adoption of a tax rate of \$0.4231 (comprised of Maintenance and Operations in the amount of \$0.2397 and Interest and Sinking in the

Amount of \$0.1834), which is effectively a 2.222% increase in the tax rate. The record vote is as follows:

Mayor Sullivan – aye
Mayor Pro Tem Marion – aye
Councilor Saum – aye
Councilor Smith – aye
Councilor Durbin - aye
Councilor Roberts – aye
Councilor Prince – aye

City Council voted 7 ayes and 0 noes to approve Ordinance No.24-10-03-01 as presented.
Motion carried.

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this _____ day of _____ 2024.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	October 17, 2024
SUBMITTED BY:	Taylor Whichard, Public Works
SUBJECT:	Discussion, consideration, and possible action authorizing the City Manager to purchase a horizontal wood grinder for \$133,291.07 that was approved in FY 24-25's Solid Waste budget for an amount of \$145,718.
BACKGROUND:	This piece of equipment was originally requested in last fiscal year's budget, but was removed due to budgetary constraints. The current chipper is not operational, unsafe, and no longer meets the needs of Public Works. This horizontal wood grinder will greatly reduce the safety risk to City personnel during chipping operations. It will also reduce the labor intensity and increase operational efficiency at the Green Center. It will allow for a fully mechanized process instead of loading brush into the chipper by hand.
FINDINGS:	Improving operational safety is the main objective for purchasing this piece of equipment. The secondary objective was reducing the staff burden, and increasing operational efficiency. At maximum efficiency, this machine is capable of grinding up to 75 cubic yards per hour of brush which is almost two (2) large roll-off dumpsters. This item is being purchased through Sourcewell, a State approved purchasing co-op, and does not require the City to obtain three (3) quotes. It is also \$12,000 lower than the approved budget.
FINANCIAL IMPACT:	Approved in FY 24-25 budget under Solid Waste GL# 10-531-9720 for \$145,718. At a total of \$133,291.07 this item is approximately \$12,000 under budget. This is a Co-operative purchase utilizing Sourcewell's contract with Bandit Industries Equipment #050119-BAN
ATTACHMENTS:	2024-10-02 _ Horizontal Grinder _ Estimated Annual Operating Cost.pdf 2024-10-02 _ Horizontal Grinder _ Sourcewell Quote.pdf 2024-10-02 _ Horizontal Grinder _ Specifications.pdf

Model 1425 Operating Cost with C3.4 - Caterpillar 120 horsepower

	Cubic yards / hour	Annual cubic yards	Gallons per hour	Fuel cost per hour	Total cost per hour	Total cost per yard
Green waste	75	75,000	3.57	\$11.60	\$28.38	\$0.38
Logs	30	30,000	3.57	\$11.60	\$28.38	\$0.95
Pallets	75	75,000	3.57	\$11.60	\$28.38	\$0.38
Regrind	50	50,000	3.57	\$11.60	\$28.38	\$0.57

Wear Parts (cost per hour) = \$16.78 *** Based on wear costs spreadsheet

1,000 Annual hours

Fuel consumption by load (C3.4)
Fuel Cost = \$3.25

Load %	Gal / Hr.	1,000 hrs.
20%		\$0.00
30%		\$0.00
40%		\$0.00
50%	2.28	\$7,410.00
60%		\$0.00
70%		\$0.00
80%		\$0.00
100%	4.87	\$15,827.50

*** Above numbers are approximate based on past customer experiences. Results may differ based on material, conditions and machine maintenance.

*** Labor to operate machine and conduct maintenance is not included in above figures.

*** Monthly loan payments for grinder (if applicable) are not included in above figures.

**Brabandt Equipment LLC**

1905 Hydro Drive
Austin, TX 78728
USA
512-269-0888 (Phone)
512-269-0800 (Fax)

QUOTATION

Quotation #:	Quote Created:	Last Updated:	Salesperson:
173490	09/19/24 11:52 am by Bandit Industries, Inc.	10/01/24 06:48 pm by Brabandt Equipment LLC	Brenda Lint

CUSTOMER:

City of Lago Vista

x

Austin, TX 78728

USA

512-269-0888 (Phone)

512-269-0800 (Fax)

Tom Brabandt (Contact)

tom@brabandt-equipment.com**1425 MINI BEAST**

Qty	Part #:	Description:
1	MODEL-1425	1425 - Mini Beast

STANDARD EQUIPMENT

Qty	Part #:	Description:
1	STANDARD	Steel 40 gallon fuel tank with lockable filler cap
1	STANDARD	20" high x 25" wide mill opening
1	STANDARD	Remote mounted hydraulic cooler with electric fan
1	STANDARD	10 pound ABC Type Fire extinguisher with mount.
1	STANDARD	Steel 45 gallon hydraulic tank with lockable filler cap
1	STANDARD	15 3/4" diameter x 25" wide chain driven top feed wheel
1	STANDARD	10,000 pound capacity hand crank tongue jack with spring pad return
1	STANDARD	Dust control curtain on feedbox
1	STANDARD	3 speed proportional feed system
1	STANDARD	2 side shut down switches along with pull cables for machine shut down
1	STANDARD	Push button key pad controls (yoke up/down, feed forward/reverse, discharge on/off)

1 STANDARD 18" wide cleated rubber belt discharge conveyor (stacking height of 7')

PAINT

Qty	Part #:	Description:
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1	333-28984	Standard Imron Industrial Urethane Green
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ENGINE

Qty	Part #:	Description:
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1	990-RC1537-119	Caterpillar C3.4, 120 horsepower engine without clutch - Tier 4 FINAL (Includes 2 year / 2,000 hour engine warranty)
---	----------------	--

CONTROL SYSTEM AND ENGINE INSTALLATION

Qty	Part #:	Description:
-----	---------	--------------

1	931-6000-00	Cat 120 horsepower installation with Bandit enclosure
---	-------------	---

CLUTCH

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-01	Over center manual clutch
---	--------------------	---------------------------

INFEED

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-55	7' long x 24" wide hydraulically driven (2-ply / 400 pound) rubber belt infeed conveyor with adjustable steel front extension pan
---	--------------------	---

DISCHARGE CONVEYOR

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-04	MAGNETIC head pulley and steel collector pan
---	--------------------	--

AXLE

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-17	Single 12,000 pound Leaf spring electric brake axle with (2) 235/75R 17.5" tires
---	--------------------	--

FENDER

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-19	12" aluminum bolt-on single axle fenders with mud flaps
---	--------------------	---

BEAST CUTTERBODY

Qty	Part #:	Description:
-----	---------	--------------

1	OPTION-931-5000-42	Cuttermill with raker style cutterbodies (includes rakers and bolts) to be installed on machine - 1425
---	--------------------	--

GRINDER TEETH / INSERTS

Qty	Part #:	Description:
-----	---------	--------------

7	900-9915-15B	Double splitter tooth to be installed on machine
7	900-9915-17B	Double short shingle tooth to be installed on machine

SCREENS

Qty	Part #:	Description:
1	931-2000-65	1/2" thick, 3" modified diamond screen to be installed on machine

ADD-ON OPTIONS

Chocks & Chock Holders

Qty	Part #:	Description:
1	OPTION-931-5000-07	Aluminum wheel chock holders with rubber chocks

Coloring System

Qty	Part #:	Description:
1	OPTION-931-5000-32	Colorant manifold only (does not include coloring system)

Radio Remote

Qty	Part #:	Description:
1	OPTION-300-8009-69	Radio remote option with USB wall and car charger

Screens

Qty	Part #:	Description:
1	931-2000-64	1/2" thick, 2" modified diamond screen to be shipped loose

CUSTOMER TOTALS

Total Unit Price:		\$ 143550.00
Customer Discount:	12.0000 %	- \$ 17226.00
Dealer Preparation/Delivery:		\$ 550.00
Customer Additional Fees 		\$ 3917.07
Customer Net Unit Price:		\$ 130791.07
Freight/Shipping:		\$ 2500.00
Customer Total:		\$ 133291.07

COMMENTS

OPTION-931-5000-57 Flexxaire Fan Kit-C3.4 CAT	By Brenda Lint on 09/19/2024 03:39 PM
wo# 94373	By Brenda Lint on 10/01/2024 01:21 PM
	By Brabandt Equipment LLC on 10/01/2024 06:48 PM

Sourcewell #050119-BAN

SIGNATURE

The Buyer, whose name and address appears above, agrees to purchase from the Seller, whose name and address appears above, the above equipment at the prices stated and upon the terms and conditions of this agreement.

X

Signature

Date

[Close](#) [Print](#)

MODEL 1425

14" Capacity Horizontal Grinder

The Model 1425 is Bandit Industries' **most compact horizontal grinder available!** This unit condenses the essence of The Beast® into a compact package that can be towed by a pickup truck! The Model 1425 features the same downturned cuttermill, saw-style cutterbodies and teeth options as the larger Bandit horizontal grinders. And it is as **versatile** – able to quickly process tree branches, brush, sawmill tailings, logs and pallet waste!

MAXIMUM PRODUCTION

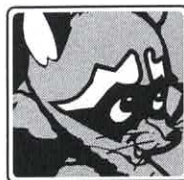
Every feature on the 1425 is designed to maximize the production from this compact package. The patented downturned cuttermill works with gravity and the feedwheel to control material. Special cutterbodies correctly size material as it's fed into the machine, saving on wear and tear while increasing production. And the replaceable screens let operators choose a spec. All these features are present on the larger Bandit horizontal grinders – and they're all available on the 1425 too!

ONE TOUGH BEAST

Just because the Model 1425 is capable of being towed with a pickup truck doesn't mean it's light duty. Bandit designed and built this machine every bit as tough as its larger horizontal grinders. This means all-steel welded construction. Superior components sourced from the best vendors. And it features the same factory-based support our customers have come to appreciate.

COMPACT YET CAPABLE

The Model 1425 can process a wide variety of materials, from tree brush and even some whole trees to sawmill tailings, logs and pallet waste. The end product can then be turned into beautiful colored mulch with the Color Max system! Operators can fine tune their end product by choosing from unique cutterbodies and tooth options, so the end product can be perfect every time.



Bandit

INDUSTRIES, INC.

6750 Millbrook Rd. • Remus, MI 49340 • **1-800-952-0178**

FIND US ONLINE     **WWW.BANDITCHIPPERS.COM**

Hand-Fed Chippers • Stump Grinders • Whole Tree Chippers
The Beast® Horizontal Grinders • Track Carriers • Attachments

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CALL YOUR LOCAL BANDIT SALES REPRESENTATIVE TO SCHEDULE A DEMONSTRATION TODAY!

SPECIFICATIONS

MEASUREMENTS

Length:	21' 4"	650.4 cm
Width:	8' 3"	251.5 cm
Height:	9' 4"	284.5 cm
Weight:	12,500 lbs.	5,670 kg
Engines:	120 HP T4 Final	89.5 kW
Fuel Tank:	40 gal.	151.4 L
Hydraulic Tank:	40 gal.	151.4 L

TOWABLE

UNDERCARRIAGES

Towable: (1) 12,000 pound (5,443.1 kg) axle, electric brakes, with (2) 235/75R 17.5" (44.5 cm) tires

Standard & Custom Colors Available

Choose from six standard colors, or select a custom color to match your fleet.



DIMENSIONS

Capacity:	14"	36 cm
Opening:	20" tall x 25" wide	50.8 cm x 63.5 cm wide
Cuttermill:	36" dia. x 25" wide	91.4 cm dia. x 63.5 cm wide
Teeth:	14	
Feed Wheel:	(1) 15.75" diameter	(1) 40 cm diameter
Infeed Conveyor: Single speed, 7' long x 24" wide (213.4 cm long x 61 cm wide) heavy duty rubber infeed conveyor		
Discharge Conveyor: 18" wide (45.7 cm wide) cleated rubber with 7' (213.4 cm) stacking height		
Hitch:	3" pintle ring	7.6 cm pintle ring



COMMITTED TO QUALITY & SERVICE

The Bandit Backbone™ Support

The Bandit Backbone is Bandit's commitment to customer service and support. It's always been a cornerstone of Bandit's philosophy, and today that backbone is stronger than ever. If you own a Bandit hand-fed chipper – regardless the age, hours, or warranty status – the Bandit Backbone is here to support you.

We Are Here to Support You

There are nearly 200 dealer locations in the US and 61 international dealers to support you. They are factory trained. Plus we have an experienced parts and service department supporting you and our dealers.



MODEL 1425 FEATURES

- Massive Throat Opening**
 This machine features a large opening for such a compact unit, allowing for large material to be processed
- Unique Downturning Cuttermill**
 The Beast's unique cuttermill turns downward, working with gravity and the feedwheel roller to grind material
- Maneuverable and Towable**
 The compact size of the 1425 means it can fit into tight spots, and can be towed by a pickup truck – semi not required!
- Color Max Compatible**
 Bandit's Color Max system creates beautiful mulch using less water and colorant than the competition
- Changeable Screens to Help Size Material**
 Operators can select a screen to help correctly size the material on the first pass – saving time and money
- Diesel or Electric Engine Options Available**
 Choose either a standard diesel engine or opt for an electric motor and turn your 1425 into a stationary mulching machine for sawmills or lumber yards

Bandit Offers a Complete Line of Tree Care Equipment:
 Hand-Fed Chippers • Stump Grinders • Whole Tree Chippers
The Beast® Horizontal Grinders • Track Carriers • Attachments



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Taylor Whichard, Public Works

SUBJECT: Discussion, consideration, and possible action authorizing the City Manager to purchase a John Deer skid steer for \$57,032.00 that was approved in the Sewer Services FY 24-25 budget in the amount of \$60,000.00

BACKGROUND: This piece of equipment is replacing a skid steer that is well past its useful life. The existing skid steer has broken down in the middle of jobs and has required costly repairs recently.

This machine is crucial to ensuring safe and efficient operations.

FINDINGS: This is a Co-operative purchase utilizing Sourcewell's contract with John Deere #011723-JDC. In the attached quote, you will find a 30% discount from the retail price as a part of the Sourcewell contract.

This quote is roughly \$2,900 less than the budgeted amount of \$60,000.

FINANCIAL IMPACT: \$57,032.00 from the Sewer Services GL #: 30-570-9720 (Machinery & Equipment).

It is approximately \$2,900 less than the approved FY 24-25 budget expense of \$60,000.

ATTACHMENTS:

[2024-10-03 _ Skid Steer _ Sewer Services _ Sourcewell Quote.pdf](#)



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
16415 N Interstate 35
Pflugerville TX, 78660
Phone: (512) 272-4141 - Fax: (512) 272-9365

Proposal for:
CITY OF LAGO VISTA
PO BOX 4727
LAGO VISTA, TX, 786450008
TRAVIS

Investment Proposal Date:

Pricing Valid Until:

Deal Number:

Customer Account#:

Sales Professional:

Phone:

Fax:

Email:

6/12/2024

6/26/2024

1786670

1155010

Chris Hamilton

(512) 687-7183

252-3621

CHamilton@rdoequipment.com

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	1T0324GKCRJ467613 Z046716	3	New 2024 JOHN DEERE 324G	\$79,260.00
			Other Sourcewell Discount 30% off list	(\$23,778.00)
			Freight Out delivery	\$550.00
			Warranty -John Deere Power Train & Hyd.-60 Months, 3000 Hours,Deductible: 0, Exp Date: 6/12/2029	\$1,000.00
Equipment Subtotal:				\$57,032.00

Purchase Order Totals

Balance:	\$57,032.00
Total Taxable Amount:	\$0.00
TX STATE TAX:	\$0.00
TX SPECIAL TAX:	\$0.00
Sales Tax Total:	\$0.00
Sub Total:	\$57,032.00
Cash with Order:	\$0.00
Balance Due:	\$57,032.00

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	1T0324GKCRJ467613	2024 JOHN DEERE 324G	0722 2SP STD FL SLEV CAN MQT 0953 ISO SWITCHABLE CTLS & JS PPK 1301 ENGINE TURBO 4TNV98CT 1501 ENGLISH OP MAN & DECALS 170K JDLINK 2070 12X16.5 10PR TITAN HD2000-II 4003 3" SEAT BELT W/2"SHLDR STRAP 6003 AIR SUSPENSION SEAT 8042 REAR VIEW CAMERA 8060 PRE CLEANER 8305 DBL SET COUNTERWEIGHT 8530 POWER QUICK TACH FOR CANOPY



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Taylor Whichard, Public Works

SUBJECT: Discussion, consideration, and possible action authorizing the City Manager to Purchase a John Deer skid steer for \$57,032.00 that was approved in the Water Services FY 24-25 budget in the amount of \$60,000.00.

BACKGROUND: This piece of equipment is replacing an existing skid steer that is past its useful life. Recently the existing skid steer has broken down during the middle of jobs and needed costly repairs.

This skid steer is vital for City personnel to safely and efficiently maneuver around small job sites to make necessary repairs to the City's water infrastructure.

FINDINGS: This is a Co-operative purchase utilizing Sourcewell's contract with John Deere #011723-JDC. In the attached quote, you will find a 30% discount from the retail price as a part of the Sourcewell contract.

This quote is roughly \$2,900 less than the budgeted amount of \$60,000.

FINANCIAL IMPACT: \$57,032 from Water Services GL#: 30-560-9720 (Machinery & Equipment).

It is approximately \$2,900 less than the approved FY 24-25 budget expense of \$60,000.

RECOMMENDATION: Approve

ATTACHMENTS:

[2024-10-03 _ Skid Steer _ Water Services _ Sourcewell Quote.pdf](#)



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
16415 N Interstate 35
Pflugerville TX, 78660
Phone: (512) 272-4141 - Fax: (512) 272-9365

Proposal for:
CITY OF LAGO VISTA
PO BOX 4727
LAGO VISTA, TX, 786450008
TRAVIS

Investment Proposal Date: 8/22/2024
Pricing Valid Until: 9/5/2024
Deal Number: 1810391
Customer Account#: 1155010
Sales Professional: Chris Hamilton
Phone: (512) 687-7183
Fax:
Email: CHamilton@rdoequipment.com

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	1T0324GKPRJ462679 Z031544	3	New 2024 JOHN DEERE 324G Other Sourcewell Discount 30% off list Freight Out delivery Warranty -John Deere Power Train & Hyd.-60 Months, 3000 Hours,Deductible: 0, Exp Date: 6/12/2029	\$77,260.00 (\$23,778.00) \$550.00 \$1,000.00
1	PXBUC78E10221 Z068983	0	Attachment - New 2024 JOHN DEERE CE78	\$2,000.00
Equipment Subtotal:				\$57,032.00

Purchase Order Totals

Balance:	\$57,032.00
Total Taxable Amount:	\$0.00
TX STATE TAX:	\$0.00
TX SPECIAL TAX:	\$0.00
Sales Tax Total:	\$0.00
Sub Total:	\$57,032.00
Cash with Order:	\$0.00
Balance Due:	\$57,032.00

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	1T0324GKPRJ462679	2024 JOHN DEERE 324G	None
1	PXBUC78E10221	2024 JOHN DEERE CE78	None



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	October 17, 2024
SUBMITTED BY:	Cole Bakley, Development Services
SUBJECT:	Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-01, an ordinance of the City of Lago Vista, Texas, amending Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business, sometimes referred to as a home occupation.
BACKGROUND:	Passed unanimously by the Planning and Zoning Commission, Ordinance 24-10-17-01, an ordinance of the City of Lago Vista, Texas, amends Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business. These businesses are sometimes referred to as a home occupation and are still referred to as such in the Lago Vista Code of Ordinances. This amendment was initiated by the City of Lago Vista after identifying difficulties and potential legal issues in regulating home-based businesses. At the moment, any home-based business must be approved by the City Manager. Given the regulatory system currently in place, many businesses are not registered or recognized by the City of Lago Vista. Additionally, the COVID-19 pandemic has changed the nature of working from home and many more persons are working from their homes, thus necessitating an update to the ordinance to reflect this development. The goal of the proposed ordinance is to ease the bureaucratic hurdles of operating a home-based business while ensuring that the operation of a home-based business does not cause undesirable impacts to the community. The less intensive the business is on the surrounding area, the less municipal regulation it will be subject to. As the business grows and becomes more impactful on the residence and the neighbors, it should seek a commercial space.
FINDINGS:	The Development Services Department has created an ordinance that imposes minimal guidelines and administration

on home-based operations. After feedback from the Planning and Zoning Commission during the regularly scheduled July meeting, the current iteration reflects the advice and recommendation from the Committee.

Development Services recommends approval of this proposed ordinance.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[Home-Based_Business_Ordinance \(2\).pdf](#)

[Chapter 14 home-based businesses -clean copy final mods.pdf](#)

ORDINANCE NO. 24-10-17-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING SECTION 16 OF CHAPTER 14 REGARDING THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS FOR APPROVAL OF A HOME-BASED BUSINESS, SOMETIMES REFERRED TO AS A HOME OCCUPATION.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established provisions within Section 16 of Chapter 14 of the Lago Vista Code of Ordinances to establish procedural and substantive requirements applicable to home-based businesses and home occupations; and

WHEREAS, the Planning and Zoning Commission and Development Services staff have become aware of desirable improvements to those procedural and substantive requirements, specifically as it relates to legal developments in regulating home-based businesses and societal changes wherein more persons are able to and choosing to work from home; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of the site development regulations at its meetings on July 11, 2024 and August 8, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the procedural and substantive requirements applicable to home-based businesses and home occupations as described below; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business, sometimes referred to as a home occupation as shown in **Exhibit “A”**.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent

said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____ 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit A

CHAPTER 14

ZONING

Section 16 Home-Based Occupations Businesses

16.10 Intent ~~And~~ and Purpose

~~Traditionally certain occupational uses termed “home occupation” have been allowed in dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of the home occupation use is such that it is compatible with residential neighborhoods, or that home occupation uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential uses. Successful local businesses are widely recognized as a desirable outcome. The ability of a single-family residence to be used for a home-based business by a full-time occupant is traditionally considered helpful in the creation and growth of successful local businesses so long as that use remains compatible with both the neighborhood and adjacent property. The provisions of this section provide a framework to authorize home-based businesses that:~~

- ~~(a) The above criteria defy precise definition or interpretation: Definition of home occupations by the above criteria has in some cases totally prohibited home occupations while in other instances allowed uses which markedly detract from the residential character of a neighborhood and thereby infringed upon the rights of surrounding residents. are compatible with residential uses;~~
- ~~(b) It is recognized that certain limited home occupation uses can be useful to both the general community as well as the resident proprietor. Also recognized is the difficulty of writing an ordinance dealing with home occupations in a “middle of the road” fashion, which is neither discriminatory nor arbitrary. It is hoped that the citizens will recognize these difficulties and will not abuse the privileges granted within this section. are incidental to the use of the premises as a residence;~~
- ~~(c) With the above in mind, it is the intent and purpose to provide for certain types of restricted occupational uses within residential zoning. Only such uses will be allowed which: are limited in area or extent; and
 - ~~(1) Are incidental to the use of the premises as a residence;~~
 - ~~(2) Are compatible with residential uses; and~~
 - ~~(3) Do not detract from the residential character of the neighborhood.~~~~
- ~~(d) Home Occupations that are dependent on traffic of customers to purchase goods or services directly at the dwelling shall not be permitted within residentially zoned districts; provided, however, home~~

~~occupations which normally generate minimal traffic such as, for example, tailors, seamstresses, accountants, consultants, locksmiths, etc. may be approved for residentially zoned districts. do not detract from the residential character of the neighborhood.~~

16.20 Use Limitations

In addition to the use limitations applicable in the zoning district in which the residence is located, all home-based ~~occupations~~ businesses shall be ~~subject to~~ evaluated in accordance with the following preferred use limitations:

- (a) ~~Such occupation shall be conducted solely by family members residing in the residence plus no more than one nonresident assistant or employee. No alteration or change in the premises or building shall be made that will make, result in, or cause the main structure or the property to no longer appear residential in character.~~
- (b) ~~No more than twenty-five (25) percent of the gross living area of said shall be used for such purpose. Use of garage or accessory buildings for these purposes is discouraged.~~ A home-based business shall not create noise, dust, vibration, smell, smoke flare, electrical interference, fire hazard, or any other health or safety hazard or nuisance to any greater or more frequent extent than usually experienced in a residential area. Storage of toxic, explosive, flammable, combustible, corrosive, or other hazardous material that does not relate to maintenance of the property is similarly prohibited.
- (c) ~~No use shall require external structural alteration or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure. No alteration or change in the premises or building shall be made that will make, result in or cause the main structure to appear in any way to be anything but a residential dwelling unit. No person other than a resident of the dwelling shall be engaged or employed in the business activities conducted on the premises. Staff members that are not members of the household are permissible at remote locations.~~
- (d) ~~There shall be no outside storage of any kind related to the home occupation.~~ All activities associated with the home-based business shall be conducted within the principal residential structure and no more than twenty-five percent (25%) of the gross living area of that residence shall be used for that purpose. Use of a detached garage or accessory buildings shall be restricted to the storage needs of the business and be limited in nature (i.e. area, volume, and percentage).
- (e) There shall be no display of products or material visible in any manner from the outside of the dwelling, including visibility through doors, windows, or other similar openings.
- (f) ~~No use shall create noise, dust, vibration, smell, smoke, flare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in a residential zoned district.~~ Patronage of the home-based business for sales or services shall be controlled in some manner such as requiring appointments to help maintain the residential character of the surrounding neighborhood. Patronage shall be limited to the hours between 7 AM and 7 PM.
- (g) No advertising, display, or other signs related to the home-based business shall be ~~permitted~~ visible on the ~~premises~~ property, including content affixed to vehicles while parked in a visible location on the premises.
- (h) ~~No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted material is used or stored on the site.~~ Deliveries and pickups from commercial suppliers shall each be limited in frequency and restricted to the type and size of vehicles (i.e. paneled vans) commonly servicing residential neighborhoods.

- (i) ~~No process is used which is in violation of any city, state or federal rule, regulation, or law. No home-based business shall offer a ready inventory of goods or commodities for direct sales unless they are made or assembled on-site and do not generate additional traffic. Telephone and internet solicitations or drop-shipping of products based on samples available for viewing at the location is permitted.~~
- (j) No advertisement shall be placed in any media containing the address of the property if the home-based business is one which ~~involves traffic or solicits~~ customers to purchase goods or services at the residence.
- (k) ~~Parking for~~ The home-based occupations: business shall not generate vehicular traffic or parking demands that exceed that which is normal for residential use of the property only. Off-street parking provisions beyond those typically found in any given neighborhood are prohibited as is any parking on the street or in the right-of-way.
 - ~~(1) The business shall not generate vehicular traffic requiring parking spaces beyond those normally allotted to residential use.~~
 - ~~(2) Curbside or edge of street parking related to a home occupation is prohibited.~~

16.30 Permitted Uses

~~The following is a list of uses normally permitted since these typically meet all use limitations, conditions and restrictions set forth in this chapter. Permitted uses are not limited to those listed below, but include any uses which comply with use limitations, conditions and restrictions set forth in this chapter. Any home-based business that is fully compliant with all the use limitations enumerated in Section 16.20 and not included in Section 16.40 as requiring a conditional use approval shall be permitted without an amended certificate of occupancy that describes the business.~~

All other home-based businesses, including those authorized by administrative approvals or conditional use approvals, shall be required to obtain a certificate of occupancy. A certificate of occupancy for a home-based business shall require renewal pursuant to an inspection for compliance with applicable provisions every two years and payment of the fee required in the ordinance schedule.

Accountant
 Appraiser
 Architect
 Artists and sculptors
 Authors, writers and composers
 Broker
 Building or construction contractor
 Caterer
 Chimney sweep
 Counseling
 Consulting services
 Data processing, computer programmer
 Direct sale product distribution, such as Amway, Avon, Tupperware, Herbalife, Mary Kay
 Dressmaker, seamstress, tailor, or clothing designer
 Electrician
 Engineer, engineering service
 Family Home Facility
 Gardener and lawn maintenance

~~Graphic designer
Heating and air conditioning repair
Home inspection services
Home crafts, such as flower arrangements, ceramics (limited to a kiln up to six cubic feet), jewelry making
House cleaning or maid service
Instructor in arts and crafts
Insurance agent
Interior decorator/design
Land surveyor
Lawyer
Lobbyist
Locksmith
Mail order (not including retail sales from site)
Musician, musical instructor (but not including practice by musical groups)
Painting contractor
Real estate agent
Salesman, sales representative, or manufacturers' representative
Security systems
Tax advisor/form preparation
Telephone answering service
Telemarketer, Telecommunications
Travel agent
Tutoring related to educational institutions accredited by the State of Texas
Typing, word processing service
Watch repair, jeweler~~

16.40 ~~Uses Prohibited As Home-Based Occupations Businesses Requiring a Conditional Use Approval~~

Any use which fails to comply with Section 16.20(a) or Section 16.20(b), any use that fails to comply with three (3) or more of the use limitations in Section 16.20(c) through Section 16.20(k), or any use that fails to comply with other requirements, conditions and restrictions set forth in this chapter shall require a conditional use approval in accordance with the procedures below.

~~The Additionally, the following is a list of uses normally prohibited as a home-based business since these typically fail to meet the use limitations, conditions and restrictions set forth in section 16.20. Prohibited uses are not limited to those listed below, but include any uses which fail to comply with use limitations in section 16.20, conditions and restrictions set forth in this chapter.~~

Ambulance service
Antique shop
Automobile repair, parts sales, upholstery, or detailing; washing service
Appliance repair
Automobile rental
Barber shop
Beauty salon
Bed and breakfast facility, unless a special use permit has been obtained
Boat repair, parts sales or upholstery
Carpentry, cabinet maker
Firearms or ammunition sales
Gift shop
Funeral chapel or home, mortician, hearse services

Health salon, gym, dance studio, aerobic exercise studio
Limousine service
Medical office, dental office, eye clinic, hospital
Motorcycle repair or part sales
Palm reading, fortune telling, astrology
~~Pet grooming~~
Private club
Skin care salon
Stable
Tow truck service
Trailer rental
Upholstery shop
Veterinary clinic, hospitals, kennels

16.50 Procedures

Applications for a home-based ~~occupation permit~~ business shall be ~~as follows~~ in accordance with the following procedures:

- (a) ~~Application.~~ Application for a ~~Home Occupation Permit~~ certificate of occupancy for a home-based business shall be made ~~to the City Manager~~ on a form established and used for ~~such~~ this purpose and include the ordinance specified fee. ~~The City Manager will make a decision on each such application or renewal and notify the applicant in writing within 15 calendar days of the date the application is received.~~ Applications shall include all the information necessary to make the determinations associated with the use limitations enumerated in Section 16.20 for a specific business or as required elsewhere in this section. Required information may include drawings of the property, as well as any relevant existing or proposed improvements.
- (b) ~~Scope.~~ ~~The City Manager can approve the application and issue the Home Occupation Permit if all provisions of this chapter are met. In cases where the home occupation is listed in section 16.30, but does not satisfy all other provisions of this chapter, the application shall be denied. If an application meets all other provisions of this section, but the home occupation is not listed in section 16.30, and/or does not comply with section 16.20 or appears on the list in section 16.40, the City Manager shall forward the application to the Planning and Zoning Commission to develop a recommendation for the city council, if the applicant agrees to or requests such a process. In such event notice shall be given as provided in this section for an appeal.~~ Absent a current formal complaint to the code enforcement staff about the business or property, applications that deviate from no more than three (3) of the use limitations enumerated in Section 16.20(c) through Section 16.20(k) and are not excluded by Section 16.40 are eligible for administrative approval of an amended certificate of occupancy that includes the proposed home-based business.
- (c) ~~Time Limit.~~ ~~Subject only to the future amendment of this chapter, all home occupation permits shall be valid from the date of issuance throughout the life of the home occupation and expire at the termination of the home occupation.~~ As specified in Section 16.30, a certificate of occupancy for a home-based business shall require renewal every two years to verify continued compliance with applicable requirements including the number of deviations from use limitations or the terms of a previous conditional use approval. Substantive changes revealed during the renewal inspection or a subsequent formal complaint to the code enforcement staff about the business or property shall require a new conditional use approval application in accordance with the requirements of this section.

- (d) ~~Voiding of Permit.~~ The City Manager may void any home occupation permit for noncompliance with the criteria set forth in this chapter. Revocation may take place at any time. If the permit is revoked, it becomes null and void, and said use shall be terminated. All uses listed or similar in nature to the uses enumerated in Section 16.40, that fail to comply with Section 16.20(a) or Section 16.20(b), that include more than three (3) deviations from the provisions in Section 16.20(c) through Section 16.20(k), or that involve a current or recent formal complaint shall require a conditional use approval in accordance with the following procedures as a prerequisite to a certificate of occupancy application for a home-based business.
- (1) A conditional use approval application for a home-based business shall be made on a form established and used for this purpose and include the ordinance specified fee. Applications shall include all the information necessary to make the determinations associated with the use limitations enumerated in Section 16.20 above for a specific business or as required elsewhere in this section. Required information may include drawings of the property, as well as any relevant existing or proposed improvements.
 - (2) A conditional use approval for a home-based business requires the same procedures for public hearings and notices as a zoning change, including action by the City Council following a recommendation from the Planning and Zoning Commission.
 - (3) The Planning and Zoning Commission shall recommend, and the City Council approve a conditional use for a home-based business if they find it will substantially comply with the provisions and intent of this section despite deviations with the use limitations in Section 16.20, if the business is not the subject of a valid current or recent formal complaint to the code enforcement staff about the business or property.
 - (4) Conditional use approvals granted pursuant to this section and the associated certificate of occupancy shall immediately expire and become invalid upon the occurrence of either of the following:
 - (A) no resident of the dwelling is engaged or employed in the home-based business; or
 - (B) the owner of the property applies to amend the certificate of occupancy to exclude the previously approved home-based business.
- (e) ~~Appeals and Review.~~ The decision of the City Manager concern Absent a current formal complaint to the code enforcement staff about the business or property ~~ing the approval, disapproval or revocation of any permit shall be final unless a written appeal is filed with the Planning and Zoning Commission within fourteen (14) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within 200 feet of the subject property. A request for review and recommendation by the Planning and Zoning Commission may only be initiated by the City Manager in accordance with section 16.50(b) above. The decision of the Planning and Zoning Commission shall be final unless the City Manager or any interested person shall file an appeal of the Planning and Zoning Commission's decision within ten (10) days from the date of such decision. In the event of an appeal from the decision of the Planning and Zoning Commission, the city council will hear the appeal and shall finally decide to approve or deny the application or, in the case of a revocation, to uphold the revocation or to reinstate the permit. The notice procedures in Section 13 of the Zoning Ordinance, addressing changes and amendments to this chapter, shall be followed whenever an appeal or review comes before the Planning and Zoning Commission and, subsequently, the city council.~~
- (f) ~~Inspection.~~ The permit to establish a home occupation in a residence is a privilege, which carries

~~with it a responsibility to meet reasonable requirements, imposed by the City. At the same time, placing a home occupation in a residence gives the City an interest it otherwise would not have in activities carried on in the residence relating to the conduct of the home occupation. In enforcing the home occupation ordinance the City will exercise due care with respect to its residents. Thus, whenever there is reasonable cause to believe that a violation of this home occupation ordinance is taking place in any residence or upon the premises thereof, a member of the City designated by the City Manager may enter the premises at any reasonable time to inspect the same; provided, the member of the City designated by the City Manager shall first present proper credentials and request entry to inspect the premises. If such entry is refused, the City Manager or his agents shall have recourse to every remedy provided by law to secure entry to assure compliance with this home occupation ordinance. Nothing herein is intended to abridge any rights granted to citizens under the state and federal constitutions.~~

16.60 Enforcement Procedures

~~Enforcement procedures for home occupation permits shall be as follows:~~

- ~~(a) Written Request. Any aggrieved person believing that a violation or violations of this chapter is occurring and who desires that action be taken by the City shall notify the City Manager in writing of such alleged violation(s). Within thirty (30) calendar days after receipt by the City Manager of such written allegation(s), the City Manager shall complete an investigation of the alleged violation(s) to determine the merits thereof. Within fourteen (14) calendar days after the City Manager has completed the investigation(s), he shall notify in writing the following persons:~~
 - ~~(1) If the City Manager determines that no violation is occurring, then notification of that decision shall be given to the complaining person in writing.~~
 - ~~(2) If the City Manager determines that a violation is occurring or has occurred, then notification of that decision and a time for compliance shall be sent by first class mail to the violator and a copy to the complaining person. The notification shall also state what action will be taken if compliance is not timely effected.~~
- ~~(b) Appeal. Any person aggrieved by a decision of the City Manager and/or Planning and Zoning Commission may appeal such decision to the city council. The procedures for notice and hearing covered in Section 13 of the Zoning Ordinance, addressing changes and amendments to this chapter, shall be followed whenever an appeal is made to the Planning and Zoning Commission and, subsequently, to the city council.~~

16.70 Home Occupation Conditional Use Permit Provisions

- ~~(a) Procedure. The city council, after the public hearings and proper notice to all parties affected as provided by state law, and after recommendations by the Planning and Zoning Commission, may authorize the issuance of a conditional use permit to authorize the continuation of a home occupation, otherwise not in compliance with the provisions hereof.~~
- ~~(b) Application. Any person seeking a conditional use permit under this chapter for his/her home occupation shall file an application for same with the City Manager or his designee, accompanied with a completed copy of the form or letter approved for requesting a permit for home occupation.~~
- ~~(c) Notification and Hearing. The notification and public hearing process for conditional use permits hereunder shall be the same as for rezoning amendments under the City's Zoning Ordinance and Chapter 211, Tex. Loc. Govt. Code and written notice of the public hearing to be held by the Planning~~

~~and Zoning Commission on any application for conditional use permit authorized by this chapter shall be given to each property owner situated within 200 feet of the location of the home occupation and shall be mailed at least ten (10) days in advance of such hearing.~~

- ~~(d) Required Findings. The Planning and Zoning Commission shall recommend city council approval of the conditional use permit provided it finds that the home occupation, while not fully complying with the terms of the home occupation ordinance, will substantially comply with the provisions thereof and the home occupation is not the subject of a valid complaint filed by a property owner situated within 200 feet of the home occupation.~~
- ~~(e) Expiration and Termination. Conditional use permits granted pursuant to this chapter shall immediately terminate and expire upon the first of the following to occur:~~
 - ~~(1) Sale or Conveyance. The person owning the property, when such permit is issued, sells, conveys, leases or rents such property or home occupation to a third party.~~
 - ~~(2) Abandonment. The person owning the property when the permit is issued ceases to occupy the residence as his/her primary place of residence.~~
 - ~~(3) Expiration. The expiration date of the conditional use permit if such is added to the conditional use permit.~~

CHAPTER 14

ZONING

Section 16 Home-Based Businesses

16.10 Intent and Purpose

Successful local businesses are widely recognized as a desirable outcome. The ability of a single-family residence to be used for a home-based business by a full-time occupant is traditionally considered helpful in the creation and growth of successful local businesses so long as that use remains compatible with both the neighborhood and adjacent property. The provisions of this section provide a framework to authorize home-based businesses that:

- (a) are compatible with residential uses;
- (b) are incidental to the use of the premises as a residence;
- (c) are limited-in area or extent; and
- (d) do not detract from the residential character of the neighborhood.

16.20 Use Limitations

In addition to the use limitations applicable in the zoning district in which the residence is located, all home-based businesses shall be evaluated in accordance with the following preferred use limitations:

- (a) No alteration or change in the premises or building shall be made that will make, result in, or cause the main structure or the property to no longer appear residential in character.
- (b) A home-based business shall not create noise, dust, vibration, smell, smoke flare, electrical interference, fire hazard, or any other health or safety hazard or nuisance to any greater or more frequent extent than usually experienced in a residential area. Storage of toxic, explosive, flammable, combustible, corrosive, or other hazardous material that does not relate to maintenance of the property is similarly prohibited.
- (c) No person other than a resident of the dwelling shall be engaged or employed in the business activities conducted on the premises. Staff members that are not members of the household are permissible at remote locations.
- (d) All activities associated with the home-based business shall be conducted within the principal residential structure and no more than twenty-five percent (25%) of the gross living area of that residence shall be used for that purpose. Use of a detached garage or accessory buildings shall be restricted to the storage needs of the business and be limited in nature (i.e. area, volume, and percentage).

“Exhibit B”

- (e) There shall be no display of products or material visible in any manner from the outside of the dwelling, including visibility through doors, windows, or other similar openings.
- (f) Patronage of the home-based business for sales or services shall be controlled in some manner such as requiring appointments to help maintain the residential character of the surrounding neighborhood. Patronage shall be limited to the hours between 7 AM and 7 PM.
- (g) No advertising, display, or other signs related to the home-based business shall be visible on the property, including content affixed to vehicles while parked in a visible location on the premises.
- (h) Deliveries and pickups from commercial suppliers shall each be limited in frequency and restricted to the type and size of vehicles (i.e. paneled vans) commonly servicing residential neighborhoods.
- (i) No home-based business shall offer a ready inventory of goods or commodities for direct sales unless they are made or assembled on-site and do not generate additional traffic. Telephone and internet solicitations or drop-shipping of products based on samples available for viewing at the location is permitted.
- (j) No advertisement shall be placed in any media containing the address of the property if the home-based business is one which solicits customers to purchase goods or services at the residence.
- (k) The home-based business shall not generate vehicular traffic or parking demands that exceed that which is normal for residential use of the property only. Off-street parking provisions beyond those typically found in any given neighborhood are prohibited as is any parking on the street or in the right-of-way.

16.30 Permitted Uses

Any home-based business that is fully compliant with all the use limitations enumerated in Section 16.20 and not included in Section 16.40 as requiring a conditional use approval shall be permitted without an amended certificate of occupancy that describes the business.

All other home-based businesses, including those authorized by administrative approvals or conditional use approvals, shall be required to obtain a certificate of occupancy. A certificate of occupancy for a home-based business shall require renewal pursuant to an inspection for compliance with applicable provisions every two years and payment of the fee required in the ordinance schedule.

16.40 Home-Based Businesses Requiring a Conditional Use Approval

Any use which fails to comply with Section 16.20(a) or Section 16.20(b), any use that fails to comply with three (3) or more of the use limitations in Section 16.20(c) through Section 16.20(k), or any use that fails to comply with other requirements, conditions and restrictions set forth in this chapter shall require a conditional use approval in accordance with the procedures below.

Additionally, the following is a list of uses normally prohibited as a home-based business since these typically fail to meet the use limitations, conditions and restrictions set forth in section 16.20.

Ambulance service
Antique shop
Automobile repair, parts sales, upholstery, or detailing; washing service
Appliance repair
Automobile rental
Barber shop
Beauty salon

“Exhibit B”

Bed and breakfast facility, unless a special use permit has been obtained
Boat repair, parts sales or upholstery
Carpentry, cabinet maker
Firearms or ammunition sales
Gift shop
Funeral chapel or home, mortician, hearse services
Health salon, gym, dance studio, aerobic exercise studio
Limousine service
Medical office, dental office, eye clinic, hospital
Motorcycle repair or part sales
Palm reading, fortune telling, astrology
Private club
Skin care salon
Stable
Tow truck service
Trailer rental
Upholstery shop
Veterinary clinic, hospitals, kennels

16.50 Procedures

Applications for a home-based business shall be in accordance with the following procedures:

- (a) Application for a certificate of occupancy for a home-based business shall be made on a form established and used for this purpose and include the ordinance specified fee. Applications shall include all the information necessary to make the determinations associated with the use limitations enumerated in Section 16.20 for a specific business or as required elsewhere in this section. Required information may include drawings of the property, as well as any relevant existing or proposed improvements.
- (b) Absent a current formal complaint to the code enforcement staff about the business or property, applications that deviate from no more than three (3) of the use limitations enumerated in Section 16.20(c) through Section 16.20(k) and are not excluded by Section 16.40 are eligible for administrative approval of an amended certificate of occupancy that includes the proposed home-based business.
- (c) As specified in Section 16.30, a certificate of occupancy for a home-based business shall require renewal every two years to verify continued compliance with applicable requirements including the number of deviations from use limitations or the terms of a previous conditional use approval. Substantive changes revealed during the renewal inspection or a subsequent formal complaint to the code enforcement staff about the business or property shall require a new conditional use approval application in accordance with the requirements of this section.
- (d) All uses listed or similar in nature to the uses enumerated in Section 16.40, that fail to comply with Section 16.20(a) or Section 16.20(b), that include more than three (3) deviations from the provisions in Section 16.20(c) through Section 16.20(k), or that involve a current or recent formal complaint shall require a conditional use approval in accordance with the following procedures as a prerequisite to a certificate of occupancy application for a home-based business.
 - (1) A conditional use approval application for a home-based business shall be made on a form established and used for this purpose and include the ordinance specified fee. Applications shall include all the information necessary to make the determinations associated with the use limitations enumerated in Section 16.20 above for a specific business or as required elsewhere in

“Exhibit B”

this section. Required information may include drawings of the property, as well as any relevant existing or proposed improvements.

- (2) A conditional use approval for a home-based business requires the same procedures for public hearings and notices as a zoning change, including action by the City Council following a recommendation from the Planning and Zoning Commission.
- (3) The Planning and Zoning Commission shall recommend, and the City Council approve a conditional use for a home-based business if they find it will substantially comply with the provisions and intent of this section despite deviations with the use limitations in Section 16.20, if the business is not the subject of a valid current or recent formal complaint to the code enforcement staff about the business or property.
- (4) Conditional use approvals granted pursuant to this section and the associated certificate of occupancy shall immediately expire and become invalid upon the occurrence of either of the following:
 - (A) no resident of the dwelling is engaged or employed in the home-based business; or
 - (B) the owner of the property applies to amend the certificate of occupancy to exclude the previously approved home-based business.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-02, an ordinance of the City of Lago Vista, Texas, amending Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts.

BACKGROUND: Inconsistent language was discovered in Section 6.105 and Section 15.50, using "Temporary Unzoned" to describe the placeholder zoning district, "Temporary Restricted". This ordinance clears the ambiguous language found in the Code of Ordinances.

Other language in these sections made it appear that newly zoned property must be zoned on a city-initiated zoning immediately following annexation. The proposed amendment allows such a city-initiated zoning, but makes it discretionary as opposed to mandatory, as often times the property owner of property newly annexed into the City will initiate the zoning on their own.

Finally, the proposed amendment allows the City to delay the required design review approval to a later date. As currently written the Zoning Ordinance requires such a design review approval process before the property can be zoned, but particularly in situations where newly annexed property is being zoned, no formal engineering or land planning has occurred. The proposed amendment gives the P&Z and Council the discretion in appropriate cases to allow the property to be zoned and give the landowner an opportunity to find an end-user within that zoning district, without having to design the site plan, landscaping, building elevations, etc. required in the design approval process.

FINDINGS: This ordinance amendment provides a vehicle for an applicant that seeks approval of a zoning change to defer the design

approval by providing specific reasons that adequate detailed information to meet the documentation requirements is not available. The City Council and Planning and Zoning Commission may then defer the design approval requirement to a subsequent application in accordance with the procedures in Section 6.105(b)(2) included as a condition of the zoning change as described in Section 6.105(c).

The Planning and Zoning Commission voted at its August 8, 2024 meeting to recommend these amendments. Development Services also recommends approval of this item.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[Chapter 14 explicitly authorize design review deferrals during zoning changes 9.11.24.pdf](#)
[Section_6.105_Design_Review_Process_Amendment .pdf](#)

CHAPTER 14

ZONING

3.50 Zoning Of Newly Annexed Areas

- (a) Any land hereinafter annexed to the City of Lago Vista, Texas shall automatically be temporarily classified as TR-1 (Temporary ~~Unzoned~~ Restricted) until reclassified in accordance with this chapter.
- (b) The Commission and/or city council ~~shall~~ may, ~~as soon as practicable~~ after the annexation of any territory to the City, institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification.
- (c) Zoning may also be instituted by the city or the property owner of the land being annexed ~~simultaneously with~~ immediately following the consideration of annexing land. The ordinance permanently zoning newly annexed property shall ~~only~~ be considered after ~~the property is annexed~~ the effective date of the annexation ordinance.

6.105 Required Design Review Approval For Multifamily And Non-Residential Buildings

Prior to the issuance of building permits on any multifamily or non-residential development, design review approval in accordance with the provisions below must be secured in addition to the site development plan approval specified by the requirements within Chapter 3, Chapter ~~10~~ 3.5 and Chapter ~~10.5~~ 10 as applicable.

- (a) Purpose. Many areas within the current municipal limits are the result of subdivision approvals that pre-date the City and any comprehensive development standards. As a result, there are an abundance of relatively small and inordinately small lots throughout the jurisdiction. In addition, the existing development pattern does not include locations for multifamily or non-residential facilities except immediately adjacent to or very near one and two-family residences or property. Current growth trends have established a need to accommodate an increasing amount of these types of facilities and an opportunity to establish a more sustainable development pattern that includes a full range of housing choices, retail services and employment opportunities. As such, traditional zoning district approvals alone are insufficient to accommodate this type of growth in an orderly manner and to ensure compatibility with existing use rights. The provisions below are for the purpose of mitigating the potential negative impact of otherwise incompatible development and to increase the likelihood that growth instead adds lasting value to the community and promotes its long-term goals.
- (b) Procedure.
 - (1) Re-zoning Applications. An applicant shall incorporate a design approval request as an integral part of a zoning district change application involving any of the applicable zoning districts or uses within a Planned Development District ~~whenever adequate detailed information is available to meet the documentation requirements~~. Required documentation shall include site plans and site elevation concept drawings and any other documents required to illustrate how each of the proposed improvements address the compatibility issues and approval standards identified below.

No additional fee is required when the required design approval is part of a zoning district change request.

An applicant that seeks approval of a zoning change while deferring the design approval shall state the specific reasons that adequate detailed information to meet the documentation requirements is not available. The City Council and Planning and Zoning Commission may defer the design approval requirement to a subsequent application in accordance with the procedures in Section 6.105(b)(2) below shall be included as a condition of the zoning change as described in Section 6.105(c) below.

- (2) Property with Sufficient Existing Zoning Use Rights. An application for design approval for a property that already includes the necessary zoning rights involving one of the applicable districts or uses within a Planned Development District shall be made on a form supplied by the City. The only exemption results from a specific and explicit request approved in the provisions of the existing ordinance adopting the zoning district change. Documentation required for design approval shall include site plans and site elevation concept drawings and any other documents required to illustrate how each of the proposed improvements address the compatibility issues and approval standards identified below. The application shall require a fee equal to the fee established in the ordinance for site development plan approval. A pre-application conference and/or a sufficiency review with City staff is required prior to the application being placed on ~~the next regularly a subsequent~~ scheduled or special call meeting of the Planning and Zoning Commission for approval. However, staff approval resulting from these meetings is not required and the applicant can request the matter be placed on ~~the next available a subsequent~~ agenda notwithstanding a staff recommendation to the contrary. A public hearing and notices in accordance with the requirements of Section 13.40 below is not a pre-requisite but can be required at the discretion of the Commission when established during any public meeting.
- (3) Site Plan Approval Amendments. Substantive discrepancies between the design approval required by this section and a permit application require an amendment following the same procedures described above for property with sufficient existing zoning use rights. A discrepancy shall be considered substantive whenever it materially changes the impact on a particular adjacent or nearby property in a specific way and as encompassed by the approval standards and criteria enumerated below.
- (4) Appeals. An applicant or any aggrieved person, as defined in section 2.10, may appeal the ~~final~~ decision of the Planning and Zoning Commissions on ~~a an application that seeks~~ design review ~~application approval in accordance with Section 6.105(b)(2) above to the Board of Adjustments~~ City Council in accordance with the ~~requirements of section 11.50~~ procedures for a subdivision variance appeal found in Chapter 10.
- (c) Conditions. If the Planning and Zoning Commission or the City Council incorporates conditions within their design review approval, all plans and drawings submitted as part of an application for a building permit or other similar required approvals must include compliance with those stipulations. Failure to do so shall be considered adequate basis for a denial of that permit or approval.
- (d) Approval Standards and Criteria. ~~Issues~~ Regardless of whether it is part of a zoning change request or a separate application in accordance with Section 6.105(b)(2) above, issues to be adequately addressed and resolved ~~by the applicant~~ in order to receive design review approval include, but are not limited to the following:
 - (1) Conformity with all applicable regulations within the Code of Ordinances, the current Lago Vista Comprehensive Master Plan and any other adopted land use policies, ~~such as the Interim Growth Management Policy.~~

- (2) The location, arrangement, size, design and general site compatibility of structures and other improvements such as parking, landscaping, fences, lighting, signs and driveway locations to mitigate and otherwise avoid unreasonable negative impact to adjacent property (including public property or a public right-of-way) due to:
 - (A) Reduced privacy;
 - (B) Reduced use, utility or property rights;
 - (C) Avoidable light and sound trespass; or
 - (D) Unwarranted reductions in the visual or aesthetic quality of views beyond that which is an inherent result of development.
- (3) Landscaping, the location and configuration of required offsite parking and the arrangement of open space or natural features on the site shall:
 - (A) Minimize the visual and environmental impact of large expanses of uninterrupted paving;
 - (B) Create a desirable and functional open space environment for all intended site patrons, including pedestrians, bicyclists, and motorists; and
 - (C) Provide buffers and attractive screening to minimize the functional or visual impact of certain uniquely non-residential or multifamily site elements to help create a more logical and natural transition to dissimilar developments.
- (4) Circulation systems, transportation components and off-street parking shall integrate to:
 - (A) Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and any potential public transit users;
 - (B) Eliminate or reduce dangerous traffic movements;
 - (C) Minimize driveway or curb cuts by using cross-access servitudes and shared parking whenever possible and appropriate;
 - (D) Accommodate sign locations that do not create sight-obstructions that are potentially hazardous to any transportation mode; and
 - (E) Clearly define a network of pedestrian connections in and between parking lots, sidewalks, open spaces, and structures that is visible, identifiable, and safe.
- (5) Building facades visible from a public right-of-way shall avoid large expanses or massive amounts of unarticulated exterior finish surfaces or that are otherwise lacking in elements that relate to pedestrian or human scale.

ORDINANCE NO. 24-10-17-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING SECTION 3.50 AND SECTION 6.105 OF CHAPTER 14 TO CLARIFY AMBIGUOUS LANGUAGE AND TO EXPLICITLY ALLOW THE CITY COUNCIL DISCRETION TO APPROVE A ZONING CHANGE WHILE DEFERRING THE DESIGN REVIEW OTHERWISE REQUIRED FOR MULTIFAMILY AND NON-RESIDENTIAL ZONING DISTRICTS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established provisions within Chapter 14 of the Lago Vista Code of Ordinances provisions that require a design review process before property can be zoned; and

WHEREAS, the Planning and Zoning Commission and Development Services staff have encountered situations where a landowner, particularly of newly annexed land, has applied for zoning but is also required to undertake the design review process set out in Section 6.105 of Chapter 14, but the landowner does not have a final plan or an end-user for the property but wants to zone the property to market it; and

WHEREAS, the Planning and Zoning Commission and Development Services staff have also become aware of inconsistent language in Chapter 14 related to the TR-1 zoning district; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken an extensive review of the issue at its meeting on August 8, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts as described below; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 3.50 and Section 6.105 of Chapter 14 to clarify ambiguous language and to explicitly allow the City Council discretion to approve a zoning change while deferring the design review otherwise required for multifamily and non-residential zoning districts, as shown in **Exhibit “A”**.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City’s Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____ 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit A



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Hold a public hearing for discussion, consideration, and possible action on Ordinance 24-10-17-03; an ordinance of the of the City of Lago Vista, amending Section 6.105 and Section 15.50 of Chapter 14 to update a cross-reference to the site development plan regulations.

BACKGROUND: The adoption of Ordinance 24-08-01-03; an ordinance of the of the City of Lago Vista, amending Section 6.105 and Section 15.50 of Chapter 14 to update a cross-reference to the site development plan regulations was initiated after approval of earlier revisions to move Chapter 10.5 of the Lago Vista Code of Ordinances to Chapter 3.5. Thus, there is a need to correct the cross references that reference Section 10.5, which is now Section 3.5.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Chapter_14_Update_cross_reference_from_chapter_10.5_to_Chapter_3.pdf](#)
[Cross-Reference_in_Chapter_14_Amendment.pdf](#)

CHAPTER 14

ZONING

6.105 Required Design Review Approval For Multifamily ~~And~~ and Non-Residential Buildings

Prior to the issuance of building permits on any multifamily or non-residential development, design review approval in accordance with the provisions below must be secured in addition to the site development plan approval specified by the requirements within Chapter 3, Chapter ~~10~~ 3.5 and Chapter ~~10.5~~ 10 as applicable.

Section 15 General Administration

15.50 Other Requirements

Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter ~~10~~ 3.5, Chapter ~~10.5~~ 10, Chapter 11, Chapter 14, and the Technical Construction Standard Specifications (TCSS) adopted as Ordinance Number 19-02-21-02 as amended. The TCSS is incorporated by reference herein and shall be deemed to have the same force and effect as if set forth in full herein.

ORDINANCE NO. 24-10-17-03

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING SECTION 6.105 AND SECTION 15.50 OF CHAPTER 14 TO UPDATE A CROSS-REFERENCE TO THE SITE DEVELOPMENT PLAN REGULATIONS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously amended Section 6.105 and Section 15.50 of Chapter 14 to update a cross-reference to the site development plan regulations; and

WHEREAS, Council later recodified Chapter 10.5 as Chapter 3.5 of the Lago Vista Code of Ordinances; and

WHEREAS, it is now necessary to modify Sections 6.105 and 15.50 of Chapter 14 to reflect the change to the cross-references; and

WHEREAS, the Planning and Zoning Commission recommends approval of this Amendment to chapter 14 to reflect the corrected cross-reference; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 6.105 and Section 15.50 of Chapter 14 as shown in **Exhibit "A"**.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 17th day of October 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit A

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cole Bakley, Development Services

SUBJECT: Discussion, consideration, and possible action on Ordinance 24-10-17-04; an ordinance of the City of Lago Vista, amending the Sign Ordinance, Chapter 5 of the Lago Vista Code of Ordinances, regarding political expression; signs, wayfinding signs and directional signs in a public right-of-way; and variance or appeal procedures related to sign permits.

BACKGROUND: The Building and Standards Commission began discussing changes to the Sign Ordinance relating to temporary signs in the right-of-way at its May 1, as directed by Council. The discussion continued at the regular meetings of the Commission in June, July, and August.

As the issue was discussed, proposed amendments to the Sign Ordinance relating to the regulation of political signs was also added to the discussion, as was the issue of which city commission or board should hear requests for variances from the Sign Ordinance.

These discrete issues are all presented to Council in this proposed Ordinance amending the Sign Ordinance.

Regarding political signs, the existing provisions in the Sign Ordinance do not comply with State law, and also potentially suffer from challenges under the First Amendment. The proposed revisions to the sign Ordinance relating to political expression and political signs address the concerns under both state and federal law.

Regarding temporary signs and way-finding signs in the public right-of-way, the Commission's recommended amendments to the Sign Ordinance would allow a limited number of smaller signs to be placed in the public right-of-way for purposes of informing persons of public events and directing them on where to go to park and participate in those events. The key decision was to tie the eligibility for such temporary and wayfinding signs to events that can be advertised on the City's

electronic message board. The rationale is that if an event can be advertised on the City's electronic message board, it must have some public purpose or be of interest to the general public, and therefore a limited number of temporary signs in the right-of-way to guide persons to the events and to add additional awareness of the event should be allowed. the Commission noted that often these events are a form of economic development or intended to enhance tourism, and so allowances should be made to allow signage to support those events.

Finally, regarding the issue of which body should hear variance requests arising under the Sign Ordinance, the Commission concluded that it should continue in that role. The Council earlier this year changed the Sign Ordinance to send such variance requests to the Board of Adjustments, as they generally hear variance appeals. But the Building and Standards Commission believes the technical issues related to the sign Ordinance are what should generally drive considerations of variances to that Ordinance, and believes that it is best-suited to consider such variance requests, as it works with the Sign Ordinance on a regular basis and is the body that can recommend amendments to the sign Ordinance should a series of variance requests show a need for an amendment.

FINANCIAL IMPACT: N/A

RECOMMENDATION: Development Services recommends approval of this item with removal of the following language from Section 5.105(p) of Chapter 5 stating: "a a political (election) sign within ten (10) days after the event to which it relates, or".

ATTACHMENTS:

[Sign Ordinance Amendments Amended 10.14.2024.pdf](#)

[Sign Ordinance amendment August 2024 Clean Version.pdf](#)

[Sign Ordinance amendment August 2024 Redlined Version.pdf](#)

[BSC sign Variance 22Jul24.pdf](#)

[BSC ROW Signs Recom 16Jun24.pdf](#)

ORDINANCE NO. 24-10-17-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE SIGN ORDINANCE, CHAPTER 5 OF THE CODE OF ORDINANCE, REGARDING POLITICAL SIGNS, TEMPORARY AND WAYFINDING SIGNS IN THE RIGHT-OF-WAY, AND APPEALS AND VARIANCES.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established provisions within Chapter 5 of the Lago Vista Code of Ordinances regulating signs; and

WHEREAS, the Building and Standards Commission and Development Services staff have become aware of desirable improvements to Chapter 5 to better comply with state and federal law as it relates to political signs, and as directed by Council to consider and recommend rules to regulate signs in the public right-of-way; and

WHEREAS, the Building and Standards Commission also recommends revisions to the Sign Ordinance regarding which City body hears appeals and variances regarding Chapter 5; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has undertaken an extensive review of Chapter 5 related to these issues at its meetings on May 1, June 5, July 8, and August 7, 2024; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend Chapter 5 as described below; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 5 of the Lago Vista Code of Ordinances as shown in **Exhibit “A”**.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____ 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

EXHIBIT “A”

CHAPTER 5

SIGNS

Section 5.101 Definitions

Advertise. Calling attention of the public to a product or business, especially to promote sales.

Alter. Any change to a sign other than general maintenance or altering of changeable copy. Any additions to a sign’s dimensions that exceeds the original application is not permitted.

Area of Sign. The entire area within a single continuous perimeter composed of regular geometric shapes which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces which are not parallel, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced shall be considered in determining the sign area, provided both faces are parallel (back-to-back) and the distance between faces does not exceed four feet at its widest point. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the regular geometric shapes surrounding each individual sign component.

Athletic Field Sign. An “official sign” that is designed, intended, or used to inform or advertise to the spectators of an athletic event.

Average Grade. The mean topographical grade height in the immediate vicinity of the sign.

Awning, Canopy and Marquee Sign. A sign that is mounted on, painted on, or attached to an awning, canopy, or marquee.

Balloon. Any inflated object tethered or untethered, over four (4) square feet in area, as measured within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the balloon. Inflatable entertainment structures shall also be considered balloons. See also the definition of a “political (election) sign” below.

Bandit Sign. Any sign posted on a utility pole, street sign, street furniture, or sign posted in the right-of-way except as specifically authorized below, of any size, including signs with wood or wire framing, post, or stakes. No sign owned or placed by the city, county, state, or a public utility shall be considered a “bandit sign.”

Banner Sign. A sign made of fabric or non-rigid material. “Banner signs” include banner flags and feather flags, consisting of a banner attached to a rigid pole which is often curved and usually placed on or in the ground. “Banner signs” also include individual devices or a series of attention getting devices such as streamers and pennants designed to respond to wind current. See also the definition of a “political (election) sign” below.

Dilapidated or Deteriorated Condition. Where structural support or frame members are visibly bent, broken, dented, or structurally unsound as determined by the building official to such an extent that a danger of injury to persons or property is created.

Display Surface Area. The surface area of a sign on which the message is displayed including any border or trim.

Electronic Sign. A programmable display as a freestanding, hanging wall, or window sign. See Section 5.108 and the definition of a “political (election) sign” below.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend, or affix or any activity required to install a sign.

External Sign Lighting. A light source separated from the sign surface and illuminating the sign surface by means of a separate fixture or fixtures.

Facade. A surface that includes the entirety of the window and wall area of a specific building elevation.

Fine Art. Sculpture fountains, or similar objects or displays without a literal element or commercial logo, and which are not solely related to the economic interests of the speaker and its audience.

Flag. A piece of fabric or other flexible material customarily mounted on a pole or similar freestanding structure, other than a “banner sign,” banner flag, or feather flag. See also the definition of a “political (election) sign” below.

Flashing Sign. An illuminated sign using a rotating beacon, beam, or flashing illumination in which the artificial source of light does not maintain a stationary or constant intensity and color at all times when such sign is illuminated and is not an electronic sign.

Graffiti. Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribed on the property of another regardless of nature or the material used in the commission of the act.

Ground Sign. A permanent sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground. See also the definition of a “political (election) sign” below.

Handbill. Any document, poster, placard, or bill that advertises or directs attention to an object, product, place, activity facility, service, event, attraction, person, institution, organization, or business or that advertises and informs in any manner. See also the definition of a “political (election) sign” below.

Hanging Wall Sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. See also the definition of a “political (election) sign” below.

Internal Sign Lighting. Illumination provided by lamps from within the sign cabinet, with the entire assembly often referred to as a backlit sign.

Nonconforming Sign. Any sign which does not conform to all provisions of this chapter, including the issuance of a permit, but which was lawfully constructed, installed, or erected on the effective date of the applicable regulation.

Official Sign. Any sign or signs and notices erected and maintained by a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, and other instructional, informative, or regulatory signs having to do with health, hazards, parking, traffic, swimming, dumping, or for public information, etc.

Off-Premises Sign. A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-Premises Sign. Any sign other than an “off-premise sign.”

Owner. A person recorded as the owner on official records. The owner of the premises on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established.

Political (Election) Sign. A temporary sign or any other similar written form of advertising that contains “political speech or political expression.” Content of this nature shall be regulated as a “political (election) sign,” regardless of how that content is displayed, such as on a “flag” or “banner.”

Political Speech or Expression. Statements of opinion or advocacy for or against candidates for public office or holders of public office, measures appearing on a ballot, structures and forms of government, the manner in which government is operated or should be operated, and other expressions relating to local, state, or federal political processes.

Portable Sign. Any sign supported by the ground or structure that is usually designed to be transportable, easily removed and otherwise moved or carried about and reused numerous times at different locations. Portable signs include but are not limited to signs mounted on a trailer or wheeled carrier, signs equipped with skids or wheels, signs mounted on a motorized or non-motorized vehicle, or signs mounted to other portable structures such as A-frames or T-frames. Portable signs do not include a “banner sign” or a “sandwich board sign” unless located in or on a vehicle or otherwise includes a means for it to be transported. See also the definition of a “political (election) sign” above.

Premises. A lot or tract within the city or its extraterritorial jurisdiction

Projecting Wall Sign. Any sign, other than a hanging wall sign, that projects from and is supported by the wall of a building with the exposed face of the sign in a plane perpendicular to the face of the wall. See also the definition of a “political (election) sign” above.

Roof Sign. A sign erected upon or above a roof or parapet of a building or structure. See also the definition of a “political (election) sign” above.

Sandwich Board Sign. An A-frame sign that is designed and constructed in such a manner that it can be moved or relocated without involving any structural or support changes. See also the definition of a “political (election) sign” above.

Sign. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, utility poles, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Thru Lot. A lot which borders two separate streets, one on the front and one on the rear. A corner lot is not a thru lot.

Wall Sign. A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, an awning, canopy, fascia, mansard, or a parapet that has the appearance of being part of a mansard roof that extends along a building side shall be considered a part of the wall. The roof and roof area are not included in the wall area. See also the definition of a “political (election) sign” above.

Window Sign. A sign on or in the window of a building that advertises the owner, occupant, object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business at that location. See also the definition of a “political (election) sign” above.

Section 5.102 Wayfinding Signs.

Wayfinding and directional signs placed within a public right-of-way by a state or local government or pursuant to a formally authorized initiative of the municipality shall not be considered “bandit signs” as otherwise defined above or subject to the provisions of Section 5.114(b) below. In addition, wayfinding and directional signs to facilitate a local event that is eligible for inclusion on the municipal community event signs may be temporarily placed in a public right-of-way in accordance with the following provisions found in Table A below.

Sec 5.103 Compliance Required

A person may not erect, place, maintain, alter, or relocate a sign within the city or its extraterritorial jurisdiction except in compliance with the provisions of this chapter.

Sec 5.104 Exemptions.

The following signs shall be exempt from the requirements of this Chapter:

- (a) Official signs in accordance with Section 5.101 above;
- (b) Memorial signs or markers, including headstones on private property;
- (c) Works of fine art in accordance with Section 5.101 above;
- (d) Small freestanding or hanging wall signs, not exceeding six (6) square feet in surface display area, displayed on private property for the convenience of the public, such as to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, significant business information and similar information;
- (e) Scoreboards and other similar signs or forms of advertisement within or immediately adjacent to publicly owned athletic stadiums or fields that are not intended for view from a public street;
- (f) Temporary or permanent signs that public utility companies or construction companies erect to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices;
- (g) Wayfinding and directional signs, not to exceed six (6) square feet in display surface area located on a golf course or as described in Section 5.102 above;

- (h) Letters, numbers, or symbols that are not legible from 20 feet or less away;
- (i) Sponsorship signs or similar forms of advertisement that are placed in parks and golf courses for less than seven days and associated with an event at that location, that are authorized by the park or golf course owner; and
- (j) Holiday lights and ornaments.

Sec 5.105 Prohibitions

The following actions are prohibited in the City or its extraterritorial jurisdiction:

1. Posting, painting, or otherwise exhibiting any notice or sign on any property not owned or controlled by that person, without the permission of the person owning or controlling the property;
2. Painting, marking, writing on, spraying, posting or otherwise affixing any sign to or upon any sidewalk, crosswalk, curb, curbstone, street, tree, shrub, tree stake or guard, electric light or telephone pole, lamp post, hydrant, public facility, drinking fountain, emergency equipment, streets sign, traffic-control sign, wall, or like structures;
3. Placing or causing to be placed anywhere in the City any handbill or advertising material on any vehicle, or in any location, in a manner that the material may reasonably be expected to be blown about by the wind. It shall be presumed that the name of the person, business or organization that appears on the handbill has knowledge of the location and manner that the item was placed and that if ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering;
4. Erecting, maintaining, painting, or spraying any sign, or other message or advertising upon a tree, rock, or other natural feature in order to preserve the full contribution of these natural features toward the aesthetic quality of the City;
5. Removing, altering, changing, or obscuring any official sign or other similar official tag, permit, sticker, or identification without approval of the City;
6. Erecting any sign in the rights-of-way or which would otherwise pose a risk to public safety or health, except official signs and those allowed by state law;
7. Erect any sign whereby reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic. Unobstructed views must be maintained in an area between the heights of three (3) feet and seven (7) feet above the height of the adjacent roadway in a triangle formed by the intersection's corner and points on the curb twenty-five (25) feet from the intersection's corner;
8. For any individual, organization, or business to erect a banner sign with a display area greater than six (6) square feet for more than 60 cumulative days within any calendar year, except as otherwise explicitly allowed herein;
9. Erect an off-premise sign;

10. Erect, place, maintain, alter, or relocate a sign within the City or its extraterritorial jurisdiction in violation of the provisions of this article;
11. Erect a portable sign, roof sign, snipe sign, balloons/forced air or inflatable sign;
12. Erect any sign that has moving parts or flashing, moving or intermittent lights;
13. Attach or place a sign on a junked vehicle on public or private property;
14. Erect a political (election) sign in violation of state law or contrary to the standards within Table A below;
15. Erect a sign or notices on City property, within a public right-of-way, or within a public utility or drainage easement without approval of the City Council;
16. Fail to remove a political (election) sign within ten (10) days after the event to which it relates, or a temporary banner in violation of this chapter;
17. Fail to remove an illegal nonconforming sign as described in this chapter; or
18. Erect any sign not permitted by this chapter.

Sec 5.106 Loss Of Nonconforming Status

1. Any sign that was lawfully erected, constructed, or installed prior to the effective date of an applicable section of this chapter, but does not conform to all current provisions.
2. A nonconforming sign or sign structure loses its status as a legal sign under any of the following conditions:
 1. The sign or sign structure no longer identifies or advertises a bona fide business, service, owner, product, or activity, advertises or identifies a business that has been closed or has ceased operations, advertises or identifies goods, products, services or facilities that are no longer available to the public for a period of one year, unless the premises containing the sign or sign structure is leased in which case the sign or sign structure loses its legal nonconforming status in two years;
 2. The sign pertains to a time, event or purpose which no longer applies;
 3. The sign is dismantled, damaged, or deteriorated to the extent that the cost of maintenance or repairing the sign is more than fifty (50) percent of the cost of a substantially similar replacement at the same location (exclusive of the cost of modifying the display);
 4. The sign has been moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities;
 5. The structure of the sign has been altered in any way except for normal wear, routine painting, or repair; or
 6. The sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.

3. It is the declared purpose of this article that all privately owned illegal nonconforming signs shall either conform to the provisions of this article or be removed.
4. At the City's option, nonconforming signs may be removed in accordance with the provisions of Chapter 216 of the Texas Local Government Code.

Sec 5.107 On-Premises And Off-Premises Signs

1. Off-premises signs are prohibited except as follows, or as otherwise explicitly authorized by this chapter:
 1. Official signs (see Section 5.101 and 5.104 above);
 2. Golf courses may have off-premises signs in accordance with Section 5.104 above;
 3. Athletic field signs in accordance with Section 5.104 above;
 4. Political (election) signs in accordance with state law (see Section 5.105 above and Table A below).
2. Off premise signs as defined in Section 5.101 above cannot be considered an on-premise sign for the purpose of this chapter.

Sec 5.108 Design Requirements

1. All signs erected in the City shall conform to the requirements prescribed in Table A of this chapter and shall be constructed in a workmanlike manner:
2. Electronic and Changeable Copy (Variable Message) Signs.
 1. Generally. Because of the potential for this type of sign to create a traffic safety hazard resulting from unregulated distractions and to compromise the community aesthetic more significantly than a static sign of a similar size and type, additional design standards and restrictions are warranted.
 1. Electronic signs or Electronic message centers (EMCs) and manual changeable copy may only be used as part of monument signs and canopy signs where indicated in Table A, pursuant to the standards of this section.
 2. No sign structure that includes a manual changeable copy sign may also include an EMC.
 3. All EMC and manual changeable copy signs are also subject to all general illumination standards as set forth in the code of ordinances (See Article 3.800 of Chapter 3).
 2. Electronic Message Centers (EMCs).
 1. Generally. The maximum size of the sign is based on the type as specified in Table A, while the EMC reader panel area is included in that maximum allowable display area, notwithstanding any further restrictions contained in this section.

2. Illumination.

1. Light trespass. All message center signs that are directly illuminated shall include a sensor or other device that automatically determines the ambient illumination and is programmed to dim according to the ambient light conditions, or that can be adjusted to comply with the maximum light intensity limitations in Article 3.800 of Chapter 3. In areas zoned for any type of residential district or use, a trespass limit of 0.1 footcandles shall be enforced at the property line.
2. Technology. The technology currently being deployed for EMCs is LED (light emitting diode), but any technology that complies with the illumination standards is permitted.
3. Spacing. EMCs shall have a minimum spacing of:
 1. At least 50 feet between the EMC and the property line of any residential use or district, or a use permitted in the U-1 zoning district (see Table B of Chapter 14) and shall not be operational between the hours of 12:00 a.m. and 5:00 a.m. The distance is calculated as the shortest measurable distance between the edge of the sign and the property line of the use or zoning district.
 2. At least 50 feet between any two (2) EMCs on separate lots or tracts of land.

3. Design requirements.

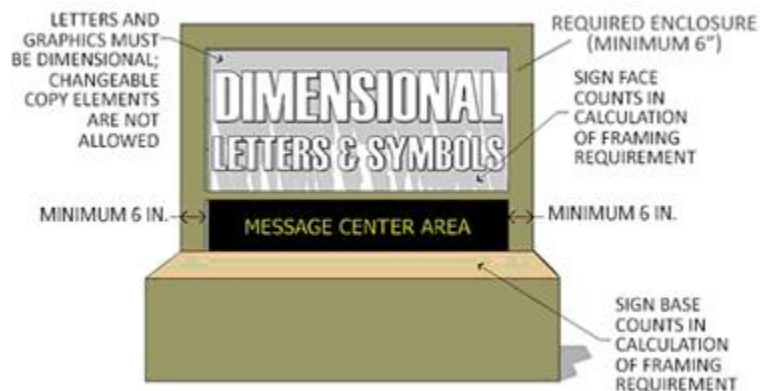
1. Percentage of sign area. EMCs, including their frames, shall comprise no more than seventy-five (75) percent of the sign area of a monument sign and a maximum of twelve (12) square feet of a canopy sign. The balance of the sign display area shall consist of permanent, dimensional letters or symbols.

Figure 1 - Electronic Message Center Maximum Face Area for Monument / Canopy Signs



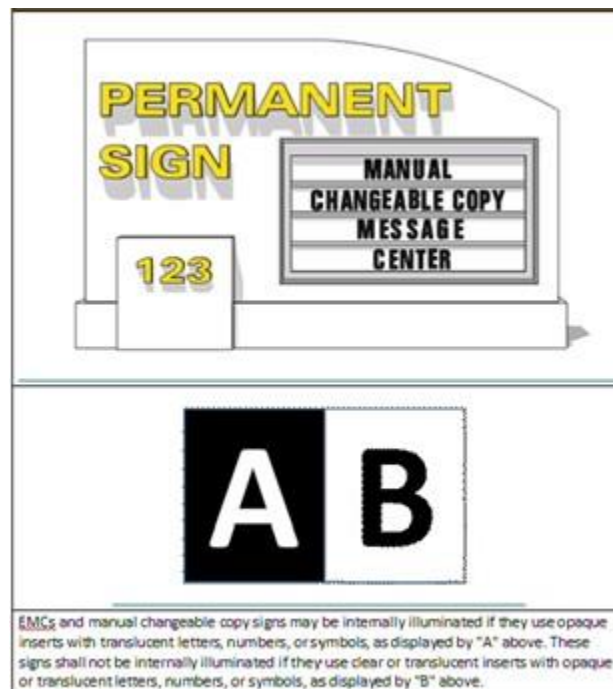
2. Minimum display time. Each static message on the sign must be displayed for a minimum of eight seconds duration. Message changes shall be completed within one (1) second.
3. Digital copy. EMCs shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity, and the message shall not scroll.
4. Safety. An EMC must:
 1. Include systems and monitoring to either turn the display off or show “full black” on the display and freeze the sign in one (1) position at the maximum illumination provided in this section, electronic message centers (EMCs) in the event of a malfunction;
 2. Go dark or limit maximum brightness in the event that a catastrophic power surge occurs; and
 3. Contain a default mechanism that freezes the sign in one (1) position that complies with this Chapter if a malfunction occurs.
4. Manual changeable copy.
 1. Illumination. Manual changeable copy signs shall not be internally illuminated unless:
 1. Such signs use opaque inserts with translucent letters, numbers, or symbols;
 2. Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 3. The opaque portion of all letters, numbers, and symbols is the same color.

Figure 2 - Electronic Message Center Design Requirements



2. Lettering. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.
3. Size. Manual changeable copy signs, including their frames, may comprise up to seventy-five (75) percent of the sign area of a monument sign or up to twelve (12) square feet of a canopy sign. The balance of the copy in the sign display area shall consist of permanent, dimensional letters or symbols.
4. Integral element. Manual changeable copy signs are only permitted as an integral element of a monument or canopy sign, which encloses the changeable copy area on all sides with a finish of brick, stone, stucco, powder coated metal (or comparable finish), or a material similar to the balance of the sign display area.
5. Enclosure. The enclosure shall extend at least six (6) inches from the changeable copy area in all directions. Gaps between the changeable copy area and the surrounding area of the sign are permitted to accommodate locks and hinges to secure the changeable copy area, but only to the extent necessary for such devices to function.

Figure 3 - Manual Changeable Copy Sign



Section 5.109 Permit Required.

- (a) Prior to the erection or placement of signs other than those specifically exempted in Section 5.104 above or Table A below, a sign permit from the City shall be obtained. The applicable fee for each individual sign specified in Appendix A of this Code of Ordinances, is payable at the time of application, which shall document compliance with all applicable provisions of this chapter.

- (b) New signage after a change in business ownership requires a permit application and payment of fees even when the sign structure remains the same. New components of a non-conforming sign shall comply with the provisions of this chapter. However, also see Section 5.106(b)(3) above.
- (c) The permit application for any temporary sign not otherwise exempt from the requirement to obtain a permit shall show the intended display period.
- (d) Any aggrieved party may appeal the approval or denial of a sign permit to the **Building and Standards Commission** upon payment of a fee equal to that required in Appendix A for an appeal of an administrative determination related to a building permit or other similar requirements within Chapter 3 of this Code of Ordinances.

Section 5.110 Master Sign Program.

(a) Generally.

- (1) **Purpose.** The requirements of this section ensure that signs that meet certain standards and are consistent with the character and quality of development in Lago Vista may be promptly approved and displayed, compared to a planned development district (PDD) ordinance amendment or approval of individual variances within a unified development. Approval of a master sign program pursuant to the procedures and standards of this section:
 - (A) Allows for a unified presentation of signage throughout parcels proposed for development;
 - (B) Allows flexibility to provide for unique environments; and
 - (C) Gives pre-approval of designs and design elements that will make subsequent applications for sign permits more efficient.
- (2) **Approval criteria.** The Director of Development Services (hereafter the Director) may approve a master sign program for a multi-tenant, large commercial or mixed use development if (as proposed) it will result in a substantially improved, comprehensive, and unified proposal, as provided in subsections (A) through (G) below, compared to what would result from strict compliance with all other provisions of this chapter. The Director shall review all sign types (e.g., attached, freestanding, etc.) for the parcel or parcels proposed for development, to determine the degree of compliance with this article as a supplement to, or in lieu of, the sign standards otherwise applicable. Any deviations to the number, dimensions, locations, or design characteristics of attached or freestanding signs that are sought by an applicant shall be justified in writing and shall clearly demonstrate a standard of design and quality that exceeds those provided in this chapter without increasing clutter. Such demonstration may include but not be limited to any or all of the following:
 - (A) Construction of brick or natural stone;
 - (B) Consistent sizes, styles, and colors across the development;
 - (C) Use of landscaping around the sign base;
 - (D) Use of channel lettering;
 - (E) Greater spacing between signs along street frontages;
 - (F) Fewer total number of signs; and/or

- (G) Signs of reduced heights and area.
- (b) Applicability. The master sign program alternative may be used for individual commercial developments or a multi-tenant development in any multifamily, mixed use or non-residential development, including applicable portions of a planned development district.
- (c) Standards for all master sign programs. Standards and permissions of master sign programs are as follows:
- (1) Generally. Subject to compliance with a master sign program that is approved according to the flexibility criteria provided in this article, signs that are proposed as part of a master sign program may deviate from the standards of this chapter in terms of the:
 - (A) Maximum sign height;
 - (B) Maximum sign area;
 - (C) Maximum number of hanging wall signs; and
 - (D) Other restrictions specifically described in this section that does not compromise safety or community aesthetics.
 - (2) Prohibited signs and sign elements. Signs prohibited by Section 5.105 above and specific restrictions such as the safety requirements associated with Electronic Messages Centers are not eligible for inclusion in a master sign program and the approval is instead limited to the relief specifically described in this section.
 - (3) Architectural theme. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
 - (4) Uniform signs in multi-tenant developments. Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect).
- (d) Conditions of approval. The Director or **Building and Standards Commission** on appeal as applicable, may impose reasonable conditions on the master sign program relating to the design, locations, placements, or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this article and the approved master sign program.
- (e) Contents of master sign program.
- (1) A master sign program shall provide a master plan for signage for an entire parcel or parcels proposed for development. For example, shopping center master sign programs shall include all tenants and out parcels; and office or industrial parks shall include all types of signs and all tenants or uses within the development.
 - (2) Master sign programs shall include:
 - (A) A depiction of all proposed signs that will deviate from the underlying sign regulations;

- (B) Size, location, and number of all signs, including area, letter height, and height;
 - (C) Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including context of where signs are to be placed on any given façade;
 - (D) Proposed illumination (external, internal, etc.), including illumination levels;
 - (E) A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
 - (F) A demonstration that the master sign program will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential uses or districts; and
 - (G) Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.
- (f) Duration. An approved master sign program shall expire two (2) years from the date of such approval if no progress has been made towards completion of any sign covered by a permit dependent on that approval, pursuant to section 245.005, Dormant Projects of the Texas Local Government Code, as amended.
- (g) Amendment. Prior to expiration of the master sign program, the applicant may apply for an amendment that alters the design, materials, locations, placements, orientations, and specifications of the signs. The Director may approve the amended master sign program if it is consistent with this section and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten (10) percent.
- (h) Signage in a development of six or more separate tenant spaces that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes, industrial parks) that do not comply with the provisions of this chapter applicable to that zoning district (including a Planned Development District) shall be limited to relief approved as part of a master sign program. A sign variance application is not an available option.

Section 5.112 Variances.

When not precluded by inclusion within a planned development zoning district, the **Building and Standards Commission**, in their sole judgment may grant variances to this chapter when strict compliance would cause a hardship, such as but not limited to the sign being hard to read by the public due to the topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way. The physical limitations or conditions shall not be self-imposed or otherwise caused by the actions of the applicant for a variance or the owner of the premises.

The **Building and Standards Commission**, when considering a sign variance may also consider that granting the variance is consistent with the purpose of this Chapter and balancing the interest of the City in preserving the purpose of this Section or the interest of nearby properties against the interest of the applicant in using this property as proposed, and the granting of the variance is required by considerations of justice and equity.

Section 5.114 Enforcement.

- (a) If the Director or a designee finds that any sign other than bandit signs which are subject to the provisions of subsection (b) below has been erected or maintained in violation of this chapter within the municipality or its extraterritorial jurisdiction, that individual shall give written notice via the postal service, facsimile or e-mail of the violation to the owner or person entitled to possession of the sign or, if such person is not readily determinable, by publication in a newspaper of general circulation in the City. The notice shall state the nature of the violation and direct the recipient(s) to alter or remove the sign, or to otherwise correct the violation within ten (10) calendar days of the receipt of the notice. The finding of a violation included in a notice may be appealed to the Building and Standards Commission no later than ten (10) calendar days after receipt or publication of the notice of violation.

Failure to remove the sign or correct the violation within ten (10) calendar days of receipt of the notice of violation, or, if appealed, ten (10) calendar days after the date of an unsuccessful appeal, may result in the City removing the sign at the expense of the owner or person entitled to possess the sign, with such expenses including administrative costs, penalties and reasonable attorneys' fees. The Director or a designee may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the property owner within fifteen (15) days after a formal demand for reimbursement. The Director or a designee may also pursue criminal penalties and/or civil action as provided for under chapter and state law.

(b) Bandit Signs.

- (1) Bandit signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice.
- (2) Any citizen removing a bandit sign or other sign in the right-of-way shall do so at his or her own risk, and neither the City, nor any public utility exercising control of the right-of-way, pole, or fixture shall be liable for damage, loss or injury due to such independent acts.
- (3) Nothing within this section shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of signage on that owner's property.

TABLE A

Awning, Canopy and Hanging Marquee (manual changeable copy) Signs, See Section 5.108(b)

Where	Non-residential zoning districts (including C-A); in the ETJ on non-residential buildings; not allowed in residential or multifamily districts
Maximum Number	One per business or tenant
Location	On and within the boundaries of an awning, canopy or marquee
Maximum Display Area	Twenty-four (24) square feet, except on a theater which may include a marquee sign no larger than one hundred (100) square feet
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required

Banner Signs

Where	All zoning districts (except TR-1) that include an occupied building; in the ETJ on property that includes an occupied non-residential building
Maximum Number	One per lot, parcel, or tract
Location	Attached to a building or fence
Maximum Display Area, Duration, and Permit	When six (6) square feet or less in display area, there is no time limit and a permit is not required; when larger than six square feet and up to a maximum display area of one hundred eighty (180) square feet, the banner may be employed for a maximum of 30 days within each calendar year and a permit is required
Illumination	Not Allowed

Banner Flags or Feather Signs

Where	Non-residential zoning districts (including C-A); not allowed in residential or multifamily districts, the TR-1 zoning district or in the ETJ
Maximum Number	Three per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Twenty-four (24) square feet for each pole or supporting structure
Maximum Height	Eight (8) feet above grade
Duration	No time limit
Illumination	Not allowed
Permit	Required

Flags

Where	Any platted lot or a parcel that is not platted if it is either formally designated as a park or includes an occupied building
Maximum Number	Non-residential zoning districts, excluding C-A and in the ETJ: three per lot, parcel, or tract; all other zoning districts: two per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Non-residential zoning districts, excluding C-A and in the ETJ: forty (40) square feet; all other zoning districts: fifteen (15) square feet
Maximum Height	Non-residential zoning districts, excluding C-A and in the ETJ: forty (40) feet above grade; C-A zoning district: equal or less than the occupied building on the lot, parcel, or tract; residential and multifamily zoning districts: twenty-five (25) feet above grade
Illumination	Not allowed
Permit	Required except for flags smaller than sixteen (16) square feet and not attached to a ground-mounted pole

Freestanding Ground Signs including electronic and changeable copy, See Section 9(b) above

Where	Any lot, parcel, or tract formally designated as a park or that includes an occupied building within a non-residential or multifamily zoning district (including C-A) and in the ETJ; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per lot, parcel, or tract that adjoins a public street when located adjacent to and facing that street
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area*	Thirty-two (32) square feet (all locations)
Maximum Height	Eight (8) feet above grade (all permanent ground signs shall be constructed as monument signs)
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area (but not the maximum height), especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Hanging Wall Signs

Where	Non-residential and multifamily zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant per wall, limited to the maximum total display area
Location	Attached to a building
Maximum Display Area*	Twenty-four (24) square feet or ten percent (10%) of the wall area, whichever is greater
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Political (Election) Signs, See Section 5.101 above

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 5.107 above.
Maximum Number	No limitation
Location	No minimum setback from any property line required; but prohibited within any public right-of-way and all public utility or drainage easements
Maximum Display Area	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
Duration	No limitations
Illumination	Not allowed
Permit	Not required

Projecting Wall Signs

Where	Non-residential and multifamily zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant
Location	Attached to a building, but limited to locations facing a street
Maximum Display Area*	Twelve (12) square feet (all locations)
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Sandwich Board Signs

Where*	All zoning districts and property in the ETJ that includes an occupied building; not allowed in the TR-1 zoning district
Maximum Number*	One per each street fronting a lot, parcel, or tract when placed for viewing from that street
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Six (6) square feet (each side)
Maximum Height	Four (4) feet above grade
Illumination	Not allowed
Permit	Not required
*Residential and multifamily zoning districts (or uses in the ETJ) may include either a sandwich board sign or a temporary sign, but not both at the same time.	

Temporary Signs (not including Political / Election Signs)

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 5.107 above
Maximum Number	For Other than political (election) signs and signs exempted by Section 5.104 or Section 5.107 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	No minimum setback from any property line required; but prohibited within any public right-of-way and all public utility or drainage easements
Maximum Display Area	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
Duration	For Other than political (election) signs and signs exempted by Section 5.107 above, no sooner than ninety (90) calendar days before an event or more than ten (10) calendar days after an event except as otherwise prescribed elsewhere in this chapter
Illumination	Not allowed
Permit	Not required

Temporary Wayfinding Sign (in a public right-of-way), See Section 5.102 above

Where	Temporary directional signs to facilitate a local event that is eligible for inclusion on the municipal community event sign
Maximum Height	Three (3) feet and supported by wire sign stakes only
Location	Not allowed within five (5) feet of any paved public street improvements
Maximum Display Area	Six (6) square feet
Illumination	Not allowed
Permit	Not Required, but the minimum content element size (i.e. font or images), the number of signs and their specific locations, and the maximum placement duration requires prior written approval from the Development Services Department staff

Window Sign

Where	Non-residential zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district, multi-family district, or the TR-1 zoning district
Maximum Number	For signs not exempted by Section 5.104 or Section 5.107 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	On windows or doors, but not allowed in both locations
Maximum Display Area	Twenty-four (24) square feet
Illumination	Not allowed
Permit	Required

EXHIBIT “B”

CHAPTER 5

SIGNS

Section 5.101 Definitions

Advertise. Calling attention of the public to a product or business, especially to promote sales.

Alter. Any change to a sign other than general maintenance or altering of changeable copy. Any additions to a sign’s dimensions that exceeds the original application is not permitted.

Area of Sign. The entire area within a single continuous perimeter composed of regular geometric shapes which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces which are not parallel, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced shall be considered in determining the sign area, provided both faces are parallel (back-to-back) and the distance between faces does not exceed four feet at its widest point. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the regular geometric shapes surrounding each individual sign component.

Athletic Field Sign. An “official sign” that is designed, intended, or used to inform or advertise to the spectators of an athletic event.

Average Grade. The mean topographical grade height in the immediate vicinity of the sign.

Awning, Canopy and Marquee Sign. A sign that is mounted on, painted on, or attached to an awning, canopy, or marquee.

Balloon. Any inflated object tethered or untethered, over four (4) square feet in area, as measured within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the balloon. Inflatable entertainment structures shall also be considered balloons. See also the definition of a “political (election) sign” below.

Bandit Sign. Any sign posted on a utility pole, street sign, street furniture, or sign posted in the right-of-way except as specifically authorized below, of any size, including signs with wood or wire framing, post, or stakes. No sign owned or placed by the city, county, state, or a public utility shall be considered a “bandit sign.”

Banner Sign. A sign made of fabric or non-rigid material. “Banner signs” include banner flags and feather flags, consisting of a banner attached to a rigid pole which is often curved and usually placed on or in the ground. “Banner signs” also include individual devices or a series of attention getting devices such as streamers and pennants designed to respond to wind current. See also the definition of a “political (election) sign” below.

Dilapidated or Deteriorated Condition. Where structural support or frame members are visibly bent, broken, dented, or structurally unsound as determined by the building official to such an extent that a danger of injury to persons or property is created.

Display Surface Area. The surface area of a sign on which the message is displayed including any border or trim.

Electronic Sign. A programmable display as a freestanding, hanging wall, or window sign. See Section 5.108 and the definition of a “political (election) sign” below.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend, or affix or any activity required to install a sign.

External Sign Lighting. A light source separated from the sign surface and illuminating the sign surface by means of a separate fixture or fixtures.

Facade. A surface that includes the entirety of the window and wall area of a specific building elevation.

Fine Art. Sculpture fountains, or similar objects or displays without a literal element or commercial logo, and which are not solely related to the economic interests of the speaker and its audience.

Flag. A piece of fabric or other flexible material customarily mounted on a pole or similar freestanding structure, other than a “banner sign,” banner flag, or feather flag. See also the definition of a “political (election) sign” below.

Flashing Sign. An illuminated sign using a rotating beacon, beam, or flashing illumination in which the artificial source of light does not maintain a stationary or constant intensity and color at all times when such sign is illuminated and is not an electronic sign.

Graffiti. Any form of unauthorized printing, writing, spraying, scratching, affixing, or inscribed on the property of another regardless of nature or the material used in the commission of the act.

Ground Sign. A permanent sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground. See also the definition of a “political (election) sign” below.

Handbill. Any document, poster, placard, or bill that advertises or directs attention to an object, product, place, activity facility, service, event, attraction, person, institution, organization, or business or that advertises and informs in any manner. See also the definition of a “political (election) sign” below.

Hanging Wall Sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. See also the definition of a “political (election) sign” below.

Internal Sign Lighting. Illumination provided by lamps from within the sign cabinet, with the entire assembly often referred to as a backlit sign.

Nonconforming Sign. Any sign which does not conform to all provisions of this chapter, including the issuance of a permit, but which was lawfully constructed, installed, or erected on the effective date of the applicable regulation.

Official Sign. Any sign or signs and notices erected and maintained by a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, and other instructional, informative, or regulatory signs having to do with health, hazards, parking, traffic, swimming, dumping, or for public information, etc.

Off-Premises Sign. A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-Premises Sign. Any sign other than an “off-premise sign.”

Owner. A person recorded as the owner on official records. The owner of the premises on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established.

Political (Election) Sign. A temporary sign or any other similar written form of advertising that ~~is designed to influence the action of the voters for a measure or candidate appearing on a ballot in connection with any national, state, or local election~~ contains “political speech or political expression.” Content of this nature shall be regulated as a “political (election) sign,” regardless of how that content is displayed, such as on a “flag” or “banner.”

Political Speech or Expression. Statements of opinion or advocacy for or against candidates for public office or holders of public office, measures appearing on a ballot, structures and forms of government, the manner in which government is operated or should be operated, and other expressions relating to local, state, or federal political processes.

Portable Sign. Any sign supported by the ground or structure that is usually designed to be transportable, easily removed and otherwise moved or carried about and reused numerous times at different locations. Portable signs include but are not limited to signs mounted on a trailer or wheeled carrier, signs equipped with skids or wheels, signs mounted on a motorized or non-motorized vehicle, or signs mounted to other portable structures such as A-frames or T-frames. Portable signs do not include a “banner sign” or a “sandwich board sign” unless located in or on a vehicle or otherwise includes a means for it to be transported. ~~See also the definition of a “political (election) sign” above.~~

Premises. A lot or tract within the city or its extraterritorial jurisdiction

Projecting Wall Sign. Any sign, other than a hanging wall sign, that projects from and is supported by the wall of a building with the exposed face of the sign in a plane perpendicular to the face of the wall. ~~See also the definition of a “political (election) sign” above.~~

Roof Sign. A sign erected upon or above a roof or parapet of a building or structure. ~~See also the definition of a “political (election) sign” above.~~

Sandwich Board Sign. An A-frame sign that is designed and constructed in such a manner that it can be moved or relocated without involving any structural or support changes. ~~See also the definition of a “political (election) sign” above.~~

Sign. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, utility poles, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Thru Lot. A lot which borders two separate streets, one on the front and one on the rear. A corner lot is not a thru lot.

Wall Sign. A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, an awning, canopy, fascia, mansard, or a parapet that has the appearance of being part of a mansard roof that extends along a building side shall be considered a part of the wall. The roof and roof area are not included in the wall area. **See also the definition of a “political (election) sign” above.**

Window Sign. A sign on or in the window of a building that advertises the owner, occupant, object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business at that location. **See also the definition of a “political (election) sign” above.**

Section 5.102 First Amendment Rights Wayfinding Signs.

~~This Chapter shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person. If uncertainty exists on this issue prior to taking any action to enforce any provision of this article with respect to any noncommercial sign or speech by any person, the City shall seek the advice and recommendation of the City Attorney. This prohibition shall not preclude the City from taking any legal action against a sign that is obscene or profane.~~ Wayfinding and directional signs placed within a public right-of-way by a state or local government or pursuant to a formally authorized initiative of the municipality shall not be considered “bandit signs” as otherwise defined above or subject to the provisions of Section 5.114(b) below. In addition, wayfinding and directional signs to facilitate a local event that is eligible for inclusion on the municipal community event signs may be temporarily placed in a public right-of-way in accordance with the following provisions found in Table A below.

Sec 5.103 Compliance Required

A person may not erect, place, maintain, alter, or relocate a sign within the city or its extraterritorial jurisdiction except in compliance with the provisions of this chapter.

Sec 5.104 Exemptions.

The following signs shall be exempt from the requirements of this Chapter:

- (a) Official signs in accordance with Section 5.101 above;
- (b) Memorial signs or markers, including headstones on private property;
- (c) Works of fine art in accordance with Section 5.101 above;
- (d) Small freestanding or hanging wall signs, not exceeding six (6) square feet in surface display area, displayed on private property for the convenience of the public, such as to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, significant business information and similar information;

- (e) Scoreboards and other similar signs or forms of advertisement within or immediately adjacent to publicly owned athletic stadiums or fields that are not intended for view from a public street;
- (f) Temporary or permanent signs that public utility companies or construction companies erect to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices;
- (g) Wayfinding and directional signs, not to exceed six (6) square feet in display surface area located on a golf course **or as described in Section 5.102 above**;
- (h) Letters, numbers, or symbols that are not legible from 20 feet or less away;
- (i) Sponsorship signs or similar forms of advertisement that are placed in parks and golf courses for less than seven days and associated with an event at that location, that are authorized by the park or golf course owner; and
- (j) Holiday lights and ornaments.

Sec 5.105 Prohibitions

The following actions are prohibited in the City or its extraterritorial jurisdiction:

1. Posting, painting, or otherwise exhibiting any notice or sign on any property not owned or controlled by that person, without the permission of the person owning or controlling the property;
2. Painting, marking, writing on, spraying, posting or otherwise affixing any sign to or upon any sidewalk, crosswalk, curb, curbstone, street, tree, shrub, tree stake or guard, electric light or telephone pole, lamp post, hydrant, public facility, drinking fountain, emergency equipment, streets sign, traffic-control sign, wall, or like structures;
3. Placing or causing to be placed anywhere in the City any handbill or advertising material on any vehicle, or in any location, in a manner that the material may reasonably be expected to be blown about by the wind. It shall be presumed that the name of the person, business or organization that appears on the handbill has knowledge of the location and manner that the item was placed and that if ten (10) or more of the handbills are found scattered about that the wind was the cause of the scattering;
4. Erecting, maintaining, painting, or spraying any sign, or other message or advertising upon a tree, rock, or other natural feature in order to preserve the full contribution of these natural features toward the aesthetic quality of the City;
5. Removing, altering, changing, or obscuring any official sign or other similar official tag, permit, sticker, or identification without approval of the City;
6. Erecting any sign in the rights-of-way or which would otherwise pose a risk to public safety or health, except official signs and those allowed by state law;
7. Erect any sign whereby reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic. Unobstructed views must be maintained in an area

between the heights of three (3) feet and seven (7) feet above the height of the adjacent roadway in a triangle formed by the intersection's corner and points on the curb twenty-five (25) feet from the intersection's corner;

8. For any individual, organization, or business to erect a banner sign with a display area greater than six (6) square feet for more than 60 cumulative days within any calendar year, except as otherwise explicitly allowed herein;
9. Erect an off-premise sign;
10. Erect, place, maintain, alter, or relocate a sign within the City or its extraterritorial jurisdiction in violation of the provisions of this article;
11. Erect a portable sign, roof sign, snipe sign, balloons/forced air or inflatable sign;
12. Erect any sign that has moving parts or flashing, moving or intermittent lights;
13. Attach or place a sign on a junked vehicle on public or private property;
14. Erect a political (election) sign in violation of state law or contrary to the standards within Table A below;
15. Erect a sign or notices on City property, within a public right-of-way, or within a public utility or drainage easement without approval of the City Council;
16. Fail to remove a political (election) sign within ten (10) days after the event to which it relates, or a temporary banner in violation of this chapter;
17. Fail to remove an illegal nonconforming sign as described in this chapter; or
18. Erect any sign not permitted by this chapter.

Sec 5.106 Loss Of Nonconforming Status

1. Any sign that was lawfully erected, constructed, or installed prior to the effective date of an applicable section of this chapter, but does not conform to all current provisions.
2. A nonconforming sign or sign structure loses its status as a legal sign under any of the following conditions:
 1. The sign or sign structure no longer identifies or advertises a bona fide business, service, owner, product, or activity, advertises or identifies a business that has been closed or has ceased operations, advertises or identifies goods, products, services or facilities that are no longer available to the public for a period of one year, unless the premises containing the sign or sign structure is leased in which case the sign or sign structure loses its legal nonconforming status in two years;
 2. The sign pertains to a time, event or purpose which no longer applies;
 3. The sign is dismantled, damaged, or deteriorated to the extent that the cost of maintenance or repairing the sign is more than fifty (50) percent of the cost of a substantially similar replacement at the same location (exclusive of the cost of modifying the display);

4. The sign has been moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities;
 5. The structure of the sign has been altered in any way except for normal wear, routine painting, or repair; or
 6. The sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.
3. It is the declared purpose of this article that all privately owned illegal nonconforming signs shall either conform to the provisions of this article or be removed.
 4. At the City's option, nonconforming signs may be removed in accordance with the provisions of Chapter 216 of the Texas Local Government Code.

Sec 5.107 On-Premises And Off-Premises Signs

1. Off-premises signs are prohibited except as follows, or as otherwise explicitly authorized by this chapter:
 1. Official signs (see Section 5.101 and 5.104 above);
 2. Golf courses may have off-premises signs in accordance with Section 5.104 above;
 3. Athletic field signs in accordance with Section 5.104 above;
 4. Political (election) signs in accordance with state law (see Section 5.105 above and Table A below).
2. Off premise signs as defined in Section 5.101 above cannot be considered an on-premise sign for the purpose of this chapter.

Sec 5.108 Design Requirements

1. All signs erected in the City shall conform to the requirements prescribed in Table A of this chapter and shall be constructed in a workmanlike manner:
2. Electronic and Changeable Copy (Variable Message) Signs.
 1. Generally. Because of the potential for this type of sign to create a traffic safety hazard resulting from unregulated distractions and to compromise the community aesthetic more significantly than a static sign of a similar size and type, additional design standards and restrictions are warranted.
 1. Electronic signs or Electronic message centers (EMCs) and manual changeable copy may only be used as part of monument signs and canopy signs where indicated in Table A, pursuant to the standards of this section.
 2. No sign structure that includes a manual changeable copy sign may also include an EMC.

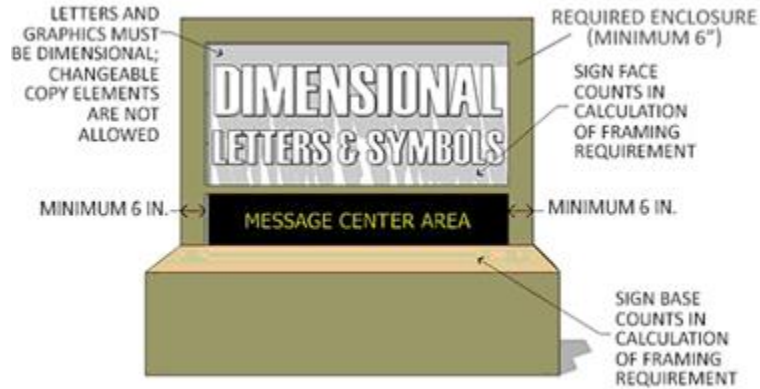
3. All EMC and manual changeable copy signs are also subject to all general illumination standards as set forth in the code of ordinances (See Article 3.800 of Chapter 3).
2. Electronic Message Centers (EMCs).
 1. Generally. The maximum size of the sign is based on the type as specified in Table A, while the EMC reader panel area is included in that maximum allowable display area, notwithstanding any further restrictions contained in this section.
 2. Illumination.
 1. Light trespass. All message center signs that are directly illuminated shall include a sensor or other device that automatically determines the ambient illumination and is programmed to dim according to the ambient light conditions, or that can be adjusted to comply with the maximum light intensity limitations in Article 3.800 of Chapter 3. In areas zoned for any type of residential district or use, a trespass limit of 0.1 footcandles shall be enforced at the property line.
 2. Technology. The technology currently being deployed for EMCs is LED (light emitting diode), but any technology that complies with the illumination standards is permitted.
 3. Spacing. EMCs shall have a minimum spacing of:
 1. At least 50 feet between the EMC and the property line of any residential use or district, or a use permitted in the U-1 zoning district (see Table B of Chapter 14) and shall not be operational between the hours of 12:00 a.m. and 5:00 a.m. The distance is calculated as the shortest measurable distance between the edge of the sign and the property line of the use or zoning district.
 2. At least 50 feet between any two (2) EMCs on separate lots or tracts of land.
 3. Design requirements.
 1. Percentage of sign area. EMCs, including their frames, shall comprise no more than seventy-five (75) percent of the sign area of a monument sign and a maximum of twelve (12) square feet of a canopy sign. The balance of the sign display area shall consist of permanent, dimensional letters or symbols.

Figure 1 - Electronic Message Center Maximum Face Area for Monument /
Canopy Signs



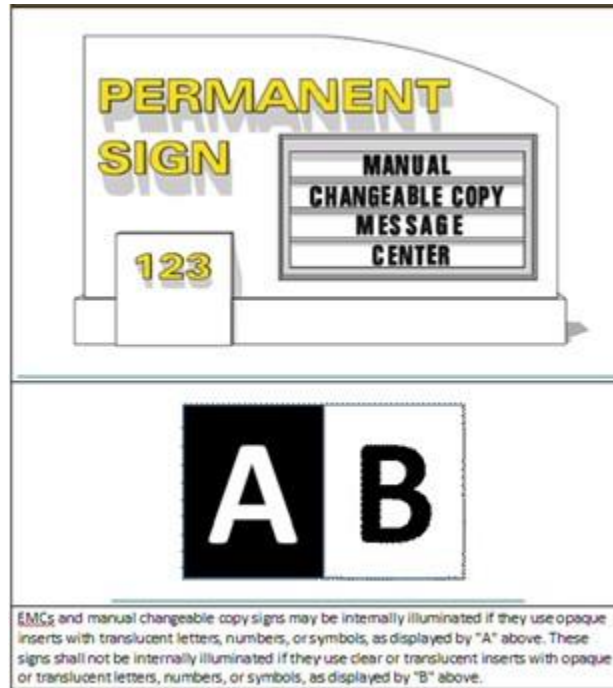
2. Minimum display time. Each static message on the sign must be displayed for a minimum of eight seconds duration. Message changes shall be completed within one (1) second.
3. Digital copy. EMCs shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity, and the message shall not scroll.
4. Safety. An EMC must:
 1. Include systems and monitoring to either turn the display off or show “full black” on the display and freeze the sign in one (1) position at the maximum illumination provided in this section, electronic message centers (EMCs) in the event of a malfunction;
 2. Go dark or limit maximum brightness in the event that a catastrophic power surge occurs; and
 3. Contain a default mechanism that freezes the sign in one (1) position that complies with this Chapter if a malfunction occurs.
4. Manual changeable copy.
 1. Illumination. Manual changeable copy signs shall not be internally illuminated unless:
 1. Such signs use opaque inserts with translucent letters, numbers, or symbols;
 2. Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 3. The opaque portion of all letters, numbers, and symbols is the same color.

Figure 2 - Electronic Message Center Design Requirements



2. Lettering. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.
3. Size. Manual changeable copy signs, including their frames, may comprise up to seventy-five (75) percent of the sign area of a monument sign or up to twelve (12) square feet of a canopy sign. The balance of the copy in the sign display area shall consist of permanent, dimensional letters or symbols.
4. Integral element. Manual changeable copy signs are only permitted as an integral element of a monument or canopy sign, which encloses the changeable copy area on all sides with a finish of brick, stone, stucco, powder coated metal (or comparable finish), or a material similar to the balance of the sign display area.
5. Enclosure. The enclosure shall extend at least six (6) inches from the changeable copy area in all directions. Gaps between the changeable copy area and the surrounding area of the sign are permitted to accommodate locks and hinges to secure the changeable copy area, but only to the extent necessary for such devices to function.

Figure 3 - Manual Changeable Copy Sign



Section 5.109 Permit Required.

- (a) Prior to the erection or placement of signs other than those specifically exempted in Section 5.104 above or Table A below, a sign permit from the City shall be obtained. The applicable fee for each individual sign specified in Appendix A of this Code of Ordinances, is payable at the time of application, which shall document compliance with all applicable provisions of this chapter.
- (b) New signage after a change in business ownership requires a permit application and payment of fees even when the sign structure remains the same. New components of a non-conforming sign shall comply with the provisions of this chapter. However, also see Section 5.106(b)(3) above.
- (c) The permit application for any temporary sign not otherwise exempt from the requirement to obtain a permit shall show the intended display period.
- (d) Any aggrieved party may appeal the approval or denial of a sign permit to the **Building and Standards Commission** upon payment of a fee equal to that required in Appendix A for an appeal of an administrative determination related to a building permit or other similar requirements within Chapter 3 of this Code of Ordinances.

Section 5.110 Master Sign Program.

- (a) Generally.
 - (1) Purpose. The requirements of this section ensure that signs that meet certain standards and are consistent with the character and quality of development in Lago Vista may be promptly approved and displayed, compared to a planned development district (PDD) ordinance amendment or approval of individual variances within a unified development. Approval of a master sign program pursuant to the procedures and standards of this section:

- (A) Allows for a unified presentation of signage throughout parcels proposed for development;
 - (B) Allows flexibility to provide for unique environments; and
 - (C) Gives pre-approval of designs and design elements that will make subsequent applications for sign permits more efficient.
- (2) Approval criteria. The Director of Development Services (hereafter the Director) may approve a master sign program for a multi-tenant, large commercial or mixed use development if (as proposed) it will result in a substantially improved, comprehensive, and unified proposal, as provided in subsections (A) through (G) below, compared to what would result from strict compliance with all other provisions of this chapter. The Director shall review all sign types (e.g., attached, freestanding, etc.) for the parcel or parcels proposed for development, to determine the degree of compliance with this article as a supplement to, or in lieu of, the sign standards otherwise applicable. Any deviations to the number, dimensions, locations, or design characteristics of attached or freestanding signs that are sought by an applicant shall be justified in writing and shall clearly demonstrate a standard of design and quality that exceeds those provided in this chapter without increasing clutter. Such demonstration may include but not be limited to any or all of the following:
- (A) Construction of brick or natural stone;
 - (B) Consistent sizes, styles, and colors across the development;
 - (C) Use of landscaping around the sign base;
 - (D) Use of channel lettering;
 - (E) Greater spacing between signs along street frontages;
 - (F) Fewer total number of signs; and/or
 - (G) Signs of reduced heights and area.
- (b) Applicability. The master sign program alternative may be used for individual commercial developments or a multi-tenant development in any multifamily, mixed use or non-residential development, including applicable portions of a planned development district.
- (c) Standards for all master sign programs. Standards and permissions of master sign programs are as follows:
- (1) Generally. Subject to compliance with a master sign program that is approved according to the flexibility criteria provided in this article, signs that are proposed as part of a master sign program may deviate from the standards of this chapter in terms of the:
 - (A) Maximum sign height;
 - (B) Maximum sign area;
 - (C) Maximum number of hanging wall signs; and
 - (D) Other restrictions specifically described in this section that does not compromise safety or community aesthetics.

- (2) Prohibited signs and sign elements. Signs prohibited by Section 6 5.105 above and specific restrictions such as the safety requirements associated with Electronic Messages Centers are not eligible for inclusion in a master sign program and the approval is instead limited to the relief specifically described in this section.
- (3) Architectural theme. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
- (4) Uniform signs in multi-tenant developments. Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect).
- (d) Conditions of approval. The Director or **Building and Standards Commission** on appeal as applicable, may impose reasonable conditions on the master sign program relating to the design, locations, placements, or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this article and the approved master sign program.
- (e) Contents of master sign program.
 - (1) A master sign program shall provide a master plan for signage for an entire parcel or parcels proposed for development. For example, shopping center master sign programs shall include all tenants and out parcels; and office or industrial parks shall include all types of signs and all tenants or uses within the development.
 - (2) Master sign programs shall include:
 - (A) A depiction of all proposed signs that will deviate from the underlying sign regulations;
 - (B) Size, location, and number of all signs, including area, letter height, and height;
 - (C) Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including context of where signs are to be placed on any given façade;
 - (D) Proposed illumination (external, internal, etc.), including illumination levels;
 - (E) A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
 - (F) A demonstration that the master sign program will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential uses or districts; and
 - (G) Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.
- (f) Duration. An approved master sign program shall expire two (2) years from the date of such approval if no progress has been made towards completion of any sign covered by a permit dependent on that

approval, pursuant to section 245.005, Dormant Projects of the Texas Local Government Code, as amended.

- (g) Amendment. Prior to expiration of the master sign program, the applicant may apply for an amendment that alters the design, materials, locations, placements, orientations, and specifications of the signs. The Director may approve the amended master sign program if it is consistent with this section and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten (10) percent.
- (h) Signage in a development of six or more separate tenant spaces that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes, industrial parks) that do not comply with the provisions of this chapter applicable to that zoning district (including a Planned Development District) shall be limited to relief approved as part of a master sign program. A sign variance application is not an available option.

Section 5.112 Variances.

When not precluded by inclusion within a planned development zoning district, ~~the City Council, after a report from the~~ **Building and Standards Commission**, in their sole judgment may grant variances to this chapter when strict compliance would cause a hardship, such as but not limited to the sign being hard to read by the public due to the topography or other physical limitations on the site, within the immediate vicinity, or within the adjacent rights-of-way. The physical limitations or conditions shall not be self-imposed or otherwise caused by the actions of the applicant for a variance or the owner of the premises.

The ~~Board of Adjustment~~ **Building and Standards Commission**, ~~and the City Council~~ when considering a sign variance may also consider that granting the variance is consistent with the purpose of this Chapter and balancing the interest of the City in preserving the purpose of this Section or the interest of nearby properties against the interest of the applicant in using this property as proposed, and the granting of the variance is required by considerations of justice and equity.

Section 5.114 Enforcement.

- (a) If the Director or a designee finds that any sign other than bandit signs which are subject to the provisions of subsection (b) below has been erected or maintained in violation of this chapter within the municipality or its extraterritorial jurisdiction, that individual shall give written notice via the postal service, facsimile or e-mail of the violation to the owner or person entitled to possession of the sign or, if such person is not readily determinable, by publication in a newspaper of general circulation in the City. The notice shall state the nature of the violation and direct the recipient(s) to alter or remove the sign, or to otherwise correct the violation within ten (10) calendar days of the receipt of the notice. The finding of a violation included in a notice may be appealed to the Building ~~and~~ Standards Commission no later than ten (10) calendar days after receipt or publication of the notice of violation.

Failure to remove the sign or correct the violation within ten (10) calendar days of receipt of the notice of violation, or, if appealed, ten (10) calendar days after the date of an unsuccessful appeal, may result in the City removing the sign at the expense of the owner or person entitled to possess the sign, with such expenses including administrative costs, penalties and reasonable attorneys' fees. The Director or a designee may also take necessary action to file a lien against the property to recover

the cost of removal if the removal costs are not paid by the property owner within fifteen (15) days after a formal demand for reimbursement. The Director or a designee may also pursue criminal penalties and/or civil action as provided for under chapter and state law.

(b) Bandit Signs.

- (1) Bandit signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice.
- (2) Any citizen removing a bandit sign or other sign in the right-of-way shall do so at his or her own risk, and neither the City, nor any public utility exercising control of the right-of-way, pole, or fixture shall be liable for damage, loss or injury due to such independent acts.
- (3) Nothing within this section shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of signage on that owner's property.

TABLE A

Awning, Canopy and Hanging Marquee (manual changeable copy) Signs, See Section 5.108(b)

Where	Non-residential zoning districts (including C-A); in the ETJ on non-residential buildings; not allowed in residential or multifamily districts
Maximum Number	One per business or tenant
Location	On and within the boundaries of an awning, canopy or marquee
Maximum Display Area	Twenty-four (24) square feet, except on a theater which may include a marquee sign no larger than one hundred (100) square feet
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required

Banner Signs

Where	All zoning districts (except TR-1) that include an occupied building; in the ETJ on property that includes an occupied non-residential building
Maximum Number	One per lot, parcel, or tract
Location	Attached to a building or fence
Maximum Display Area, Duration, and Permit	When six (6) square feet or less in display area, there is no time limit and a permit is not required; when larger than six square feet and up to a maximum display area of one hundred eighty (180) square feet, the banner may be employed for a maximum of 30 days within each calendar year and a permit is required
Illumination	Not Allowed

Banner Flags or Feather Signs

Where	Non-residential zoning districts (including C-A); not allowed in residential or multifamily districts, the TR-1 zoning district or in the ETJ
Maximum Number	Three per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Twenty-four (24) square feet for each pole or supporting structure
Maximum Height	Eight (8) feet above grade
Duration	No time limit
Illumination	Not allowed
Permit	Required

Flags

Where	Any platted lot or a parcel that is not platted if it is either formally designated as a park or includes an occupied building
Maximum Number	Non-residential zoning districts, excluding C-A and in the ETJ: three per lot, parcel, or tract; all other zoning districts: two per lot, parcel, or tract
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Non-residential zoning districts, excluding C-A and in the ETJ: forty (40) square feet; all other zoning districts: fifteen (15) square feet
Maximum Height	Non-residential zoning districts, excluding C-A and in the ETJ: forty (40) feet above grade; C-A zoning district: equal or less than the occupied building on the lot, parcel, or tract; residential and multifamily zoning districts: twenty-five (25) feet above grade
Illumination	Not allowed
Permit	Required except for flags smaller than sixteen (16) square feet and not attached to a ground-mounted pole

Freestanding Ground Signs including electronic and changeable copy, See Section 9(b) above

Where	Any lot, parcel, or tract formally designated as a park or that includes an occupied building within a non-residential or multifamily zoning district (including C-A) and in the ETJ; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per lot, parcel, or tract that adjoins a public street when located adjacent to and facing that street
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area*	Thirty-two (32) square feet (all locations)
Maximum Height	Eight (8) feet above grade (all permanent ground signs shall be constructed as monument signs)
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area (but not the maximum height), especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Hanging Wall Signs

Where	Non-residential and multifamily zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant per wall, limited to the maximum total display area
Location	Attached to a building
Maximum Display Area*	Twenty-four (24) square feet or ten percent (10%) of the wall area, whichever is greater
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Political (Election) Signs, See Section 5.101 above

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 5.107 above.
Maximum Number	No limitation
Location	No minimum setback from any property line required; but prohibited within any public right-of-way and all public utility or drainage easements
Maximum Display Area	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
Duration	No limitations
Illumination	Not allowed
Permit	Not required

Projecting Wall Signs

Where	Non-residential and multifamily zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district or the TR-1 zoning district
Maximum Number*	One per business or separate tenant
Location	Attached to a building, but limited to locations facing a street
Maximum Display Area*	Twelve (12) square feet (all locations)
Illumination	Internal or external in accordance with Article 3.800 of Chapter 3
Permit	Required
*The maximum number of signs per lot, parcel or tract and the maximum display area, especially for multi-tenant developments may be increased as part of an approved master sign program or as part of a planned development district zoning approval.	

Sandwich Board Signs

Where*	All zoning districts and property in the ETJ that includes an occupied building; not allowed in the TR-1 zoning district
Maximum Number*	One per each street fronting a lot, parcel, or tract when placed for viewing from that street
Location	Minimum setback from any property line: ten (10) feet
Maximum Display Area	Six (6) square feet (each side)
Maximum Height	Four (4) feet above grade
Illumination	Not allowed
Permit	Not required
*Residential and multifamily zoning districts (or uses in the ETJ) may include either a sandwich board sign or a temporary sign, but not both at the same time.	

Temporary Signs (not including Political / Election Signs)

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 5.107 above
Maximum Number	For Other than political (election) signs and signs not exempted by Section 5.104 or Section 5.107 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	No minimum setback from any property line required; but prohibited within any public right-of-way and all public utility or drainage easements
Maximum Display Area	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
Duration	For Other than political (election) signs and signs not exempted by Section 5.107 above, no sooner than ninety (90) calendar days before an event or more than ten (10) calendar days after an event except as otherwise prescribed elsewhere in this chapter
Illumination	Not allowed
Permit	Not required

Temporary Wayfinding Sign (in a public right-of-way), See Section 5.102 above

Where	Temporary directional signs to facilitate a local event that is eligible for inclusion on the municipal community event sign
Maximum Height	Three (3) feet and supported by wire sign stakes only
Location	Not allowed within five (5) feet of any paved public street improvements
Maximum Display Area	Six (6) square feet
Illumination	Not allowed
Permit	Not Required, but the minimum content element size (i.e. font or images), the number of signs and their specific locations, and the maximum placement duration requires prior written approval from the Development Services Department staff

Window Sign

Where	Non-residential zoning districts (including C-A) that includes an occupied building and in the ETJ on property that includes an occupied commercial building; not allowed in any residential district, multi-family district, or the TR-1 zoning district
Maximum Number	For signs not exempted by Section 5.104 or Section 5.107 above, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	On windows or doors, but not allowed in both locations
Maximum Display Area	Twenty-four (24) square feet
Illumination	Not allowed
Permit	Required

Sign Variance and Appeals

There may be a basis or rationale for the council to reconsider its vote for the BOA to replace the BSC with respect to sign variances and appeals. It is unclear if the city council knew they would remain the final authority on sign variances. It is unclear if the city council voted to have the BOA consider and be the final authority on variances. There was no mention at the council meeting about appeals and did not replace the BOA for the BSC for hearing and making final decisions on sign permit appeals. What the city council voted for was clarified at the July 8, 2024 BSC meeting.

The BSC has taken the opportunity to present to the city council some rationale for retaining the BSC with respect to sign variances when considering its recommendation to the council concerning amendment to the sign ordinance concerning signs in the ROW and political signs.

This document would be presented to the city council in the packet with BSC's recommended sign ordinance amendment.

One would think the BSC would be more qualified. It is certainly more knowledgeable and has all the experience.

The BSC has over the years drafted and recommended sign ordinances. Some of those ordinance improvements recommended by the BSC and approved by council were a consequence of issues discovered, researched and analyzed when the BSC considered variances. Would not the citizen body that does the detailed research on an ordinance be an appropriate body to hear appeals about what the ordinance means or says or how it is being administered when dealing with appeals?

The city council has asked for the BSC's advice on signs in the ROW.

The city council approved BSC's recommendation amending the sign variance criteria to a more subjective, yet aesthetically related criteria. The BSC is charged in its ordinance with aesthetics. It was stated at the council meeting "the BOA knows hardship". The hardship criteria for zoning related variances are different than that for signs. The BSC hears variances and appeals associated with the building code and the access management ordinance.

The BSC recommends that the BSC return as the recommending body to the city council for sign variances, and the body to hear and make final decisions on appeals of denied sign permits. Another option BSC recommends the city council consider is to take some political tone out of the variance process and have either BOA or BSC be the final authority for sign variances, not the city council.

Signs in the ROW

Building and Standards Recommendations

The Building and Standards Commission recommends the following for safe, effective, signs not increasing sign clutter or violation of Scenic City goals.

1. The sign in the ROW content policy does not need to be amended.
2. These signs should be allowed according to adopted standards in the sign ordinance and by permit, not variance.
3. The type of sign should be unlighted, temporary, planted in the ground by wire, and be no larger than six (6) square feet and no taller than four (4) feet.
4. No large, electronic, or changeable copy, or portable signs should be allowed in the ROW.
5. Long-term advertisement of the event would not be allowed on the sign. Advertisement on the city's electronic sign(s) is adequate.
6. The signs would only have a message about wayfinding to the event.
7. Signs for only community events open to the public should be allowed.
8. The wayfinding signs would be placed only before major intersections on major roads, on the route to and at the event.
9. The signs could not be placed more than one day before the event and must be taken down no later than the day after the event.
10. The BSC also looked at the effectiveness of the messages on the city's electronic sign. Some larger letters, fewer words, and longer duration of the message may be in order.

Following are the issues and options considered by the BSC. Recommendations are highlighted.

Process Options

1. By variance to the sign ordinance.

The city council recently amended the sign ordinance to have the Board of Adjustment review sign variances. They would have the final authority, not the council.

What Criteria? As the current criteria may not work well, add to the sign ordinance.

Problem: Content based issues added to sign ordinance. The city attorney stated content-based signs could and should be put in the sign ordinance.

2. By the BOA as policy, maybe by resolution as an administrative act. No sign ordinance amendment. (Legal question)

3. Administratively by staff. A permit. Selected by the BSC.

What standards/parameters. If the standards are met, permit is issued.

Fast and efficient.

Appeal to BOA, BSC, or council? May require an ordinance.

4. By the city council after review by the BOA or BSC.

BSC members see this process as too long and would be inconsistent with the recent ordinance amendment.

5. Signs in the ROW for private non-governmental purposes (not city owned signs) prohibited. Use only the city electronic signs or temporary, small (less than 6 sq. ft.) signs placed by city personnel as these are “official signs”.

The commission recommends some small signs in the ROW with parameters.

Sign Type

1. Electronic Changeable Copy



5 ft. X 8 ft. sign. 12 ft. tall.

2. Banners. As was used in the past.

Safe, cheaper,

3. Temporary stake signs. Like political signs. No larger than 36 sq. ft.



4. “Bandit” signs. No larger than 6 sq. ft. Wayfinding only. BSC recommends these type of signs.



4. A-Frame. Cheap, easy, reusable, wind blows over. 2 inch letters ineffective.

Parameters

Depends on the type of sign. For small temporary signs.

Content. In accordance with content policy only for community events, or more. Wayfinding only.

Distance from pavement. N/A

Sight distance from driveway. N/A. Only before major intersections.

Size . 6 Sq. ft.

Height 4 ft.

Lighting. Not allowed.

Duration before and after event. One day before one day after.

Bollards if trailer mounted electronic.

Location. What streets allowed on. Major roads and route to the event.

Effectiveness. Can the sign be read?

Number. **Depends on the route and intersections to the event.**

If a variance, criteria would be safe and effective and the applicant would submit the proposed sign and address the parameters.

Sign Effectiveness

Can the content be read by motorists?

Depends on speed, distance/time to read sign, and importantly the **size of letters**.



18 inch letters.



7 inch letters



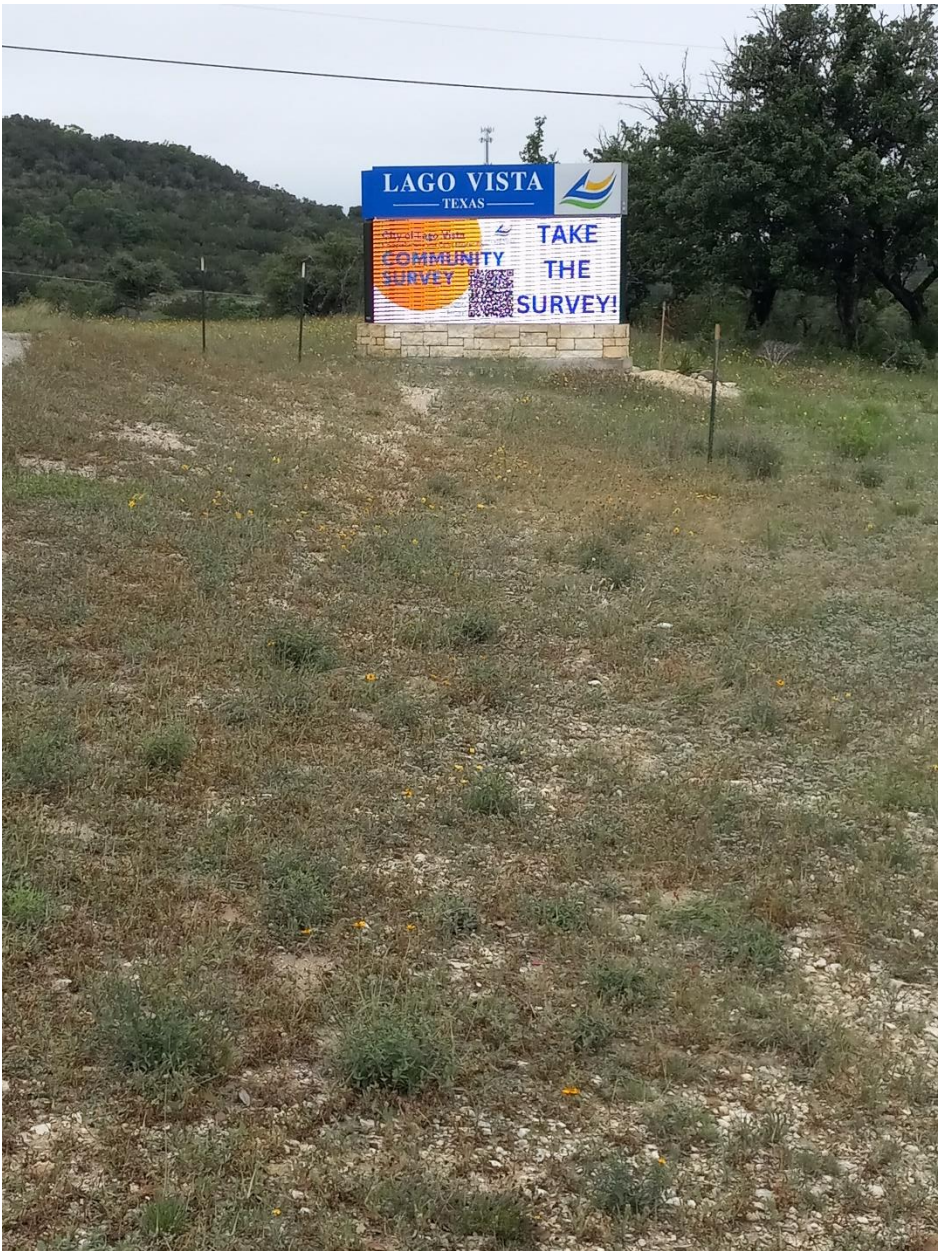
12 and 2-3 inch letters. Can't read open times.



Effective.



7 inch letters. Effective.



Effective.



Not effective.



Not effective.

The city could test its own electronic sign to see what size of letters would be effective on Lohman and 1431, and maybe allow community event ads to stay up longer.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Taylor Whichard, Public Works

SUBJECT: Discussion, consideration and possible action on Resolution No. 24-2079 formally accepting the public infrastructure for Lakeside at Tessera, Phase 3C which includes streets, underground storm drain, water distribution, and sewer collection systems.

BACKGROUND: The developer of Lakeside at Tessera has completed the construction of public infrastructure for Phase 3C of the development. This infrastructure includes streets, storm drainage systems, water distribution lines, and sanitary sewer lines. The improvements were constructed in accordance with the City-approved plans and specifications and have been inspected and function-tested by City staff. All required documentation, including engineer certifications, as-built drawings, and other relevant documents, has been provided by the developer.

The final plat for Lakeside at Tessera, Phase 3C, has been reviewed and approved by the City. The infrastructure in this phase is now ready for formal acceptance by the City of Lago Vista, which will transfer ownership and maintenance responsibilities to the City.

This resolution is necessary to finalize the City's acceptance of these improvements and to ensure their continued operation and maintenance as part of the City's public infrastructure system.

FINDINGS:

City staff has completed the following actions in regard to Lakeside at Tessera, Phase 3C:

- Inspected all infrastructure improvements, including streets, storm drainage, water, and sewer systems, to ensure compliance with City standards and regulations.
- Verified the submission of all required documentation, including as-built drawings and engineer certifications.
- Confirmed that the infrastructure is operational and ready

for public use.

Based on these findings, staff recommends approval of the resolution to formally accept the public infrastructure for Lakeside at Tessera, Phase 3C, as described.

FINANCIAL IMPACT: Any increase in maintenance costs is unknown at this time.

RECOMMENDATION: Approval

ATTACHMENTS:

[2024-10-08 _ Tessera _ Phase 3C _ Bill of Sale _ Signed.pdf](#)

[2024-10-08___Tessera_Phase_3C___Infrastructure_Acceptance.pdf](#)

[2024-10-08___Tessera_Phase_3C___Infrastructure_Acceptance.pdf](#)

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

RECITALS:

TO HAVE AND TO HOLD all of Grantor's right, title and interest, if any, and to the extent limited herein, in and to the Facilities unto Grantee, its successors and assigns forever.

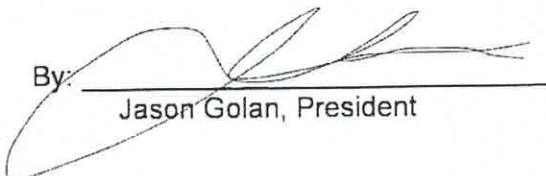
EXECUTED to be effective this 8th day of October, ~~2018~~ ²⁰²⁴.

[Signatures to follow on next page]

GRANTOR:

Westin Homes & Properties LP,
a Texas limited partnership

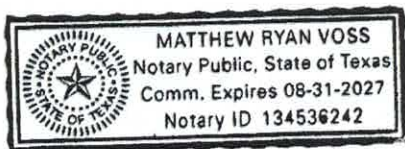
By: Texas TFR Properties,
a Texas limited liability company, its general partner

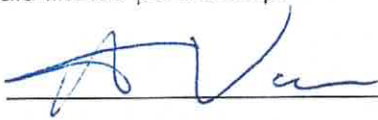
By: 
Jason Golan, President

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on September 25, 2024, by Jason Golan, President of Texas TFR Properties LLC, a Texas corporation, on behalf of said corporation in its capacity as general partner of Westin Homes & Properties LP, a Texas limited partnership, on behalf of said limited partnership.





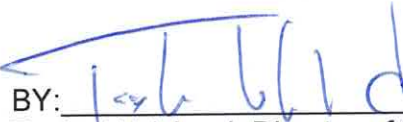
Notary Public, State of Texas

My Commission Expires:

8/31/27

GRANTEE:

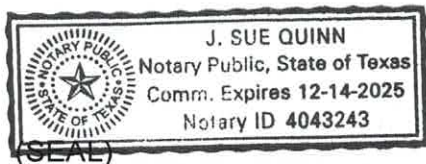
CITY OF LAGO VISTA, TEXAS

BY: 
Taylor Whichard, Director of Public Works

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 8th day of October, 2024, by Taylor Whichard, Director of Public Works of the City of Lago Vista, Texas, a home rule municipal corporation, on behalf of said City.




Notary Public, State of Texas
My Commission Expires: 12-14-2026

EXHIBIT "A"

DESCRIPTION OF UTILITY INFRASTRUCTURE

1. The public improvements within the Tessera Phase 3C project consisting of water mains and service lines, sewer lines and service lines, roadways, drainage, and associated appurtenances, better described in Exhibit "B" attached hereto.

The improvements were permitted, tested and inspected through the City, and final documentation has been submitted to the City in anticipation of final acceptance.

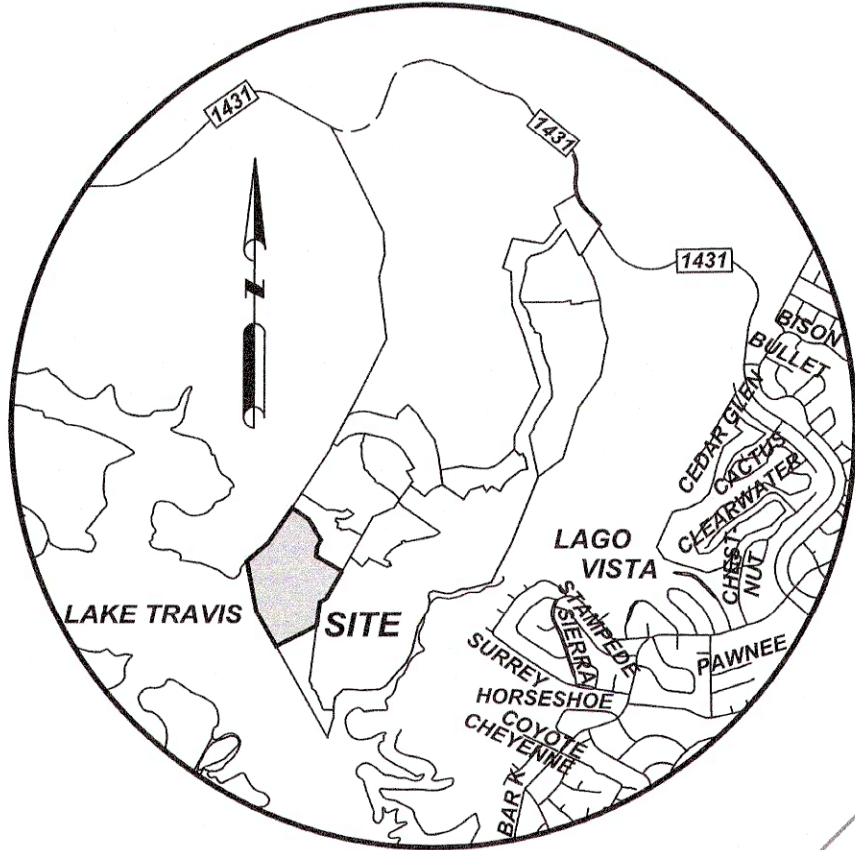
\$129.00

12-28-23

202300257

VICINITY MAP

NOT TO SCALE



GENERAL NOTES

1. THE BASIS OF BEARINGS FOR THIS PLAT IS THE TEXAS STATE PLANE COORDINATE SYSTEM BASED ON THE LOWER COLORADO RIVER AUTHORITY (LCRA) MONUMENTS A590 AND LT02.
2. TITLE ENCUMBRANCE RESEARCH (SUCH AS EASEMENTS) SHOWN ON THIS SURVEY IS BASED ON INFORMATION CONTAINED IN SCHEDULE "B" OF TITLE COMMITMENT PREPARED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 1454053, WITH AN EFFECTIVE DATE OF NOVEMBER 3, 2021, ISSUED NOVEMBER 15, 2021. REFERENCE IS MADE TO SAID COMMITMENT AND RECORD DOCUMENTS LISTED THEREIN FOR FULL PARTICULARS. EASEMENTS AND OTHER TITLE ENCUMBRANCES, BOTH RECORDED AND UNRECORDED, MAY EXIST THAT ARE NOT CONTAINED WITHIN SAID RESEARCH (AND THEREFORE NOT SHOWN ON THIS SURVEY). **MARSHALL LANCASTER & ASSOCIATES, INC. MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SAID TITLE ENCUMBRANCE RESEARCH.**
3. SOURCE BENCHMARK: (LCRA MONUMENT NO. A590) 3-1/2" ALUMINUM DISK IN CONCRETE STAMPED "LCRA A590", LOCATED 4.6 MILES NORTHWEST OF THE INTERSECTION OF F.M. ROAD NO. 1431 AND LOHMAN FORD ROAD ON THE SOUTH SIDE OF F.M. ROAD NO. 1431.
4. THE SUBDIVISION SHOWN HEREON IS ENTIRELY WITHIN THE CITY LIMITS OF LAGO VISTA, TEXAS.
5. NO DEVELOPMENT, CLEARING, OR GRADING SHALL TAKE PLACE BELOW THE 722' CONTOUR BASED ON THE LOWER COLORADO RIVER AUTHORITY BENCHMARK A590, EXCEPT AS ALLOWED BY THE HIGHLAND LAKES WATERSHED ORDINANCES.
6. THE LAND IN THIS SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS OF THE RESTATED DEVELOPMENT AGREEMENT, HAVING AN EFFECTIVE DATE OF AUGUST 16, 2012, BY AND AMONG HINES LAKE TRAVIS LAND LIMITED PARTNERSHIP, HINES LAKE TRAVIS LAND II LIMITED PARTNERSHIP AND THE CITY OF LAGO VISTA, TEXAS AS AMENDED.

LOWER COLORADO RIVER AUTHORITY NOTES

CRITICAL WATER QUALITY BUFFER ZONE PLAT NOTE:

THE CRITICAL WATER QUALITY BUFFER ZONE EASEMENT IS FOR THE PROTECTION OF THE ENVIRONMENT BY IMPROVING THE QUALITY OF STORMWATER RUNOFF FROM DEVELOPED LANDS. THE NATIVE LAND OR MANAGEMENT PRACTICES WITHIN THE EASEMENT ARE TO HELP MAINTAIN CLEAN WATER IN CREEKS, RIVERS AND LAKES. NO STRUCTURE OR IMPROVEMENTS, OTHER THAN NATIVE PLANT ENHANCEMENT OR MAINTENANCE OF THE AREA IN ACCORDANCE WITH LCRA RULES, MAY BE PLACED OR PERFORMED WITHIN THE EASEMENT WITHOUT SPECIFIC PRIOR AUTHORIZATION AND APPROVAL IN WRITING FROM THE LCRA, ITS SUCCESSORS OR ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH AUTHORITY TO PERMIT SUCH IMPROVEMENT FOR THE PROTECTION OF THE ENVIRONMENT. THE EASEMENT SHALL BE MAINTAINED BY EACH LOT OWNER BY PRESERVING AND RESTORING NATIVE VEGETATION. THE EASEMENT MAY NOT BE AMENDED EXCEPT BY EXPRESS WRITTEN AGREEMENT OF THE LCRA, ITS SUCCESSORS OR ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY.

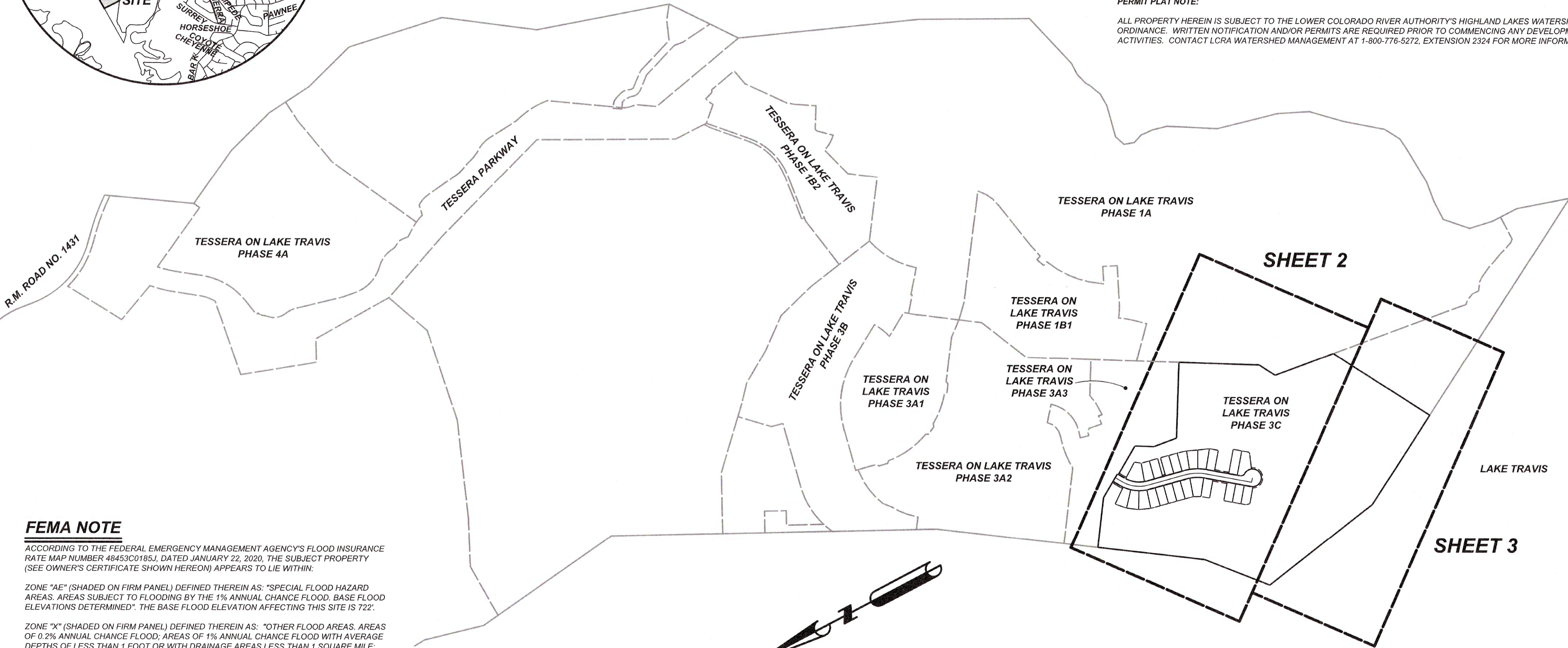
PERMANENT WATER QUALITY BMP EASEMENT PLAT NOTE:

THE PERMANENT WATER QUALITY BEST MANAGEMENT PRACTICE (BMP) EASEMENT IS FOR THE PURPOSE OF PROTECTING THE ENVIRONMENT BY IMPROVING THE QUALITY OF STORMWATER RUNOFF FROM DEVELOPED LANDS. NO STRUCTURE OR OTHER IMPROVEMENT MAY BE CONSTRUCTED OR MAINTAINED WITHIN A WATER QUALITY BMP EASEMENT AREA UNLESS SPECIFICALLY AUTHORIZED AND APPROVED IN WRITING IN ADVANCE BY THE LOWER COLORADO RIVER AUTHORITY (LCRA).

THE WATER QUALITY BMP EASEMENT MAY BE ENFORCED BY THE LOWER COLORADO RIVER AUTHORITY OR ANY OTHER GOVERNMENTAL ENTITY WITH THE AUTHORITY TO PROTECT THE ENVIRONMENT FOR THE BENEFIT OF THE PUBLIC, BY INJUNCTION OR OTHER ACTION IN A COURT OF APPROPRIATE JURISDICTION.

PERMIT PLAT NOTE:

ALL PROPERTY HEREIN IS SUBJECT TO THE LOWER COLORADO RIVER AUTHORITY'S HIGHLAND LAKES WATERSHED ORDINANCE. WRITTEN NOTIFICATION AND/OR PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY DEVELOPMENT ACTIVITIES. CONTACT LCRA WATERSHED MANAGEMENT AT 1-800-776-5272, EXTENSION 2324 FOR MORE INFORMATION.



FEMA NOTE

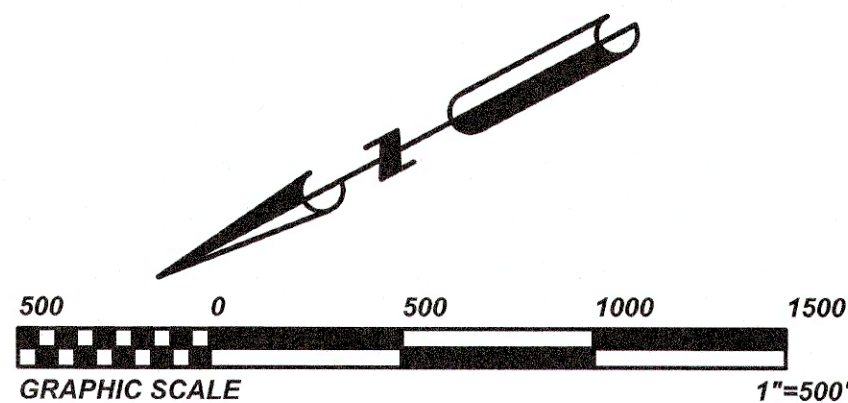
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP NUMBER 48453C0185J, DATED JANUARY 22, 2020, THE SUBJECT PROPERTY (SEE OWNER'S CERTIFICATE SHOWN HEREON) APPEARS TO LIE WITHIN:

ZONE "AE" (SHADED ON FIRM PANEL) DEFINED THEREIN AS: "SPECIAL FLOOD HAZARD AREAS. AREAS SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. BASE FLOOD ELEVATIONS DETERMINED". THE BASE FLOOD ELEVATION AFFECTING THIS SITE IS 722'.

ZONE "X" (SHADED ON FIRM PANEL) DEFINED THEREIN AS: "OTHER FLOOD AREAS. AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD".

ZONE "X" (NOT SHADED ON FIRM PANEL) DEFINED THEREIN AS: "OTHER AREAS. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

THE ABOVE INFORMATION WAS DERIVED FROM FEMA'S WEB SITE. THE REFERENCED FLOOD INSURANCE RATE MAP WAS THE CURRENT MAP ACCORDING TO SAID WEB SITE DURING THE RESEARCH PHASE OF THIS SURVEY. ADDITIONAL RESEARCH INTO LETTERS OF MAP REVISION, AMENDMENT, OR ANY OTHER INFORMATION ON SAID WEB SITE WAS NOT PERFORMED. **MARSHALL LANCASTER & ASSOCIATES, INC. MAKES NO REPRESENTATION AS TO THE ACCURACY OR CURRENT STATUS OF SAID MAPS.**



OWNER

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ENGINEER

LANGAN
9606 N. MOPAC EXPRESSWAY,
SUITE 110, AUSTIN, TEXAS 78759
PHONE: 737-289-7810

SHEET 1 OF 4

DATE: 12/15/2023

DRAWN BY: OP

CHECKED BY: RTH

FILE: 09107.CRD

JOB NO.: 211000



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CONSULTING LAND SURVEYORS

commercial, retail and industrial construction surveying

land title surveys · topography · subdivision platting

1864 Norwood Drive, Suite E, Hurst, TX 76054

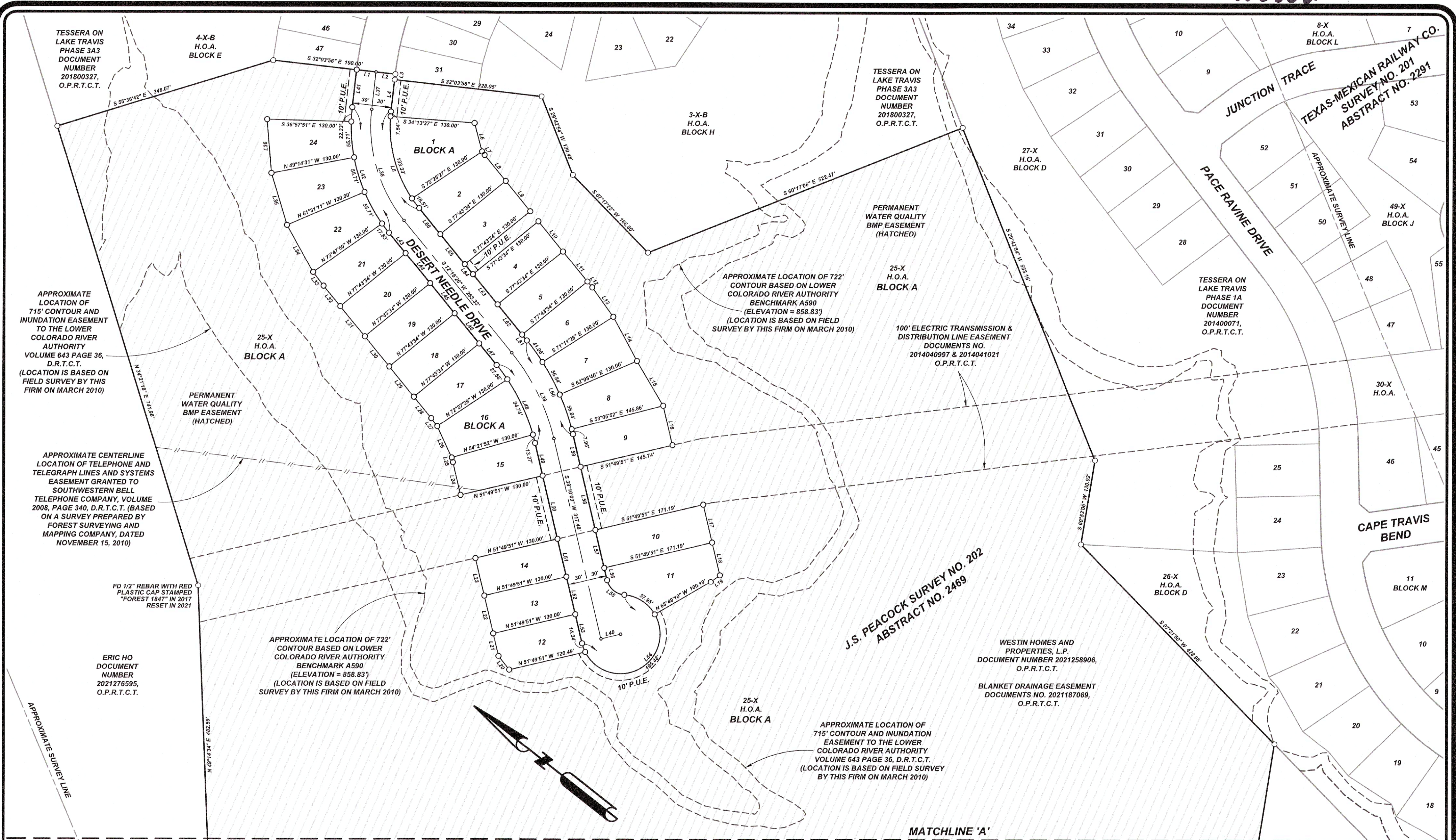
metro (817) 268-8000 fax (817) 282-2231

www.mla-survey.com firm no. 10045100

FINAL PLAT OF
TESSERA ON LAKE
TRAVIS PHASE 3C

AN ADDITION TO THE CITY OF LAGO VISTA,
TRAVIS COUNTY, TEXAS,
BEING 52.617 ACRES SITUATED
IN THE J.S. PEACOCK SURVEY NO. 202,
ABSTRACT NO. 2469, TRAVIS COUNTY, TEXAS

202300256



LEGEND

- ... DIMENSION POINT, NOTHING FOUND OR SET
- ... SET 1/2" REBAR WITH RED PLASTIC CAP STAMPED "MLA RPLS 4873" (OR COTTON SPINDLE IN ROCK)
- ... FD MONUMENT AS NOTED
- FD ... FOUND
- P.U.E. ... PUBLIC UTILITY EASEMENT
- P.R.T.C.T. ... PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. ... DEED RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. ... OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

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SHEET 2 OF 4

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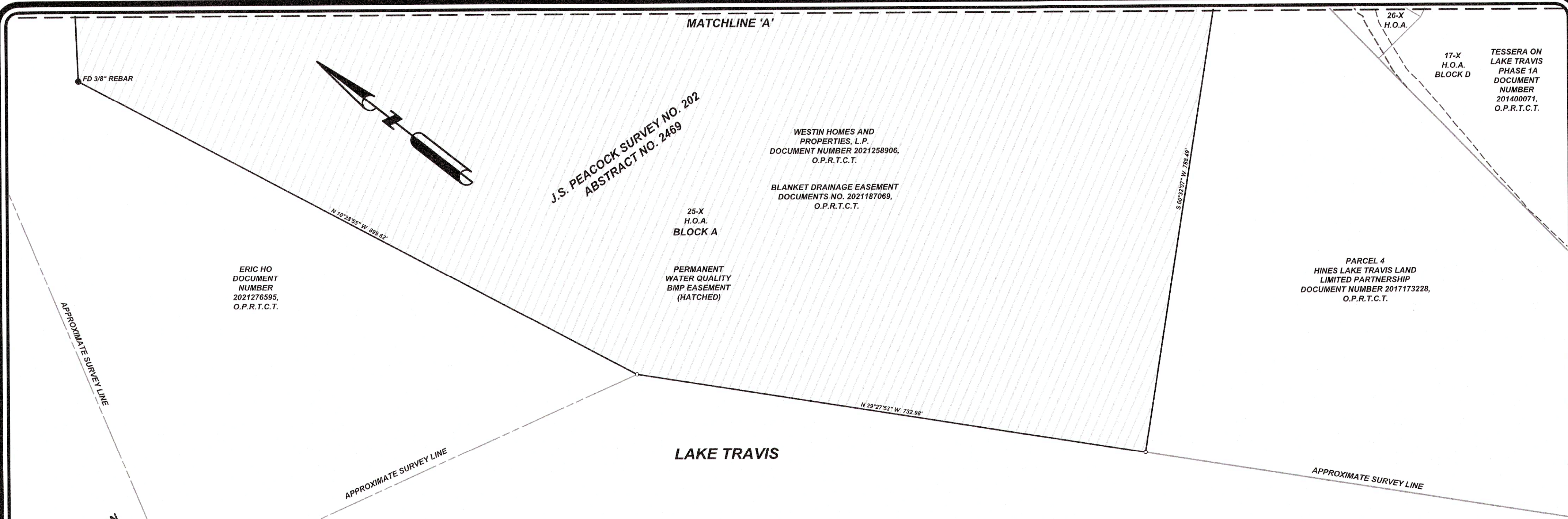
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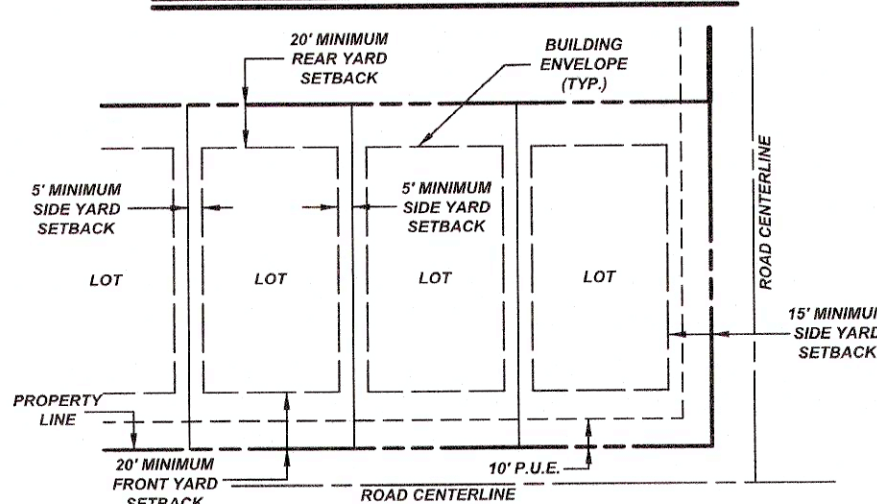
202300250



COURSE TABLE

COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
L1	S 32°03'56" E	30.00'	L27	N 14°54'29" E	15.63'	L48	R= 300.00'	A: 135.59'
L2	S 32°03'56" E	30.00'	L28	N 12°16'26" E	42.53'		Tan: 68.97'	CA: 25°53'43"
L3	S 57°56'04" W	8.50'	L29	N 12°16'26" E	60.00'		Chd: S 25°13'17" W	134.44'
L4	S 57°56'04" W	50.08'	L30	N 12°16'26" E	60.00'	L49	S 38°10'09" W	51.60'
L5	R= 200.00'	A: 199.39'	L31	N 12°16'26" E	60.00'	L50	S 38°10'09" W	100.00'
	Tan: 84.20'	CA: 45°39'38"	L32	N 12°16'26" E	40.80'	L51	S 38°10'09" W	60.00'
	Chd: N 35°06'15" E	155.20'	L33	N 14°14'18" E	26.74'	L52	S 38°10'09" W	60.00'
L6	S 36°40'28" W	45.81'	L34	N 22°20'30" E	83.41'	L53	S 38°10'09" W	45.89'
L7	S 14°55'29" W	6.48'	L35	N 34°37'09" E	83.41'	L54	R= 61.00'	A: 267.67'
L8	S 12°16'26" W	51.67'	L36	N 46°53'49" E	83.41'		Tan: -84.86'	CA: 251°25'01"
L9	S 12°16'26" W	60.00'	L37	S 57°56'04" W	58.57'		Chd: S 87°32'21" E	99.06'
L10	S 12°16'26" W	60.00'	L38	R= 230.00'	A: 183.29'	L55	R= 30.00'	A: 37.39'
L11	S 12°16'26" W	60.00'		Tan: 96.83'	CA: 45°39'38"		Tan: 21.56'	CA: 71°25'00"
L12	S 12°16'26" W	11.66'		Chd: S 35°06'15" W	178.48'		Chd: N 02°27'38" E	35.02'
L13	S 15°32'29" W	55.86'	L39	R= 330.00'	A: 149.15'	L56	N 38°10'09" E	19.63'
L14	S 23°19'56" W	77.29'		Tan: 75.87'	CA: 25°53'43"	L57	N 38°10'09" E	60.00'
L15	S 20°59'37" W	80.12'		Chd: S 25°13'17" W	147.88'	L58	N 38°10'09" E	100.00'
L16	S 38°10'09" W	62.78'	L40	S 51°49'51" E	31.00'	L59	N 38°10'09" E	51.60'
L17	S 38°10'09" W	60.00'	L41	S 57°56'04" W	58.57'	L60	R= 360.00'	A: 162.71'
L18	S 38°10'09" W	51.96'	L42	R= 260.00'	A: 207.20'		Tan: 82.77'	CA: 25°53'43"
L19	N 74°53'15" W	17.43'		Tan: 109.46'	CA: 45°39'38"		Chd: N 25°13'17" E	161.32'
L20	N 13°40'12" E	26.93'		Chd: S 35°06'15" W	201.76'	L61	N 12°16'26" E	11.66'
L21	N 38°10'09" E	35.50'	L43	S 12°16'26" W	40.80'	L62	N 12°16'26" E	60.00'
L22	N 38°10'09" E	60.00'	L44	S 12°16'26" W	60.00'	L63	N 12°16'26" E	60.00'
L23	N 38°10'09" E	60.00'	L45	S 12°16'26" W	60.00'	L64	N 12°16'26" E	20.00'
L24	N 38°10'09" E	51.60'	L46	S 12°16'26" W	60.00'	L65	N 12°16'26" E	60.00'
L25	N 36°54'08" E	7.52'	L47	S 12°16'26" W	42.53'	L66	N 12°16'26" E	51.67'
L26	N 26°35'20" E	53.46'						

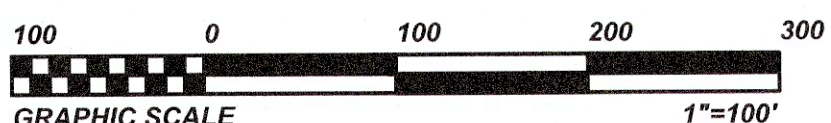
TYPICAL BUILDING SETBACK DETAIL FOR SINGLE FAMILY DETACHED



LAND USE AND AREA TABLE				
LAND USE	ACREAGE	SINGLE FAMILY LOTS	H.O.A. LOTS	COMMERCIAL LOTS
BLOCK A	51.073	24	1	0
RIGHT OF WAY	1.544	0	0	0
TOTAL	52.617	24	1	0

LEGEND

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DEVELOPER

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SHEET 3 OF 4

DATE: 12/15/2023

DRAWN BY: OP

CHECKED BY: RTH

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JOB NO.: 211000

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IN THE J.S. PEACOCK SURVEY NO. 202,
ABSTRACT NO. 2469, TRAVIS COUNTY, TEXAS

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS

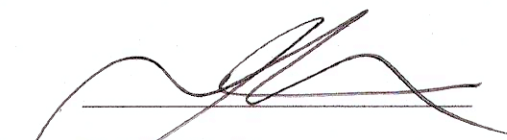
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, THAT, WESTIN HOMES AND PROPERTIES, L.P., A TEXAS LIMITED PARTNERSHIP, OWNER OF 52.617 ACRES OF LAND OUT OF THE J.S. PEACOCK SURVEY NO. 202, ABSTRACT NO. 2469, TRAVIS COUNTY, TEXAS, AS CONVEYED BY DEED FILED ON NOVEMBER 23, 2021, AND RECORDED IN DOCUMENT NUMBER 2021258906, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 52.617 ACRES OF LAND TO BE KNOWN AS TESSERA ON LAKE TRAVIS PHASE 3C, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DOES HEREBY DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND, THIS THE 19 DAY OF December, 2023

WESTIN HOMES AND PROPERTIES, L.P.,
A TEXAS LIMITED PARTNERSHIP

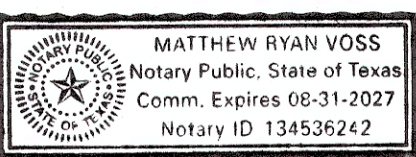
BY: TEXAS TFR PROPERTIES, LLC,
A TEXAS LIMITED LIABILITY COMPANY
ITS GENERAL PARTNER

BY: 
NAME: JASON GOLAN
TITLE: SOLE MEMBER

STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON December 19, 2023 BY JASON GOLAN, SOLE MEMBER OF TEXAS TFR PROPERTIES, LLC, IN ITS CAPACITY AS GENERAL PARTNER OF WESTIN HOMES AND PROPERTIES, L.P., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID TEXAS LIMITED PARTNERSHIP.


NOTARY PUBLIC, STATE OF TEXAS



SURVEYOR'S CERTIFICATE

I, ROBERT T HIDELELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.


ROBERT T HIDELELL
DATE 12-15-2023
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6583
1864 NORWOOD DRIVE, SUITE E
HURST, TEXAS 76054

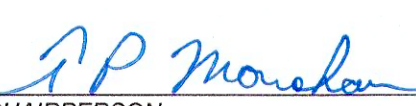


THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE JURISDICTION OF THE CITY OF LAGO VISTA.

PLANNING AND ZONING COMMISSION CERTIFICATION

THIS FINAL PLAT HAS BEEN CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LAGO VISTA, TEXAS AND IS HEREBY APPROVED.

DATED THIS 19 DAY OF DEC, 2023.


CHAIRPERSON

CERTIFICATION OF APPROVAL




ATTEST, CITY SECRETARY
CITY OF LAGO VISTA, TEXAS

12-19-2023
DATE

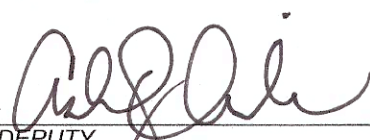
THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DYANA LIMON-MERCADO, CLERK OF THE TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, AND ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE ON THE 19th DAY OF December, 2023 A.D. AT 4:30 O'CLOCK P.M. AND DULY RECORDED ON THE 19th DAY OF December, 2023 A.D. AT 4:30 O'CLOCK P.M. IN THE PLAT RECORDS OF THE SAID COUNTY AND STATE IN DOCUMENT NUMBER 2023602570 OF THE OFFICIAL RECORDS OF TRAVIS COUNTY.

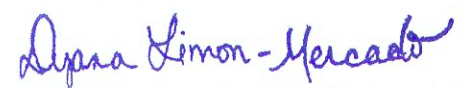
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 28th DAY OF December, 2023 A.D.

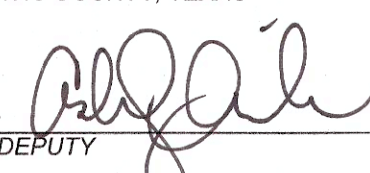
DYANA LIMON-MERCADO, COUNTY CLERK
TRAVIS COUNTY, TEXAS



BY:  ASHLEY MILLER
DEPUTY

FILED FOR RECORD THIS 28th DAY OF December, 2023 AT 4:30 O'CLOCK P.M.


DYANA LIMON-MERCADO, COUNTY CLERK
TRAVIS COUNTY, TEXAS

BY:  ASHLEY MILLER
DEPUTY



OWNER

WESTIN HOMES AND PROPERTIES, L.P.
9442 NORTH CAPITAL OF TEXAS
HIGHWAY, SUITE 750,
AUSTIN, TEXAS 78759
PHONE: 737-800-9749

DEVELOPER

HINES LAKE TRAVIS LAND, L.P.
20624 FM 1431,
LAGO VISTA, TEXAS 78654
PHONE: 512-293-1862

ENGINEER

LANGAN
9606 N. MOPAC EXPRESSWAY,
SUITE 110, AUSTIN, TEXAS 78759
PHONE: 737-289-7810

SHEET 4 OF 4
DATE: 12/15/2023
DRAWN BY: OP
CHECKED BY: RTH
FILE: 09107.CRD
JOB NO.: 211000



MARSHALL LANCASTER & ASSOCIATES, INC.

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www.mla-survey.com firm no. 10045100

FINAL PLAT OF
TESSERA ON LAKE
TRAVIS PHASE 3C
AN ADDITION TO THE CITY OF LAGO VISTA,
TRAVIS COUNTY, TEXAS,
BEING 52.617 ACRES SITUATED
IN THE J.S. PEACOCK SURVEY NO. 202,
ABSTRACT NO. 2469, TRAVIS COUNTY, TEXAS

RESOLUTION NO. XX-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, FORMALLY ACCEPTING THE PUBLIC INFRASTRUCTURE INCLUDING STREETS, STORM DRAINAGE, WATER, AND SEWER IMPROVEMENTS FOR LAKESIDE AT TESSERA, PHASE 3C, AS SHOWN ON THE FINAL PLAT; PROVIDING FOR ACCEPTANCE AND MAINTENANCE OF SUCH INFRASTRUCTURE BY THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the public infrastructure, including streets, storm drainage, water, and sewer improvements (collectively, the "Improvements"), for the development known as Lakeside at Tessera, Phase 3C (the "Development"), was constructed by the Developer in accordance with the approved engineering plans and specifications for said Development; and

WHEREAS, the City of Lago Vista has conducted inspections and function testing of the Improvements, and such inspections confirm that the Improvements have been completed in accordance with the applicable City codes and ordinances, and are functioning as intended; and

WHEREAS, the Developer has submitted all required documentation, including the as-built drawings, engineer certifications, and other applicable documents, in compliance with the City's requirements for public infrastructure dedication; and

WHEREAS, the Bill of Sale and Final Plat of Lakeside at Tessera, Phase 3C, has been reviewed and approved by the City and is included as **Exhibit A** to this Resolution; and

WHEREAS, the City of Lago Vista finds that the Improvements are in good working condition, and it is in the best interest of the City to accept ownership and maintenance responsibility for the Improvements in accordance with the City's policies and procedures.

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

SECTION 1. The City of Lago Vista hereby accepts the dedication of the public infrastructure, including streets, storm drainage, water, and sewer improvements, for Lakeside at Tessera, Phase 3C, as depicted on the Bill of Sale and Final Plat attached as **Exhibit A**.

SECTION 2. Upon the formal acceptance of the Improvements, the City of Lago Vista assumes ownership and responsibility for the maintenance, operation, and repair of the Improvements as part of the City's public infrastructure.

SECTION 3. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Lago Vista, this 17th day of October 2024.

CITY OF LAGO VISTA, TEXAS

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____ the above and foregoing instrument was passed and approved.

EXHIBIT “A”

Bill of Sale & Final Plat

RESOLUTION NO. 24-2079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, FORMALLY ACCEPTING THE PUBLIC INFRASTRUCTURE INCLUDING STREETS, STORM DRAINAGE, WATER, AND SEWER IMPROVEMENTS FOR LAKESIDE AT TESSERA, PHASE 3C, AS SHOWN ON THE FINAL PLAT; PROVIDING FOR ACCEPTANCE AND MAINTENANCE OF SUCH INFRASTRUCTURE BY THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the public infrastructure, including streets, storm drainage, water, and sewer improvements (collectively, the "Improvements"), for the development known as Lakeside at Tessera, Phase 3C (the "Development"), was constructed by the Developer in accordance with the approved engineering plans and specifications for said Development; and

WHEREAS, the City of Lago Vista has conducted inspections and function testing of the Improvements, and such inspections confirm that the Improvements have been completed in accordance with the applicable City codes and ordinances, and are functioning as intended; and

WHEREAS, the Developer has submitted all required documentation, including the as-built drawings, engineer certifications, and other applicable documents, in compliance with the City's requirements for public infrastructure dedication; and

WHEREAS, the Bill of Sale and Final Plat of Lakeside at Tessera, Phase 3C, has been reviewed and approved by the City and is included as **Exhibit A** to this Resolution; and

WHEREAS, the City of Lago Vista finds that the Improvements are in good working condition, and it is in the best interest of the City to accept ownership and maintenance responsibility for the Improvements in accordance with the City's policies and procedures.

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

SECTION 1. The City of Lago Vista hereby accepts the dedication of the public infrastructure, including streets, storm drainage, water, and sewer improvements, for Lakeside at Tessera, Phase 3C, as depicted on the Bill of Sale and Final Plat attached as **Exhibit A**.

SECTION 2. Upon the formal acceptance of the Improvements, the City of Lago Vista assumes ownership and responsibility for the maintenance, operation, and repair of the Improvements as part of the City's public infrastructure.

SECTION 3. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Lago Vista, this 17th day of October 2024.

CITY OF LAGO VISTA, TEXAS

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____ the above and foregoing instrument was passed and approved.

EXHIBIT “A”

Bill of Sale & Final Plat



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Tracie Hlavinka, City Manager

SUBJECT: Discussion, consideration, and possible action regarding a citizen petition to purchase adjacent property owned by the City of Lago Vista.

BACKGROUND: In 2020 and 2021, the City sold surplus property strips, as identified in Resolution 19-1791, to adjacent property owners in accordance with State law. Property owners were notified via letter and given 30 days to express interest in purchasing the strips adjacent to their land. During this period, the City focused on properties outlined in Exhibits A and C, with a cost of \$1.40 per square foot, plus additional fees for recording the special warranty deed.

In November of 2021, citizens and members of the Parks and Recreation Advisory Committee (PRAC) raised questions regarding the sale of surplus properties. The Council then asked PRAC to review and provide recommendations for the City's surplus list. A 90-day moratorium on the sale of city property was put in place. In February 2022, City Council extended the deadline for PRAC's recommendations. By March 2022, PRAC presented its recommendations to the Council, prioritizing the retention of city-owned properties for potential parks, greenbelts, trails, or related amenities. A copy of PRAC's recommendations is included for reference.

FINDINGS: Recently, a resident from 3600 Bunyon Circle approached the City with a request to purchase an abandoned cart path behind their home. The resident owns the surrounding lots—9053 and 9054 Highland Lake, as well as 20200 and 20202 Bell Lane. The Public Works Director confirmed that the property is not needed for drainage purposes and saw no issue with the sale.

During the 2023 Strategic Planning session, the Council discussed parameters for selling surplus properties, particularly in cases where the land is landlocked or surrounded by private property, rendering it unsuitable for a trail system.

Staff is requesting that the City Council consider the resident's request and discuss a process for facilitating such sales to address future inquiries.

FINANCIAL IMPACT: None at this time.

ATTACHMENTS:

[19-1791 Surplus real Property.pdf](#)

[PRAC Report.pdf](#)

[Citizen Petition to Purchase.pdf](#)

[Cody Properties Map \(002\).pdf](#)

[Aerial of Property.pdf](#)

CITY OF LAGO VISTA, TEXAS

RESOLUTION NO 19-1791

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY OF LAGO VISTA TO BE EXEMPT PROPERTY PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 272.001(b) PRIOR TO SUBSEQUENTLY CONSIDERING THE CONVEYANCE OF THAT PROPERTY IN ACCORDANCE WITH ALL APPLICABLE STATE LAWS AND IN A MANNER BENEFICIAL TO THE CITY OF LAGO VISTA.

WHEREAS, the City of Lago Vista, Texas owns several pieces of real property pursuant to Judgment 2039040371 rendered in Cause No. GV-500276 as recorded in book 09022, page 1696 of the Travis County Judicial Records; and

WHEREAS, many of the pieces of that real property that are still owned by the City are not currently used by the City; and

WHEREAS, such real property has limited or no value to the City; and

WHEREAS, the maintenance and responsibility for such real property is burdensome to the City in comparison to any potential future value; and

WHEREAS, the Texas Local Government Code Chapter 272 requires property owned by a municipality comply with those certain notice and bidding requirements unless the conveyance is exempt under Section 272.001(b);

WHEREAS, the subject property is exempt from the notice and bidding requirements under Texas Local Government Code Section 272.001(b(1) because the properties are narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances and under Section 272.001(c), the land may be sold to abutting property owners in the same subdivision if the land has been subdivided, or abutting property owners in proportion to their abutting ownership, and the division between owners made in an equitable manner;

WHEREAS, appropriate City staff members are evaluating the need for and the value to the City of the real property, surveying the property as needed and recommend that the City Council authorize negotiations for the conveyance of the property to the adjacent property owners.

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

THAT, the City Council of the City of Lago Vista, Texas declares the following items, as listed in "Exhibit A," "Exhibit B," "Exhibit C," Exhibit "D," "Exhibit E," "Exhibit F" and "Exhibit G" to be surplus real property and are exempt from the notice and bidding requirements of Texas Local Government Code Section 272.001(b) since the properties are narrow strips of land and cannot be used independently under current Lago Vista zoning or applicable subdivision or

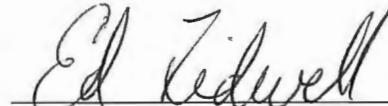
development control ordinances, and further authorizes the City Manager to consider formal offers from the adjacent property owners that includes documentation that the offer is equal to or greater than the fair market value of said real property in accordance with applicable laws, provided that the conveyance of any specific real property to a specific abutting property owner will be approved by the City Council by ordinance.

AND, IT IS SO RESOLVED. PASSED AND APPROVED this 18th day of April 2019.

ATTEST:


Sandra Barton, City Secretary




Ed Tidwell, Mayor

On a motion by Councilman Weatherly, seconded by Councilman Davila, the above and foregoing instrument was passed and approved.

EXHIBIT "A"



EXHIBIT "B"

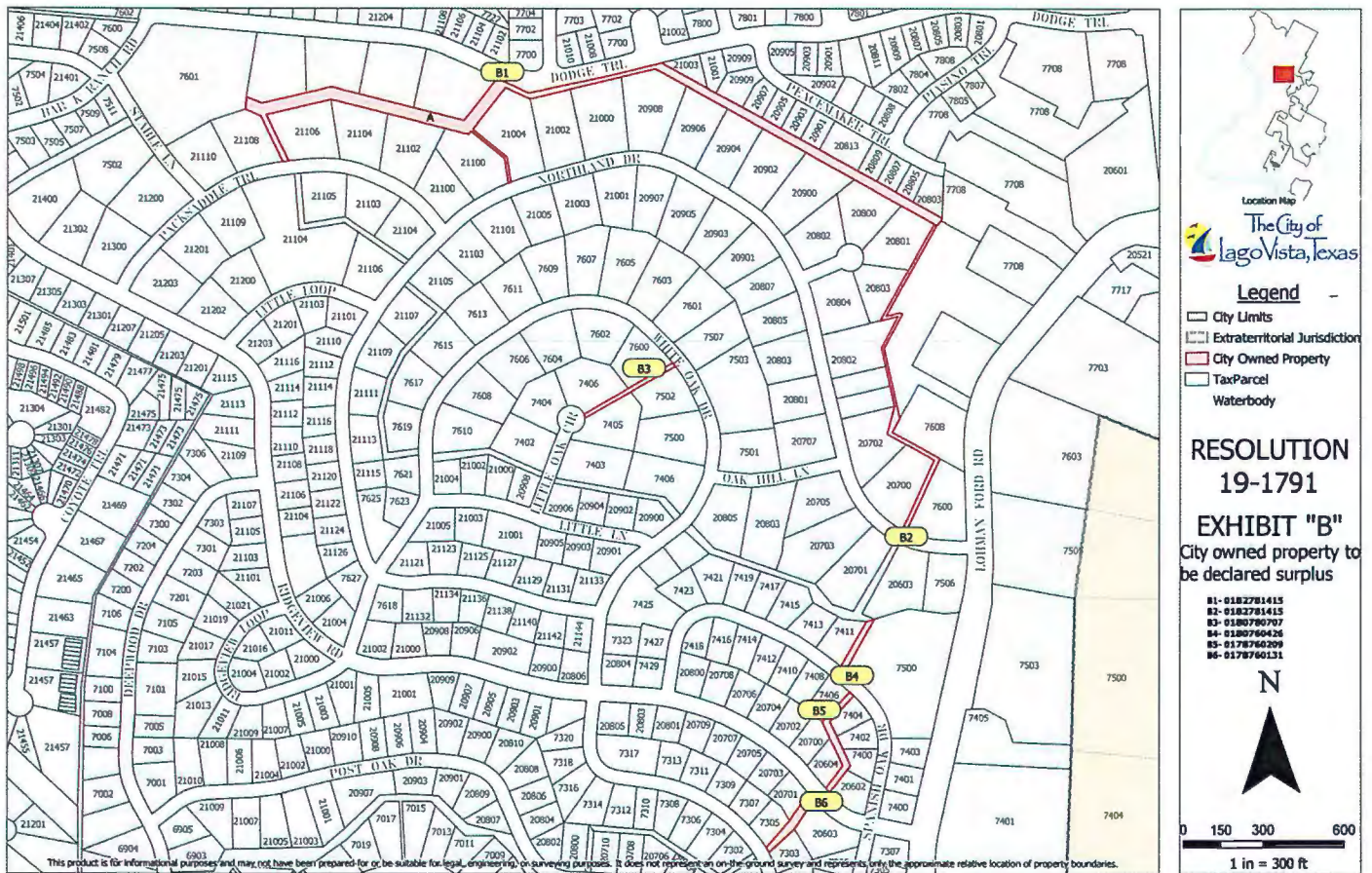


EXHIBIT "C"

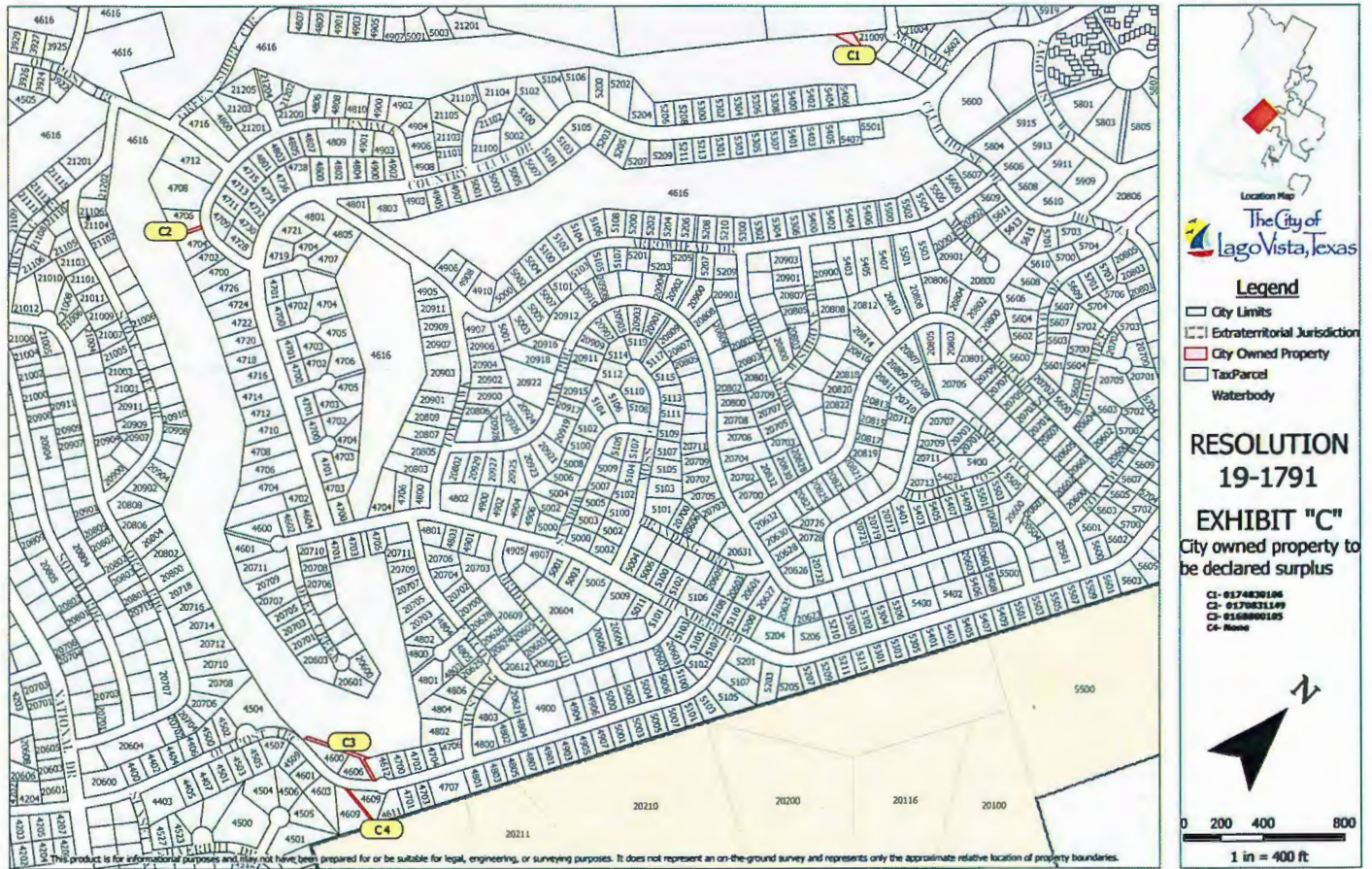


Exhibit "C" (1)

EXHIBIT "D"



Exhibit "D" (1)

EXHIBIT "E"

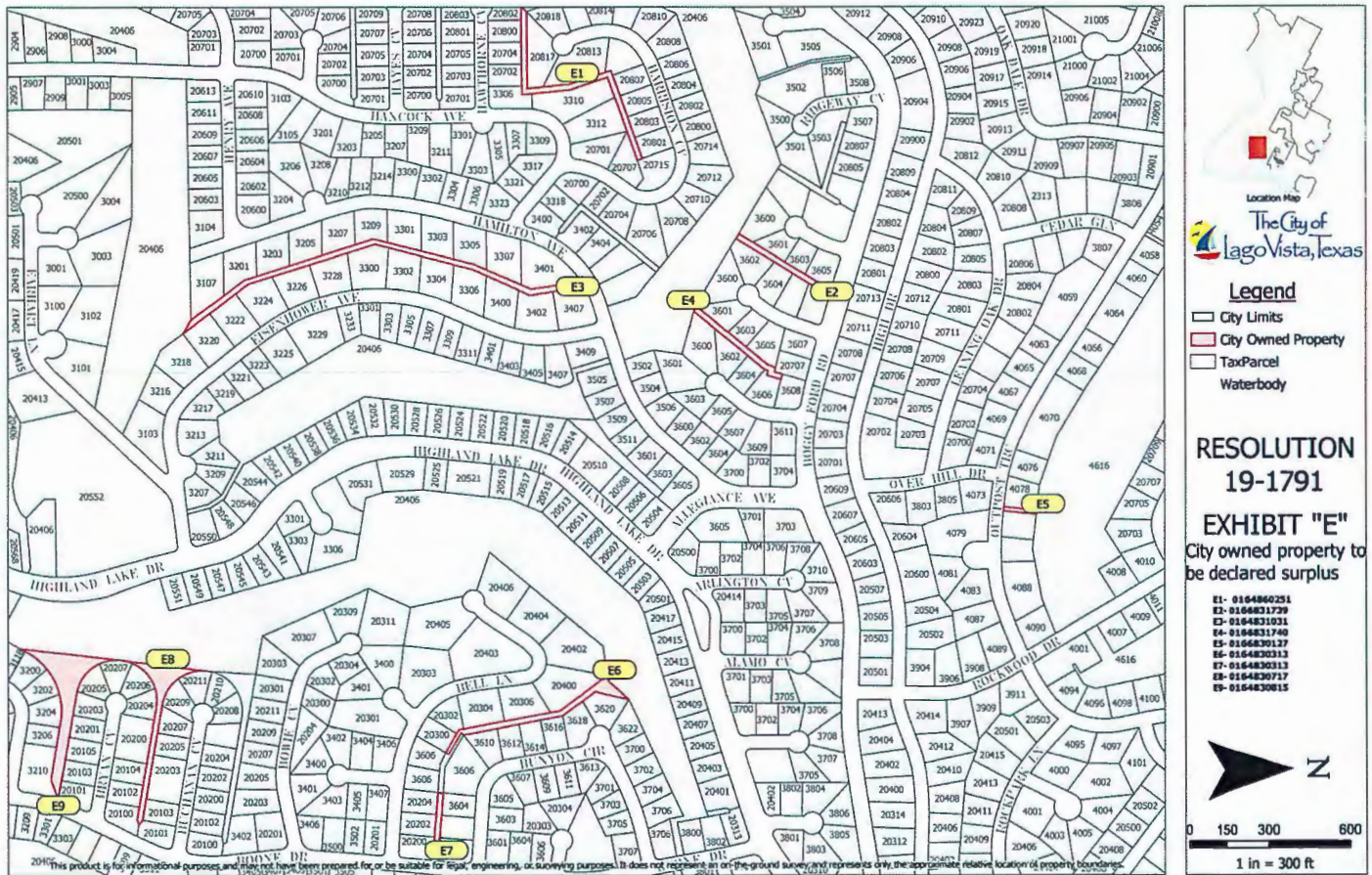


EXHIBIT "F"



Exhibit "F" (1)

EXHIBIT "G"



Exhibit "G" (1)



Parks and Recreation Advisory Committee

Recommendations to City Council for City-Owned Properties

Submitted March 7, 2022

In 2021, the Parks and Recreation Advisory Committee (“PRAC” or “the committee”) was asked to expand beyond a primary focus on Sunset Park and begin to assess and make recommendations for additional parks and recreational amenities and programs for the City of Lago Vista. In our mid-year report to City Council, PRAC indicated we planned to assess and develop recommendations for a prioritized list of city-owned properties. In November 2021, City Council also asked PRAC to complete an assessment and recommendations for the city’s surplus property list which had been put up for sale (as identified in *City of Lago Vista, Texas Resolution No 19-1791*).

This report provides the results of our analysis and recommendations pertaining to these city-owned properties. It is organized as follows:

The **Executive Summary** includes the committee’s vision for Lago Vista parks and recreational opportunities and provides the high-level recommendations for all properties the PRAC has reviewed.

Part A includes recommendations for the set of city-owned properties the committee has identified as having particularly compelling locations and possibilities as parks, greenbelts or trails, or other outdoor amenities.

Part B includes recommendations for retaining and leveraging city-owned properties, some of which already contain “social” trails, to enable the creation of an interconnected trail system encompassing existent and planned trails and enable better connections to Sunset Park.

Part C includes analysis and recommendations for the city-owned surplus properties the committee was asked to analyze, as well as some representative photos.

Part D includes the scoring matrix results based on the assessment rubric the committee created for the surplus properties.

We respectfully submit our recommendations to City Council and would appreciate the opportunity to discuss these in an upcoming city council meeting. The decisions City Council makes could be transformative in terms of the beauty and appeal of the city and the outdoor recreational opportunities we provide to our residents.



Executive Summary

Vision for Lago Vista Parks and Recreational Opportunities

As Lago Vista continues to experience significant growth and demographic changes, the city needs to create additional outdoor recreational opportunities today, as well as designate and preserve sufficient properties and green space to ensure additional opportunities for the future. Following are the key objectives as advocated by the Parks and Recreation Advisory Committee:

- Provide parks *and* natural spaces – a combination of purpose-built parks along with less-developed paths, trails, and green spaces.
- Provide usage opportunities and amenities across the age and ability spectrum:
 - Young children - youth - adults - senior citizens
 - Areas and amenities for sports, fitness, hiking, as well as passive, unstructured enjoyment and recreation
 - Accessibility for all abilities – especially playgrounds, restrooms, and recreational spaces
- Develop a Trails Master Plan and trail system. Leverage current and planned trail systems, existent social trails, and potential connections. Tie into the city’s broader need to develop more sidewalks and trails (in tandem with road improvements and specific developments) to help make our community safer and more walkable / bikeable.
- Preserve green space and habitat – versus allowing over-development. Ensure consideration of park and recreational opportunities as well as habitat preservation in development and rezoning analyses and decisions.
- Ensure our approach is ecologically sound and sustainable and makes best use of the land and topography.
- Foster pride and identity: our parks, trails, natural spaces, and recreational opportunities help represent the kind of town and community we want to be, as well as attract visitors, tourists, businesses, and families.

Summary of Recommendations

- Retain and designate city-owned properties the committee has identified as having particularly compelling locations and possibilities as parks, greenbelts or trails, or related amenities. Beginning with FY2023, fund initial development of these properties for recreational usage as depicted in the specific recommendations for each property in Part A below. These properties include:
 - Dawn Circle Park
 - Bowdoin Point
 - “Town Center” City Park
 - Bonanza Property
 - Shoreline Ranch
- Create an incredible trail system by retaining and designating certain city-owned properties, some of which already contain “social” trails, to enable the creation of an interconnected trail



system encompassing existent and planned trails and enable better connections (that are walkable and bikeable) to Sunset Park. This can be done in collaboration with other entities, such as the Turnback Canyon Conservancy (TCC), and developments such as Lakeside at Tessera, which have created and/or will be creating additional trails. Lago Vista trails can be publicized through word of mouth and apps such as AllTrails, bringing visitors and tourists to our beautiful city who will then patronize our local businesses.

Significant Trails opportunities exist in the following areas (specific recommendations are included in Part B below):

- Bar-K Ranches Area
- Sunset Park / Turnback Canyon
- Accessible Trail Between Middle School and Sunset Park
- Develop “The Bowl” Social Trails
- Do not sell the “surplus” properties identified in the resolution. These contain critical city infrastructure, including Lake Travis watershed tributaries and tin-horn drainage areas that should have been monitored and maintained by the city’s public works department.
 - The city should retain these properties to ensure we maintain the designed, efficient flood control and developed lot drainage inherent in the city plan.
 - Many of these properties also provide tremendous opportunities for trails, greenbelts and mini-parks and amenities, not to mention preservation of habitat which is becoming increasingly important as the city grows. We provide recommendations for specific properties in Part C.
 - The city should also identify any additional city-owned properties that have not been audited for potential as water control, drainage, green space and/or recreational opportunities.



PART A: Priority City-Owned Property Recommendations

This section includes recommendations for the set of city-owned properties the committee has identified as having particularly compelling locations and possibilities as parks, greenbelts or trails, or related amenities.

Dawn Circle Park

Background:

Parcel ID 177907 and 177904 / 21003 Dawn Drive; Lot 1 Blk C Lago Vista Sec 1

This property sits on one end of Dawn Circle, is designated for public use, and is the previous site of city water tanks which were removed some years ago. The property provides an excellent location for a city park. It has several areas of shade and trees; nice views of Lake Travis from several vantage points; and already has a paved driveway and parking. Parks and Rec staff have already begun some clearing and cleanup of the site, in preparation for being able to leverage it.



Recommendations:

- We believe this property provides an excellent site and location for a park.
- Leverage the existent paved driveway and parking. Parking may require signage.
- Create a trail along the perimeter of the property, including through the wooded area which provide views of the lake.
- Add a playscape and some benches and tables in the shaded area in the middle of the property.

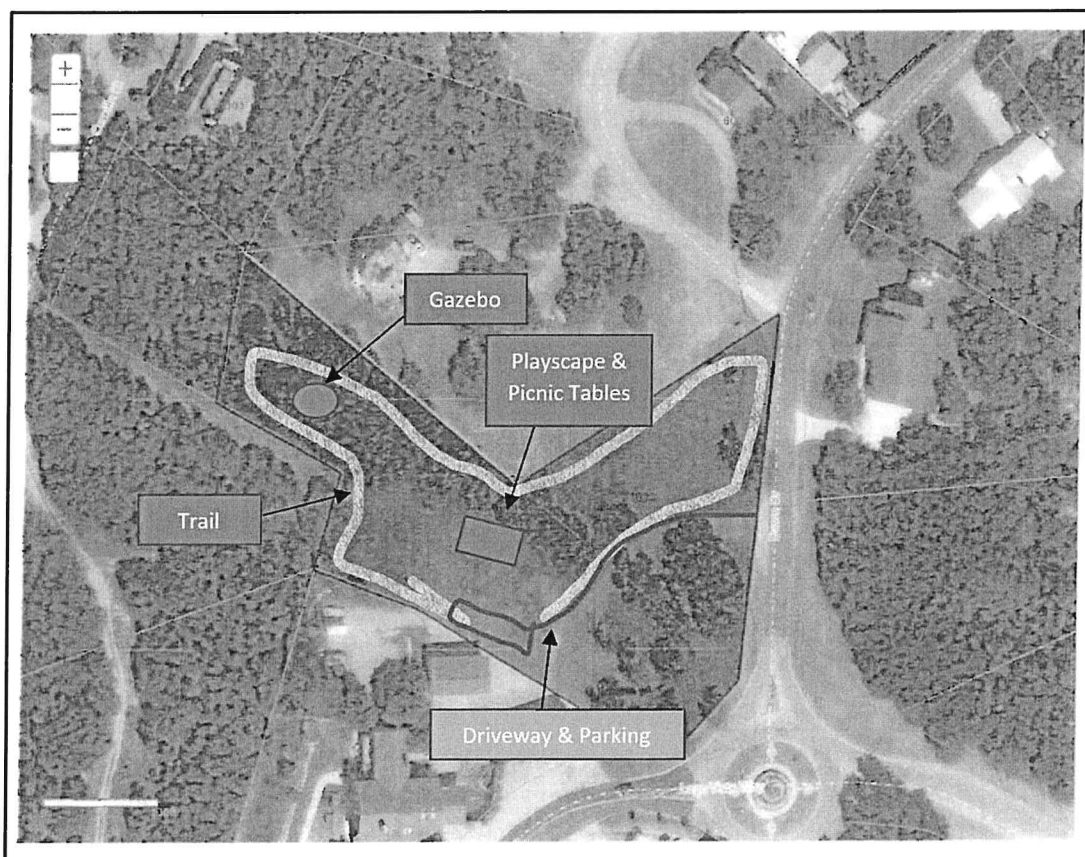


- Add a gazebo next to the trail in a location with a good view of the lake.
- Ask KLV B to update the landscaping / plant selection in the existent bed and develop new beds close to parking / playscape for beautification.
- Possible site for a butterfly garden.

Estimated Costs:

We recommend a phased approach to enable usage of the park in FY2022 (i.e., trails, benches) with additional amenities to be added in FY2023. Following is proposed phasing of amenities and estimated costs.

Phase 1 Proposed Amenities	Estimated Cost
Complete clearing and create trail around property and into woods.	\$1,000
Benches at points along trail – 3 total at \$500 each	\$1,500
Picnic Tables under trees (near playscape) – 2 total at \$1,000 each	\$2,000
Phase 2 Proposed Amenities	
Playscape located near shaded area	\$50,000
Gazebo at key viewpoint	\$20,000





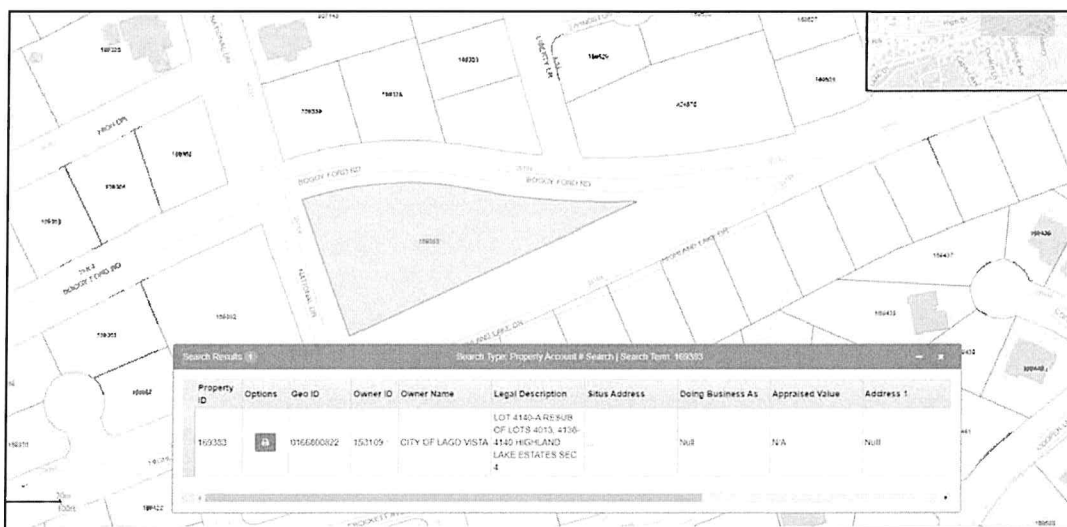
Bowdoin Point

Background:

Parcel ID 169383

This property is located at the corner of Boggy Ford Rd and Highland Lakes Drive and is an existent park and common area. The property is in the process of being rezoned to the appropriate park zoning.

Bowdoin Point has flat topography with an existing swing set and bench which are located in a shaded area. Many people walk their dogs here. There is a small concrete area for parking plus additional parking along Highland Lakes Drive. It is close to several neighborhoods and is easily accessible by golf cart. KLV B maintains it and has done a wonderful job improving and beautifying this area.



Recommendations:

- Add a playscape with accessible components next to the swing set so families can more fully leverage this as a playground / park.
- Add a mulched trail along the perimeter to facilitate walking / dog walking.
- KLV B are planning on adding a mural to hide electrical boxes. We also recommend adding a butterfly garden.
- May be advisable to consider adding a fence around the playscape areas or some sort of barrier from the road, especially the Boggy Ford side, as this road is heavily traveled.

Estimated costs:

Phase 1 Proposed Amenities	Estimated Cost
Create a trail around perimeter and connecting to play area.	\$1,000
Playscape located near shaded area	\$50,000
Phase 2 Proposed Amenities	
Butterfly garden or art / sculpture	\$10,000
Fence around playscape and swing set	\$10,000



We recommend the city designate this space as a “Town Center” city park with specified amenities, as follows:

- **Splash Pad / Water Feature:** Amenity for kids of all ages with an excellent location close to the library. The city could charge for access so ongoing support and maintenance are paid for through the revenue stream.
- **Butterfly Garden or Art Murals/Garden:** Also a great amenity for families. The library and/or KLVB could sponsor the garden and ensure its upkeep.
- **Trails, benches and picnic tables**
- **Ampitheater:** the topography of this land is perfect for an ampitheater. The city would need to add in a clamshell or stage toward the bottom of the hill. This would provide for performances and community gatherings close to the city center. (Note: the 2030 Comprehensive Plan also recommended this space be used for an ampitheater.)

Estimated costs:

Phase 1 Proposed Amenities	Estimated Cost
Create a trail around perimeter	\$3,000
Butterfly Garden	\$7,000
Benches at points along trail – 3 total at \$500 each	\$1,500
Picnic Tables under trees – 3 total at \$1,000 each	\$3,000
Phase 2 Proposed Amenities	
Splashpad (estimated cost depends on size and complexity)	\$100,000
Phase 3 Proposed Amenities	
Ampitheater: clamshell and stage or covered stage	\$50,000 - \$100,000

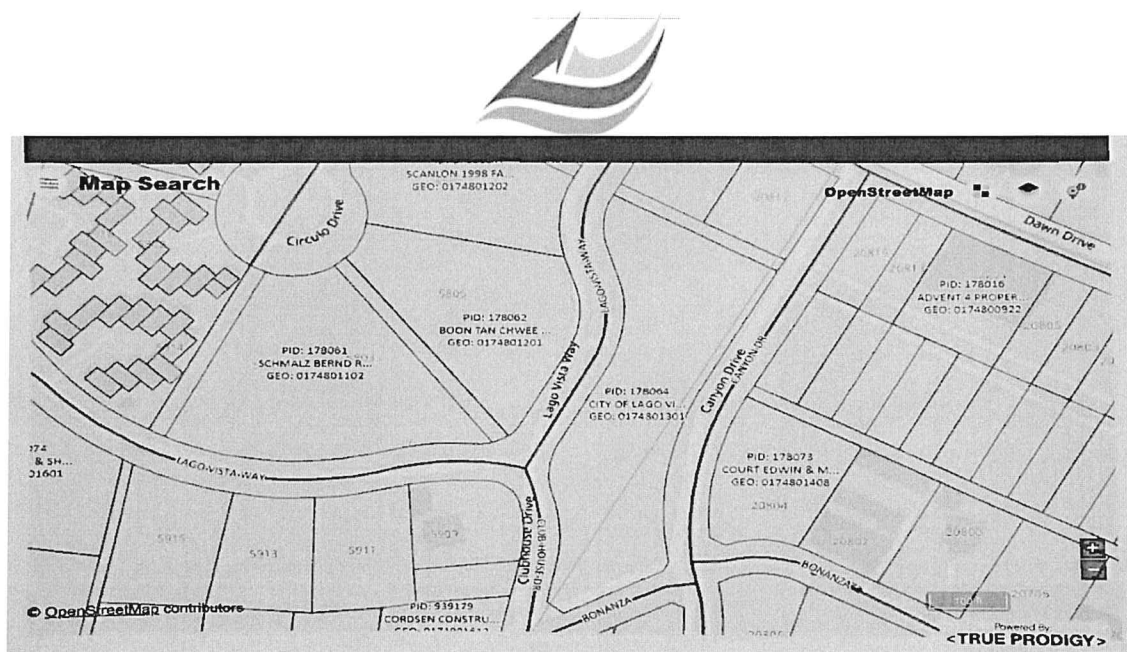
Bonanza Property

Background:

Parcel ID 178064

It is PRAC’s understanding that this property is still owned by the city and is not being rezoned from Parks to multi-family. Quite a few residents walk here or walk their dogs in the area because of the natural beauty. This is a large property with varied terrain. The upper portion (closer to Dawn Drive) is relatively flat and could easily support amenities. The rest of the property sports plenty of trees (including oaks), shade, and a wet weather creek-like runoff area.

The trees could be cleaned up to allow more room for the oaks and other non-juniper trees and shrubs, as well as to configure a trail around the property. The wet weather stream would add to the relaxing ambiance of this potential park area. This lot is close to Dawn Drive and the city municipal center. Locating a park here would contribute to the “town center” vision, including parks and walkable areas, as depicted in the 2030 Comprehensive Plan.



Recommendations:

We recommend the city retain the current Park zoning and designate this property as a park or green space. Following are recommended improvements and potential amenities:

- City personnel clean out applicable trees and scrub brush.
- City personnel (along with interested volunteers) create a mulched trail through designated areas and the perimeter of the property.
- Small dog park: this is an increasingly requested amenity and residents prefer a dog park that is located closer to residential areas (versus being located at Sunset Park).
- A ropes agility course: which can leverage the natural sloped topography of the site.
- A small community garden.

Estimated costs:

Phase 1 Proposed Amenities	Estimated Cost
Clean out trees and scrub brush; govern wet weather creek / runoff area	\$5,000
Create a trail around perimeter and through property	\$5,000
Benches at points along trail – 3 total at \$500 each	\$1,500
Picnic Tables under trees – 3 total at \$1,000 each	\$3,000
Phase 2 Proposed Amenities	
Small dog park	\$20,000
Community Garden (cost to city limited to prep work for area – the garden itself would be self-funding)	\$2,000
Phase 3 Proposed Amenities	
Ropes course	\$50,000 - \$100,000



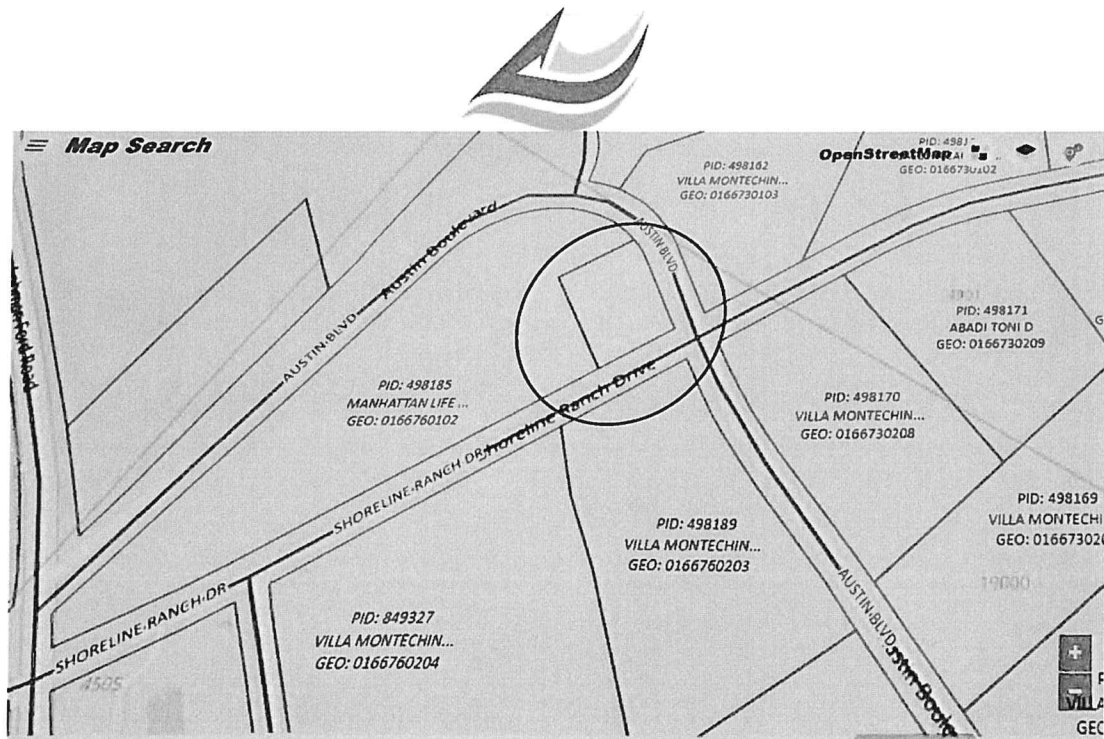
Shoreline Ranch

Background:

Parcel ID 498186

This property runs along Shoreline Ranch Road and Austin Boulevard (which is off Lohman Ford Rd although closed to through traffic off Lohman). It is PRAC's understanding that the corner along Shoreline Ranch was / is to be deeded to the city as a "green" area, as part of an agreement with the previous developer or owner of the Montechino development. (See the circled lot in the images below.)





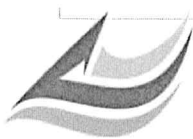
Recommendation:

Our recommendations for this property are as follows:

- Leverage this lot as a park or green space and “trailhead” location. Many people walk on these roads and some sort of trail head would be nice. It is also close to the high school and the trails which have been configured for the cross-country teams.
- The property could support an outdoor fitness site with outdoor fitness equipment, which would align well with the trails.
- The property could also support a small “pop up” park with a few amenities for young children.

Estimated costs:

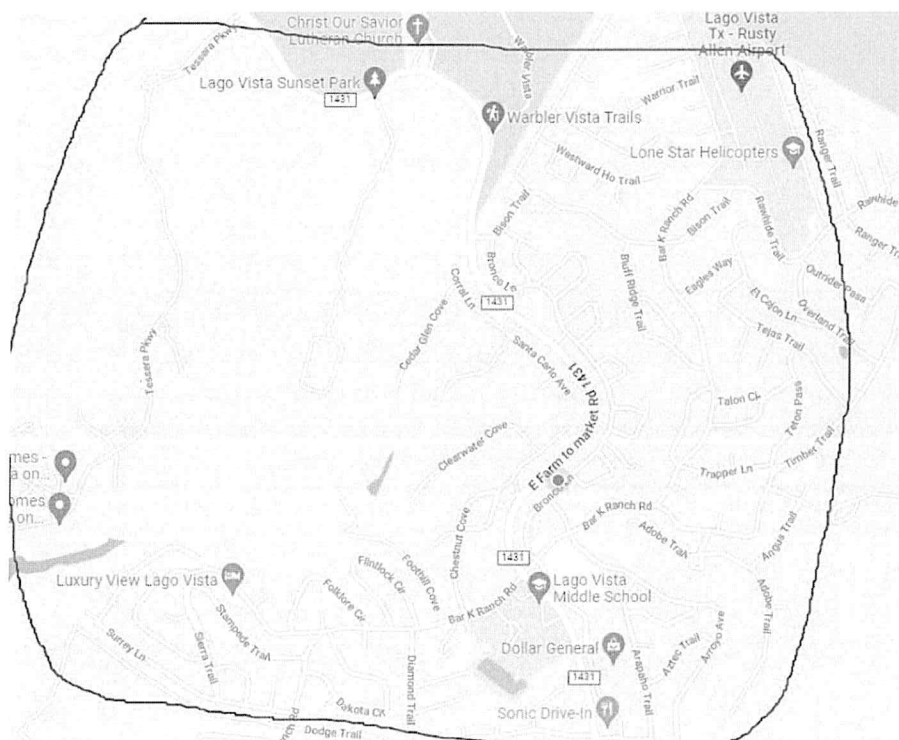
Phase 1 Proposed Amenities	Estimated Cost
Clean up and retain as green space, trailhead area	\$2,000
Phase 2 Proposed Amenities	
Outdoor fitness equipment site (cost depends on quantity of equipment and site size)	\$30,000 - \$50,000
Toddler playscape and swing set	\$25,000 - \$50,000



PART B: Trails and Greenbelts

The city can create an incredible trail system by retaining and designating certain city-owned properties, some of which already contain “social” trails, to enable the creation of an interconnected trail system encompassing existent and planned trails and enable better connections (that are walkable and bikeable) to Sunset Park. This can be done in collaboration with other entities, such as the Turnback Canyon Conservancy (TCC), and developments such as Lakeside at Tessera. Lago Vista trails can be publicized through word of mouth and apps such as AllTrails, bringing visitors and tourists to our beautiful city who will then patronize our local businesses.

The following discussion pertains to properties in this general area of Lago Vista:



Bar-K Ranches Area

We have identified multiple trail opportunities in the Bar K Ranches area. These areas would allow connection with existent or planned trails, such as the Lakeside trails and those being worked on or planned by the Turnback Canyon Conservancy. Past comprehensive plans, as well as the lot platting of these areas, show the intention of using the following spaces as greenbelts, and some type of recreation, whether it would be hiking or originally horseback riding trails. Maintaining the following parcels in their current state would allow for a wonderful, multiple mile trail system that would provide residents an incredible space to hike and wildlife an alternative to road crossings.



The Turnback Canyon Trail Conservancy is also developing a plan to connect the Turnback Canyon Trail Conservancy trails (and Sunset Park) to the Balcones Canyonlands Wildlife Refuge. The Balcones Canyonlands offers many miles of trails, and again, this would create another opportunity for day tourism and economic development opportunities.

We believe that a Trails Master Plan, in collaboration with applicable partners, such as the Turnback Canyon Conservancy, Lakeside at Tessera, LVPOA, etc., would benefit the city and the parks and recreation department.

Specific Trail Recommendations:

Sunset Park/Turnback Canyon

Parcel ID: 566637 is approximately 313 acres and the home of Sunset Park, effluent management systems with pond/sprayers, and Turnback Canyon Trails. In addition to the trails bordering Sunset Park established by the city Parks and Rec department, there are established social hiking trails that are being converted to trails that will withstand heavier use. The Turnback Canyon Trail Conservancy (private nonprofit partnering with the city) has been awarded multiple grants to create/improve hiking trails to better withstand erosion and to accommodate a larger range of hiking abilities, as well as connecting older, established developments in Lago Vista with new developments in the Lakeside community.

Protecting this area for hiking/mountain biking will also protect greenspaces for wildlife – deer, fox, beavers, and the Golden Cheeked Warbler among many others. With the growing population of the Austin area, we also see a potential draw for day tourism to help support local restaurants and businesses. Turnback Canyon Trail Conservancy was awarded their first federal grant administered by Texas Parks and Wildlife in 2019. Funds from this grant were released November 2021, and the corridor for the first phase of the trails in the Turnback Canyon have been cleared in anticipation of the construction of the trails. Please see the area highlighted in blue below.

Parcel 182302 is approximately 9.4 acres that borders the above parcel and connects to Lake Travis. Much of this parcel is in the floodplain. This parcel also includes social hiking trails and is included in the Turnback Canyon Trails plan. Please see the triangle shaped area highlighted in yellow below.



Parcel IDs: 566666 Foothill Cove – This parcel of land, roughly 9.5 acres, serves as the trailhead for Phase 1 of the Turnback Canyon Trails. This parcel starts at the end of Foothill Cove and borders Parcel 566637. This area includes a deep ravine, and the map appears to have a road that runs through it, but this does not exist. This area also includes potential community access points to the trails. Please see the highlighted section below.



Parcel ID: 183173 - 8137 Foothill Cove – This parcel is across the street from the above parcel and borders the old Bar K Golf Course. This parcel is on a very steep ravine and catches the runoff from the street. This lot is calculated as part of the trailhead for the Turnback Canyon Trail. This parcel is also located where the road actually ends, contrary to what the Google Maps image shows. (See below.)

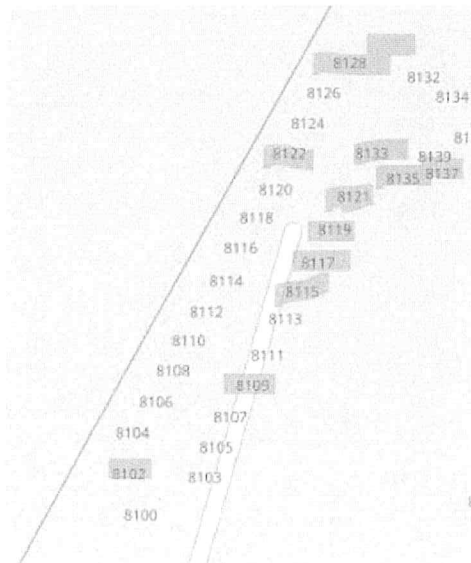


PID: 566666
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GEO: 0184780611



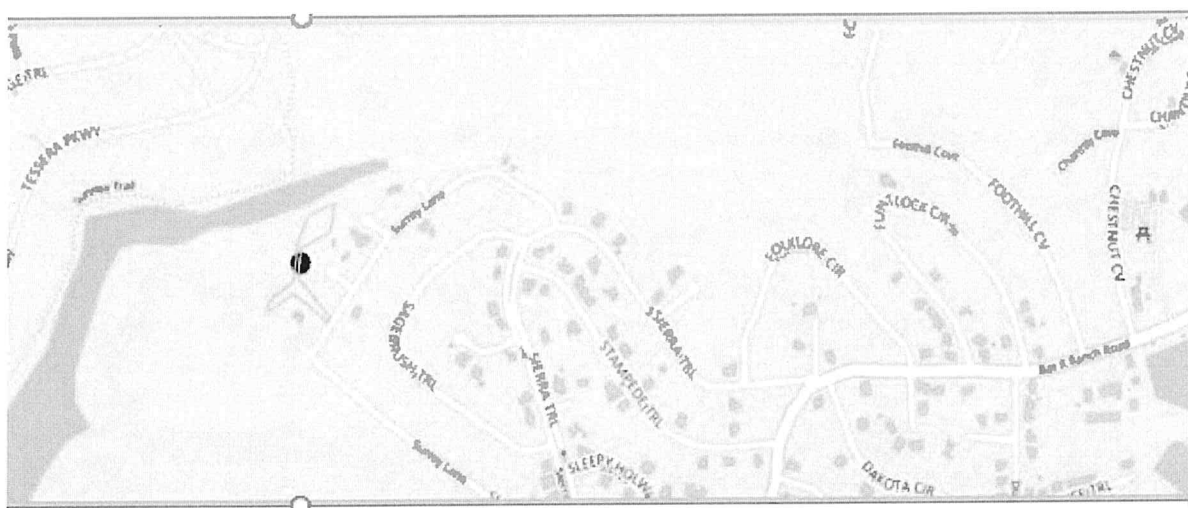
Parcel IDs: 183131 - 8102 Foothill Cove; 183136 - 8109 Foothill Cove; 183139 - 8115 Foothill Cove; 183140 - 8117 Foothill Cove; 183173 - 8037 Foothill Cove; 184036 - 8121 Foothill Cove; 184037 - 8133 Foothill Cove; 184038 - 8135 Foothill Cove; 184039 - 8137 Foothill Cove; 184043 - 8130 Foothill Cove; 184044 - 8128 Foothill Cove; 184047 - 8122 Foothill Cove; 459020 - 8119 Foothill Cove

These parcels are located on the section of Foothill Cove that is on the other side of the non-existent bridge. Road access to these lots would require extending the existing Foothill Cove or extending the Clearwater Cove over a deep ravine. Maintaining city ownership of these parcels will provide for future possible rest areas along the trail. A few parcels also create a corridor that can provide community access to whatever future development happens at the Old Bar K Golf Course. It also provides a corridor for wildlife to use, away from the roads, to get to the large, undeveloped area around Sunset Park, and to gain access to water. Please see below for an overview of this area. While we believe that all lots should remain as City property, we would prioritize the following parcels as parkland: 184044, 184047, 184036, 184037, 185039, 184039, 184038.

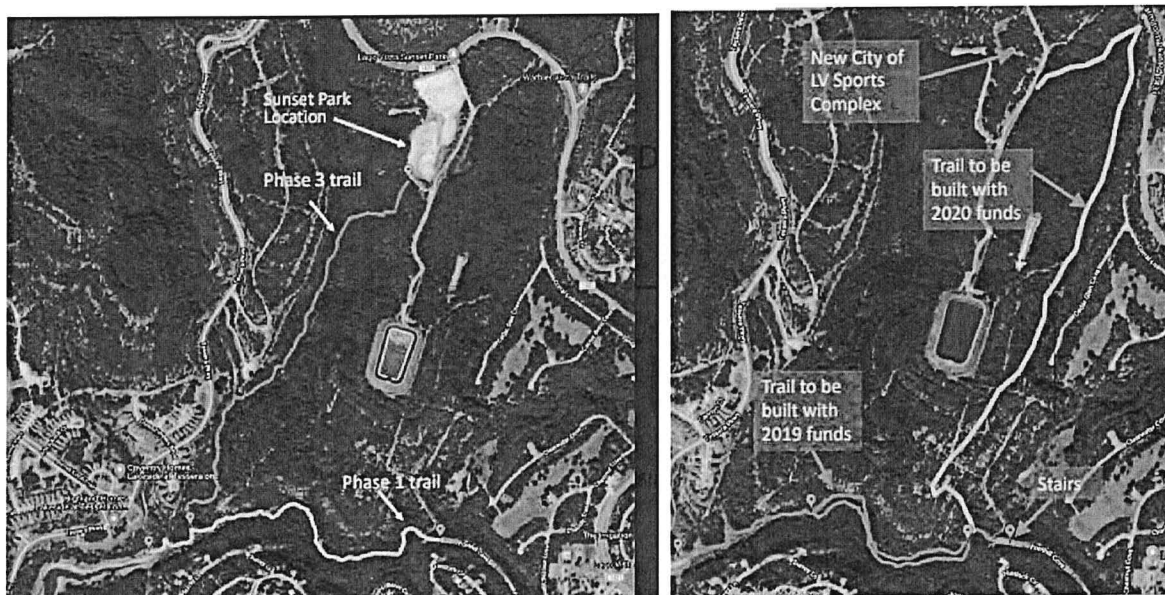




Parcel ID – 498835 is an odd-shaped parcel of land, approximately 1.5 acres, located on Surrey Lane. This property borders parcel 182302. This property includes a large portion that is in the flood plain, so future development is limited. This property does provide another great community access point to the trails from Surrey Lane, while also protecting a larger area for wildlife habitat and protected green space for the future development that will go into the area currently known as Mahogany. This could also provide a future pocket park for the area. Please see the yellow highlighted parcel below.

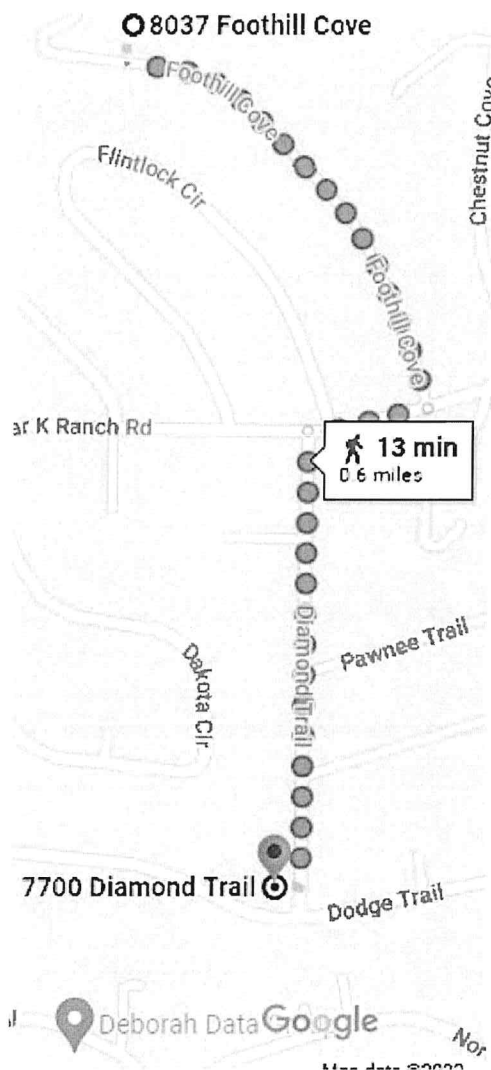


The maps below roughly show the plans for the Turnback Canyon Trail Conservancy trails.





Connecting to Surplus Property – Exhibit B: If you follow the path below (a combination of streets and sidewalks), the properties on Foothill Cove (and essentially Sunset Park) could be connected to Exhibit B of the Surplus Property List (*City of Lago Vista, Texas Resolution No 19-1791*), providing a walkable trail system and loop encompassing even more of the city.



Accessible Trail Between Middle School and Sunset Park

Parcel 566662 (SE ROW along 1431 from Bar K to Bison Trail), Parcel 566664 (NW ROW along 1431 from baseball fields to Cactus Bend), Parcel 566684 (NW ROW along 1431 from Cactus Bend to parcel 566637).

Create a trail from the middle school and sports complex to Sunset Park. This would facilitate safer travel between these areas and help make Sunset Park more accessible to our youth. The trail would run



adjacent to 1431 and veer off into the woods in some areas. It could leverage the relatively flat and cleared portions already available from the pipeline work that was completed last year.

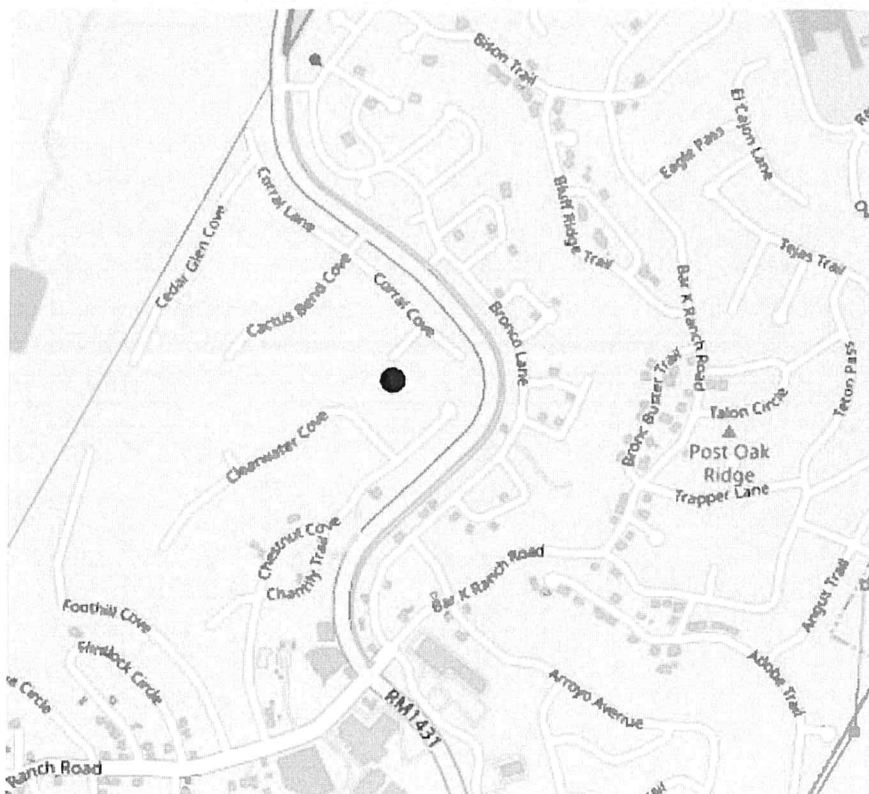
Estimated costs: TBD.

Would include some clearing, although the currently cleared area would need to be smoothed and mulched.

We recommend a phased approach for development:

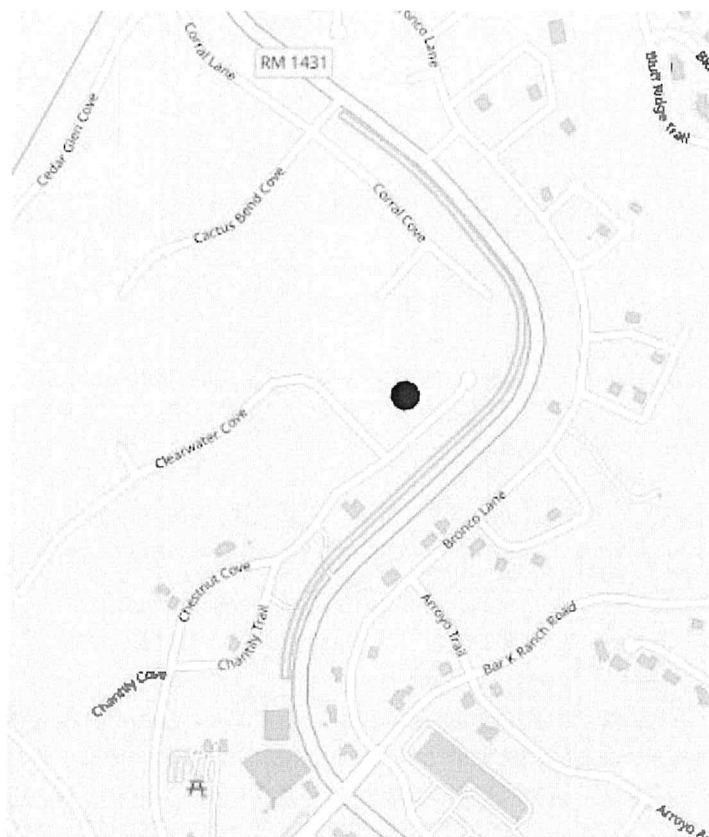
- Phase 1: mulch the trail plus add signage.
- Phase 2: Apply for a grant and pave the trail to make it more accessible.

Parcel 56662 (highlighted in orange):

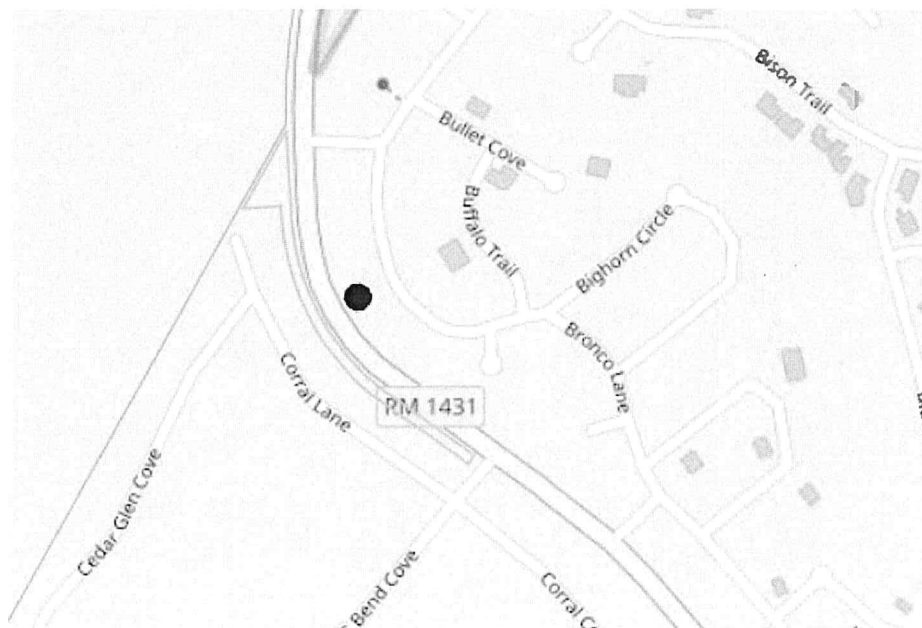




Parcel 56664 (highlighted in orange):



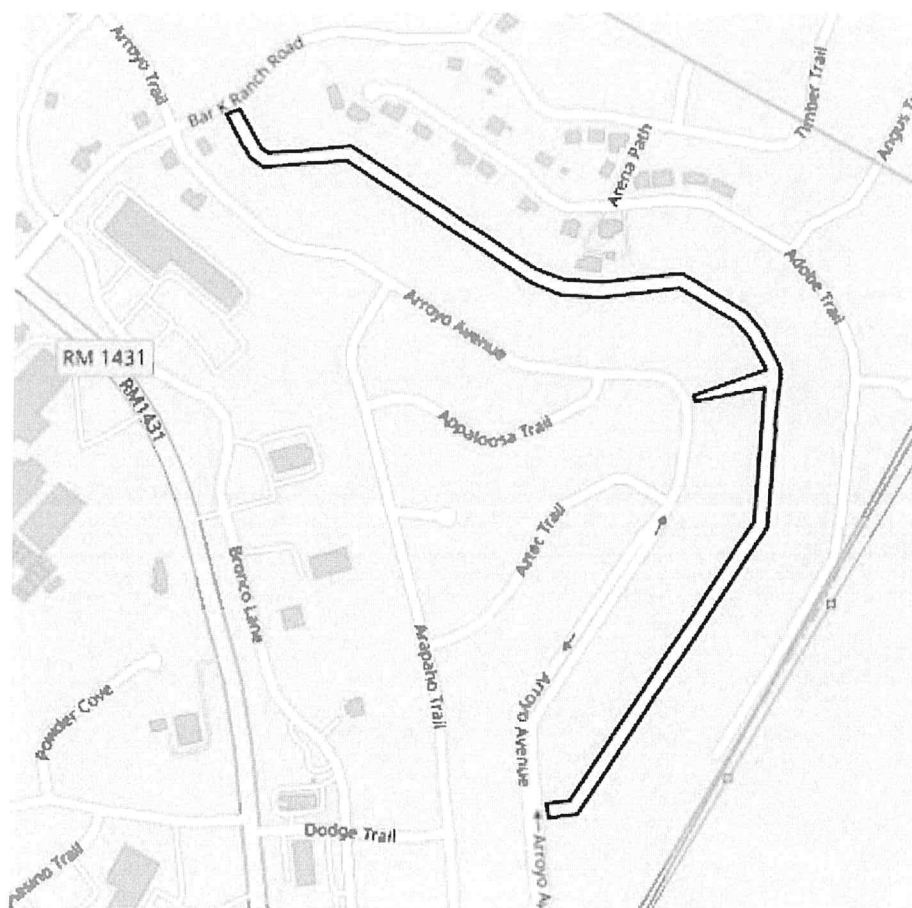
Parcel 56684 (highlighted in orange)





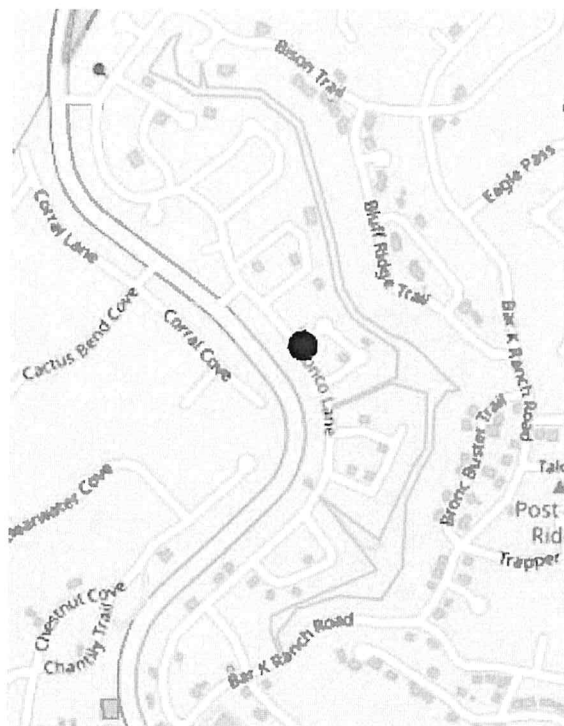
Develop “The Bowl” Social Trails

Build up the existent social trail that runs on city property around “The Bowl”, i.e., trails that run between Arroyo and Adobe behind the Sonic, and across Bar K towards the Balcones Canyonlands Refuge. The trail has stunning views of the city, hills, and lake as well as wonderful natural areas and birdwatching. This trail would connect to those planned by other entities (see planned trails discussion above). Due to the narrowness of this area, it might make sense to leave these as more social trails than fully developed hiking trails. Again, this would also provide more protected greenbelt space for wildlife crossings.





Parcel 566663 – Greenbelt space that runs the ridgeline from Bison to Bark Ranch Road.



Parcel 566683 – Greenbelt that runs the ridge/hillside from Bison up to the edge of Balcones Canyonlands. Much of this area is fairly steep.





PART C: City Surplus Property Recommendations

This section includes analysis and recommendations for the city-owned surplus properties as identified in *City of Lago Vista, Texas Resolution No 19-1791*. It is organized according to how the properties are organized in the resolution, i.e., as Exhibits A through G. We enhanced the maps by resizing and adding reference street addresses.

Overview of Approach

Our initial approach was to begin reviewing these properties for suitability as potential parks, trails or greenbelts, natural spaces, or other amenities. We created a scoring matrix (see Part D) to help facilitate and provide consistency for our overall assessment of each property. Our intention was to recommend the city retain any properties with potential and proceed with a new resolution specifying the remaining properties that could be put up for sale.

Through our review and research, we learned that the original designers of the cities of Lago Vista, Jonestown and Point Venture had access to masterful engineers who developed an amazingly comprehensive design plan (we are assuming in cooperation with the LCRA). Their plan anticipated not only the platting and future development of the city, but also requirements related to accommodating proper and sufficient watershed, flood control and drainage from developing areas for this important Lake Travis watershed area.

Toward those ends, it is apparent that the engineers and planners specifically designed “strips”, along with other lots and tracts, to remain as city owned and controlled land in order to:

- Help protect the developed areas of the community from flooding (in much the same context as Lake Travis was designed to control and/or minimize flooding in Austin);
- Allow for sufficient, cooperative water drainage and watershed into Lake Travis as the city became more developed and the density of improvements increased;
- Ensure preservation areas for community greenspace and recreational amenities, including connecting trails / greenbelts throughout the city, as well as retention of natural spaces and habitat; and
- Provide areas for city administration, utility, and maintenance buildings / yards.

We are concerned that these so-called “surplus” properties were not properly audited by the city. They consist of **critical city infrastructure**: Lake Travis watershed tributaries and tin-horn drainage areas that should have been monitored and maintained by the city’s public works department. They also provide tremendous opportunities for trails, greenbelts and mini-parks and amenities on certain properties, not to mention preservation of habitat which is becoming increasingly important as the city grows.

Therefore, our original task to evaluate properties for suitability for parks or greenspace necessarily expanded to wider considerations of the more complete context for which these properties were created.



Overall Recommendations

We believe that, as part of its responsibility to our community, the city should retain these properties to ensure we maintain the designed, efficient flood control and developed lot drainage inherent in the city plan, as well as leverage specific greenbelts and lots for parks and recreational opportunities. This includes the following recommendations:

- Retain city ownership of these properties;
- Maintain the viability of these properties as drainage, water control and natural spaces, including periodic maintenance to keep them clear of debris buildup;
- Identify any additional city-owned properties that have not been audited for potential as water control, drainage, green space and/or recreational opportunities; and
- Add amenities or maintain specific properties as per the recommendations below.

Therefore, it is also our recommendation that the city place a moratorium on any sale of city-owned properties until a proper audit can be conducted. The city should also consider this in the context of the planned update to the city's Comprehensive Master Plan (potentially targeted for FY2023), as well as the potential HUD grant opportunity which could be used to fund comprehensive parks and recreation planning and design. It seems inadvisable to sell off properties until the city has completed its comprehensive parks and trails plan.

The chances of the city being able to recover properties that some may wish to sell, or that have already been sold, should their need become more critically obvious at a point in time, would be slim at best. We have come to understand and believe that "surplus" is a misnomer in the context of these city-owned properties – for they are critical, for all constructive intents and purposes, to Lago Vista's growth and viable development.

In addition, we ask the city to consider the following specific recommendations for the properties we were tasked with reviewing.



Exhibit A



Exhibit A: Located on the North side of 1431 and South of the South end of the airport on Adobe Trail. Although these areas aren't obvious drainage or watershed, they are located such that this more gradual watershed area collects throughout many high-water *creek beds* that all seem to feed the Devils Cove areas of the Lake.

- **A1** is at end of Archer Cv. cul de sac and is less than a lot size, abuts the major Electric Highline senderos that runs between the very large tract of Dezendorf Family Trust Land between Lago and Jonestown. The Trust also owns the lot next to A1 and has made a 4-wheel vehicle access trail to their Trust property on the other side of the Highline senderos. Allows valuable permanent access to this major Electric Supply Highline.
- **A2** is a larger triangular shape at the end of the platted lots on Adobe. It abuts and allows more extensive access to the Electrical Highline senderos, sits higher than the road and will make a lovely *elevated viewing greenspace* with perimeter room for a "*social*" trail / dog walk, benches, lite activities apparatus and possibly parking.



Exhibit B

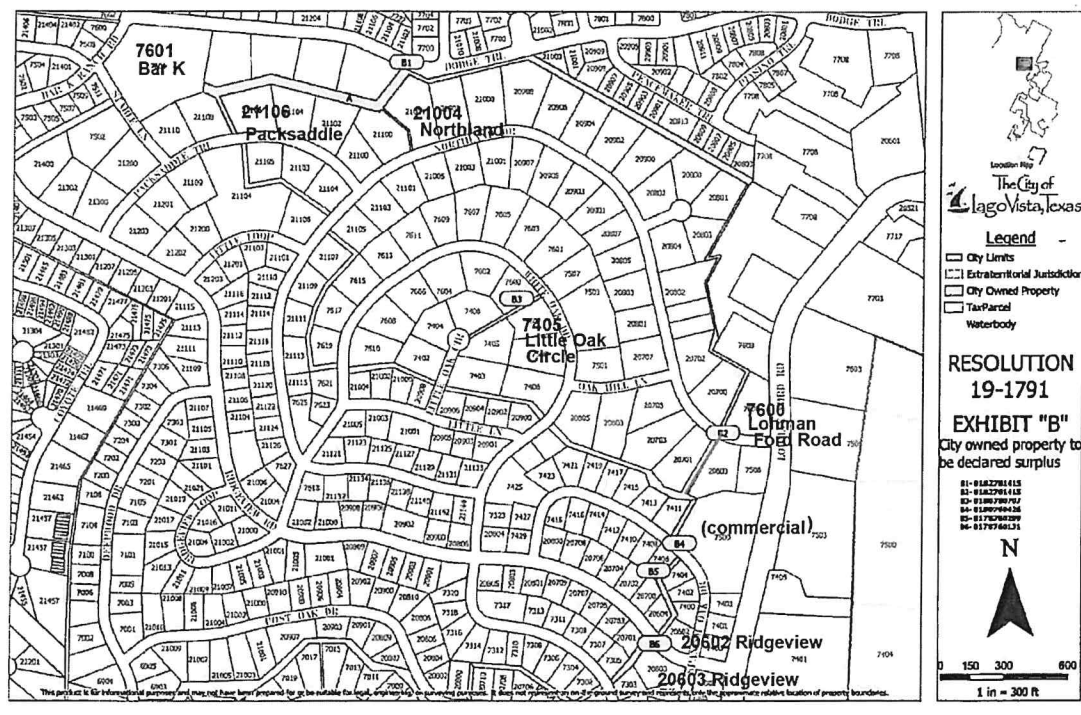


Exhibit B: Major Trail opportunity that begins just south of Lohman Ford between Spanish Oak, Post Oak and White Oak. This is at the top of a 3-prong creek canyon emptying into the Lake just south of the Bar K inlets. It continues all the way around Northland Dr to Dodge Trl, between Dodge Trl and Packsaddle, to end into the Bar K area. Here, it can **connect contiguously to the Foothill Cove Trail** and also, in time, to the **trail around Sunset Park**. [*B is to the north of C and west of 1431*].

- **B1-6** Is a wonderful potential **hiking** thoroughfare locally referred to as the old 'Horse Trail' areas - and an important part of the watershed at the beginning of one of the **four major creek canyons** feeding the Lake around the Bar K area. It ends as a **still flowing, mostly northern creek feed** - with a **lovely waterfall** and many **bench/table rest spots** - to the Lake in the Bar K area.

Note that Bar K has about **four significant watershed creeks** feeding the lake at the Bar K area. On Exhibit B there are **two** of those areas where it appears that the **watershed directional strips or Horse Trails no longer belong to the City**.



Exhibit C

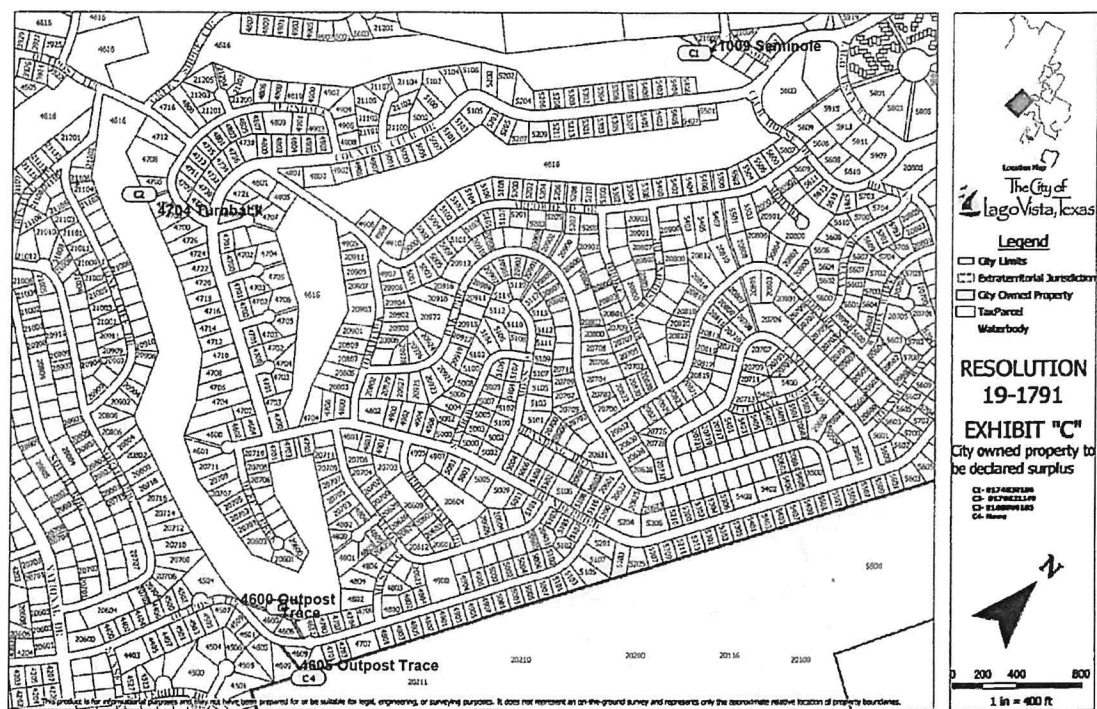


Exhibit C: Circular area from Seminole>>Turnback>>Outpost Trace, draining neighborhoods around parts of Lago Vista Golf Course with multiple sets of multiple TinHorns. Sadly, there appears to be 11 additional strips that no-longer belong to the City; however, clearly direct watershed to creek feeds into the lake at the Green Shores area. *[E is south of C.]*

- **C1-C2** Small important drainage [Turnback and Seminole] to the Green Shores lake inlet area. C1 also abuts existing LV city water/utility property and buildings.
- **C3-C4** In concert, large watershed basin from edge of Lag Vista Golf Course under Outpost Tr, through part of Highland Golf Course to major creek canyon into the lake at the Drapers Cv area. Could also be beautiful greenspace area on both sides of that Outpost curve and bordering LV Golf Course.



Exhibit D

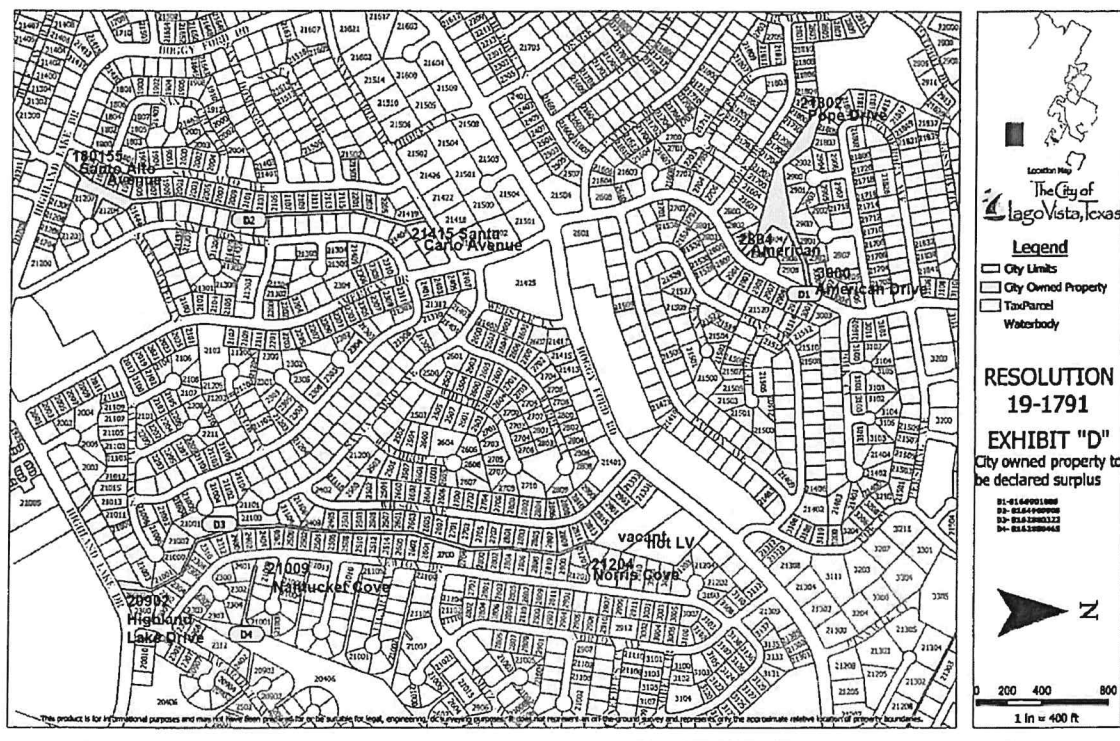


Exhibit D: Located toward the western Lago peninsula, from The Island to Hancock Park [D connects to east side of F].

- **D1** Large Y-shape canyon drain with TinHorns at American Dr NW to Pt Cove lake inlet south of The Island. It runs into a large canyon watershed tract, wrought iron fenced in, originally city property now private property; and is now a private greenspace oasis; with large deer habitat beautifully manicured.
- **D2** Very long, beautiful **Trail** possibility, watershed from Santa Carlo down Santa Alto canyon creekway to Lake inlet east of Emerald Boat Ramp. As it approaches Highland Lake Dr., it widens to an area that could also be a sizeable **community park area** with **Ropes Course, tables, benches, swings, social trail and dog walking area**. **Note:** *In the wider part, on approach to Highland Lakes Dr, there is a large concrete manhole sewer access with unburied apparent sewer pipe running on ground surface and in the air from house toward this manhole – see the small triangle of city prop from the cul de sac to this larger watershed greenspace area of D3.*
- **D3** Partially developed area between Wilson and Newton divided by a very long canyon w/ creek drainage and **trail, bench, serene lake view** possibility. It carries watershed from Boggy, across from POA Boggy Ford Park property, all the way down between Wilson and Newton, under Highland Lake Dr., to feed the lake at the Hancock Pk inlet area. A 'private' wrought iron fence on south side of Highland Lake Dr preserves the beach as a habitat and



greenspace area which the city could match, on a smaller scale, on other side of Highland Lakes Dr.

- **D4** Important short strip drainage greenspace from golf course cul de sac neighborhood to **D3** and to lake. **Note** that six other adjacent T-shape strips from the golf course between the cul de sac neighborhoods no longer appear to belong to City, but are important drainage with possible community pathways.

Exhibit E

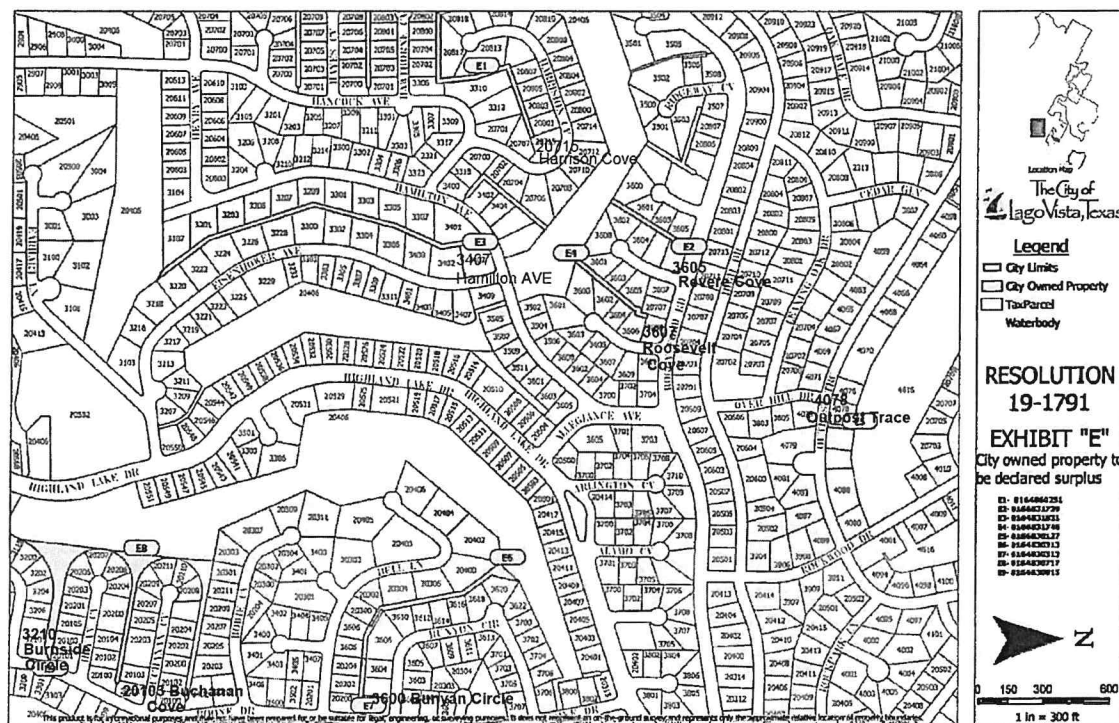


Exhibit E: very good potential Community *greenspace* with long, medium and short legs for *social walking, dog walking, rest sites, enjoying outdoor habitats and activity amenities*.

- **E1-4** is a very important watershed from MacArthur and Boggy to the canyon creekways on either side of Hancock feeding Lake inlet at Cody Park. All are excellent *greenspace social walkways* with room for *benches* and/or *tables*. **E3** runs behind Eisenhower and is very long with very nice canyon *trail* possibilities. [*E connects to C on the north, and on south with both G and F, which connects to D in a nice composite illustration of the whole Lago peninsula watershed.*]
- **E5** short, important drain - Outpost Tr into deep creek canyon - flows to Lake inlet at Arrowhead Park.



- **E6-E7 Beautiful Social *Trail / Pop-up Park* possibilities** and watershed from Highland Lakes Golf Course into creek canyon between Highland Lake Dr and Boone that feeds lake at Cody Park.
- **E8-9 T-shapes w/*Greenspace, Benches and Habitat* possibilities** - from Highland Lakes Golf Course to Boone to creek canyon between Boone and Continental; **E9** is a deep canyon but has a broad area at edge of golf course with room for community enjoyment ***Greenspace***. Abuts **G's** substantial ***Greenspace*** potentials.

Exhibit F

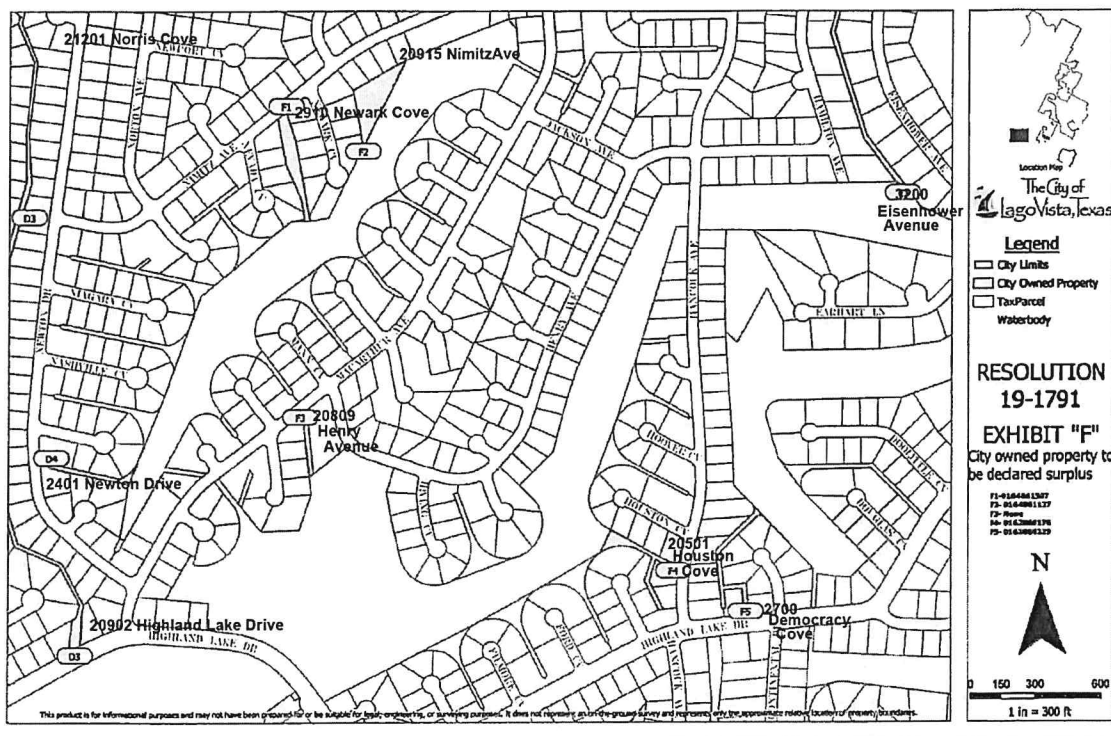


Exhibit F: Excellent ***Greenspace areas*** north of Highland Lake Dr from Hancock to Nimitz.

- **F1-2 Nimitz and Highland Lakes Golf Course (TinHorns)** a beautiful wide medium-long ***Greenspace*** strip next to a large triangular **F2** catch basin. **F1** has plenty of room and side elevations to accommodate a ***walking path*** around the perimeter as well as places for ***park areas and activities*** – it abuts Highland Lakes Golf Course area right next to **F2** with a potential large ***community park area*** before it falls off into the creek canyon. Canyon creekway flows to Lake at Cody Park.
- **F3 A five-TinHorn watershed drainage *Greenspace* strip** flowing under MacArthur which has matching TinHorns on north side of street from Highland Lakes Golf Course. However that watershed ***Greenspace*** area may no longer belong to the City . **Note:** Six-plus additional T-



shaped land plots between the cul de sacs seem to no longer belong to the City as well. Empties into Hancock Park

- **F4-F5** These are 2 H-shaped, five-TinHorn watersheds under Highland Lake Dr to canyon creek between Hancock and Continental. Empties into Lake at Cody Park...again, the designated greenspace drainage strip on south side of Highland Lake Dr seems to no longer belong to the City.

Exhibit G



Exhibit G: These **Greenspace**, more gentle watershed strips, are parallel-ish to each other, south and east of Highland Lake Dr to Boone, in pretty much developed neighborhoods, and continue with the - adjacent to the north - E 'T' sections. They drain watershed to the canyon creek between them to the Lake's large inlet cove between Cody Park and Drapers Cove. One can readily walk up and down these long sections and go from one to another down Highland Lake Dr and across Byrd.

- **G1** Nice long **Greenspace** between cul de sac, parallel to G2 potential **walking path** and **bench rest** from Highland Lake Dr to Highland Lakes Golf Course.
- **G2** Next cul de sac over, is twice as long of a **Greenspace** because it has two perpendicular fingers and beautiful **open triangle Greenspace space in middle area - Community Social Trail w benches, table, community garden, toddler park, dog walking...** and it looks as if one can walk across Byrd through a significant open area between two houses, to **G3** which is directly adjacent to **E9** to the north.



- **G3** This is an extra wide semi-circle **Greenspace** strip, semi-clear, between Burnside and Byrd, to Boone. Beautiful potential **walking pathway, benches and/or table, community nature area**. (*Note: within G3 there are at least two homes making parts of it as a personal area. One is depositing large trash, old big barrel and broken stuff in this city zone, and another has made a little sitting area with a fire pit to relax and enjoy the natural surroundings.*)
- **G4** A large 'T' **Greenspace Habitat large enough for neighborhood social perimeter trail with dog walking and bench rests**. It is to the east side of that Highland Lakes Golf Course area, between Congress cul de sac, off the golf course with two to three TinHorns carrying canyon creek drainage under Constitution to the Lake at Draper's Cove.

Representative Photos

Following are some representative photos organized per "Exhibit".

Exhibit A





Exhibit B



Exhibit C





Exhibit D

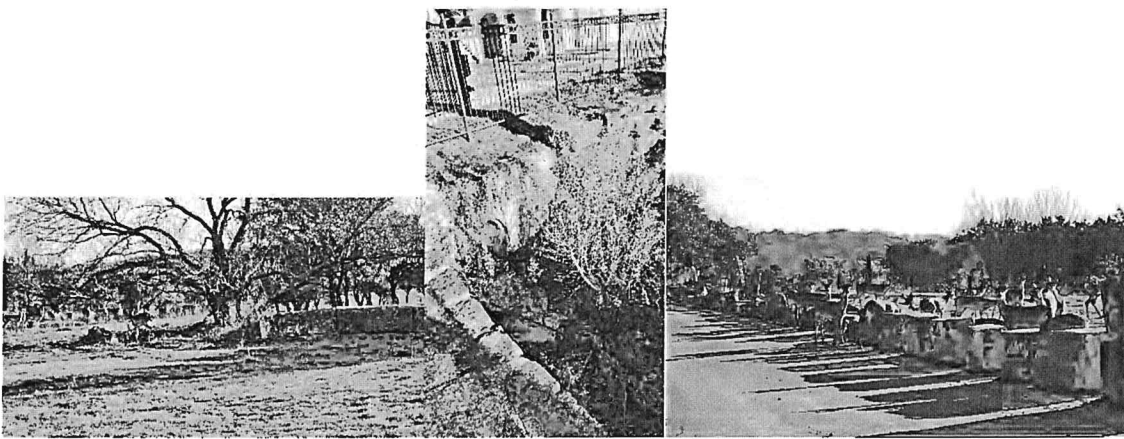
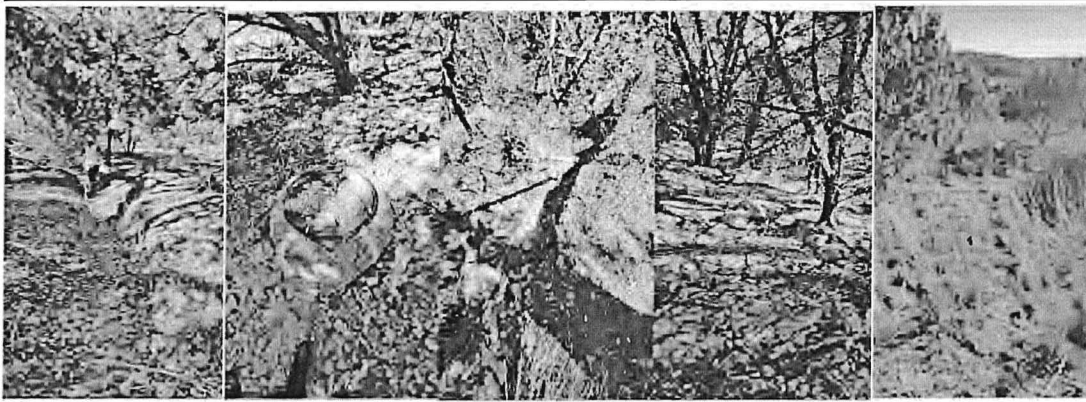




Exhibit E

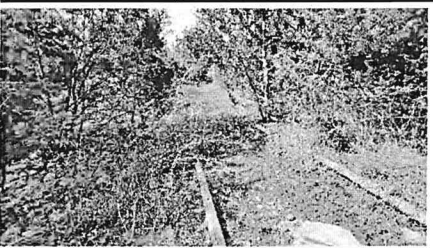




Exhibit F

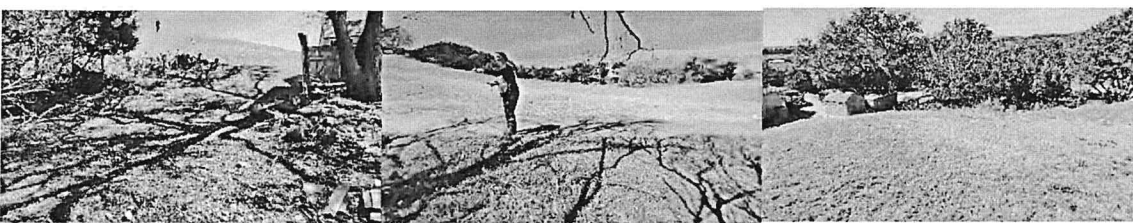
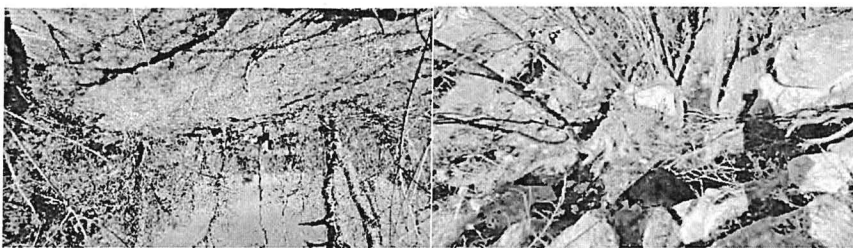
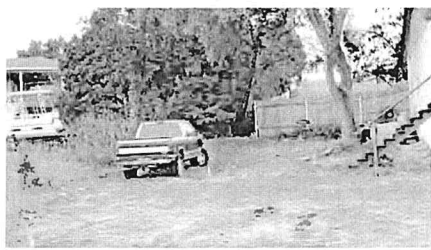
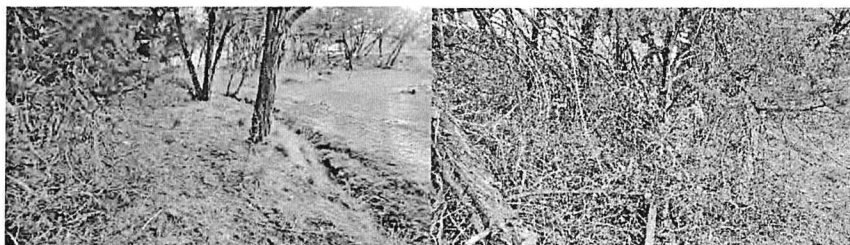




Exhibit G





PART D: City-Owned Surplus Property Scoring Matrix

This section includes the scoring matrix results based on the evaluation rubric the committee created for the city-owned surplus properties we were asked to evaluate (as identified in *City of Lago Vista, Texas Resolution No 19-1791*).

The scoring matrix for evaluation of the surplus properties includes the following components:

- Pedestrian Accessibility
- Sufficient space for a popup park, playground, other activities
- Room for benches or resting spaces
- Any drainage or terrain issues
- Available parking area or spaces
- Suitable surroundings / contiguous properties
- Appropriate to retain as greenspace, garden, or habitat
- Provides trail or greenbelt opportunity and/or continuity
- Has lake or hill views

Each component was scored in a range of 1 to 5, with 1 being the worst, 5 being the best, for a total maximum score of 45. The scoring matrix is presented below on pages 38 to 42.



Evaluation Criteria & Scoring Matrix				Score from 1(least) to 5(best)					TOTAL	Comments
	Pedestrian Accessible	Popup Pk, Actvty Equip, Playgrnd	Bench or Resting Spaces	Drainage or Terrain Issues	Available Parking Space	Suitable Surround'gs /Property	Greenspac Garden Habitat Opprtn'tys	Trail or Greenbelt Continuity		
Surplus Properties										
Exhibit A1	5	3	5	2	3	undev	5	3	?	26 Impt city access, culdesac @ArcherCv to highline senderos about lg Ind trust hldg Lg trngl: Adobe mrg hghln senderos brdrg lg trac land Trust,not hm lot sz
Exhibit A2	5	4	5	2	poss	undev	5	3	?	24
Exhibit B1-B2	5	5	5	4	5	5	5	5	1	40 Old dsgrntd Horse Trail+wttrshd to Bark contig w/ B4-6 & will cncnt to Foothill Cv Tra
Exhibit B3	5	3	5	3	3	5	5	5	1	35 strip drains Lit'l Oak culdesac >crk bhnd White Oak>Bar K Beautiful Horse Trail
Exhibit B4-B6	5	5	5	4	5	5	5	5	1	40 trail frm Lohman > Barl drain to major creek feed'g Lake Abuts the City Utility Wks Statn, triangle sec drains>crk bhnd Canyo Oaks > Lk@ GreenShores
Exhibit C1	3	3	5	1	1	?	5	2	5	25



Evaluation Criteria & Scoring Matrix										Score from 1(least) to 5(best)					TOTAL	Comments
Surplus Properties	Pedestrian Accessible	Popup Pk, Actvty Equip, Playgrnd	Bench or Resting Spaces	Drainage or Terrain Issues	Available Parking Space	Suitable Surround'gs /Property	Greenspac Garden Habitat Opprtn'tys	Trail or Greenbelt Continuity	Lake Views							
	Exhibit C2	3	1	4	2	1	?	5	1	?	17	Impt wtrshd frm Turnback devl> LVGf>L @ Greenshores				
Exhibit C3-C4	3	2	4	5	2	?	5	3	1	25	2 huge TinHorns for crk drain frm Lvgoif undr Outpost> cnyn> Greenshore Lakefrnt Lg Y crk drain lg TinHorns frm AmerDr to lg canyon, lg deer popul empties to LK					
Exhibit D1	5	5	5	5	undevl	undevl	5	5	4	42	Lng strip SantaCarlo> HghlndLk Dr, crk fds LT btw The Shores & Emrl Boat Rmp					
Exhibit D2	5	4	5	5	partl devl	partl devl	5	5	5	40	Lng grnspc wtrshd frm Boggy @POA > Highlnd Lk>Hancck Pk+fncd dec snctry. Note: 3others imp drng parallel D4 no longer show as city owned!					
Exhibit D3-D4	4	4	4	5	partl devl	partl devl	3	5	5	39						



Evaluation Criteria & Scoring Matrix										Score from 1(least) to 5(best)					TOTAL	Comments
	Pedestrian Accessible	Pop up Park, Playgrnd, Activities	Bench or Resting Spaces	Drainage or Terrain Issues	Available Parking Space	Suitable Surround'gs /Property	Greenspac Garden Habitat Opprtn'tys	Trail or Greenbelt Continuity	Lake Views							
Surplus Properties																
Exhibit E1	?	1	5	3	2	3	5	5	1	22				Impt grnblt drainage btw Hnck & Harrison> crk canyon feed Lk @ CodyPk		
Exhibit E2 & E4	4	1	5	3	2	3	5	5	1	26				2 grnblt trl btw 3culdesacs, drnag / utility frm far side of HLGf >E3>LK@ Cody Pk inlet		
Exhibit E3	5	1	5	3	undevl	4	5	5	1	31				Lng wtrshd trail btw Eshwrt+ Hamiltonto HLGf > Lk @ Cody Pk		
Exhibit E5	4	1	3	4	1	4	5	2	1	25				imp drng strp > creek>Outpost Tr>Lk inlet n of Islhd		
Exhibit E6-E7	4	1	5	3	1	4	5	5	1	29				LngTrail >Crk cnyn bhnd Boone> fds LK @ Drapers Cv inlet		
Exhibit E8-E9	4	3	5	5	3	4	5	5	2	36				Lg T wtrshd frm HLGf thru devlmt> fds Lk@ Drapers Cv inlet E9 ver deep canyon		
Exhibit F1	5	5	5	3	3	4	5	4	1	35				Wide drain strip HLGf>Nimitz>Hancock inlet cv		



Evaluation Criteria & Scoring Matrix										Score from 1(least) to 5(best)					TOTAL	Comments
Surplus Properties	Pedestrian Accessible	Popup Pk, Actvy Equip, Playgrnd	Bench or Resting Spaces	Drainage or Terrain Issues	Available Parking Space	Suitable Surround'gs /Property	Greenspac Garden Habitat Opprtn'tys	Trail or Greenbelt Continuity	Lake Views							
										Exhibit F2	4	4	5	4	3	Prtl devl
Exhibit F3	4	1	4	3	2	5	5	4	4	32	5 TinHorn drain'g dev @ McArthur> Lk @ Hancock inlet					
Exhibit F4	5	1	4	3	2	5	5	4	5	34	4TinHorn drn'g undr Hancock> F5>HLDr> crl cnyn>fd Lk @Cody Pk inlet					
Exhibit F5	5	1	5	3	3	5	5	4	5	36	In concert drn'g wF4 under HLDr > Cody Pk inlet					
Exhibit G1	5	3	5	3	2	5	5	5	3	36	Substncl GrnBlt 1-3 parallel/inline w ea other& E9 - drainage & trails frm Hghlnd Lk Dr HLGf>CodyPk					
Exhibit G2	5	5	5	2	2	5	5	5	3	37	Parallel G1, Lrgst w/+2fingers,lg tringl in middle>Boone> CodyPk					



Evaluation Criteria & Scoring Matrix										Score from 1(least) to 5(best)					TOTAL	Comments
	Pedestrian Accessible	Popup Pk, Actvty Equip, Playgrnd	Bench or Resting Spaces	Drainage or Terrain Issues	Available Parking Space	Suitable Surround'gs /Property	Greenspac Garden Habitat Opprtn'tys	Trail or Greenbelt Continuity	Lake Views							
Surplus Properties																
Exhibit G3	4	2	5	2	2	5	5	5	3	33				horseshoe behind Burnside drain to canyon btw Boone& Contin'tl>DrapersCv		
Exhibit G4	5	5	5	3	1	5	5	5	3	37				Lg Tee btw culdesac @intsctn Congrress & Conitn'tl HLGf > Lk@ Drapers Cv		

Mayor
Ed Tidwell

Mayor Pro-Tem
Kevin Sullivan



Council Members
Gage Hunt
Rob Durbin
Chelaine Marion
Paul Roberts
Paul Prince

AGENDA CITY COUNCIL REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular meeting on Thursday, March 17, 2022, beginning at 5:30 p.m. with Executive Session, in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by V.T.C.A., Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

Please join my meeting from your computer, tablet or smartphone.
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(For supported devices, tap a one-touch number below to join instantly.)
United States: +1 (646) 749-3122
- One-touch: <tel:+16467493122>.,854707405#
Access Code: 854-707-405

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<https://global.gotomeeting.com/install/854707405>

CALL TO ORDER, CALL OF ROLL

EXECUTIVE SESSION

1. Convene into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - B. Update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - C. Update on pending litigation *Brittany Henry vs. City of Lago: Vista*, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

- D. Update on pending litigation *David Stewart v City of Lago Vista*: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- E. Consultation with Legal Counsel and possible action regarding claims made by Don Barthlow. (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- F. Consultation with Legal Counsel regarding assessments on City-owned property by the Lago Vista Property Owner's Association. (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- G. Consultation with Legal Counsel regarding status of Lots 74, 75, and 76, Marshall's Vista, Travis County, recorded under Document No. 200300060, Official Public Records, Travis County, Texas, commonly known as the site of the City's Water Treatment Plant 3. (Sections 551.071 Advice of Counsel, Section 1.05 Texas Disciplinary Rules of Professional Conduct and Section 551.072 (Real Property)).
- H. Consultation with Legal Counsel regarding the Rusty Allen Airport Through the Fence Agreement and applicable federal law. (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- I. Update on pending litigation *Sarah Beth Teale vs. City of Lago Vista*: Civil Action No. J2-CV-22-000614 in the Justice Court Precinct 2, Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

ACTION ITEMS (action and/or a vote may be taken on the following agenda items):

- 2. Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:
 - A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Sections 551.071 Advice of Counsel and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - B. To take any necessary action regarding pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - C. To take any necessary action regarding pending litigation *Brittany Henry vs. City of Lago: Vista*, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
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PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

To participate in the citizens comment portion of the meeting, please submit your completed form 10 minutes prior to the beginning of the meeting utilizing the online form found on the City's web page and the link below. The regular City Council meeting will begin at 6:30 p.m.

<http://www.lagovistatexas.org/Citizen%20Participation%20Form%20-%20City%20Council.pdf>

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

ITEMS OF COMMUNITY INTEREST: Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expressions of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

PRESENTATIONS

- 3. Presentation by Turnback Ranch.

4. Presentation of the Parks and Recreation Advisory Committees recommendations and review for city owned properties and city's surplus properties.

DISCUSSION

5. Discussion regarding Public Improvement District (PID) Policy.

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

6. Approval of the February 17, 2022, regular meeting minutes, February 24, 2022, and February 25, 2022, special called meeting minutes.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

7. The Lago Vista City Council will hold a public hearing and consider Ordinance No. 22-03-17-01; Ordinance authorizing the issuance of City of Lago Vista, Texas General Obligation Refunding Bonds in an amount not to exceed \$7,900,000 in one or more Series; approving an Official Statement, a Paying Agent/Registrar Agreement, a Bond Purchase Agreement, and an Escrow Agreement as needed for the Sale of Bonds; establishing the procedures for selling and delivering one or more Series of the Bonds; providing for the approval of this Ordinance on one reading only as authorized by State Law; and authorizing other matters relating to the Bonds.
 - Applicant's presentation
 - Open public hearing
 - Close public hearing
 - Council discussion and possible decision (continue public hearing if no decision results)

ACTION ITEMS

8. Discussion, consideration, and possible action regarding Ordinance No. 22-03-17-02; An Ordinance of the City Council of the City of Lago Vista, Texas pursuant to Vernon's Texas Codes Annotated, Local Government Code, Chapter 102, Section 102.007(b) providing for amendments to Ordinance No. 21-09-27-02, for the fiscal year beginning October 1, 2021 and ending September 30, 2022; amendments to said budget by department are set forth in "Exhibit A" attached to this Ordinance for the Lago Vista swimming pool repairs.
9. Discussion, consideration, and possible action regarding Resolution No. 22-1938; A Resolution by the City Council of the City of Lago Vista, Texas accepting from Singleton, Clark & Company, P.C., the audit for fiscal year 2021.
10. Discussion, consideration, and possible action regarding Resolution No. 22-1939; A Resolution by the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member on the Parks and Recreation Advisory Committee.
11. Discussion, consideration, and possible action regarding hybrid meetings to allow for the holding of Open Meetings.

12. Discussion consideration and possible action on a professional services agreement for a temporary wastewater treatment plant superintendent.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 11:55 a.m. on the 9th day of March 2022.

_____/s/_____
Sandra Barton, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

Tracie Hlavinka

From: Beth Cody <cody.beth1973@gmail.com>
Sent: Tuesday, September 3, 2024 12:56 PM
To: Kevin.Sullivan@lagovistatexas.gov; Tracie Hlavinka
Subject: Citizen Petition to Purchase Adjacent Property
Attachments: Cody Properties Map.JPG

I am resending this email because I am unsure whether it reached you or not.

Dear Mr. Sullivan and Ms. Hlavinka:

In response to the city council meeting of June 20, 2024, Agenda Item 4. Discussion regarding recent requests from citizens inquiring of the availability of purchasing city property that is adjacent to their property: we would like to petition the city manager, mayor and city council regarding the purchase or relinquishment of the abandoned/undeveloped golf cart path located between the lots we own. Specifically, these are 3600 Bunyon Circle (Lot 9053A/Amended Plat of Lots 9053 & 9054 Highland Lake Estate, Section 9/PID 796510), 20200 Bell Lane (Lot 9055), and 20202 Bell Lane. This is our second request; the first having been submitted a few years ago.

We purchased these lots in 2010 and 2012. Throughout those years we have cleared, watered and maintained the abandoned strip of land that lies between the lot that our home is built on and the two vacant lots that are behind our home. When four large cedar trees uprooted and fell all at once across our respective properties, we personally chain-sawed the trees, stacked the debris, dug out the stumps, and then paid to have it disposed of. Neither the previous owners of the Highland Lake Golf Course or Lago Vista has taken any interest at any time in this abandoned strip of land.

We look forward to hearing from you on this petition.

Bill and Beth Cody

3600 Bunyon Circle

(512) 796-3990

PAUL BUNYON CIR

796510

3600

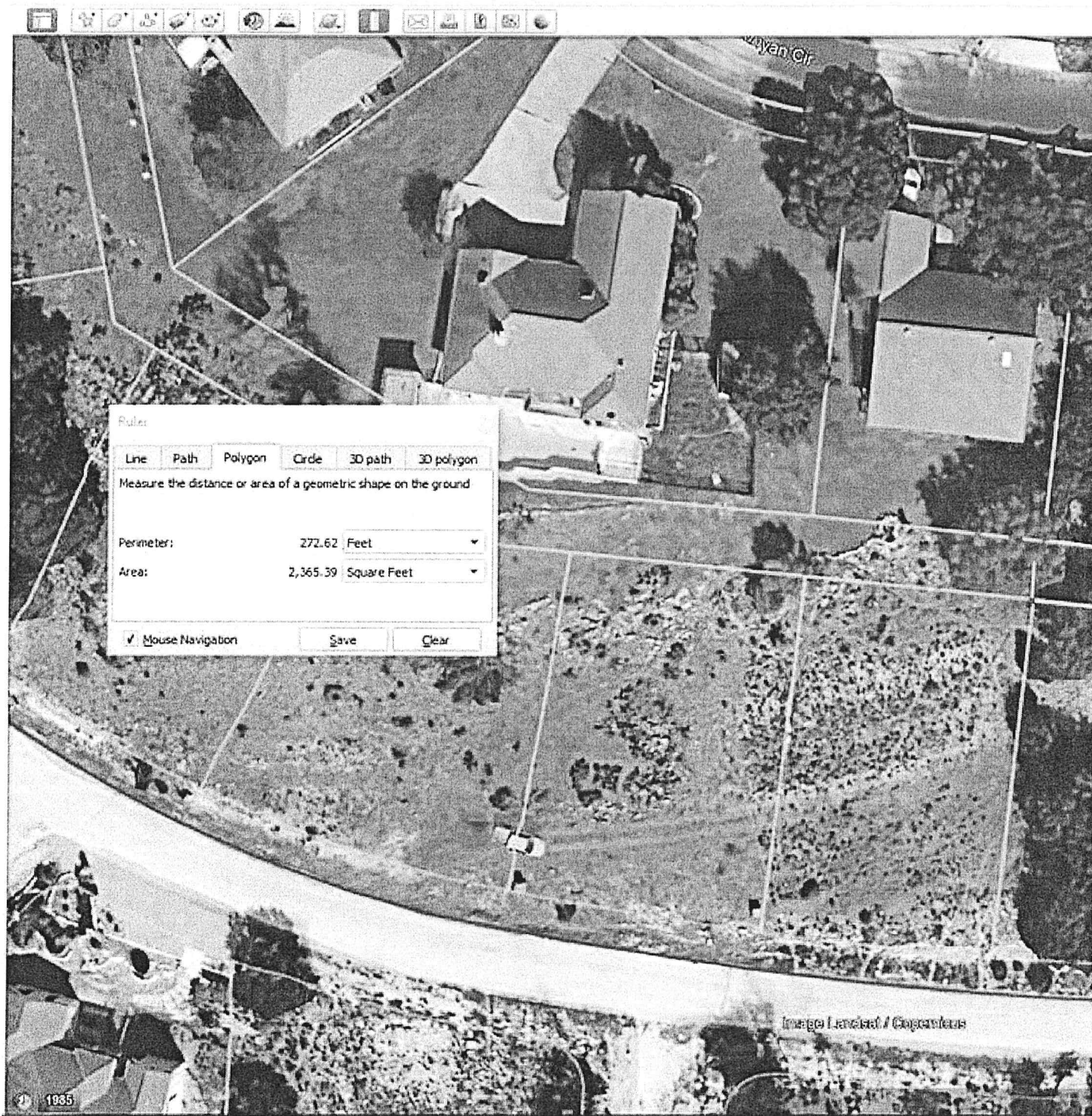
BOONE DR

165815

165814

195

BELL LN



From: Tracie Hlavinka <Tracie.Hlavinka@lagovistatexas.gov>
Sent: Wednesday, September 25, 2024 6:27 PM
To: Taylor Whichard <Taylor.Whichard@lagovistatexas.gov>
Subject: FW: Citizen Petition to Purchase Adjacent Property



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cobby Caputo, City Manager

SUBJECT: Discussion, consideration, and possible action to adopt revisions to the City's Personnel Policies and Procedures.

BACKGROUND: The City Charter at Section 4.06 requires the City Manager to recommend for Council approval personnel policies governing all city employees. This was last done in 2016. This year Council and the city Manager asked that the existing City Personnel Policies and Procedures be reviewed, and revisions recommended by the City Attorney and the City's outside HR attorney.

Attached are clean and redline copies of the proposed revisions to the 2016 policies. These revisions represent the combined assessment and recommendation of both attorneys for Council to consider for adoption.

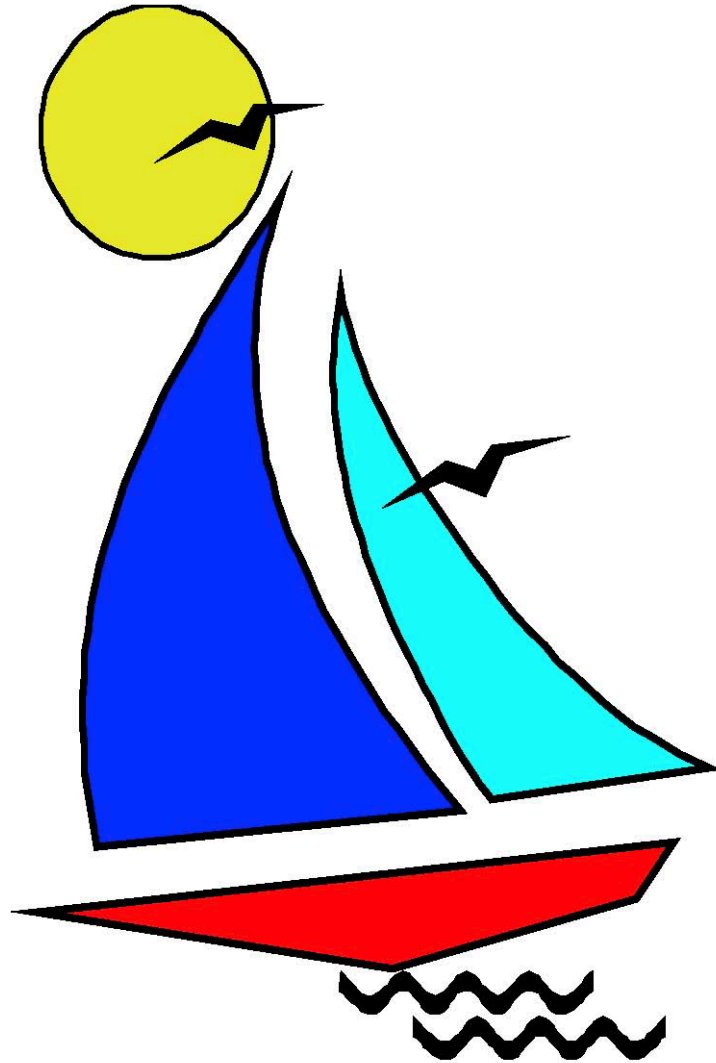
Council must adopt the Personnel Policies by ordinance, per Charter Section 4.06, so an ordinance is also attached.

FINANCIAL IMPACT: F/A

ATTACHMENTS:

[City_of_Lago_Vista_Employee_Handbook_Draft_10-10-24_Clean.pdf](#)
[City of Lago Vista Employee Handbook Draft 10-10-24 Redline from Original.pdf](#)
[Ordinance_Adopting_Revised_Employee_Handbook.pdf](#)

City of Lago Vista



Employee Handbook Policies and Procedures

City of Lago Vista

Personnel Policies and Procedures

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SECTION 1. GENERAL POLICIES

A. PURPOSE OF THESE POLICIES

The purpose of these Personnel Policies is to provide a uniform set of guidelines governing employment with the City. The policies contained here inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors. These policies have also been prepared to provide a high quality of public service to the citizens of this City. These policies do not in any way constitute a contract of employment with the city.

B. AUTHORITY

These policies are established by the City Council, and any deletions, amendments, revisions, or additions to the policies must be approved by the Council. These policies completely replace and supersede any and all personnel policies previously adopted, either individually or as a set of policies, by the City Council. The City may also issue additional policies and procedures from time-to-time. No oral statements or representations can in any way change or alter the provisions of these Policies. General and final authority for personnel/employee administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Any changes to the contents of the handbook will be immediately updated in the electronic version of the handbook; therefore, the only current handbook and set of policies is the electronic version, which is available on the City's website, at _____ and supersedes any other version in any form.

1. **Management Authority and Amendments.** The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time, with or without notice. The issuance of these policies and procedures does not constitute a contract between the City and its employees. Nothing in these Policies or in any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued or guaranteed employment for any Employee. Either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of these policies; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City supervisor is authorized to modify these policies for any employee or to enter into any agreement, oral or written, in conflict with these policies.

2. **Departmental Policy and Procedural Requirements.** Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Human Resources Director other appropriate departments. All employment-related department policies must be reviewed by the Human Resources Director, and if necessary, the City Manager. Department directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures.

Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

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

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

C. SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

D. APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted; the provisions of these policies may be varied in the case of an employee with a written employment agreement approved by the City Council. Individuals performing community service work for the City are not covered by the terms of these policies. It is the responsibility of all employees to become familiar with and abide by these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

E. DISSIMINATION OF PERSONNEL POLICIES

The Human Resources Department maintains the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this handbook and copies of all subsequent revisions or policy changes to each employee. If a question

arises about a particular policy, the official set of policies in the Human Resources Department should be consulted and will control.

As a part of the initial orientation process, Human Resources will provide a copy of the *Employee Handbook - Policies and Procedures* to new employees. This copy is the employees to keep. Upon receipt of the handbook and before beginning work on the job, each employee is required to read the policies and sign an acknowledgment that he or she has received a copy of the *Employee Handbook - Policies and Procedures* and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the Human Resources department.

F. EMPLOYMENT AT WILL

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council.

That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. These personnel policies do not constitute a contract of employment. Nothing in these policies is intended to alter the continuing at-will status of employment with the City.

The terms and conditions of employment with the City may be modified at the sole discretion of the City with or without cause and with or without notice.

Only the City Council, has the authority to create an employment relationship other than on an "at-will" basis. Any modification to the at-will employment doctrine requires a written agreement, authorized by the City Council and signed by both parties.

No implied contract concerning any employment-based decision or terms and conditions of employment can be established by any other statement, conduct, policy, or practice.

Additionally, no employee may be terminated from employment for refusing to perform an illegal act.

G. EQUAL EMPLOYMENT OPPORTUNITY

The City is equal opportunity employer. The City prohibits discrimination based on race, color, creed, religion, sex, pregnancy, veteran status, marital status, age, national origin or ancestry, citizenship, physical or mental disability, sickle cell trait, genetic information, sexual orientation, gender identity or expression, and any other consideration made unlawful by applicable federal, state, or local laws. All such discrimination is prohibited by the City.

In the event that any Employee feels that there is a violation of this policy, he or she should immediately notify an appropriate member of management of the City.

In addition, should any person who would normally review complaints or grievances filed pursuant to the Work-Related Problems procedure set forth below be the individual who is accused of engaging in improper discrimination and/or harassment, the Employee should bypass the Work-Related Problems procedure and immediately contact the next highest-ranking executive of the City to initiate the complaint process.

All complaints will be investigated promptly and thoroughly, and any inappropriate and improper conduct will be remedied. There will be no retaliation against any Employee who, in good faith, reports a violation of this policy, and any violation of this policy will result in disciplinary action up to and including immediate termination of employment.

H. SEXUAL AND OTHER UNLAWFUL HARASSMENT

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

1. **Sexual Harassment.** All types of sexual harassment are prohibited. Unwelcome sexual advances, insinuations, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
 - ◆ Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 - ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, email, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, pregnancy, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

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

Any employee who violates this policy shall be subject to disciplinary action, up to and including immediate termination of employment. All employees have the responsibility act at all times in a manner consistent with this policy and to respect the rights of coworkers, vendors, customers, and visitors to the worksites. Further, it is the responsibility of each member of the City's management to create an atmosphere free of discrimination and harassment, sexual or otherwise.

In the event that any Employee feels that there is a violation of this policy, he or she should immediately notify an appropriate member of management of the City. In addition, should any person who would normally review complaints or grievances filed pursuant to the Work-Related Problems procedure set forth below be the individual who is accused of engaging in improper discrimination and/or harassment, the Employee should bypass the Work-Related Problems procedure and immediately contact the City Manager or the Human Resources Department to initiate the process. If the alleged complaint involves or is against the City Manager, the employee should bypass the Work-Related Problems procedure and contact the City Attorney directly to initiate the process.

The Human Resources Department will attempt, in its capacity as an administrative employer, to bring the two sides together to attempt to facilitate a resolution.

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

- ◆ The Department Director;
- ◆ The Human Resources Director; or

◆ The City Manager.

More than one avenue for reporting harassment is included to allow the employee to choose an organizational level that s/he is comfortable with in reporting the incident.

Human Resources

Under this policy, an employee may report to and/or contact the Human Resources department directly, without regard to the employee's normal chain of command.

All City managers/supervisors must immediately report any incidents of harassment to the City's Human Resources Department. The harassment complaint will be promptly and thoroughly investigated, and confidentiality will be maintained to the maximum extent possible by law and under the circumstances. If harassment is found to have occurred, immediate and appropriate disciplinary/corrective action, up to and including immediate termination of employment, will be taken.

4. **Investigation.** All reports of prohibited conduct will be investigated promptly and thoroughly in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.
5. **Retaliation Prohibited.** Retaliation against any employee who makes a good faith charge or report of prohibited conduct or who assists in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.
6. **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation.

I. AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act, as Amended (ADAAA), the City provides equal employment opportunities to qualified individuals with disabilities, which includes providing reasonable accommodations, where appropriate and strictly prohibits discrimination against qualified individuals on the basis of disability.

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

Any employee seeking a reasonable accommodation for a disability that affects the employee's work schedule or ability to perform the essential functions of the position shall make a written application on a form provided by the Human Resources department. The employee will be required to furnish documentation from a treating physician to substantiate an ADA disability and the need for accommodation.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate supervisor, Human Resources, the City Manager, or the City Manager's designee.

J. LACTATING/BREASTFEEDING POLICY

Accommodations will be made for lactating mothers for up to one year after the child's birth. An employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a room for this purpose. A small refrigerator reserved for the specific storage of breast milk will be made available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Nursing mothers wishing to use this room must request/reserve the room by contacting the Human Resources Department. Additional rules for use of the room and refrigerator storage are posted in the room. City employees who work offsite or in other locations will be accommodated with a private area as necessary. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

SECTION 2. EMPLOYEE RESPONSIBILITIES

A. GENERAL EMPLOYEE RESPONSIBILITIES

The city is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, city officials and their fellow employees.

B. FINANCIAL RESPONSIBILITY

Employees of the City are expected to maintain a good credit standing in the community and to pay their obligations promptly. The City shall in no way serve as a collecting agency or arbitrator. If an employee fails to pay, or make reasonable provisions for future payment, of his or her debts to such an extent that the failure is detrimental to the employee's job performance, the employee may be disciplined, up to and including dismissal.

C. DRESS, APPEARANCE, AND UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the workplace year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms. Department directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Clean and presentable attire that is typical for the job function (i.e. suits or dresses for the City Manager's Office, polo with city logo and slacks for Parks & Recreation) are proper attire for personnel scheduled for City Council meetings, receptions, etc., unless otherwise directed by the City Manager for the occasion.

Employees must remember that they are professional 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, neatly pressed and in good repair and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether or not an item of clothing is prohibited, please err in favor of being conservative and assume that it is not acceptable attire.

The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate and to ensure the safety of an employee.

1. Standards for Business Casual Work Attire

- ◆ Jeans, T-shirts and athletic shoes are not acceptable during normal work hours unless a special day is declared by City management or as specifically approved by the appropriate department director as work assignment dictates.
- ◆ Sweatshirts, sweatpants and hoodies of any type are not acceptable unless a special casual wear or festive occasion is declared by City management.
- ◆ Shorts shall not be worn unless they are part of a City department's approved uniform and worn with a shirt that identifies them as an employee of a particular City department or division or approved by the department director as special circumstances warrant.
- ◆ Women: Camisoles or tank tops are required to be worn under low cut blouses/tops. Clothing with thin or spaghetti straps or tank tops need to be worn with an acceptable jacket. Skirts and dresses shall be worn no shorter than 2 inches above the top of the knee. Ankle length and Capri dress slacks are appropriate. Dress shoes or dress sandals are appropriate. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

- ◆ Men: Knit shirts with collar, banded collar shirts, short sleeve or long sleeve dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Dress shoes, boots or loafers are acceptable footwear. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

2. **Examples of Inappropriate Attire.**

- ◆ Provocative or revealing attire including low cut, bare backs, bare shoulders, midriffs, body-hugging, see-through garments, tube tops or excessively loose or tight fabrics;
- ◆ Stirrup pants, spandex pants, casual cargo pants, leggings, form fitting or tight slacks/trousers;
- ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- ◆ Un-pressed, soiled, ripped and tattered clothing;
- ◆ Visible tattoos which could be deemed offensive;
- ◆ Nose rings, eyebrow rings, tongue studs, lip piercings, gauge piercings, or similar type facial jewelry.

3. **Jewelry.** All jewelry worn by employees must be appropriate, so it does not detract from a professional appearance or conflict with department uniform guidelines.

4. **Hair and Facial Hair.** Hair styles and hair colors must be appropriate to the employee's position, and extremes of any type are unacceptable. The length of hair must not pose a safety hazard for employees working around machinery and moving objects. Hair, including facial hair, must be clean and neatly groomed at all times. In accordance with state and federal law, the City permits applicants and employees to follow religious dress and grooming practices. Examples of religious dress and grooming practices may include: wearing religious clothing or articles (e.g., a Christian cross, a Muslim hijab (headscarf), a Sikh turban, a Sikh kirpan (symbolic miniature sword)); observing a religious prohibition against wearing certain garments (e.g., a Muslim, Pentecostal Christian, or Orthodox Jewish woman's practice of wearing modest clothing, and of not wearing pants or short skirts); or adhering to shaving or hair length observances (e.g., Sikh uncut hair and beard, Rastafarian dreadlocks, or Jewish peyes (sidelocks)). This list of examples is for illustration purposes only and is not to be considered exclusive.

5. **Perfume and Cologne.** While at work, employees should minimize the use of scented aftershaves, colognes, perfumes, and lotions as these products may impact the health of chemically-sensitive customers and other employees.

6. **Personal Hygiene.** All employees must maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

7. **Uniforms.** The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told

how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be worn outside of work, for personal use, or by any third party. City uniforms may be worn by City employees in connection with outside employment only with the department director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work, unless in connection with outside employment with the department director's authorization.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck.

Employees will be required to sign an authorization form at time of employment to allow the City to deduct lost, damaged and unreturned supplies and uniforms.

8. **Employee Purchasing of City Logo Clothing.** Employees who work primarily in offices are not eligible to receive uniforms. However, employees are permitted to purchase City logo apparel at their own expense and at the City's contract price from selected vendors.
9. **Exceptions.** Employees having a conflict with any aspect of this policy, based on cultural or religious traditions or medical reasons, may request an exemption. The employee must place the request in writing to Human resources. Human Resources shall review the request and determine whether an exception will be granted.
10. **Enforcement.** Employees and supervisors are responsible for ensuring compliance with the City's dress code standards. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department director or to Human Resources.

Department directors shall specify requirements for uniforms and other work attire. Departments may impose special dress and grooming requirements necessary for employee safety, including use of appropriate personal protective equipment, shoes and clothing.

Supervisors are responsible for ensuring that employees know, understand and adhere to this policy as well as any department specific dress policy. Department directors and supervisors shall counsel employees' whose dress, personal hygiene or grooming is inappropriate.

Each employee is expected to adhere to the clothing, uniform and personal appearance guidelines set forth in this policy. Each employee must use good judgment and common sense in selecting clothing that fits with the function of his/her position, while also promoting a professional image. In order to avoid bringing discredit to the City, employees shall exercise caution in their conduct when wearing uniforms or other apparel bearing the name or logo of the City of Lago Vista.

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

The department director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

Dress Guidelines

	Men	Women
Appropriate	◆ Knit shirts with collar and banded collars ◆ Short sleeve or long sleeve dress shirts ◆ Dress shoes, boots, and loafers	◆ Camisoles or tank tops worn under low cut blouses/tops ◆ Thin or spaghetti straps and tank tops worn with jacket ◆ Skirts and dresses no shorter than 2 inches above top of knee ◆ Ankle length and Capri dress slacks
Inappropriate*	◆ Provocative or revealing attire ◆ Excessively loose or tight fabrics ◆ Bare shoulders ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind ◆ Stirrup pants, spandex pants, casual cargo pants, and leggings ◆ Form fitting or tight slacks/trousers ◆ Visible tattoos which could be deemed offensive ◆ Un-pressed, soiled, ripped, or tattered clothing	
*Listing of inappropriate apparel is not intended to be exhaustive and all-inclusive and is provided to establish a guideline for what is acceptable in the workplace.		

D. USE OF CITY PROPERTY, VEHICLES, AND EQUIPMENT

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

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

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

1. **Personal Use Prohibited.** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises without prior written approval by the City Manager, or the Department Director, and may not be used for the personal benefit of an employee.
2. **Tobacco Use Prohibited.** The City's policy is to provide a smoke-free workplace. Smoking is prohibited in City buildings, or outdoors within twenty-five (25) feet of any entrance utilized by employees or the public. Smoking is also prohibited in all City vehicles, in garages or around entrances to buildings. Smoking is only allowed in designated smoking areas. Cigarette or cigar butts may not be discarded on the ground at any City facility, including parking lots. This prohibition against smoking applies to electronic cigarettes.

Users of smokeless tobacco are prohibited from spitting on sidewalks, parking lots, on landscaping or in the bathroom facilities. Spit cups must be kept out of the view of other employees or the general public and must not be disposed of in any of the trash cans inside City buildings.

3. **Vehicle Allowance.** An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.
4. **Take Home Vehicles.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement.

To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc., without prior written approval of the City Manager or department director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

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

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

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

- ◆ Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- ◆ Always observe all posted laws and speed limits.
- ◆ Always wear seat belts when the vehicle is in operation.
- ◆ No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- ◆ No personal use of City-provided vehicles is allowed.
- ◆ All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor. City vehicles must be kept clean; dispose of trash and put away tools daily.
- ◆ Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- ◆ All drivers must be eligible for coverage under the City's insurance policy.
- ◆ Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- ◆ AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.
- ◆ EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE POLICE AND HIS/HER SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. THE EMPLOYEE SHALL **NOT** LEAVE THE SCENE OF THE ACCIDENT UNLESS REQUIRED TO DO SO BECAUSE OF INJURY. THE EMPLOYEE MAY LEAVE THE SCENE AFTER THE POLICE INVESTIGATION IS COMPLETE OR IF THE POLICE DIRECT HIM/HER TO MOVE THE VEHICLE.

ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE CITY SECRETARY. IN ADDITION, THE EMPLOYEE IS REQUIRED TO PROVIDE A WRITTEN STATEMENT TO HIS/HER SUPERVISOR WITHIN TWENTY-FOUR (24) HOURS DETAILING THE INCIDENT AND INCLUDING WHETHER ANY CITATIONS WERE ISSUED.

- ◆ EMPLOYEES WHO ARE INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE WILL BE SUBJECT TO A DRUG SCREEN.

6. **Driver's License Check.** The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver.
7. **Public Perception.** City employees must be aware of the fact that their actions while driving or in the vicinity of City vehicles are being observed by the public. Employees' irresponsible behavior and use of poor judgement reflects directly on the City and will not be tolerated. City employees must be courteous to other drivers and pedestrians.
8. **Violations of This Policy.** The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action, up to and including dismissal.
9. **Personal Property.** All employees shall be solely responsible for their personal property at all times.

E. OUTSIDE EMPLOYMENT

1. **Written Authorization Required.** City employees may engage in outside employment provided they receive prior written approval from their Department Director, the Human Resources Director, and the City Manager. Authorized outside employment may be subject to review in the event of schedule changes or interference with City duties.
2. **Outside Jobs Coordinated Through Police Department.** Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures.
3. **Prohibited Activities.** Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance. City employees may not use City property, equipment, facilities, or telephones for outside business activities or for personal gain.
4. **Workers' Compensation Coverage.** Employees are not covered by the City's workers compensation insurance while working for another employer.
5. **Outside Employment While on Leave Prohibited.** Approval for outside employment as set out in this policy does **not** authorize an employee on FMLA leave, sick leave, disability

leave, workers compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty, to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director and the Human Resources Director, or if applicable, by the City Manager.

6. **Outside Employment Prohibited During Normal Working Hours.** Employees are prohibited from conducting outside employment activities during normal working hours.

F. EMPLOYEE SAFETY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time-to-time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

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

- ◆ Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes or boots, gloves, shields, etc., when those items are appropriate to the task being performed.
- ◆ Smoke only during designated times in authorized outside areas.
- ◆ Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured. Employees working in departments that require steel toe boots must wear them at all times.
- ◆ To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- ◆ Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- ◆ Material Safety Data Sheets (MSDS Sheets) - Employees will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work.

MSDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.

- ◆ Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call 911. Use proper portable extinguishers for small fires.
- ◆ Do not put fingers, hands, feet or clothing in moving machinery.
- ◆ Do not carry items in a manner that obscures vision.
- ◆ Do not block access to fire extinguishers.
- ◆ Do not touch open or loose electrical circuits.
- ◆ Report unusual vibrations, smells, or noises coming from equipment.
- ◆ Do not wear rings or jewelry while operating machinery.
- ◆ Do not perform maintenance or repairs on running equipment.
- ◆ Do not remove or alter warning tags or safety devices.
- ◆ Never leave nails or spikes protruding from planks or boards.
- ◆ Perform routine maintenance at all scheduled intervals.
- ◆ Do not use compressed air for cleaning clothing or floors.

2. **Accident Reporting.** All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Human Resources Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers compensation benefit procedures where appropriate.

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

3. **Accidents Involving City Equipment or Vehicles.** Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit the report to the supervisor and to the City Secretary.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City.

Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

G. POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities.

City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, at no time may City employees utilize City resources for political purposes.

While on work duty, no City employee is allowed to:

- ◆ Publicly endorse or campaign in any manner for any person seeking public office. This provision is not intended to prevent a city employee from displaying a candidate's sign on their personal property.
- ◆ Use the employee's position or office to coerce political support from employees or citizens.
- ◆ Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- ◆ Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions, and to cast his or her vote.
- ◆ Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- ◆ Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law, such as on-duty attendance at a political rally or function for a candidate on a ballot if the employee is assigned to be present for legitimate City reasons, such as providing security..
- ◆ Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g., City of Lago Vista City Council, Lago Vista ISD, and Travis County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

However, while off-duty and not acting as a City representative, employees may engage in political activities during their personal time, including attending rallies, supporting candidates, and expressing political opinions, provided it does not interfere with their official City duties and the individuals involved are off-duty and not in uniform or wearing any official city item or clothing that identifies the employee as an employee of the city

H. CONFLICTS OF INTEREST/SOLICITATION AND ACCEPTANCE OF GIFTS

1. **Conflicts of Interest.** No employee of the City may:

- ◆ Have any financial or other interest, directly or indirectly, in any proposed or existing contract, transaction, purchase, work, sale or service to, for, with or by the City;
- ◆ Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- ◆ Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- ◆ Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- ◆ Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgement in the performance of duties to the City; or
- ◆ Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Additionally, employees **must** disclose any direct substantial financial interest in any entity or property affected by City decisions and abstain from voting or decision-making in such cases.

2. **Solicitation and Acceptance of Gift.**

- ◆ Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution, nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- ◆ No employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. However, this section shall not be interpreted to include any pen, pencil, calendar, cap, or similarly valued item distributed by any such business or organization for advertising purposes.
- ◆ If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift (other than the minimal gifts listed in the paragraph above) in writing to the supervisor and the City Manager.
- ◆ No employee shall accept or solicit any money, property, service, or other thing of value in excess of \$50.00 for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Council.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources Director, or the City Manager's office.

I. PURCHASING

Purchases by City employees will be made only as authorized by the City Manager or the City Council and must be made in accordance with state purchasing laws as they apply to cities.

J. ARRESTS, CONFINEMENTS, AND INDICTMENTS

1. **Policy.** City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.
2. **Procedure.**
 - ◆ **Employee Notice of Felony and Misdemeanor Charges.** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.
 - ◆ **Employee Status after Alleged Violation of Law.** At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with the Human Resources Director to determine available options which may include, but are not limited to:
 - ✓ allowing the employee to return to regular duty with pay;
 - ✓ allowing the employee to return to restricted duty with pay;
 - ✓ placing the employee on paid administrative leave;
 - ✓ placing the employee on unpaid administrative leave; or
 - ✓ terminating the employee.
 - ◆ **Employee Status after Adjudication.** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are commuted and all related administrative matters are completed, the Department Director will determine, in conjunction with the Human Resources Director the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
 - ◆ **Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.
 - ◆ **Violations of Law Discovered through Criminal History Check:** The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.
 - ◆ **Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

K. TELEPHONE CONTACT

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

L. SOCIAL MEDIA POLICY

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

The term "social media" includes X (formally known as Twitter), tweets and twittering, Facebook, LinkedIn, Instagram, Snapchat, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging, and all other social networking sites, instant messaging, and the posting of video on YouTube and similar media.

1. **Use of City's Internet.** Use of the City's Internet is a privilege and City employees must use it responsibly and ethically. The City may monitor an employee's access, use, and postings to the City's Internet to ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the City's social media sites.
2. **Other City Policies.** This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct, or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "Grievance" policy without resorting to social media.

M. EMPLOYEE GUIDELINES: USE OF CITY'S SOCIAL MEDIA ON WORK TIME

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

1. Blogging or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.

2. Employees must obtain written authorization from the City Manager to update or post on social media sites on behalf of the City, and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
3. No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the rights to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
4. Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
5. Employees must abide by all federal and state laws and policies of the City with regard to information sent through the City's Internet.
6. Individual supervisors do not have the authority to make exceptions to these guidelines.

N. EMPLOYEE GUIDELINES: USE OF PERSONAL SOCIAL MEDIA WHILE NOT ON WORK TIME

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

1. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
2. Do not put anything on your personal social media site that may constitute a violation of the City's harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
3. Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
4. Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

SECTION 3. EMPLOYMENT PRACTICES

A. EMPLOYEE RECRUITMENT AND SELECTION

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

1. **Methods of Recruitment and Selection.** The city has several methods of recruiting and selecting persons to fill vacancies:

- ◆ Promotion from within; or
- ◆ Transfer from within; or
- ◆ Public announcement (including media announcement and posting of notice for city employees) and competitive consideration of applications for employment; or
- ◆ Referral from a job training program; or
- ◆ Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding six (6) months.)

The City Manager approves the method of selection to be used in filling each vacancy. However, the City Council must have approved funding for a position before recruitment begins.

All positions will be posted publicly after the expiration of a five-day internal recruitment application period.

2. **Recruitment Requirements.** The recruitment process is initiated by a City department director submitting a request to fill a vacancy of a budgeted position to the Human Resources Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted simultaneously with an internal posting.
3. **Public Announcements.** When public announcements of position openings at the City are used, and competitive consideration will be given, the announcements are disseminated by Human Resources in the manner most appropriate for the particular position being filled, as determined by the City Manager. City department directors wanting to fill job vacancies within their departments must submit relevant information about the position to Human Resources who ensures that job opening announcements are made public through publication in the local newspaper and posting on the City website and bulletin board at City Hall.

Current employees may apply for positions for which they believe themselves to be qualified.

If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the limits set by the City Council for the transfer position.

The length of time during which applications will be accepted will be determined by the Human Resources Director in accordance with the circumstances that exist at the time.

4. **Applications.** When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official application form. Each person desiring employment with the City may obtain an application for employment from the Human Resources Director or designee.

The City will make appropriate inquiries to verify criminal history, education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the City which require driving a vehicle, the City must check the prospective employee's driving record prior to offering the applicant employment with the City.

The City does not accept applications for employment unless a specific job opening exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist will be informed that City job openings are advertised in the local newspaper, on the City website and posted on the bulletin board at City Hall; and they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a City position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable by the Human Resources Director.

The City should retain each employment application for two years after receipt of the application. (*Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.*)

5. **Qualifications.** The City maintains a job (class) description, which establishes the required knowledge, skills and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.
6. **Testing.** Except for drug/alcohol tests, physical examinations, psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.)
7. **Drug and Alcohol Testing.** In addition to the physical examination required by the city for all prospective employees, all prospective employees for any regular, full-time position in the city are required to be tested to show no trace of drug dependency or illegal drug usage.

All prospective employees are required to pass a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. The offer of employment is contingent upon the prospective employee passing a drug/alcohol test. After employment, any employee may be required to submit to a test for drug dependency or illegal drug use. For more information on drug testing or drug usage, see the chapter of these policies on **Drug and Alcohol Use**.

8. **Selection.** In accordance with the City Charter, the City Council appoints and may remove the City Manager and Municipal Court Judge. Except for appointments reserved to the City Council or that require City Council approval by statute, ordinance, or charter, the City Manager has exclusive authority to select and employ personnel within the limits of these policies and the City budget. The City Manager may authorize City Department Heads to appoint and remove employees within their departments, subject to approval by the manager and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the City Council or its members may express freely to the City Manager their views and opinions on such matters.

Vacancies on the City Staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the most qualified persons are made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Director, along with the applicable Personnel Action Form. Offers for City employment, other than department heads, will be communicated by the Human Resources Director upon receipt of the hiring recommendation and all related paperwork. Offers for City Department Heads will be communicated by the City Manager.

9. **Physical Standards.** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons employees are required to pass a drug/alcohol test and a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the City payroll prior to passing these exams. Back X-rays are required for persons who will perform strenuous physical activity. The required physical examinations will be performed by a physician of the City's choice and will be paid for by the City.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

In addition, prospective new employees for active or reserve Police Officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

The City also may require all prospective active Police or reserve employees to submit to a polygraph test. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City. (*Legal reference: Police only – V.T.C.A., Government Code, Section 415.057.*)

10. **Age Requirements.** No persons under seventeen (17) years of age will be employed in any regular full-time position. No persons under eighteen (18) years of age will be employed in any position requiring the operation of a motorized vehicle owned by the City of Lago Vista. A person under the age of eighteen (18) may be employed in a temporary or part time position if the person furnishes the City with a properly completed and signed minor's release form.
11. **Residency Requirements.** Employees who may be subject to emergency call and/or periodic service in a stand-by status may be required to establish residency within a reasonable distance from the principal work site in order to assure a timely response. For these purposes, the City Council has established that for employees hired after July 2016, a reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle.
12. **Employment of Relatives (Nepotism).** Nepotism is the showing of favoritism toward a relative. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, the City forbids the practice of nepotism in hiring personnel or awarding contracts.

A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council or to the City Manager may not be hired. (See Figures 1 and 2 on the following page for the prohibited degrees of relationship).

A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee had been continuously employed by the City for a period of:

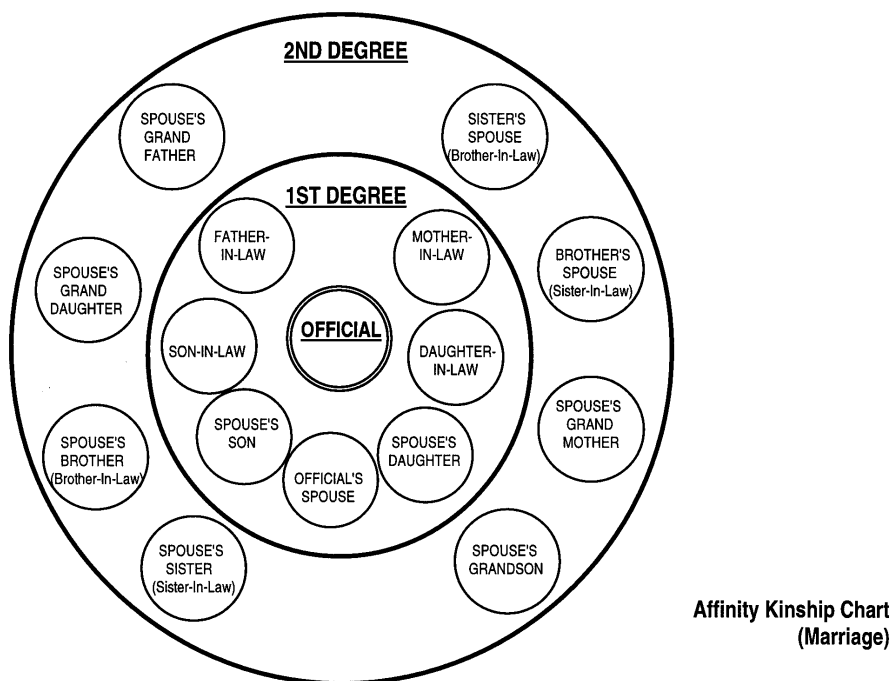
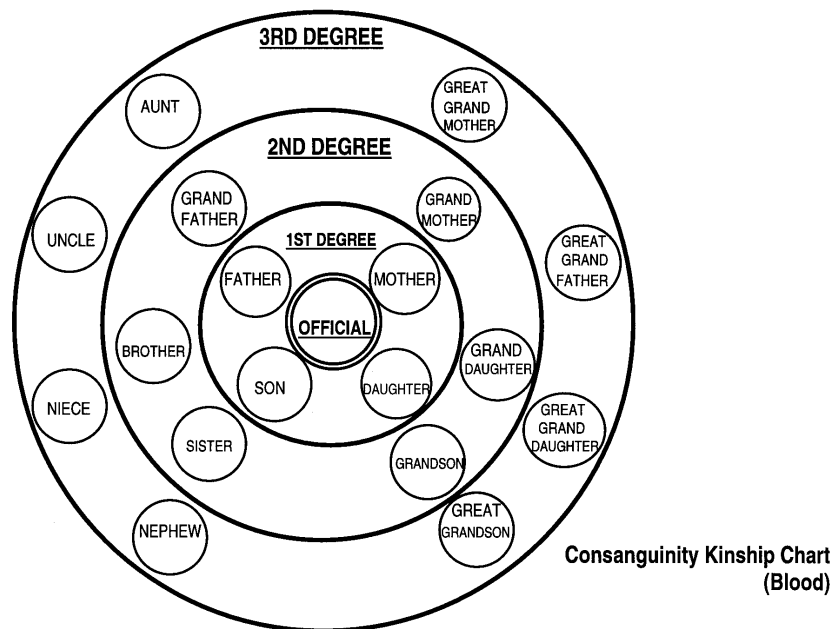
At least 30 days, if the officer or member is appointed; or

- ◆ At least six months, if the officer or member is elected at an election other than the general election for state and county officers; or
- ◆ One year if the related City officer is elected at a general election for state and county officers.

(*Legal reference: V.T.C.A. Government Code, Section 573.062, as amended.*)

In addition, no personnel action (hiring, demotion, promotion, transfer, reorganization) will be taken that would result in any employee's directly or indirectly supervising or being supervised by another employee who is related within the second degree of affinity or the third degree of consanguinity. Prohibited degrees of relationships are defined in Figures 1 and 2 of the Nepotism Charts. Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

NEPOTISM CHARTS



In the event that two City employees within the same chain of command become related or members of the same household, receive a promotion, or any other situation giving rise to a relationship prohibited by the paragraph preceding the above charts, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of the paragraph preceding the Nepotism charts.

If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

13. **Verification of Eligibility to Work.** In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. (Legal reference: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986.)

In the event the employee has not provided evidence of eligibility to work within the first three days of employment, the employee will not be allowed to continue working and shall be subject to termination.

14. **Driving Record.** Every City employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The City will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee has maintained a safe driving record.

15. **Medical Records.** All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Director has routine access to employee medical records for legitimate business-related reasons.

NOTICE OF PRIVACY PRACTICES. This Notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (**HIPAA**). It describes how the City may use or disclose an employee's protected health information, with whom that information may be shared, and the safeguards the city has in place to protect it. This notice also describes an employee's rights to access and amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the City's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example, age, address, e-mail address, and relates to the employee's past, present, or future physical or mental health or condition and related health care services. The City of Lago Vista is required by law to do the following:

- ◆ Make sure that an employee's protected health information is kept private;
- ◆ Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information;
- ◆ Follow the terms of the notice currently in effect;

- ◆ Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City will share the employee's protected health information with third-party "business associates" who perform various activities for the City of Lago Vista (for example, the City's health insurance company). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with workers compensation laws and other similar legally established programs.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

- ◆ The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information;
- ◆ The employee may request the City to provide him/her with an accounting of the disclosures the City has made of the employee's protected health information;
- ◆ The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.

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

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

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

17. Prior Service with the City. Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level. In addition, employees rehired to fill regular full-time positions with the City will receive credit for their prior length of service as regular full-time employees for longevity pay purposes.

A break in continuous service with the City, however, forfeits vacation and sick leave benefits accrued prior to the break. For details pertaining to how a break in service affects retirement benefits, please refer to your Texas Municipal Retirement System "Member Information Guide."

18. Reinstatement. An employee is eligible for reinstatement if:

- ◆ The employee is returning from a military duty leave of absence; or
- ◆ The employee was previously incapacitated, is no longer incapacitated, and remains otherwise qualified to perform duties of job; or
- ◆ The employee is being rehired after having been laid off. Reinstatement allows the person to maintain his or her previous regular status for recording leave and longevity accrual.

B. CLASSIFICATION AND COMPENSATION PLAN

1. **Placement on City Payroll.** New employees must report to the Human Resources Department before or during their first day of employment to fill out employment forms and be scheduled for new employee probationary.

2. **Minimum Pay.** Employees shall be paid no less than the minimum of the salary range established for the position. The following exceptions may be made when approved by the City Manager:
 - ◆ When a period of training is required to demonstrate the employee's ability to perform the duties; (i.e., trainee status, normally not to exceed three (3) months); or
 - ◆ When the employee is temporarily assigned to a position in a higher grade, normally not to exceed one (1) month.
3. **Maximum Pay.** The City's classification and compensation plan establishes a maximum for each pay range, which is the maximum pay the market will support for the positions listed in that pay range on the pay schedule.

New employees may not be hired into City employment above the minimum pay range without the written approval of the City Manager.

4. **Promotion.** A promotion is the assignment of an employee from a position in one classification to a position in another job classification having a higher starting salary. Promotional opportunities will be provided whenever possible to City employees; therefore, the selection may, at the discretion of the department director, be limited to qualified City employees. A director may, with the approval of the Human Resources Director or the City Manager, authorize a temporary promotion to insure the proper performance of a City function while a position is vacant, or if the position's regular incumbent is temporarily absent. Temporary assignment pay shall be considered on a case-by-case basis and shall be determined by the department director and the Human Resources Director with the approval of the City Manager.
5. **Lateral Transfer.** A transfer is the assignment of an employee from one position to another position in the same pay classification or same pay grade either within the same department or in a different department. Directors shall have the authority to transfer employees to other positions within their department. Transfers may be made for administrative convenience or upon the request of an employee. An employee may also be transferred when the employee applies for and is selected for a position in a different department.
6. **Demotion.** A demotion is the assignment of an employee to a position having a lower starting salary. A demotion requires the approval of the department director, the Human Resources Director, and the City Manager.
 - ◆ **Voluntary Demotions** – A voluntary demotion is not a disciplinary action and does not disqualify the employee from consideration for future advancement.
 - ◆ With the approval of the department director and, if qualified to perform the duties of a lower-level position, an employee may be administratively demoted at the employee's own request or as an alternative to a layoff.

- ◆ **Involuntary Demotions** – An involuntary demotion is a disciplinary action. (See section of these policies on Disciplinary Actions). The salary of a demoted employee (voluntary or involuntary) shall be adjusted. (See section of these policies on Classification and Compensation). Involuntary demotions are subject to the grievance process (See section of these policies on Grievances).

C. NEW EMPLOYEE ORIENTATION AND TRAINING

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of the City.

An orientation session will also be provided by the Human Resources Director. During the orientation, employees are given a copy of these *Personnel Policies and Procedures*. Employees are responsible for knowing and following the information contained in the personnel policies, and must turn in a signed acknowledgment to this effect to the Human Resources department within the first two days of employment with the City.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

D. NEW EMPLOYEE PROBATIONARY PERIOD

All new employees hired to fill regular full time or part time positions must satisfactorily complete a probationary period. All police officers are required to successfully complete a one (1) year probationary period, and all other employees are required to successfully complete a six (6) month probationary period.

Additionally, all current employees, including police officers, who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a probationary period of six (6) months.

The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. The probationary period may be extended for additional training as determined by the supervisor. In the event that an employees' probationary period is to be extended, the supervisor will meet with employee to clarify the need for additional training or performance improvement. Employees are considered in the probationary period until they have actually performed their regular job duties for the full length of the period applicable to their job to assure their ability to meet acceptable standards of work performance and behavior for the employee's position. A probationary period is not to be construed as a guarantee of 6 months of employment.

Each employee serving in the probationary period is responsible for knowing, understanding, and meeting the expectations and standards for the position.

In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position.

During the probationary period, employees are expected to maintain acceptable standards of conduct and attendance and it will be the responsibility of the employee to correct any deficiencies or inadequacies in job performance, conduct or attendance.

1. **Seasonal/Temporary Employees.** Seasonal and temporary full and part time employees do not serve a probationary period and have no right of appeal when terminated at any time.
2. **Change in Assignment of Employee serving in the Initial Probationary Period.** Employees serving in the probationary period may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period without written approval from the City Manager, or if requested, by their department director. If the reassignment, promotion, or transfer is approved, the employee will serve a six (6) month probationary period in the new position beginning with the date of the position change.
3. **Absences during Probationary Period.** During the probationary period, an employee is eligible to use sick leave for qualifying absences, and may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the probationary period may be used as approved in accordance with established City/departmental policy or practice. Transferred or promoted employees serving in the probationary period retain eligibility for all types of leave established by City policy.
4. **Probationary Period Performance Evaluations.** All employees serving in the probationary period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the “Performance Evaluation System” policy. These reviews are designed to evaluate each employee’s performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee.
5. **Extensions to Probationary Period.** The probationary period may be extended under the following circumstances:

At the end of the initial probationary period, the performance probationary period may be extended for up to an additional six (6) months when:

- ◆ An employee’s performance has been marginal due to extenuating circumstances,
- ◆ Additional training is warranted, or
- ◆ Frequent absences or an employee’s absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance.

The decision to extend or not to extend an employee’s probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probationary period will be completed. Such extensions will be at the sole discretion of the department director and the Human Resources Director.

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

6. **Successful Completion of Probationary Period; “Regular” Status Granted.** Employees have no guarantee of employment either during or after their probationary period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the probationary period will be retained as regular employees. An employee is granted “regular” status in the new position if the employee satisfactorily completes the probationary period.
7. **Failure of Probationary Period.** An employee is considered to have failed the probationary period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the Human Resources Director and the City Manager.

A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected department director(s). Department directors are responsible for ensuring the thorough written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resources Director before an employee serving in the probationary period can be terminated.

8. **Termination of Employees Serving in the Probationary Period.** All employees of the City, including those serving in the initial probationary period, are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. An employee serving in the initial probationary period who is terminated has no right of appeal. Employees serving in the initial probationary period are subject to all policies and procedures of the City with the exception of appeal rights.
9. **Sexual and Other Unlawful Harassment.** Employees serving in the probationary period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the probationary period have no right of appeal; however, if it is believed that unlawful harassment or discrimination has occurred; such conduct must immediately be reported as set out in City policy.

E. HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY

1. **Safe Work Environment.** The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.
2. **Serious Health Condition/Disabilities.** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees. All employees must notify Human Resources of any health development or condition which could require reasonable accommodations to assist them in continuing to perform their essential job functions.
3. **Medical Exams for Current Employees.** The Human Resources Director, or an employee's department director (with the prior written approval of the Human Resources Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.
4. **Medical Information from an Employee's Doctor.** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.
5. **Genetic Information.** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.
6. **Medical Records.** Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

7. **Return to Work/Fitness for Duty.** Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.
8. **Time Off From Work.** Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

F. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

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

1. **Zero Tolerance.** This policy prohibits harassment, intimidation, threats, bullying and violent behavior by or toward anyone in the workplace that is in any way job or City related, that is or might be carried out on City property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero-tolerance policy for this type of misconduct.
2. **Firearms and Other Weapons Banned.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon inside any City buildings. Prohibited weapons include firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy, and the City retains the right to search for firearms or other weapons inside City buildings.

Signs clearly stating the City's ban against weapons are conspicuously displayed and clearly visible at all entrances to City buildings.

- ◆ The signs are in both English and Spanish and read, in accordance with Texas Penal Code Chapter 30.06:
 - ✓ "NO OPENLY DISPLAYED OR CONCEALED FIREARMS ALLOWED: Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law) may not enter this property with either a concealed handgun or a handgun carried openly."
 - ◆ The signs have contrasting colors with block letters at least one inch in height, as required in the statute.
3. **License to Carry a Firearm.** Employees licensed by State of Texas to carry a handgun or other gun may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle. Employees licensed to carry handguns must report to the Human Resources Director their identity and license plate numbers of all vehicles that employee may park in City parking lots.

4. **Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, department director, the Human Resources Director, and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person, or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her department director and Human Resources.
5. **Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must immediately provide to Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their department director and Human Resources of any protective or restraining order issued against them.
6. **Confidentiality.** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.
7. **Documentation.** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by Human Resources and the Police Department.
8. **Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

SECTION 4. TYPES OF EMPLOYMENT

A. JOB CLASSIFICATIONS

Job Classifications

Each Employee is assigned to a specific job and each job has a related job classification. Your job is classified as one of the following:

- **Regular employees:** Employees who are hired to work on a continuous basis until either they or [Company] terminates the employment relationship.
- **Temporary employees:** Employees hired for a particular task. Temporary employees shall not be eligible to participate in any insurance plans adopted by [Company], nor any other fringe benefit programs, except where required by law. This position could require

employees to work from 20 to 40+ hours per week depending upon business needs. This category is designed to allow the City to handle seasonal operations demands and should be considered a supplement to permanent positions. Temporary employees are not eligible for vacation/holiday pay, personal leave, jury duty, or maternity/funeral leave. If an employee is needed for more than 7 consecutive months in a calendar year, he/she will be transferred to a permanent position.

- Full-time employees: Employees who generally work 37.75 to 40 or more hours per week. All regular full-time employees shall be eligible to receive all of the benefits set forth by [Company] which may change from time to time.
- Part-time employees: Employees who generally work more than 20 hours per week, but less than 37.75 hours per week. Part-time employees shall not be eligible to participate in insurance plans adopted by [Company], nor any other fringe benefit programs unless they regularly work more than 30 hours per week, or as mandated by law.
- Inactive Status: Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds any protected state or federal leave of absence will be placed on inactive status.
- Independent Contractor: As defined by the US Department of Labor, independent contractors are not employees of [Company] and are not eligible for Company benefits.
- Assigned Personnel: Employees who are assigned to the City but are paid directly by another government or private organization are not employees of the City. These employees' benefits are specified in the contract for services. Assigned personnel are governed by all terms of these policies not in conflict with their contract for services

Additionally, each position is classified as either exempt or nonexempt. A **nonexempt** employee is any full-time or part-time employee, whether salaried or hourly, who holds a position subject to overtime pay provisions mandated by the federal Fair Labor Standards Act (FLSA) and related state laws. An **exempt** employee is any salaried employee who holds a position considered exempt from (not subject to) overtime pay as mandated by the FLSA. Exempt employees are not paid overtime.

Eligibility for various programs described herein may be linked directly to an Employees' job classification. If an Employee has any questions regarding their job title or job classification, they should please talk with their immediate supervisor or manager.

Because all Employees are "at-will" and hired for an unspecified duration, none of the classifications above guarantees employment for any specific length of time. Employment is at the consent of the Employee and the City. Accordingly, either the Employee or the City can terminate the employment relationship at-will, at any time, with or without cause or advance notice for any non-discriminatory reason.

SECTION 5. EMPLOYEE COMPENSATION AND ADVANCEMENT

A. PAY

Compensation for City employees is set each year by the City Council in the adopted City operating budget. Rules governing salary administration and pay increases are also established by the City Council.

B. PAYDAYS AND CHECK DELIVERY

The pay period for the City is biweekly. Checks are issued every two weeks on Friday, for the 14-day period ending the previous Friday at midnight. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

Employees may receive a paycheck early only for the following reasons:

1. An emergency situation, or
2. Employee will be out of town on City business on the payday, or
3. Employee will be out of town on approved, scheduled vacation leave.

Paychecks will be given to someone other than the employee only if the employee provided advance written permission to Human Resources. If an employee is deceased, the final paycheck will be distributed only to the employee's estate.

The City encourages employees to have their paychecks electronically deposited.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the appropriate department head, who will notify Human Resources.

C. PAYROLL DEDUCTIONS

An Employees' pay will be subject to required deductions for state, federal and local taxes, and for social security taxes. Voluntary deductions agreed to in writing may be made for example, for health, dental or life insurance premiums, or voluntary contributions to a retirement plan, if applicable.

Additionally, the City may be required by law to recognize certain court orders, liens, wage garnishments and other deductions required by law. In the event changes occur, you should obtain copies of court orders and immediately forward them to the City with any changes.

Social Security and Medicare Taxes: Social Security tax is deducted from an Employees' pay in two segments – Social Security tax and Medicare tax. The amount of deduction from the Employees' wages is matched by the City and credited towards the Employees' Social Security benefits. Contact Human Resources or the local Social Security office for further details or if assistance is needed.

Please be advised that all payroll changes, including deductions, must be submitted in writing.

Deductions for Exempt Employees: Exempt Employees will receive their full salary for any workweek in which any work is performed. The only exceptions to this general policy may occur in the following situations, where deductions from an Employees' salary may be made:

- for full day absences for personal reasons, including vacation but excluding sickness or disability.
- for full day absences due to sickness or disability if an Employees' paid leave (including vacation, paid time off (PTO), or sick) balance has been exhausted:
 - to offset amounts an Employee may receive as jury or witness fees (but not for travel and parking), or for military pay;
 - for penalties imposed in good faith for infractions of safety rules of major significance;
 - for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (but not for performance or attendance problems);
 - during the initial and final week of employment (if the Employee works less than a full week);
 - for weeks in which an Employee takes unpaid leave under the Family and Medical Leave Act (if applicable).

In a workweek in which work is performed, an exempt Employees' pay will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness, or disability (although the City reserves the right to require the exempt Employee to use available paid leave to cover partial-day absences where permitted by law).
- an absence created by the City (e.g., if the office is closed on a scheduled workday) when the Employee is ready, willing, and able to work.
- for variations in an Employees' quality or quantity of work.
- partial workday or partial workweek absences for jury duty, or attendance as a witness.
- any other deductions prohibited by applicable law.

Improper deductions are a serious violation of the policies and are prohibited.

Payroll Complaint Procedure:

If an Employee believes this policy has been violated in any way, the Employee must immediately report such concerns to an appropriate member of the management team or the Human Resources Department. Any manager receiving such a complaint must immediately report the complaint to the Human Resources Department.

The Employees' complaint will be thoroughly investigated. Any Employee electing to use this complaint procedure will be treated courteously, and the complaint will be handled as quickly as possible.

The registering of a complaint under this policy or participation in such an investigation will not be used against the Employee in any capacity, nor will it have an adverse impact on the Employees'

employment. Retaliation will not be tolerated and must be reported to an appropriate member of the management team or the Human Resources Department.

In the event an improper deduction was made, the Employee will be promptly paid in full.

The City makes every effort to ensure Employees are paid correctly. Occasionally, however, unintentional errors happen. Mistakes brought to the attention of the City will be promptly corrected. Please review your pay stub upon receipt to ensure it is accurate and if you believe a mistake has been made you should report it. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to your supervisor, an appropriate member of the management team and/or the Human Resources Department. the City will promptly investigate and make corrections, as appropriate.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing and returning the appropriate forms to the Human Resources Department forms for communicating these changes.

D. POSITION CLASSIFICATION PLAN

The Human Resources is responsible for preparation and administration of a Position Classification Plan for all City positions. All positions are assigned an official classification title, a description of duties and minimum qualifications. Each new or revised position must be reviewed and approved by the Human Resources Director and the City Manager. All City positions are classified as either exempt or nonexempt from overtime compensation under the Fair Labor Standards Act (FLSA). Each job has an official job classification title which is used in all personnel matters, official records, payroll records and budgets.

E. COMPENSATION PLAN

The Human Resources Department is responsible for preparation and administration of a Compensation and Benefits Plan for all City employees. The Human Resources Department shall be responsible for conducting salary and benefits surveys for the City. Survey information gathered will be for the purpose of making recommendations to the City Manager and City Council on pay policies and benefit plan changes in order to keep the City's compensation and benefit plans current, equitable and competitive. Salary administration shall be as follows:

1. **Probationary Employees.** A new employee shall normally be compensated at the minimum rate of the approved salary range. At the end of the first six months of employment (one year for Police Officers), probationary employees will be eligible for a salary increase based on their performance.
2. **Salary Increases.** Each budget year the City Council may consider approval of a salary increase budget for the next fiscal year. If approved, the funds appropriated are utilized for increases according to an established salary increase matrix. Annual salary increases will normally become effective on January 1st.
3. **Reallocation to a Higher Pay Grade.** Reallocation is the reassignment of an entire class of positions to a new pay grade based on market data and/or the current duties and responsibilities of the class. Reallocation can be to either a lower or a higher pay grade. Reallocations are recommended by the Human Resources and approved and implemented

by the City Manager within budget limitations. If an employee's job is reallocated to a higher or lower pay grade, the employee will not be required to serve another probationary period. An employee shall normally be compensated at the minimum rate of the new range, unless that pay rate is less than the employee's current salary, in which case the employee's rate of pay will remain the same.

4. **Reclassification.** A reclassification is a reassignment of a position to a lower, higher, or different class (job title) based on current duties and responsibilities of the position. An employee whose position is reclassified upward does not automatically receive a pay increase unless an increase occurs to place the employee at the entry of the pay range of the new pay group. Downward reclassifications will not result in a decrease in pay unless the demotion was for disciplinary reasons. Reclassifications are recommended by Human Resources and approved and implemented by the City Manager within budget limitations.
5. **Lateral Transfers.** An employee who transfers laterally from one position to another position in the same pay grade shall continue to receive the same salary.
6. **Demotion.** An employee who is demoted from one position to another position having a lower pay grade shall be compensated at a rate within the lower pay grade as determined by the department director and the Human Resources with approval of the City Manager. All demotions require a reduction in salary unless otherwise approved by the City Manager.
7. **Maximum Rate of Pay.** An employee shall not be paid above the maximum rate established in the approved salary schedule. If salary ranges are adjusted, making an employee's pay higher than the maximum of the pay grade to which his or her job is assigned, the employee's pay will be "frozen" until such time as the pay schedule has been adjusted a sufficient number of times that the employee's pay once again falls within the pay range.
8. **Termination Pay.** Employees who terminate prior to completing the six (6) month probationary period are not eligible to receive vacation pay at termination. Terminated employees will be paid within six (6) calendar days.

A regular employee, who has completed the probationary period and has given the appropriate notice of resignation, will be paid for unused vacation leave, up to the limit established by these policies. Employees who are resigning from employment with the City will normally be paid on the next regularly scheduled payday. Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- ◆ The total work time and allowable vacation and compensatory leave time, if any, will be calculated as a total number of hours for which compensation is due. The employee's regular hourly rate is listed on the City's pay schedule.
- ◆ For employees who are subject to the overtime provisions of the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee's final pay period which have not been compensated through either of the time off methods described in the "**Overtime Worked**" section of these policies, will be paid in the

final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.

- ◆ Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight time payment for these hours is equivalent to time and one-half pay for the overtime hours actually worked.)

SECTION 6. ATTENDANCE, WORK SCHEDULE, TIME REPORTING, AND OVERTIME

A. HOURS WORKED

1. **Normal Working Hours.** Normal working hours for most City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the City Manager. A morning and an afternoon break of 15 minutes each will be available to each employee, but this time does not accumulate if not taken and may not be applied to any other absence, leave, or time off.
2. **Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for the City Manager to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work. The schedule of a workday may be adjusted to accommodate an employee's needs with the approval of the employee's supervisor. Flex-time arrangements for longer than one (1) month, however, must be formalized by memorandum to the department director and the Human Resources.

During the summer months, employees may work different hours, while still working five (5) days a week, eight (8) hours per day. This seasonal work schedule is changed at the discretion of the department directors, who confer with the City Manager before making the transition each year.

3. **Determination of Hours Worked and Compensation.** The City Manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

B. OFFICIAL WORK PERIOD

1. **Non-Police Employees' Official Work Period.** The official work period for most City employees is a seven-day period beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday.

The official work period for sworn police personnel is different in length from the above work period.

2. **Police Officer Work Periods and Work Schedules.** In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its police officers:

- ◆ The official work period consists of 14 days with each shift consisting of twelve work hours per day and approximately 15 minutes for shift briefing and shift relief for officers coming off-duty.

Each officer on each shift is given thirty (30) minutes for a meal during the shift. However, during the mealtime, the officers are required to remain in contact with the department. Thus, each officer works twelve hours and 15 minutes each workday resulting in a total of 86 scheduled working hours each 14-day work period.

- ◆ Each officer's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 86 working hours per 14-day work period; time and one-half overtime compensation will commence after the 86th hour worked in a 14-day period.
- ◆ If a police officer is required to work an extra full shift due to the absence of another officer who is on sick, vacation, or compensatory leave, the officer working the extra shift will receive time and one-half overtime compensation for the full shift. If a police officer is required to work only a partial shift to substitute for another officer who is on approved leave, he or she is paid time and one-half overtime for the total actual number of hours worked. The time-and-a-half overtime rate applies in both situations, either for pay or for accumulation of compensatory time off. However, if the employee has had unscheduled absences or time off for sickness, emergencies, or other personal reasons, the employee's additional hours worked will not be considered for overtime purposes unless the number of hours actually worked exceeds 86 for the 14-day work period. (Please see the provisions in the paragraph titled "Leave Taken and Overtime" for additional information.
- ◆ The Police Chief will notify affected employees at least once annually of the beginning and ending dates and times of the official 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods.

(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

C. OVERTIME WORKED

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

The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Manager. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays.

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

All non-exempt employees must receive their supervisor's and department director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, may not work through their lunch break and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor.

On the employee's timesheet, the appropriate supervisor must also approve any overtime before the timesheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for sworn peace officers, overtime pay for non-exempt employees is at the rate of 1 ½ times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:01 a.m. on Saturday and ends at midnight the following Friday.) Sworn police personnel are paid overtime based on the 14-day work cycle described earlier in this Section of the City's policies, using the Section 207(k) exemption under the Fair Labor Standards Act (FLSA).

2. **Leave Taken and Overtime.** Paid holidays are included as hours worked for purposes of determining eligibility for overtime pay. Vacation, sick leave, witness duty leave, bereavement leave, jury duty or any unscheduled leave of absence is not considered time worked for purposes of performing overtime calculations.
3. **Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and any accrued time should be used within 60 days of its accrual.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt

employee for any or all of the employee's accrued compensatory time. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

4. **Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective.

Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

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

6. **Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek (or 80 hours for sworn peace officers in a 14-day work period). Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources Director. It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Human Resources Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

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

Overtime is defined as hours worked in excess of the allowable **number** of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-police employees; and 80 hours per 14-day work period for sworn peace officers).

For most employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For sworn peace officers, overtime begins to accrue after the 80th hour worked during the 14-day work period.

Employees engaged in recreational or seasonal activities which do not operate for more than seven months in any calendar year, and which meet the other statutory prerequisites, are also exempted from

the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA. See the chapter of these policies under the main heading “**Categories of Employment**” for additional information on FLSA exemptions.

D. ON-CALL DUTY PAY

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

1. **Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) by arriving at the worksite within 30 minutes. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.
2. **On-Call Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. However, in recognition of the added commitment the employee is being asked to make when designated as “on call,” the City pays the on-call employee an additional \$75.00 per week for serving on-call.

In addition, the City pays on-call employees called back to the workplace at one and one-half (1 ½) their regular rate of pay for actual hours worked, as well as guaranteeing a minimum of two (2) hours’ pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off.

Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor is not considered call-back time and is paid at the employee’s regular rate of pay until overtime requirements are met.

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

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

3. **Employees Called in for Emergencies Who Are Not Designed as “On Call”.** Employees who may be asked to report to duty at any time due to an emergency situation are not considered to be on call. When such employees report for duty, they are paid for

time actually worked at their regular hourly wage unless the additional hours actually worked constitute overtime under the FLSA provisions explained earlier in this Section.

E. INCLEMENT WEATHER / EMERGENCY CLOSING

During normal operating hours, City offices DO NOT CLOSE during inclement weather conditions. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

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

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

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected, non-essential personnel who were scheduled to work during the time of closure will be granted paid “administrative leave” for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other types of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the department director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

In the event that weather conditions prohibit certain departments whose primary work location is outdoors, employees may be asked to perform other duties, attend training sessions or the supervisor may deem it necessary to send the employees home until conditions improve. Employees sent home due to adverse weather conditions will be paid at their regular pay rate but those hours will not count towards calculating overtime.

F. TIME REPORTING

Supervisors will keep records of all hours worked and time not worked. Forms for this purpose are provided by the City. Time records must be signed by the employee’s immediate supervisor and department head.

It is recommended that these forms be filled out after each day’s work in order to maintain an accurate and comprehensive record of the actual time worked.

Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the timesheets sent to the Human Resources Department and recorded on the individual department's records.

SECTION 7. BENEFITS

A. MEDICAL AND LIFE INSURANCE

Regular full-time employees of the city are eligible for group health benefits (general medical, hospitalization, prescription drug, dental, life and AD&D insurance benefits). The city pays 100 percent of the premiums for the employee for this coverage. The City also pays up to \$220.00 per month toward employee's dependent medical coverage and 100% of dependent dental coverage. The Human Resources Department provides current information concerning eligibility, coverage and cost. The city offers vision insurance benefits for employees and dependents on a voluntary basis. Employees may pay for vision insurance coverage through bi-weekly payroll deductions.

The nature and extent of insurance coverage is subject to change for medical, dental, life and AD&D insurance for new employees. Retirees from the City of Lago Vista are eligible to have their health insurance continued through the City's health insurance provider as long as the retiree pays the premiums for such health insurance. (*Legal Reference: Tex. Local Gov't Code §§ 175.001 et seq., as amended.*)

Upon employment, each regular full-time employee is given a benefits booklet containing detailed information about the City's insurance programs. See the provisions in these policies on **Continuation of Group Insurance** for information on continued coverage after certain status changes.

B. SOCIAL SECURITY

All employees of the City are covered by Social Security. The City also contributes to the Social Security System on behalf of each employee.

C. RETIREMENT

The City is a member of the Texas Municipal Retirement System (TMRS). Regular full-time employees and employees expected to work at least 1000 hours per year are required to become members of TMRS and are eligible for this benefit immediately upon employment. Members contribute six percent (6%) of their gross salary each month toward retirement. The City matches the employee's TMRS contributions on a 2 to 1 ratio.

The City has a five-year (5) vesting plan, and allows retirement at or after age 60 or at any age after 20 years of participation in the TMRS plan. Accidental death and disability benefits are also incorporated into this retirement plan should an employee become disabled prior to retirement.

Funds contributed by the employee may only be withdrawn upon retirement or resignation. Vested employees will receive the City's matching funds only when they are eligible for retirement and began receiving monthly retirement benefits.

More information is provided in the TMRS Handbook or on their website at www.tmr.com.

1. **Military Leave Buy-Back.** Employees who performed active-duty military service prior to employment with the City, are eligible to establish credit in TMRS for a maximum of 60 months of military service, if the employee has been employed by the City for ten (10) years, and has at least ten (10) years of creditable service in TMRS.

Employees who voluntarily leave employment with the City to enter into active-duty military service, and terminate their TMRS membership by withdrawing their deposits are eligible to establish credit in TMRS for a maximum of 60 months of military service provided the employee is re-employed by the City within 90 days of:

- ◆ Release or discharge from active duty; or
- ◆ Release from hospitalization continuing for not more than one year after discharge.

The credit received is only for the months of active-duty service performed (maximum of 60), has no monetary value, and is not included in the calculation of Updated Service Credits. More detailed information is provided in the TMRS Handbook.

2. **Updated Service Credits.** Employees who have current service credit or prior service credit in TMRS in force and effect on the first day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date have at least thirty-six (36) months of credited service with the System, shall be and are hereby allowed "updated service credits" as defined in subsection (d) of Section 853.402 of the TMRS Act. The updated service credit is one hundred percent (100%) of the "base updated service credit," calculated as provided in subsection (c) of Section 853.402 of the TMRS Act. Each updated service credit replaces any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service. More detailed information is provided in the TMRS Handbook

D. WORKERS' COMPENSATION

Employees of the City are covered by the workers compensation insurance program. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers compensation benefits is found in the sections of this manual under the main headings of **Workers' Compensation** and **Injury Leave**. (*Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.*)

E. UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program. This program provides payments for unemployed workers in certain circumstances. (*Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.*)

F. LEAVE TIME

Regular full-time City employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leaves and other types of released time are found in this manual under **Section 8 - Leave Time** and **Section 9 - Holidays**.

G. LONGEVITY PAY

Longevity pay is paid at the rate of \$25.00 for the first year of employment (regardless of the number of days employed) and an additional \$25.00 for every year thereafter. The maximum longevity pay is \$500 per year. Employees are eligible for longevity pay if they are full-time, active employees on the day the longevity payroll is published. In addition, the City pays the FICA and TMRS matching costs related to the longevity pay. Longevity pay is paid within the first two weeks of December each year.

H. CONTINUATION OF GROUP HEALTH INSURANCE (COBRA)

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation of coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources Department.

I. EDUCATION / PROFESSIONAL DEVELOPMENT

1. **General Policy.** The City encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the City.
2. **Required Attendance.** When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals and lodging.

When appropriate, the City may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the chapter of these policies **Travel/Expense Reimbursement**.

3. **Professional Memberships and Seminars**. Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

SECTION 8. LEAVE TIME

A. DEFINITIONS

1. **Leave Time**. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
2. **Excused Absences**. Excused absences are defined in this policy manual and approved by the employee's supervisor. Examples include paid sick leave, vacation, holidays, bereavement leave, administrative leave, work-related injury leave, and other types of approved time off. To be eligible for an excused absence, an employee must contact his/her supervisor no later than thirty (30) minutes after the employee's regularly scheduled starting time. The reasons for the absence and the date and the time the employee expects to return to work must be reported at this time. This thirty (30) minutes provision may be waived by the supervisor if there are extenuating circumstances.

B. APPROVAL OF LEAVE

In order to be considered an excused absence, any leave request must be authorized by the employee's immediate supervisor and approved by the appropriate department head. Employees should submit leave request forms at least seven (7) calendar days before the requested time off. Copies of signed leave forms are attached to the time sheets and sent to the payroll office for recording.

C. VACATION LEAVE

Temporary and part-time employees do not earn vacation leave.

1. **Vacation Leave Accrual**. All new employees are subject to a six (6) month probationary period during which time vacation leave will accrue but cannot be taken. Regular full-time employees earn vacation leave on the following basis:

Number of Years of Service	Number of Hours / Days of Vacation Leave	Hours Accrued Per Pay Period
End of 1 st 6 Months	40 Hours / 5 Days	3.08

End of 1 st Year – 5 Years	80 Hours / 10 Days	3.08
6 Years	88 Hours / 11 Days	3.39
7 Years	96 Hours / 12 Days	3.69
8 Years	104 Hours / 13 Days	4.00
9 Years	112 Hours / 14 Days	4.31
10 Years	120 Hours / 15 Days	4.62
11 Years	128 Hours / 16 Days	4.92
12 Years	136 Hours / 17 Days	5.23
13 Years	144 Hours / 18 Days	5.54
14 Years	152 Hours / 19 Days	5.85
15 Years	160 Hours / 20 Days	6.15

Vacation leave is accrued at a rate of 10 days per year of continuous employment through the fifth year of employment. One additional day per year accrues beginning with the sixth year and ending with a maximum of 20 days the fifteenth year. (Example: 6 years = 11 days per year, 7 years = 12 days per year, etc.)

2. **Use of Vacation Leave.** Vacation leave usage shall be scheduled with the employee's supervisor as far in advance as possible. Use of vacation leave will be at the convenience of the employee whenever possible. However, use of vacation leave should not interfere with normal functioning of City operations. Vacation leave may be taken in increments of one-half day or more.
3. **Sickness during Vacation Leave.** Employees who become ill during their vacation should notify their supervisor so that the time they are ill may be counted as sick leave. At the discretion of the supervisor, medical proof of illness may be required.
4. **Payment upon Termination.** Upon termination, all regular employees who resign or are terminated after completing the full six (6) month probationary period will be compensated for unused vacation leave, up to a maximum of thirty (30) days (240 hours). Employees who leave City employment before completing six (6) months of service shall not be entitled to vacation pay. Payment will be based on the employee's salary at the time of termination. Employee's who leave employment without providing at least a two (2) week written notice will forfeit accumulated vacation leave.
5. **Holidays during Vacation.** City holidays that occur during an employee's vacation will not be charged to vacation time.
6. **Payment upon Death.** Payment for the employee's accrued vacation leave will be paid to the employee's estate.

7. **Restrictions.** An employee shall not be granted vacation leave in excess of accumulated leave. Employees may not elect to receive pay in lieu of vacation leave. Vacation leave is not transferable to another employee. Employees shall be allowed to retain their vacation leave credits if they are reassigned, promoted, or demoted. Employees do not accumulate vacation leave while on leave of absence.

D. SICK LEAVE

Sick leave is a benefit provided to regular City employees to be used when an employee or a member of the employee's immediate family is unable to work due to illness, physical incapacity, doctor and dental visits. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and/or resides with the employee.) Abuse of this sick leave benefit will not be tolerated. Employees who willfully use sick leave for purposes other than those intended by these policies shall be subject to discipline. All regular full time employees of the City are entitled to accumulate paid sick leave credit according to the following rules:

1. **Sick Leave Accrual.** All regular full-time employees accrue sick leave at the rate of twelve (12) days per year (or eight (8) hours per month), with accrual allowed to continue without limit.
2. **Use of Sick Leave.** Sick leave may be taken in hourly increments; however, sick leave must be accrued before it is used. The following rules govern the use of sick leave:
 - ◆ Sick leave will accumulate and may be used during the probationary period; however, sick leave may not be used in advance of its being earned.
 - ◆ Employees may use sick leave for illness of a dependent family member. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and/or resides with the employee.)
 - ◆ Sick leave may be used, if approved by the City Manager, as additional Bereavement Leave (See paragraph on Bereavement Leave.)
 - ◆ After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used in lieu of sick leave. When absence due to illness exceeds the amount of paid leave earned, authorized pay to the employee shall be discontinued until the employee returns to work.
 - ◆ To receive paid sick leave, an employee must communicate with his/her immediate supervisor or the supervisor's authorized representative, before or within one (1) hour of the time set for beginning work unless a justifiable excuse is presented regarding an emergency situation.
 - ◆ Supervisors and department directors may require satisfactory proof of illness according to these policies (for either the employee or the employee's dependent family member) if there are three (3) or more consecutive days of absence. (See paragraph relating to "Unexcused Absences.") If there is a question of an employee's fitness to continue in his/her present position, an employee may be required to undergo a physical examination by a physician designated by the City at the City's expense.
 - ◆ Employees shall not earn sick leave while on a leave of absence.

3. **Light Duty.** An arrangement mutually acceptable to both the employee and supervisor may be made to allow an employee to return to work when regular duty is not possible. Light duty must be approved by the department director and the Human Resources Director on a case-by-case basis. A physician must specify what will constitute light duty.
4. **Payment for Sick Leave at Termination.** The following is the policy for employees who started employment before July 1, 2016:
 - ♦ The number of sick days that an employee will be paid at time of termination is fifty percent (50%) of the employee's accumulated leave balance. The maximum sick leave payment an employee will receive at termination is ninety (90) days/720 hours).

Any employee employed by the City after July 1, 2016, will not be eligible for paid accrued sick leave at termination.

E. CIVIL LEAVE

The City provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise, a nonexempt employee's time off to testify will be considered a leave without pay. (*Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.*)

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

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

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

F. VOTING LEAVES

Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during working hours.

Upon ten (10) days' notice to the supervisor, employees may be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, or leave without pay for the period of time missed.

G. FAMILY AND MEDICAL LEAVE (FMLA)

In accordance with the Family and Medical Leave Act (FMLA), the City allows eligible employees to take unpaid leave for certain specified reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave. Covered Employers must grant such leave and usually protect an employees' position (or its equivalent in pay and other benefits) upon timely return from leave. Employees should contact Human Resources to determine whether you may be eligible for leave under this policy.

Eligibility

To be eligible for FMLA leave, you must:

1. Have worked at least 12 months for the City in the preceding seven years (limited exceptions apply to the seven-year requirement);
2. Have worked at least 1,250 hours for the City during the preceding 12 months; AND
3. Currently work at a location where there are at least 50 employees within 75 miles.

Conditions Triggering Leave

FMLA leave may be taken for the following reasons:

1. The birth of a child, or to care for a newly born child (up to 12 weeks);
2. Placement of a child with the employee for adoption or foster care (up to 12 weeks);
3. To care for a qualifying family member (spouse, child, or parent) with a serious health condition (up to 12 weeks);
4. Because of the employees' own serious health condition that makes the employee unable to perform his/her job (up to 12 weeks);
5. To care for a covered service-member with a serious injury or illness related to certain types of military service (up to 26 weeks); or,
6. To handle certain qualifying exigencies arising out of the fact that the employees' spouse, son, daughter, or parent is on duty under a call or order to active duty in the Uniformed Services (up to 12 weeks).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception of leave to care for a covered service-member with a serious injury or illness related to certain types of military service. For such leave, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

Definitions

A “*serious health condition*” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three (3) full calendar days and two visits to a health care provider or on visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

A “*covered service-member*” is a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

- The term “*serious injury or illness*” means an injury or illness incurred by the covered service-member in the line of duty while on active duty in the Armed Forces that may render the service-member medically unfit to perform the duties of the service-member’s office, grade, rank, rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumes veteran status.
- “*Qualifying exigencies*” include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

Identifying the 12-Month Period

The City measures the 12-month period utilizing a “rolling” 12-month period for counting family and medical leave, counting backward from the first day FMLA leave is taken. FMLA leave generally ends 12 months after that first date of leave. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

For leave to care for a covered service-member, the City calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service-member and ends 12 months after that date.

Using FMLA Leave

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or qualifying family member, or in the case of a covered service-member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for the birth of a child, to care for a newly born child or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the City's operations.

Use of Accrued Paid Leave

The City requires you to use accrued paid leave (such as sick leave, vacation, personal days, or other paid time off), concurrently with your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the City's normal procedures for the applicable paid leave policy (e.g., call-in procedures, advance notice, etc.).

An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, the family and medical leave will run concurrently with any paid leave.

An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave.

An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave.

If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave.

The City may count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

Notice and Medical Certification

When seeking FMLA leave, employees are required to provide:

1. Sufficient information for the City to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include notification you are unable to perform job functions, a family

member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified;

2. If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave; if the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances;
3. Medical certification supporting the need for leave due to a serious health condition affecting you or a qualifying family member within 15 calendar days of the City's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, the City may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with the City's standard leave of absence and attendance policies, subjecting you to discipline up to and including termination of employment. Second or third medical opinions and periodic re-certifications may also be required;
4. Period check-ins during leave and require employees on an extended FMLA leave must check in at least once each week by phone or email during their absence with Human Resources or their supervisor; and
5. Medical release before returning to work if the leave was due to your serious health condition. The City will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with these requirements may result in delay or denial of leave, or disciplinary action, up to and including termination of employment.

Supervisor Responsibilities

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

City Responsibilities

To the extent required by law, the City will inform employees whether they are eligible under the FMLA upon inquiry or applicability of the FMLA. Should an employee be eligible for FMLA leave, the City will provide them with a notice that specifies any additional information required, as well as the employees' rights and responsibilities. If an employee is not eligible, the City will provide a reason for the ineligibility. The City will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave anticipated to

be counted against the employees' leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

Job Restoration

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Exemption for Key employees

Certain "Key employees" may not be returned to their former or equivalent position following leave if doing so would cause substantial economic injury to the City. Key employees are salaried and among the highest paid 10% of all employees at a worksite or within 75 miles of that worksite. The City will notify you if you qualify as a "key employee," if the City intends to deny reinstatement and/or other rights.

Effect on Married Couples

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

Continuation of Insurance Benefits

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

Holidays

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

TMRS

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility

to initiate such an arrangement by timely contacting Human Resources and completing the necessary paperwork.

Recordkeeping

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

Failure to Return After FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), may be subject to the City's standard leave of absence and attendance policies. This may result in termination of employment if you have no other Company-provided or legally mandated leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the City's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

Other Employment

The City generally prohibits employees from holding outside employment that violates the Employment Outside Work policy. This policy remains in force during all leaves of absence including FMLA leave, and a violation may result in disciplinary action up to and including termination of employment.

Worksite Employers' Compliance with FMLA and employees' Enforcement Rights

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or terminate or discriminate against any person for opposing any practice made lawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the City encourages employees to bring any concerns or complaints about compliance with FMLA to its attention, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer. Further, FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Limited Nature of this Policy

This policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The City reserves the right to modify

this or any other policy as necessary, in its sole discretion, to the extent permitted by law. State or local leave laws may also apply.

For further information concerning FMLA leave, including whether you and the City are covered by the FMLA and whether you are eligible for such leave, please contact Human Resources.

H. MILITARY LEAVE

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

1. **Notice to City of Need for Leave.** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Request for Leave Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave Request Form must be turned into the Human Resources as far in advance of the leave as possible.
2. **Paid and Unpaid Leave for Training and Duty.**
 - ◆ **Full Pay For Up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour workweek during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.
 - ◆ **Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, may use any other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover their absence from work.
 - ◆ **Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.
 - ◆ **Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

- ◆ **Medical and Dental.** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.
- ◆ **Return to Employment.** Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
- ◆ **Other Benefits.** While on *paid* military leave, employees continue to accrue vacation, sick leave, and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
- ◆ **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.
- ◆ **Returning from Leave.**
 - ✓ **Return to Work:** A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the *Texas Local Government Code* before being reinstated.
 - ✓ **Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of less than 31 days, employees have eight (8) hours following their release from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.
- ✓ These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.
- ◆ **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

I. ADMINISTRATIVE LEAVE

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department directors, in consultation with Human Resources, may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to Human Resources for proper payroll processing.

J. OTHER LEAVES OF ABSENCE WITHOUT PAY

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the City's Leave Request Form. Department directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, the American with Disabilities Act as Amended and the Family Medical Leave Act (FMLA). An LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

1. **Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing an LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing an LOA.

2. **Criteria.** Factors considered by the City in granting an LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.
3. **Reasons for LOA.** An LOA may be considered in the following circumstances:
 - ◆ Recovery from extended illness, injury or temporary disability.
 - ◆ Extended care for immediate family members.
 - ◆ Educational purposes when successful completion will contribute to the work of the City.
 - ◆ Public service assignment.
4. **Documentation.** Requests for LOA without pay must be made in writing to the employee's department director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to Human Resources. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity.

Any employee on LOA without pay must contact Human Resources weekly to report on the employee's condition or status. Before returning to work from a medical LOA, the employee must submit a letter from the doctor stating that the employee is able to resume normal job duties. The City may also impose additional return to work requirements.
5. **Other Employment during Leave.** Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the department director and Human Resources.
6. **Reinstatement.** Employees returning from an LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.
7. **Benefits/Premium Payments.** All LOA's are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during an LOA must be approved in advance by Human Resources and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of an LOA. Employees who have group health or any other kind of insurance

through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums during an LOA may result in cancellation of coverage.

8. **Revocation.** The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

K. WORKERS COMPENSATION INSURANCE AND LEAVE

Every injury, no matter how minor, must be reported to the Human Resources within 24 hours of occurrence by the injured employee's supervisor.

Workers Compensation benefits are provided, as required by law, for injuries or illness arising out of job-related duties, and is free to Employees.

1. **Police Personnel.** Police personnel will be compensated according to State law for injuries occurring in the course of employment.
2. **All Other City Employees.** All other employees will adhere to the following policy upon incurring an on-the-job injury:
 - ♦ **First Seven (7) Days.** The City will pay the employee's full salary for the first seven (7) calendar days, whether that employee is a regular employee, still in the probationary period, full-time, or temporary
 - ♦ **After First Seven (7) Days.** If the employee must be absent from work for more than seven (7) calendar days, Worker's Compensation will pay either 66 2/3% of the employee's full salary, or a set amount (whichever is less). The City will provide the difference between the employee's regular pay and the Worker's Compensation payment. The combined total of the City paycheck and the Worker's Compensation check shall not exceed the employee's regular salary.
 - ♦ **Time Limit.** The time limit for use of injury leave is five (5) months, with the count beginning on the first day the employee is off work. At the end of five (5) months, the employee will either receive Workers' Compensation checks only, or he/she will begin to use accrued sick or vacation leave. No exceptions to this policy will occur.
 - ♦ **Modified Duty.** If modified duty can be arranged by the supervisor, the employee shall return to work on a modified duty status with no loss in pay. The doctor is to determine what modified duty entails as far as activity. As soon as the doctor rules that the employee is able to return to full duty, he/she will be taken off modified duty and placed back on his/her regular tasks.
 - ♦ **Return to Work.** If at any point information is obtained that the employee is able to return to work but not willing to do so, the Human Resources will report this

information to the Worker's Compensation insurance carrier and the carrier will investigate the matter. Refusal to return to work could result in the loss of Worker's Compensation benefits and the possibility of termination.

- ◆ **Benefits.** Employees accrue vacation, sick and holiday leave while on injury leave.

For information on eligibility and injury reporting procedures for bona fide, on-the-job, work-related injuries, please see the section in this manual under the main heading **Worker's Compensation**.

L. USING LEAVE IN COMBINATION

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if the employee has accrued vacation leave available, and then on compensatory leave if the employee has that leave available.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee.

SECTION 9. HOLIDAYS

M. LIST OF HOLIDAYS

The following is a list of approved holidays:

Holiday	Date(s)
New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday In November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Employee Option Day	Employee/Supervisor Discretion

1. Rules Governing Holidays

- ◆ If the holiday occurs on Saturday, it will be observed on the preceding Friday. If the holiday occurs on Sunday, it will be observed the following Monday. The Mayor, upon approval by the City Council, may issue a proclamation declaring any day a holiday.
- ◆ Full-time regular employees will receive holidays off with pay. If a full-time regular, non-exempt employee is required to work on a holiday, that employee will be paid their regular hourly rate and will accrue a leave day to be taken in the future. Any accrued holiday leave will be paid upon termination.
- ◆ Part-time employees who regularly work at least 25 hours weekly may be granted reduced holiday benefits. Temporary employees are not eligible for paid holidays.
- ◆ An employee who is absent without leave on the day immediately preceding or following a City holiday shall not be paid for the holiday.

- ◆ City employees accrue an Employee Option Day after the employee completes six (6) months of satisfactory performance. Police officers accrue an Employee Option Day after the officer completes one (1) year of satisfactory performance.
- ◆ If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.
- ◆ This section applies to employees who work on shifts other than Monday through Friday. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will (1) be provided with an alternate day off on what would otherwise have been a regular workday for the employee, or (2) be paid his or her regular salary amount for the pay period involved, plus eight additional hours for the holiday.

SECTION 10. WORKERS' COMPENSATION

A. ELIGIBILITY FOR WORKER'S COMPENSATION

1. **Purpose.** Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers compensation insurance.
2. **Eligibility.** Employees injured on the job are generally eligible for workers compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, as well as possible partial salary continuation.
3. **Not Covered.** Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers compensation plan.

B. ACCIDENT AND INJURY REPORTING PROCEDURES

1. **Medical Attention.** When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from an approved provider list as provided by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance.
2. **Reporting and Documentation.** The employee's supervisor is responsible for notifying Human Resources and the employee's department head immediately upon being made

aware of an employee's involvement in an accident or injury. This timely notification is critical.

3. **Investigation.** The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report and any other related information to Human Resources no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.
4. **Report Suspicious Circumstances.** If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers compensation will be made by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance and not by the City.
5. **Employee Reporting Requirements.** If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work and to report to Human Resources each Friday. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to Human Resources and to the employee's supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.
6. **Returning to Work.** The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.
7. **Approval of Modified Duty Assignments.** All modified duty assignments must be approved by Human Resources to ensure compliance with the City's policies, the physician's restrictions/release, and with the Americans with Disabilities Act as Amended (ADAAA).
8. **Maximum Time Limits.** The City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a

reasonable time period if holding the position does not result in undue hardship on the City. Twelve (12) weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's workers compensation leave.

9. **Consideration of Reasonable Accommodations.** Human Resources will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled, and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

SECTION 11. DRUG AND ALCOHOL USE POLICY

A. DRUG-FREE AND ALCOHOL-FREE WORKPLACE

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

B. PROHIBITION AGAINST ALCOHOL AND ILLEGAL AND UNAUTHORIZED DRUGS

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

C. PROHIBITION AGAINST ILLEGAL AND UNAUTHORIZED DRUG-RELATED PARAPHERNALIA

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

D. PERMISSIVE USE OF PRESCRIBED AND OVER-THE-COUNTER DRUGS

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

E. POLICE DEPARTMENT EMPLOYEES

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

F. MANDATORY DISCLOSURE BY EMPLOYEES

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

G. ON-CALL EMPLOYEES

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

H. MANDATORY REPORTING OF ARRESTS AND CONVICTIONS

Employees must notify their immediate supervisor and the department director, in writing, of any alcohol or drug-related arrest and/or conviction (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace as soon as possible or no later than twenty-four (24) hours after the arrest and/or conviction.

I. OFF-DUTY CONDUCT

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use, or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

J. REHABILITATION/TREATMENT.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include:
 - ◆ The length of the employee's employment with the City;
 - ◆ The employee's prior work and disciplinary history;
 - ◆ The employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program;
 - ◆ The reputation of the program and the likelihood of a successful outcome;
 - ◆ The employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace;
 - ◆ The resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee

must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - ◆ Initial negative test for drugs and/or alcohol before returning to work;
 - ◆ A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - ◆ Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - ◆ In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
 - ◆ The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by Human Resources. The employee must meet with Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

K. POLICY VIOLATIONS

Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Human Resources to receive assistance or referrals to appropriate resources in the community.

L. TESTING

1. **Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure. City employees are subject to five types of testing: pre-employment (applicants), post-accident (all employees), random (employees in safety-sensitive positions), reasonable suspicion (all employees), and return to duty (specific employees).
2. **Testing of Applicants.** All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of

employment or future employment with the City.

3. Testing of Employees.

- ◆ Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.
- ◆ Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- ◆ For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
- ◆ Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
- ◆ Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
- ◆ A positive test result is a violation of the City’s Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.
- ◆ The City has additional obligations when testing for controlled substances and alcohol for those employees who are licensed to drive commercial City vehicles regulated by the U.S. Department of Transportation. Please see the City’s Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures.

- ◆ All testing must normally be authorized in advance by both the employee’s department director and Human Resources. If the department director is unavailable within a reasonable period of time, Human Resources may, with sole discretion, authorize the testing of an employee. If Human Resources is unavailable within a reasonable period of time, the department director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led the supervisor to

suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

- ◆ If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- ◆ All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. Positive test results may be subject to confirmation testing.
- ◆ Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

M. SEARCHES

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

All searches must be authorized and conducted under the direction of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

SECTION 12. DRUG AND ALCOHOL POLICY FOR EMPLOYEES UNDER DOT REQUIREMENTS

A. EMPLOYEES / APPLICANTS SUBJECT TO TESTING.

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the

U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

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

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. City positions currently subject to the testing provisions of this policy are all drivers with Class A, Class B or Class C CDL's. The positions may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

B. PROHIBITED ALCOHOL USE.

1. **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
 - ◆ While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
 - ◆ While using alcohol; or
 - ◆ Within 4 hours after using alcohol.
2. **Use Following an Accident.** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

C. PROHIBITED DRUG USE

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

D. REQUIRED ALCOHOL AND DRUG TESTS

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

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

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

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

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

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

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

- ◆ **Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions.

If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test, and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to Human Resources.

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

- ✓ An alcohol test measures the employee's alcohol concentration at less than 0.02; or
 - ✓ 24 hours have elapsed since the reasonable suspicion observation was made.
- ◆ **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to Human Resources.

4. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year.

Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. **Return-to-duty and follow-up testing.** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing.

When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy, and it is the policy of the City not to do so.

Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

E. REFUSAL TO TEST

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

F. ADDITIONAL INFORMATION ABOUT ALCOHOL TESTING.

1. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
2. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

G. ADDITIONAL INFORMATION ABOUT DRUG TESTING.

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

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

4. **Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
5. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

H. CONFIDENTIALITY

Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer (MRO). Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers compensation and unemployment proceedings.)

All test results will be kept in a confidential file by Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

I. INFORMATION FROM PRIOR EMPLOYERS

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment.

The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three (3) years. The City will also ask if the person has tested positive, or refused to test, on

any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two (2) years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

J. NOTIFICATION TO APPLICANTS/EMPLOYEES OF POSITIVE TEST RESULTS

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

K. EMPLOYEE ADMISSION OF DRUG/ALCOHOL USE

An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty.

The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy.

A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

L. SAFETY SENSITIVE FUNCTIONS

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

1. All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
2. All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
3. All time spent at the driving controls of a CMV in operation;

4. All time, other than driving time, in or upon any CMV;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

M. TRANSPORTATION TO TESTING SITE

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

N. QUESTIONS

Anyone with questions regarding this policy should contact Human Resources.

SECTION 13. PERFORMANCE APPRAISALS

A. PURPOSES OF PERFORMANCE APPRAISAL SYSTEM

The City uses a thorough performance appraisal system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance appraisal system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance appraisal system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

B. SCHEDULE

1. Regular full time and part time employees are eligible for:
 - ◆ A performance review after six (6) months of their initial probationary period, except for new Police Officers, who serve a twelve (12) month probationary period; and
 - ◆ Annual performance appraisal in December of each year.
 - ◆ Newly transferred or promoted employees who are serving their initial probationary period may also receive periodic evaluations during their probationary period.
 - ◆ Department directors are not governed by the above schedule; the City Manager's office establishes a performance appraisal system for director-level positions.

C. PERFORMANCE APPRAISAL PROCESS

1. **Written Appraisals.** All performance appraisal information must be written where required and forwarded to Human Resources for retention in the employee's official personnel file. An appraisal is considered complete at the time the employee signs and dates the appraisal document, or the supervisor and/or department director has a witness acknowledge the employee's refusal to sign the appraisal document.
2. **Clear Communication.** Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed. Each employee will sign and date a copy of the performance appraisal when it is reviewed with him, or her and the supervisor will forward a copy to Human Resources for filing in the employee's official personnel file and provide the employee a copy.
3. **Reviewers Properly Trained.** Department directors are expected to ensure compliance with this policy and ensure that supervisors and managers under their direction are adequately trained in the performance appraisal process. In order to correct any obvious errors or rating bias, department directors and/or mid-level managers are encouraged to review all performance appraisal documents for validity prior to the department supervisor conducting the performance appraisal meeting with the affected employee.
4. **Human Resources Responsibilities.** Human Resources will review all appraisal documents for obvious errors and return them to the department directors for any clarifications or procedural corrections. Human Resources is responsible for maintaining original appraisal documents in the City's official personnel files and for timely processing appraisals for any compensation due.
5. **Employee Responsibilities.** Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance appraisal with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the department director; if the department director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

D. PERFORMANCE APPRAISAL APPEALS

Employees have the right to present an appeal concerning their performance appraisal. The performance appraisal appeal will follow the grievance procedure guidelines (See the Section on **Grievances**), through the City Manager level. The City Manager's decision is final.

SECTION 14. EMPLOYEE CONDUCT & WORK RULES / DISCIPLINARY ACTION

A. PURPOSE

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

B. PROGRESSIVE DISCIPLINE

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

- ◆ oral warning
- ◆ letter of counseling
- ◆ written reprimand
- ◆ probation
- ◆ suspension (without pay)
- ◆ demotion
- ◆ Performance Improvement Plans
- ◆ discharge

C. DOCUMENTATION

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. Even an oral warning should be noted in writing by the supervisor or director issuing the oral warning; the employee should be asked to acknowledge the oral warning, and the note, signed by the employee and the person conducting the oral warning, should be sent to the employee's personnel file.

Any written disciplinary action should set forth:

1. Examples of conduct, incidents, actions, or failures to act, that resulted in the discipline;
2. The discipline to be imposed,
3. The effective dates, and
4. If the action is not a dismissal, the likely effect if the employee continues to perform, or to fail to perform, in the manner that resulted in the disciplinary action.

In the event an employee is to be discharged, the supervisor, prior to taking the action, shall forward a copy of the documentation to Human Resources for review, who shall forward a copy of the proposed dismissal to the City Manager. The supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

D. SUPERVISORY RESPONSIBILITY

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their

subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; and discipline their subordinates as required under their departmental and/or City policies and procedures. Employees with supervisory responsibilities shall also address performance appeals submitted to them, as provided by policy, in a professional manner. The intent of these policies is to attempt to resolve such issues at the lowest possible supervisory level.

E. REVIEW BY HUMAN RESOURCES MANAGER AND APPROVAL BY CITY MANAGER

Any proposed disciplinary action in excess of an oral warning must be reviewed by Human Resources prior to being given to the employee. This applies to both employees serving the initial probationary period and regular employees that have completed the initial probationary period.

Disciplinary actions, other than oral or written warnings, require the advance approval of Human Resources unless an emergency situation exists. Any written notice of disciplinary action will be included in the employee's personnel file.

F. APPEAL RIGHTS

Where a disciplinary action involves a suspension of one (1) day (or one (1) shift) or more, demotion, and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. However, positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial probationary period have no right of appeal for disciplinary action taken against them.

G. PROHIBITED ACTIVITIES

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

- ◆ Theft or inappropriate removal or use of City property or other property not belonging to the employee;
- ◆ Falsification of timekeeping or other records, including employment application;
- ◆ Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs;
- ◆ Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment;
- ◆ Violation of City's policy regarding sexual or other unlawful harassment;

- ◆ Interfering with work schedules or another employee's ability to work;
- ◆ Misuse of City telephones, computers, mail systems, internet, etc.;
- ◆ Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval;
- ◆ Breaks in excess of the allotted time allowed;
- ◆ Violation of smoking/tobacco policy;
- ◆ Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
- ◆ Profanity, abusive language, or racial slurs;
- ◆ Unauthorized disclosure of confidential information;
- ◆ Violation of any provision of the City Charter;
- ◆ Violation of City or departmental policies, codes of conduct, rules and procedures;
- ◆ Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- ◆ Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- ◆ Unsatisfactory performance or conduct;
- ◆ Inefficiency, incompetence, or neglect of duty;
- ◆ Fighting, provoking or instigating a fight, or threatening violence;
- ◆ Disruptive activity in the workplace;
- ◆ Engaging in a work stoppage;
- ◆ Conduct which results in waste or damage of a co-workers, the City's, or citizen-owned property;
- ◆ Insubordination or other disrespectful or unprofessional conduct;
- ◆ Discourteous treatment of the public;
- ◆ Possession of weapons on City time, City premises, or while on City business (except for licensed police officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle);
- ◆ Violation of local, state or federal law;
- ◆ Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime;
- ◆ Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- ◆ Outside employment that conflicts with, or potentially conflicts with, City interests;

- ◆ Acceptance of payment of any kind for activities related to City employment;
- ◆ Failure or refusal to follow lawful orders;
- ◆ Sleeping on the job;
- ◆ Dishonesty, including misrepresentation during the hiring process; or
- ◆ An accumulation of minor infractions.

H. DISCIPLINARY MEETING

A disciplinary meeting will be scheduled prior to the imposition of a suspension of one (1) day (or one (1) shift) or more, demotion, or termination. The department director, the affected employee, (the meeting may also include a representative from Human Resources) attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

I. ADMINISTRATIVE LEAVE

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

J. ADDITIONAL INFORMATION

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Separations**.

SECTION 15. SEPARATIONS

A. TYPES OF SEPARATIONS

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

1. **Resignation.** An employee who intends to resign is expected to notify the supervisor and/or Human Resources in writing at least (2) two weeks prior to the last day of work. Department Managers are expected to notify the City Manager and Human Resources at least thirty (30) days in advance. Employees who fail to give the required advance notice are typically not eligible for rehire.
2. **Retirement.** An employee who intends to retire is requested to notify the department director, supervisor, and Human Resources, in writing at least one month prior to the date of retirement. The Texas Municipal Retirement System (TMRS) application for retirement

must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

- ◆ **Retiree Health Coverage.** An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS is entitled to purchase continued health benefits coverage for the retiree and eligible dependents unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must inform Human Resources before the date of retirement.

An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents that were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage.

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

Dismissal may also occur for the following:

- ◆ **Job Abandonment.** If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three (3) or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.
- ◆ **Long-Term Absence.** Leave of absence beyond 180 days may be granted if it is a reasonable accommodation justified by medical necessity.
 - ✓ This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the Amendments to the Americans with Disabilities Act.
- ◆ **Incapacity.** An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirements of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation and sick leave benefits if provided by policy, payable upon termination.
- ◆ **Reductions-in-Force/Reorganization.** An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the elimination of the position, other material change in the duties of the organization, or for other reasons which are outside the employee's control, and which do not reflect discredit upon the service of the employee.

When reductions in force are necessary, decisions on individual separations will be made after considering:

- ✓ The relative necessity of each position to the organization,
- ✓ The performance record of each employee,
- ✓ Qualifications of the employee for remaining positions with the city, and
- ✓ The employee's length of service with the city.

Employees who have been laid off may reapply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the city for 12 continuous months is dismissed as a result of a reduction in force, he or she will be given a minimum of two (2) weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department director will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

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

Separation Agreements/Severance Agreements. At the City's sole discretion, an employee may be offered a Separation Agreement or a Severance Agreement relating to the employee's termination of employment. All Separation Agreements or Severance Agreements offered to department heads whose termination or removal requires City Council approval as stipulated in the City Charter, regardless of the financial terms or dollar amount, shall require prior approval by the City Council. **Procedure for Approval:**

1. The City Manager shall present all proposed department head separation agreements to the City Council for review and approval during a duly noticed public meeting.
2. The presentation shall include all relevant details of the agreement, including but not limited to the reasons for the separation, the financial terms, and any other pertinent information. Portions of the presentation may be made in closed session of the Council, as permitted by law.

B. EXIT INTERVIEWS

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Human Resources shall complete an Exit Interview Form, and the supervisor also completes a form.

Exit interviews are conducted confidentially by Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The department director (or designee) is responsible for promptly

notifying Human Resources of all separations, arranging for the exit interview, and providing documentation of receipt of all departmental and/or City property from the exiting employee.

SECTION 16. GRIEVANCES

A. POLICY

It is the policy of the City, insofar as possible, to prevent the occurrence of grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

The Texas Whistle Blower Act provides that the City may not suspend or terminate the employment of, or otherwise discriminate against, a City employee who reports a violation of law to an appropriate law enforcement authority, if the employee report is made in good faith.

An employee may file a grievance regarding their wages, hours, or conditions of employment, including but not limited to one or more of the following grounds:

- ◆ Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- ◆ Unfair treatment;
- ◆ Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- ◆ Improper application of fringe benefits; or
- ◆ Improper or unsafe working conditions.

The City follows a grievance procedure which ensures a uniform process in the City's consideration of work-related grievances. Elements of the process include the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

B. FINAL AUTHORITY

Grievances can be appealed through the employee's supervisor to the City Manager whose decision is final.

C. PROCEDURE

The following procedures are applicable to regular employees.

1. **Informal Grievances**. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.
2. **Formal Grievances**. Formal grievances must be in writing on a form provided by the Human Resources Department, signed by the employee, and presented to the employee's

supervisor within ten (10) City working days after the event(s) forming the basis of the grievance allegedly occurred or were reasonably discovered by the grievant. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by a representative of their choice, including another City employee.

After being presented with a written and signed grievance by the Human Resources Director, the employee's supervisor shall:

- ◆ Schedule and conduct a meeting with the employee and their representative (if any) within ten (10) City working days of receipt of the written grievance to allow the employee to present their grievance, including submission of written materials that the employee deems relevant to the resolution of the grievance;
- ◆ Communicate a written decision on the grievance to the employee within fifteen (15) City working days after receipt of the grievance, sending a copy of the proposed resolution to the employee's file in the Human Resources Department, to the City Manager, as well as the department head.

Written Appeal. If no meeting is scheduled and held as required above, or if an employee receives no written resolution from the supervisor within fifteen (15) working days from the date on which the grievance meeting was held, or if the employee is not satisfied with the proposed written resolution from the supervisor, the employee may file a written appeal with the department director within ten (10) City working days after receipt of the written decision, or the time period for the receipt of a proposed resolution has elapsed.

The department director will review the file materials; consult with the Human Resources Director; and schedule a meeting with the parties involved no later than five (5) working days after receipt of the grievance appeal. Following the meeting, the department director shall respond in writing to the employee within ten (10) working days of the date on which the appeal was received in the department director's office, sending a copy to Human Resources and the City Manager.

Next Level Written Appeal. If the employee receives no written resolution from the department head within ten (10) working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee may file a written appeal with the City Manager within ten (10) working days.

The City Manager shall review the file materials; consult with the Human Resources Director; and schedule a meeting with the parties involved no later than five (5) working days after receipt of the grievance appeal. Following the meeting, the City Manager shall respond in writing to the employee within ten (10) working days of the date on which the appeal was received in the City Manager's office, sending a copy to Human Resources.

The decision of the City Manager is final and cannot be appealed further within the City.

3. **Maximum Time Periods.** At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible.
4. **Documentation.** Copies of all documentation relating to the grievance will be forwarded to Human Resources Director immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.
5. **Grievances Relating to Sexual or Other Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex (including sexual or other harassment), national origin, age, or disability.
 - ◆ The initial written grievance may, at the employee's option, be submitted directly to Human Resources immediately.
 - ◆ If the grievant alleges discrimination or sexual or other harassment by the City Manager, the employee may file the grievance directly with Human Resources or with the City Attorney. Such grievances shall also be filed within 10 working days of the alleged discriminatory act. In such instances, to allow adequate time for proper investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.
 - ◆ In all instances of alleged discrimination or sexual or other harassment, the City Attorney will be consulted before a written resolution is provided to the grievant.
6. **Grievances against the City Manager.** If an employee files a grievance complaining of the actions of the City Manager, the employee should bypass the Work-Related Problems procedure and submit the written grievance form to the City Attorney directly to initiate the process. Such grievances will be resolved by the City Council using a process as similar to the standard grievance process as possible given the requirements of the Open Meetings Act.
7. **Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal implies that the employee is satisfied with the latest resolution.

SECTION 17. PERSONNEL RECORDS

A. PERSONNEL FILES

An employee's official personnel file contains all documents related to an employee's employment relationship with the City, except for medical records and I-9 forms.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical

files are confidential and are not released to anyone unless a “need to know” has been clearly established. Only Human Resources has routine access to employee medical records.

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

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

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other co-workers’ medical information. Employees are expected to use discretion and judgment when dealing with such information and should not disclose any information, gossip, rumors, or anything else that may constitute an invasion of a co-worker’s privacy or breach of confidentiality. Failure to adhere to this policy will result in disciplinary action, up to and including, termination of employment.

The City must maintain current and accurate records of all employees’ addresses and telephone numbers. It may become necessary to write or telephone an Employee at home about working conditions or schedules. Each employee must promptly inform Human Resources of any changes in an address or telephone number. Employees must also promptly inform Human Resources of any changes in family status such as marriage, divorce, or births. Failure to do so may affect the ability to offer or continue any health benefits to which you or your dependents may be entitled. Any of the above changes should be reported at the time the changes occur.

The employee may request and review their personnel file, but the employee does not have the right to receive a copy of their entire file. However, the employee does have the right to receive a copy of any personnel records that they have signed, including but not limited to the following: application of employment, performance evaluations, and discipline notices. Personnel files will not be removed from the Human Resources Department and will be reviewed in the presence of the Human Resources Director or his/her designee.

Any request to inspect or copy personnel records must be made in writing with advance notice to Human Resources. The request form can be obtained from the Human Resources Department. The employee’s request must be approved prior to the review of their personnel file.

The employee’s personnel records may be made available to review at the Human Resources Department. The records will be made available no later than 30 calendar days from the date the City receives their written request to inspect or copy their personnel records (unless you/your representative and the City mutually agree in writing to a date beyond 30 calendar days but no later than 35 calendar days from receipt of the written request).

The City will strictly limit accessibility of personnel records to the employee, the employee's designated representative, the employee's immediate supervisor, department director, Finance Department or designee (material is restricted to financial matters), the Human Resources Department, the City Manager, the City Attorney, and any duly sworn officer of the court upon

proper subpoena, court order, or written request, except when a request for personnel information is required under the Texas Open Records Act. In instances where a request has been made under the Texas Open Records Act for information contained in an employee's personnel file, the employee will be notified in writing that such a request has been made, along with the name of the person making the request.

Disclosure of personnel information to outside sources will be limited. However, the City will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations, and as otherwise legally required.



City of Lago Vista
Handbook - Policies

B. INFORMATION DISCLOSURE ELECTION

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information.

However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Manager.

SECTION 19. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

The Employee Handbook contains important information about the City, and I understand that I should consult the Human Resources Department regarding any questions not answered in the handbook. I have entered into my employment relationship with the City voluntarily and understand that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at will, at any time, with or without cause, and with or without advance notice.

I understand and agree that no person other than the City Manager or the City Council may enter into an employment agreement for any specified period of time or make any agreement contrary to the City's stated employment-at-will policy.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, except to the City's policy of employment-at-will. All such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Manager or the City Council have the ability to adopt any revisions to the policies in this handbook.

Furthermore, I understand that this handbook is neither a contract of employment nor a legally binding agreement. I have had an opportunity to read the handbook, and I understand that I may ask my supervisor or any employee of the Human Resources Department with any questions I might have concerning the handbook. I accept the terms of the handbook. I also understand that it is my responsibility to comply with the policies contained in this handbook, and any revisions made to it. I further agree that if I remain with the City following any modifications to the handbook, I thereby accept and agree to such changes. City Council members will also be provided with a copy of these policies.

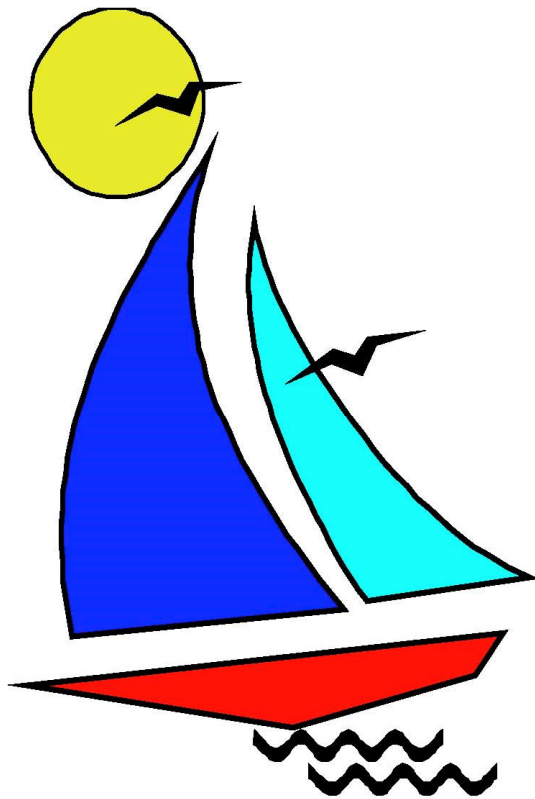
I have received a copy of the City's Employee Handbook – Policies and Procedures on the date listed below. I understand that I am expected to read the entire handbook. I understand that it is also available on the City's website, at [REDACTED]. Additionally, I will sign two copies of this Acknowledgment of Receipt, retain one copy for myself, and return one copy to the City's Human Resources department on the date specified. I understand that this form will be retained in my personnel file.

Employee Signature

Date

**THIS PAGE IS TO BE DATED, SIGNED AND RETURNED TO THE HUMAN
RESOURCES DEPARTMENT UPON RECEIVING A COPY OF THESE POLICIES
AND PROCEDURES**

City of Lago Vista



Employee Handbook Policies and Procedures

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City of Lago Vista

Personnel Policies and Procedures

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SECTION 1. GENERAL POLICIES

A. PURPOSE OF THESE POLICIES

The purpose of these Personnel Policies is to provide a uniform set of guidelines governing employment with the City. The policies contained here inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors. These policies have also been prepared to provide a high quality of public service to the citizens of this City. These policies do not in any way constitute a contract of employment with the city.

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B. AUTHORITY

These policies are established by the City Council, and any deletions, amendments, revisions, or additions to the policies must be approved by the Council. These policies completely replace and supersede any and all personnel policies previously adopted, either individually or as a set of policies, by the City Council. The City may also issue additional policies and procedures from time-to-time. No oral statements or representations can in any way change or alter the provisions of these Policies. General and final authority for personnel/employee administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

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Any changes to the contents of the handbook will be immediately updated in the electronic version of the handbook; therefore, the only current handbook and set of policies is the electronic version, which is available on the City's website, at _____ and supersedes any other version in any form.

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1. **Management Authority and Amendments.** The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time, with or without notice. The issuance of these policies and procedures does not constitute a contract between the City and its employees. Nothing in these Policies or in any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued or guaranteed employment for any Employee. Either the City or the employee can terminate the employment relationship at any time, for any reason.

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Policy administration rests with City management and City management reserves sole authority to administer City operations. Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of these policies; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City supervisor is authorized to modify these policies for any employee or to enter into any agreement, oral or written, in conflict with these policies.

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2. **Departmental Policy and Procedural Requirements.** Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Human Resources Director other appropriate departments. All employment-related department policies must be reviewed by the Human Resources Director, and if necessary, the City Manager. Department directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures.

Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

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

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

C. SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

D. APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted; the provisions of these policies may be varied in the case of an employee with a written employment agreement approved by the City Council. Individuals performing community service work for the City are not covered by the terms of these policies. It is the responsibility of all employees to become familiar with and abide by these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

E. DISSIMINATION OF PERSONNEL POLICIES

The Human Resources Department maintains the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this handbook and copies of all subsequent revisions or policy changes to each employee. If a question

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arises about a particular policy, the official set of policies in the Human Resources Department should be consulted and will control.

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As a part of the initial orientation process, Human Resources will provide a copy of the Employee Handbook - Policies and Procedures to new employees. This copy is the employees to keep. Upon receipt of the handbook and before beginning work on the job, each employee is required to read the policies and sign an acknowledgment that he or she has received a copy of the Employee Handbook - Policies and Procedures and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the Human Resources department.

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F. EMPLOYMENT AT WILL

Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council.

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That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. These personnel policies do not constitute a contract of employment. Nothing in these policies is intended to alter the continuing at-will status of employment with the City.

The terms and conditions of employment with the City may be modified at the sole discretion of the City with or without cause and with or without notice.

Only the City Council, has the authority to create an employment relationship other than on an "at-will" basis. Any modification to the at-will employment doctrine requires a written agreement, authorized by the City Council and signed by both parties.

No implied contract concerning any employment-based decision or terms and conditions of employment can be established by any other statement, conduct, policy, or practice.

Additionally, no employee may be terminated from employment for refusing to perform an illegal act.

G. EQUAL EMPLOYMENT OPPORTUNITY

The City is equal opportunity employer. The City prohibits discrimination based on race, color, creed, religion, sex, pregnancy, veteran status, marital status, age, national origin or ancestry, citizenship, physical or mental disability, sickle cell trait, genetic information, sexual orientation, gender identity or expression, and any other consideration made unlawful by applicable federal, state, or local laws. All such discrimination is prohibited by the City.

In the event that any Employee feels that there is a violation of this policy, he or she should immediately notify an appropriate member of management of the City.

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In addition, should any person who would normally review complaints or grievances filed pursuant to the Work-Related Problems procedure set forth below be the individual who is accused of engaging in improper discrimination and/or harassment, the Employee should bypass the Work-Related Problems procedure and immediately contact the next highest-ranking executive of the City to initiate the complaint process.

All complaints will be investigated promptly and thoroughly, and any inappropriate and improper conduct will be remedied. There will be no retaliation against any Employee who, in good faith, reports a violation of this policy, and any violation of this policy will result in disciplinary action up to and including immediate termination of employment.

H. SEXUAL AND OTHER UNLAWFUL HARASSMENT

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

1. **Sexual Harassment.** All types of sexual harassment are prohibited. Unwelcome sexual advances, insinuations, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
 - ◆ Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 - ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

Commented [Tdh1]: This addresses the ability for any employee to file a grievance against ANY other employee, including the City Manager.

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Title VII of the Civil Rights Act prohibits discrimination in employment based on sex, and a U.S. Supreme Court ruling in 2020 held that gender identity and expression are included within that definition. Therefore, discriminatory treatment related to workplace bathrooms for transgender employees, such as requiring an employee that identifies as female to use the men's bathroom, is a violation of federal law. The City allows employees to access restrooms that correspond to the gender in which they identify. Nonbinary employees are permitted to choose whichever restroom (men's or women's) they feel most comfortable using. ¶
Co-workers need to understand that the acceptance of a transgender employee has nothing to do with the expectation of changing an individual's mind or beliefs—instead, it is an expectation of inclusion and respect at work. Employees may have different beliefs and opinions related to transgender employees, but they should clearly understand the company's commitment to a nondiscriminatory and inclusive culture. ¶
Co-workers with religious objections or who are uncomfortable with a transgender employee's use of the same restroom should use separate facilities.¶
The city is an equal opportunity employer. It is the policy of the City of Lago Vista to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, rate of pay, training, awards, compensation and benefits, promotion and transfer, disciplinary measures, or any other aspect of employment based on race, age, sex, religion, color, disability, national origin, genetics, veteran's status, sexual orientation, pregnancy, or other unlawful basis. ¶
¶
An employee will not engage in conduct at work that involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated, and disciplinary action will be taken, if appropriate.¶
¶
The city prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.¶
¶
(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; Lilly Ledbetter Fair Pay Act of 2007; Genetic Information Nondiscrimination Act of 2009; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.A. Government Code, Sec. 461; V.T.C.A. Labor Code, Chapters 21-22; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990 and ADA Amen... [1])

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

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, email, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, pregnancy, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

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

Any employee who violates this policy shall be subject to disciplinary action, up to and including immediate termination of employment. All employees have the responsibility act at all times in a manner consistent with this policy and to respect the rights of coworkers, vendors, customers, and visitors to the worksites. Further, it is the responsibility of each member of the City's management to create an atmosphere free of discrimination and harassment, sexual or otherwise.

In the event that any Employee feels that there is a violation of this policy, he or she should immediately notify an appropriate member of management of the City. In addition, should any person who would normally review complaints or grievances filed pursuant to the Work-Related Problems procedure set forth below be the individual who is accused of engaging in improper discrimination and/or harassment, the Employee should bypass the Work-Related Problems procedure and immediately contact the City Manager or the Human Resources Department to initiate the process. If the alleged complaint involves or is against the City Manager, the employee should bypass the Work-Related Problems procedure and contact the City Attorney directly, to initiate the process.

The Human Resources Department will attempt, in its capacity as an administrative employer, to bring the two sides together to attempt to facilitate a resolution.

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

- ◆ The Department Director;
- ◆ The Human Resources Director; or

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◆ The City Manager.

More than one avenue for reporting harassment is included to allow the employee to choose an organizational level that s/he is comfortable with in reporting the incident.

Human Resources

Under this policy, an employee may report to and/or contact the Human Resources department directly, without regard to the employee's normal chain of command.

All City managers/supervisors must immediately report any incidents of harassment to the City's Human Resources Department. The harassment complaint will be promptly and thoroughly investigated, and confidentiality will be maintained to the maximum extent possible by law and under the circumstances. If harassment is found to have occurred, immediate and appropriate disciplinary/corrective action, up to and including immediate termination of employment, will be taken.

4. **Investigation.** All reports of prohibited conduct will be investigated promptly and thoroughly in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.
5. **Retaliation Prohibited.** Retaliation against any employee who makes a good faith charge or report of prohibited conduct or who assists in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.
6. **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated, or when employees are untruthful during an investigation.

I. AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act, as Amended (ADAAA), the City provides equal employment opportunities to qualified individuals with disabilities, which includes providing reasonable accommodations, where appropriate and strictly prohibits discrimination against qualified individuals on the basis of disability.

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

Deleted: Any supervisor, manager, or department director who becomes aware of possible conduct prohibited by this policy must immediately advise the department director and /or the Human Resources Manager. A formal Complaint Form is available from the Human Resources Manager. ¶

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Any employee seeking a reasonable accommodation for a disability that affects the employee's work schedule or ability to perform the essential functions of the position shall make a written application on a form provided by the Human Resources [department](#). The employee will be required to furnish documentation from a treating physician to substantiate an ADA disability and the need for accommodation.

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Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate supervisor, Human Resources, the City Manager, or the City Manager's designee.

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(Legal reference: U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008.)...

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J. LACTATING/BREASTFEEDING POLICY

Accommodations will be made for lactating mothers for up to one year after the child's birth. An employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a room for this purpose. A small refrigerator reserved for the specific storage of breast milk will be made available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Nursing mothers wishing to use this room must request/reserve the room by contacting the Human Resources Department. Additional rules for use of the room and refrigerator storage are posted in the room. City employees who work offsite or in other locations will be accommodated with a private area as necessary. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

SECTION 2. EMPLOYEE RESPONSIBILITIES

A. GENERAL EMPLOYEE RESPONSIBILITIES

The city is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, city officials and their fellow employees.

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B. FINANCIAL RESPONSIBILITY

Employees of the City are expected to maintain a good credit standing in the community and to pay their obligations promptly. The City shall in no way serve as a collecting agency or arbitrator. If an employee fails to pay, or make reasonable provisions for future payment, of his or her debts to such an extent that the failure is detrimental to the employee's job performance, the employee may be disciplined, up to and including dismissal.

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C. DRESS, APPEARANCE, AND UNIFORMS

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the [workplace](#) year-round, in accordance with this policy. This policy applies to all employees except those who are required to wear uniforms. Department directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

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Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Clean and presentable attire that is typical for the job function (i.e. suits or dresses for the City Manager's Office, polo with city logo and slacks for Parks & Recreation) are proper attire for personnel scheduled for City Council meetings, receptions, etc., unless otherwise directed by the City Manager for the occasion.

Employees must remember that they are professional 100% of the time and are dressing for business, not for pleasure. All clothing must be clean, neatly pressed and in good repair and appropriate to the work setting. Attire must always reflect a professional business attitude and presence. Provocative, suggestive articles or other inappropriate dress are not allowed in the workplace. When there is a question on whether or not an item of clothing is prohibited, please err in favor of being conservative and assume that it is not acceptable attire.

The City Manager may designate a specific day in which casual attire may be worn. However, it is at the City Manager's discretion and the attire worn on "casual days" should still reflect an appropriate professional appearance. Department directors may occasionally allow employees to wear casual attire if a specific work assignment dictates that casual attire is appropriate and to ensure the safety of an employee.

1. Standards for Business Casual Work Attire

- ◆ Jeans, T-shirts and athletic shoes are not acceptable during normal work hours unless a special day is declared by City management or as specifically approved by the appropriate department director as work assignment dictates.
- ◆ [Sweatshirts, sweatpants](#) and hoodies of any type are not acceptable unless a special casual wear or festive occasion is declared by City management.
- ◆ Shorts shall not be worn unless they are part of a City department's approved uniform and worn with a shirt that identifies them as an employee of a particular City department or division or approved by the department director as special circumstances warrant.
- ◆ Women: Camisoles or tank tops are required to be worn under low cut blouses/tops. Clothing with thin or spaghetti straps or tank tops need to be worn with an acceptable jacket. Skirts and dresses shall be worn no shorter than 2 inches above the top of the knee. Ankle length and Capri dress slacks are appropriate. Dress shoes or dress sandals are appropriate. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

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- ◆ Men: Knit shirts with collar, banded collar shirts, short sleeve or long sleeve dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Dress shoes, boots or loafers are acceptable footwear. No more than 3 earrings in each ear may be worn, provided the earrings are not unprofessional in appearance.

2. **Examples of Inappropriate Attire.**

- ◆ Provocative or revealing attire including low cut, bare backs, bare shoulders, midriffs, body-hugging, see-through garments, tube tops or excessively loose or tight fabrics;
 - ◆ Stirrup pants, spandex pants, casual cargo pants, leggings, form fitting or tight slacks/trousers;
 - ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
 - ◆ Un-pressed, soiled, ripped and tattered clothing;
 - ◆ Visible tattoos which could be deemed offensive;
 - ◆ Nose rings, eyebrow rings, tongue studs, lip piercings, gauge piercings, or similar type facial jewelry.
3. **Jewelry.** All jewelry worn by employees must be appropriate, so it does not detract from a professional appearance or conflict with department uniform guidelines.
 4. **Hair and Facial Hair.** Hair styles and hair colors must be appropriate to the employee's position, and extremes of any type are unacceptable. The length of hair must not pose a safety hazard for employees working around machinery and moving objects. Hair, including facial hair, must be clean and neatly groomed at all times. In accordance with state and federal law, the City permits applicants and employees to follow religious dress and grooming practices. Examples of religious dress and grooming practices may include: wearing religious clothing or articles (e.g., a Christian cross, a Muslim hijab (headscarf), a Sikh turban, a Sikh kirpan (symbolic miniature sword)); observing a religious prohibition against wearing certain garments (e.g., a Muslim, Pentecostal Christian, or Orthodox Jewish woman's practice of wearing modest clothing, and of not wearing pants or short skirts); or adhering to shaving or hair length observances (e.g., Sikh uncut hair and beard, Rastafarian dreadlocks, or Jewish peyes (sidelocks)). This list of examples is for illustration purposes only and is not to be considered exclusive.
 5. **Perfume and Cologne.** While at work, employees should minimize the use of scented aftershaves, colognes, perfumes, and lotions as these products may impact the health of chemically-sensitive customers and other employees.
 6. **Personal Hygiene.** All employees must maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.
 7. **Uniforms.** The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told

Deleted: For example, green hair, Mohawk style haircuts, and severely spiked hair are not allowed.

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how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be worn outside of work, for personal use, or by any third party. City uniforms may be worn by City employees in connection with outside employment only with the department director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work, unless in connection with outside employment with the department director's authorization.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck. Employees will be required to sign an authorization form at time of employment to allow the City to deduct lost, damaged and unreturned supplies and uniforms.

8. **Employee Purchasing of City Logo Clothing.** Employees who work primarily in offices are not eligible to receive uniforms. However, employees are permitted to purchase City logo apparel at their own expense and at the City's contract price from selected vendors.
9. **Exceptions.** Employees having a conflict with any aspect of this policy, based on cultural or religious traditions or medical reasons, may request an exemption. The employee must place the request in writing to Human resources. Human Resources shall review the request and determine whether an exception will be granted.
10. **Enforcement.** Employees and supervisors are responsible for ensuring compliance with the City's dress code standards. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to their supervisor, Department director or to Human Resources.

Department directors shall specify requirements for uniforms and other work attire. Departments may impose special dress and grooming requirements necessary for employee safety, including use of appropriate personal protective equipment, shoes and clothing.

Supervisors are responsible for ensuring that employees know, understand and adhere to this policy as well as any department specific dress policy. Department directors and supervisors shall counsel employees' whose dress, personal hygiene or grooming is inappropriate.

Each employee is expected to adhere to the clothing, uniform and personal appearance guidelines set forth in this policy. Each employee must use good judgment and common sense in selecting clothing that fits with the function of his/her position, while also promoting a professional image. In order to avoid bringing discredit to the City, employees shall exercise caution in their conduct when wearing uniforms or other apparel bearing the name or logo of the City of Lago Vista.

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

The department director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

Dress Guidelines

	Men	Women
Appropriate	◆ Knit shirts with collar and banded collars ◆ Short sleeve or long sleeve dress shirts ◆ Dress shoes, boots, and loafers	◆ Camisoles or tank tops worn under low cut blouses/tops ◆ Thin or spaghetti straps and tank tops worn with jacket ◆ Skirts and dresses no shorter than 2 inches above top of knee ◆ Ankle length and Capri dress slacks
Inappropriate*	◆ Provocative or revealing attire ◆ Excessively loose or tight fabrics ◆ Bare shoulders ◆ Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind ◆ Stirrup pants, spandex pants, casual cargo pants, and leggings ◆ Form fitting or tight slacks/trousers ◆ Visible tattoos which could be deemed offensive ◆ Un-pressed, soiled, ripped, or tattered clothing	
*Listing of inappropriate apparel is not intended to be exhaustive and all-inclusive and is provided to establish a guideline for what is acceptable in the workplace.		

D. USE OF CITY PROPERTY, VEHICLES, AND EQUIPMENT

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

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

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

1. **Personal Use Prohibited.** City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises without prior written approval by the City Manager, or the Department Director, and may not be used for the personal benefit of an employee.

2. **Tobacco Use Prohibited.** The City's policy is to provide a smoke-free workplace. Smoking is prohibited in City buildings, or outdoors within twenty-five (25) feet of any entrance utilized by employees or the public. Smoking is also prohibited in all City vehicles, in garages or around entrances to buildings. Smoking is only allowed in designated smoking areas. Cigarette or cigar butts may not be discarded on the ground at any City facility, including parking lots. This prohibition against smoking applies to electronic cigarettes.

Users of smokeless tobacco are prohibited from spitting on sidewalks, parking lots, on landscaping or in the bathroom facilities. Spit cups must be kept out of the view of other employees or the general public and must not be disposed of in any of the trash cans inside City buildings.

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

4. **Take Home Vehicles.** A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement.

To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc., without prior written approval of the City Manager or department director. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

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

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

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

- ◆ Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- ◆ Always observe all posted laws and speed limits.
- ◆ Always wear seat belts when the vehicle is in operation.
- ◆ No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- ◆ No personal use of City-provided vehicles is allowed.
- ◆ All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor. City vehicles must be kept clean; dispose of trash and put away tools daily.
- ◆ Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- ◆ All drivers must be eligible for coverage under the City's insurance policy.
- ◆ Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- ◆ AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.
- ◆ EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE POLICE AND HIS/HER SUPERVISOR, DEPARTMENT DIRECTOR, AND/OR CITY MANAGER. THE EMPLOYEE SHALL **NOT** LEAVE THE SCENE OF THE ACCIDENT UNLESS REQUIRED TO DO SO BECAUSE OF INJURY. THE EMPLOYEE MAY LEAVE THE SCENE AFTER THE POLICE INVESTIGATION IS COMPLETE OR IF THE POLICE DIRECT HIM/HER TO MOVE THE VEHICLE.

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ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT DIRECTOR AND THE CITY SECRETARY. IN ADDITION, THE EMPLOYEE IS REQUIRED TO PROVIDE A WRITTEN STATEMENT TO HIS/HER SUPERVISOR WITHIN TWENTY-FOUR (24) HOURS DETAILING THE INCIDENT AND INCLUDING WHETHER ANY CITATIONS WERE ISSUED.

- ◆ EMPLOYEES WHO ARE INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE WILL BE SUBJECT TO A DRUG SCREEN.

6. **Driver's License Check**. The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver.
7. **Public Perception**. City employees must be aware of the fact that their actions while driving or in the vicinity of City vehicles are being observed by the public. Employees' irresponsible behavior and use of poor judgement reflects directly on the City and will not be tolerated. City employees must be courteous to other drivers and pedestrians.
8. **Violations of This Policy**. The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action, up to and including dismissal.
9. **Personal Property**. All employees shall be solely responsible for their personal property at all times.

E. OUTSIDE EMPLOYMENT

1. **Written Authorization Required**. City employees may engage in outside employment provided they receive prior written approval from their Department Director, the Human Resources Director, and the City Manager. Authorized outside employment may be subject to review in the event of schedule changes or interference with City duties.
2. **Outside Jobs Coordinated Through Police Department**. Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures.
3. **Prohibited Activities**. Employees will not be permitted to engage in outside employment (including self-employment) or other activities that might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance. City employees may not use City property, equipment, facilities, or telephones for outside business activities or for personal gain.
4. **Workers' Compensation Coverage**. Employees are not covered by the City's workers compensation insurance while working for another employer.
5. **Outside Employment While on Leave Prohibited**. Approval for outside employment as set out in this policy does **not** authorize an employee on FMLA leave, sick leave, disability

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leave, workers compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty, to engage in any outside employment. Any exceptions must be expressly authorized in writing by the Department Director and the Human Resources Director, or if applicable, by the City Manager.

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6. **Outside Employment Prohibited During Normal Working Hours.** Employees are prohibited from conducting outside employment activities during normal working hours.

F. EMPLOYEE SAFETY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time-to-time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

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

- ◆ Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes or boots, gloves, shields, etc., when those items are appropriate to the task being performed.
- ◆ Smoke only during designated times in authorized outside areas.
- ◆ Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured. Employees working in departments that require steel toe boots must wear them at all times.
- ◆ To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- ◆ Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- ◆ Material Safety Data Sheets (MSDS Sheets) - Employees will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work.

MSDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.

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- ◆ Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call 911. Use proper portable extinguishers for small fires.
- ◆ Do not put fingers, hands, feet or clothing in moving machinery.
- ◆ Do not carry items in a manner that obscures vision.
- ◆ Do not block access to fire extinguishers.
- ◆ Do not touch open or loose electrical circuits.
- ◆ Report unusual vibrations, smells, or noises coming from equipment.
- ◆ Do not wear rings or jewelry while operating machinery.
- ◆ Do not perform maintenance or repairs on running equipment.
- ◆ Do not remove or alter warning tags or safety devices.
- ◆ Never leave nails or spikes protruding from planks or boards.
- ◆ Perform routine maintenance at all scheduled intervals.
- ◆ Do not use compressed air for cleaning clothing or floors.

2. **Accident Reporting.** All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Human Resources [Director](#). Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin [workers](#) compensation benefit procedures where appropriate.

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

3. **Accidents Involving City Equipment or Vehicles.** Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit the report to the supervisor and to the City Secretary.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City.

Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

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G. POLITICAL ACTIVITY

City employees will not be appointed or retained on the basis of their political support or activities.

City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, at no time may City employees utilize City resources for political purposes.

While on work duty, no City employee is allowed to:

- ◆ Publicly endorse or campaign in any manner for any person seeking public office. This provision is not intended to prevent a city employee from displaying a candidate's sign on their personal property.
- ◆ Use the employee's position or office to coerce political support from employees or citizens.
- ◆ Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- ◆ Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions, and to cast his or her vote.
- ◆ Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- ◆ Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law, such as on-duty attendance at a political rally or function for a candidate on a ballot if the employee is assigned to be present for legitimate City reasons, such as providing security.
- ◆ Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g., City of Lago Vista City Council, Lago Vista ISD, and Travis County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

However, while off-duty and not acting as a City representative, employees may engage in political activities during their personal time, including attending rallies, supporting candidates, and expressing political opinions, provided it does not interfere with their official City duties and the individuals involved are off-duty and not in uniform or wearing any official city item or clothing that identifies the employee as an employee of the city

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H. CONFLICTS OF INTEREST/SOLICITATION AND ACCEPTANCE OF GIFTS

1. **Conflicts of Interest.** No employee of the City may:

- ◆ Have any financial or other interest, directly or indirectly, in any proposed or existing contract, transaction, purchase, work, sale or service to, for, with or by the City;
- ◆ Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- ◆ Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- ◆ Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- ◆ Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgement in the performance of duties to the City; or
- ◆ Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Additionally, employees must disclose any direct substantial financial interest in any entity or property affected by City decisions and abstain from voting or decision-making in such cases.

2. **Solicitation and Acceptance of Gift.**

- ◆ Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager. No employee may be required to make any contribution, nor may an employee be penalized in any way concerning employment according to the employee's response to a solicitation.
- ◆ No employee shall accept or solicit any money property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member. However, this section shall not be interpreted to include any pen, pencil, calendar, cap, or similarly valued item distributed by any such business or organization for advertising purposes.
- ◆ If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift (other than the minimal gifts listed in the paragraph above) in writing to the supervisor and the City Manager.
- ◆ No employee shall accept or solicit any money, property, service, or other thing of value in excess of \$50.00 for the benefit of the City, or any employee, or department of the City, unless approved in advance by the City Council.

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Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Human Resources [Director](#), or the City Manager’s office.

I. PURCHASING

Purchases by City employees will be made only as authorized by the City Manager or the City Council and must be made in accordance with state purchasing laws as they apply to cities.

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J. ARRESTS, CONFINEMENTS, AND INDICTMENTS

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

2. **Procedure.**

- ◆ **Employee Notice of Felony and Misdemeanor Charges.** Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in immediate termination.
- ◆ **Employee Status after Alleged Violation of Law.** At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense, the Department Director shall consult with the Human Resources [Director](#) to determine available options which may include, but are not limited to:
 - ✓ allowing the employee to return to regular duty with pay;
 - ✓ allowing the employee to return to restricted duty with pay;
 - ✓ placing the employee on paid administrative leave;
 - ✓ placing the employee on unpaid administrative leave; or
 - ✓ terminating the employee.
- ◆ **Employee Status after Adjudication.** Once the indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are commuted and all related administrative matters are completed, the Department Director will determine, in conjunction with [the Human Resources Director](#) the status of the employee. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
- ◆ **Disciplinary Action:** Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.
- ◆ **Violations of Law Discovered through Criminal History Check:** The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in disciplinary action, up to and including termination.
- ◆ **Other Policies:** This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

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K. TELEPHONE CONTACT

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

L. SOCIAL MEDIA POLICY

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

The term "social media" includes X (formerly known as Twitter), tweets and twittering, Facebook, LinkedIn, Instagram, Snapchat, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging, and all other social networking sites, instant messaging, and the posting of video on YouTube and similar media.

1. **Use of City's Internet.** Use of the City's Internet is a privilege and City employees must use it responsibly and ethically. The City may monitor an employee's access, use, and postings to the City's Internet to ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the City's social media sites.
2. **Other City Policies.** This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct, or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "Grievance" policy without resorting to social media.

M. EMPLOYEE GUIDELINES: USE OF CITY'S SOCIAL MEDIA ON WORK TIME

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

1. Blogging or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.

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2. Employees must obtain written authorization from the City Manager to update or post on social media sites on behalf of the City, and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
3. No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the rights to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed, or received through its communications systems or equipment at any time.
4. Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
5. Employees must abide by all federal and state laws and policies of the City with regard to information sent through the City's Internet.
6. Individual supervisors do not have the authority to make exceptions to these guidelines.

N. EMPLOYEE GUIDELINES: USE OF PERSONAL SOCIAL MEDIA WHILE NOT ON WORK TIME

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

1. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
2. Do not put anything on your personal social media site that may constitute a violation of the City's harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
3. Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
4. Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

SECTION 3. EMPLOYMENT PRACTICES

Deleted: <#>Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests. ¶
Respect the City and co-workers. Do not put anything on your personal social media site that may defame, embarrass, insult, demean, or damage the reputation of the City or any of its employees.¶

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A. EMPLOYEE RECRUITMENT AND SELECTION

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

1. **Methods of Recruitment and Selection.** The city has several methods of recruiting and selecting persons to fill vacancies:

- ◆ Promotion from within; or
- ◆ Transfer from within; or
- ◆ Public announcement (including media announcement and posting of notice for city employees) and competitive consideration of applications for employment; or
- ◆ Referral from a job training program; or
- ◆ Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding six (6) months.)

The City Manager approves the method of selection to be used in filling each vacancy. However, the City Council must have approved funding for a position before recruitment begins.

All positions will be posted publicly after the expiration of a five-day internal recruitment application period.

2. **Recruitment Requirements.** The recruitment process is initiated by a City department director submitting a request to fill a vacancy of a budgeted position to the Human Resources Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted simultaneously with an internal posting.
3. **Public Announcements.** When public announcements of position openings at the City are used, and competitive consideration will be given, the announcements are disseminated by Human Resources in the manner most appropriate for the particular position being filled, as determined by the City Manager. City department directors wanting to fill job vacancies within their departments must submit relevant information about the position to Human Resources who ensures that job opening announcements are made public through publication in the local newspaper and posting on the City website and bulletin board at City Hall.

Current employees may apply for positions for which they believe themselves to be qualified.

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If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the limits set by the City Council for the transfer position.

The length of time during which applications will be accepted will be determined by the Human Resources [Director](#) in accordance with the circumstances that exist at the time.

4. **Applications.** When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official application form. Each person desiring employment with the City may obtain an application for employment from the Human Resources [Director](#) or designee.

The City will make appropriate inquiries to verify criminal history, education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the City which require driving a vehicle, the City must check the prospective employee's driving record prior to offering the applicant employment with the City.

The City does not accept applications for employment unless a specific job opening exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist will be informed that City job openings are advertised in the local newspaper, on the City website and posted on the bulletin board at City Hall; and they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a City position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable by the Human Resources [Director](#).

The City should retain each employment application for two years after receipt of the application. *(Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.)*

5. **Qualifications.** The City maintains a job (class) description, which establishes the required knowledge, skills and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.
6. **Testing.** Except for drug/alcohol tests, physical examinations, psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.)
7. **Drug and Alcohol Testing.** In addition to the physical examination required by the city for all prospective employees, all prospective employees for any regular, full-time position in the city are required to be tested to show no trace of drug dependency or illegal drug usage.

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All prospective employees are required to pass a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. The offer of employment is contingent upon the prospective employee passing a drug/alcohol test. After employment, any employee may be required to submit to a test for drug dependency or illegal drug use. For more information on drug testing or drug usage, see the chapter of these policies on **Drug and Alcohol Use**.

8. **Selection.** In accordance with the City Charter, the City Council appoints and may remove the City Manager and Municipal Court Judge. Except for appointments reserved to the City Council or that require City Council approval by statute, ordinance, or charter, the City Manager has exclusive authority to select and employ personnel within the limits of these policies and the City budget. The City Manager may authorize City Department Heads to appoint and remove employees within their departments, subject to approval by the manager and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the City Council or its members may express freely to the City Manager their views and opinions on such matters.

Vacancies on the City Staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the most qualified persons are made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Human Resources Director, along with the applicable Personnel Action Form. Offers for City employment, other than department heads, will be communicated by the Human Resources Director upon receipt of the hiring recommendation and all related paperwork. Offers for City Department Heads will be communicated by the City Manager.

9. **Physical Standards.** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons employees are required to pass a drug/alcohol test and a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the City payroll prior to passing these exams. Back X-rays are required for persons who will perform strenuous physical activity. The required physical examinations will be performed by a physician of the City's choice and will be paid for by the City.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties, and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

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In addition, prospective new employees for active or reserve Police Officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

The City also may require all prospective active Police or reserve employees to submit to a polygraph test. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City. (*Legal reference: Police only – V.T.C.A., Government Code, Section 415.057.*)

10. Age Requirements. No persons under seventeen (17) years of age will be employed in any regular full-time position. No persons under eighteen (18) years of age will be employed in any position requiring the operation of a motorized vehicle owned by the City of Lago Vista. A person under the age of eighteen (18) may be employed in a temporary or part time position if the person furnishes the City with a properly completed and signed minor's release form.

11. Residency Requirements. Employees who may be subject to emergency call and/or periodic service in a stand-by status may be required to establish residency within a reasonable distance from the principal work site in order to assure a timely response. For these purposes, the City Council has established that for employees hired after July 2016, a reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle.

12. Employment of Relatives (Nepotism). Nepotism is the showing of favoritism toward a relative. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, the City forbids the practice of nepotism in hiring personnel or awarding contracts.

A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council or to the City Manager may not be hired. (See Figures 1 and 2 on the following page for the prohibited degrees of relationship).

A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee had been continuously employed by the City for a period of:

At least 30 days, if the officer or member is appointed; or

- ◆ At least six months, if the officer or member is elected at an election other than the general election for state and county officers; or
- ◆ One year if the related City officer is elected at a general election for state and county officers.

(*Legal reference: V.T.C.A. Government Code, Section 573.062, as amended.*)

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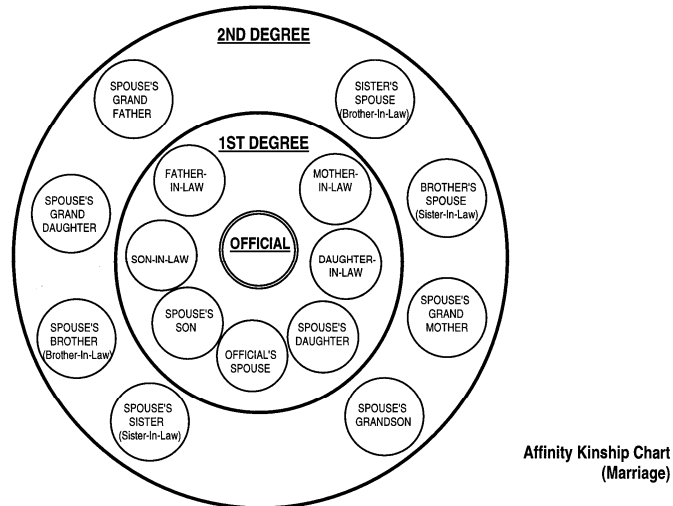
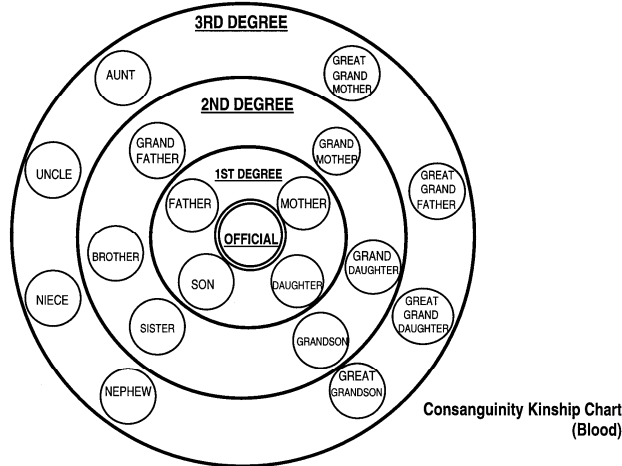
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In addition, no personnel action (hiring, demotion, promotion, transfer, reorganization) will be taken that would result in any employee's directly or indirectly supervising or being supervised by another employee who is related within the second degree of affinity or the third degree of consanguinity. Prohibited degrees of relationships are defined in Figures 1 and 2 of the Nepotism Charts. Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

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NEPOTISM CHARTS



In the event that two City employees within the same chain of command become related or members of the same household, receive a promotion, or any other situation giving rise to a relationship prohibited by the paragraph preceding the above charts, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of the paragraph preceding the Nepotism charts.

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If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. In addition, written authorization must also be obtained from the City Manager (or designee) to employ any relative of a current City employee.

13. **Verification of Eligibility to Work.** In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. (Legal reference: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986.)

In the event the employee has not provided evidence of eligibility to work within the first three days of employment, the employee will not be allowed to continue working and shall be subject to termination.

14. **Driving Record.** Every City employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The City will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee has maintained a safe driving record.

15. **Medical Records.** All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Director has routine access to employee medical records for legitimate business-related reasons.

NOTICE OF PRIVACY PRACTICES. This Notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (**HIPAA**). It describes how the City may use or disclose an employee's protected health information, with whom that information may be shared, and the safeguards the city has in place to protect it. This notice also describes an employee's rights to access and amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the City's system except when the release is required or authorized by law or regulation.

"Protected health information" is individually identifiable health information. This information includes demographics, for example, age, address, e-mail address, and relates to the employee's past, present, or future physical or mental health or condition and related health care services. The City of Lago Vista is required by law to do the following:

- ◆ Make sure that an employee's protected health information is kept private;
- ◆ Give each employee this notice of the City's legal duties and privacy practices related to the use and disclosure of an employee's protected health information;
- ◆ Follow the terms of the notice currently in effect;

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- ◆ Communicate any changes in the notice to each employee.

By law, the City must disclose the employee's health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee's health information.

The City will share the employee's protected health information with third-party "business associates" who perform various activities for the City of Lago Vista (for example, the City's health insurance company). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with workers compensation laws and other similar legally established programs.

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The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

- ◆ The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information;
- ◆ The employee may request the City to provide him/her with an accounting of the disclosures the City has made of the employee's protected health information;
- ◆ The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.

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

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

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

17. Prior Service with the City. Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level. In addition, employees rehired to fill regular full-time positions with the City will receive credit for their prior length of service as regular full-time employees for longevity pay purposes.

A break in continuous service with the City, however, forfeits vacation and sick leave benefits accrued prior to the break. For details pertaining to how a break in service affects retirement benefits, please refer to your Texas Municipal Retirement System “Member Information Guide.”

18. Reinstatement. An employee is eligible for reinstatement if:

- ◆ The employee is returning from a military duty leave of absence; or
- ◆ The employee was previously incapacitated, is no longer incapacitated, and remains otherwise qualified to perform duties of job; or
- ◆ The employee is being rehired after having been laid off. Reinstatement allows the person to maintain his or her previous regular status for recording leave and longevity accrual.

B. CLASSIFICATION AND COMPENSATION PLAN

1. Placement on City Payroll. New employees must report to the Human Resources Department before or during their first day of employment to fill out employment forms and be scheduled for new employee probationary.

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2. **Minimum Pay.** Employees shall be paid no less than the minimum of the salary range established for the position. The following exceptions may be made when approved by the City Manager:

- ◆ When a period of training is required to demonstrate the employee's ability to perform the duties; (i.e., trainee status, normally not to exceed three (3) months); or
- ◆ When the employee is temporarily assigned to a position in a higher grade, normally not to exceed one (1) month.

3. **Maximum Pay.** The City's classification and compensation plan establishes a maximum for each pay range, which is the maximum pay the market will support for the positions listed in that pay range on the pay schedule.

New employees may not be hired into City employment above the minimum pay range without the written approval of the City Manager.

4. **Promotion.** A promotion is the assignment of an employee from a position in one classification to a position in another job classification having a higher starting salary. Promotional opportunities will be provided whenever possible to City employees; therefore, the selection may, at the discretion of the department director, be limited to qualified City employees. A director may, with the approval of the Human Resources Director or the City Manager, authorize a temporary promotion to insure the proper performance of a City function while a position is vacant, or if the position's regular incumbent is temporarily absent. Temporary assignment pay shall be considered on a case-by-case basis and shall be determined by the department director and the Human Resources Director with the approval of the City Manager.

5. **Lateral Transfer.** A transfer is the assignment of an employee from one position to another position in the same pay classification or same pay grade either within the same department or in a different department. Directors shall have the authority to transfer employees to other positions within their department. Transfers may be made for administrative convenience or upon the request of an employee. An employee may also be transferred when the employee applies for and is selected for a position in a different department.

6. **Demotion.** A demotion is the assignment of an employee to a position having a lower starting salary. A demotion requires the approval of the department director, the Human Resources Director, and the City Manager.

- ◆ **Voluntary Demotions** – A voluntary demotion is not a disciplinary action and does not disqualify the employee from consideration for future advancement.
- ◆ With the approval of the department director and, if qualified to perform the duties of a lower-level position, an employee may be administratively demoted at the employee's own request or as an alternative to a layoff.

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- ◆ **Involuntary Demotions** – An involuntary demotion is a disciplinary action. (See section of these policies on Disciplinary Actions). The salary of a demoted employee (voluntary or involuntary) shall be adjusted. (See section of these policies on Classification and Compensation). Involuntary demotions are subject to the grievance process (See section of these policies on Grievances).

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C. NEW EMPLOYEE ORIENTATION AND TRAINING

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of the City.

An orientation session will also be provided by the Human Resources Director. During the orientation, employees are given a copy of these *Personnel Policies and Procedures*. Employees are responsible for knowing and following the information contained in the personnel policies, and must turn in a signed acknowledgment to this effect to the Human Resources department within the first two days of employment with the City.

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Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

D. NEW EMPLOYEE PROBATIONARY PERIOD

All new employees hired to fill regular full time or part time positions must satisfactorily complete a probationary period. All police officers are required to successfully complete a one (1) year probationary period, and all other employees are required to successfully complete a six (6) month probationary period.

Additionally, all current employees, including police officers, who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a probationary period of six (6) months.

The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. The probationary period may be extended for additional training as determined by the supervisor. In the event that an employees' probationary period is to be extended, the supervisor will meet with employee to clarify the need for additional training or performance improvement. Employees are considered in the probationary period until they have actually performed their regular job duties for the full length of the period applicable to their job to assure their ability to meet acceptable standards of work performance and behavior for the employee's position. A probationary period is not to be construed as a guarantee of 6 months of employment.

Each employee serving in the probationary period is responsible for knowing, understanding, and meeting the expectations and standards for the position.

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In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position.

During the probationary period, employees are expected to maintain acceptable standards of conduct and attendance and it will be the responsibility of the employee to correct any deficiencies or inadequacies in job performance, conduct or attendance.

1. **Seasonal/Temporary Employees.** Seasonal and temporary full and part time employees do not serve a probationary period and have no right of appeal when terminated at any time.
2. **Change in Assignment of Employee serving in the Initial Probationary Period.** Employees serving in the probationary period may not request or make application for reassignment, promotion, or voluntary transfer during the probationary period without written approval from the City Manager, or if requested, by their department director. If the reassignment, promotion, or transfer is approved, the employee will serve a six (6) month probationary period in the new position beginning with the date of the position change.
3. **Absences during Probationary Period.** During the probationary period, an employee is eligible to use sick leave for qualifying absences, and may use vacation leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the probationary period may be used as approved in accordance with established City/departmental policy or practice. Transferred or promoted employees serving in the probationary period retain eligibility for all types of leave established by City policy.
4. **Probationary Period Performance Evaluations.** All employees serving in the probationary period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Evaluation System" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee.
5. **Extensions to Probationary Period.** The probationary period may be extended under the following circumstances:

At the end of the initial probationary period, the performance probationary period may be extended for up to an additional six (6) months when:

- ◆ An employee's performance has been marginal due to extenuating circumstances,
- ◆ Additional training is warranted, or
- ◆ Frequent absences or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance.

The decision to extend or not to extend an employee's probationary period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended probationary period will be completed. Such extensions will be at the sole discretion of the department director and the Human Resources [Director](#).

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

6. **Successful Completion of Probationary Period; “Regular” Status Granted.** Employees have no guarantee of employment either during or after their probationary period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the probationary period will be retained as regular employees. An employee is granted “regular” status in the new position if the employee satisfactorily completes the probationary period.
7. **Failure of Probationary Period.** An employee is considered to have failed the probationary period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the Human Resources Director and the City Manager.

A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected department director(s). Department directors are responsible for ensuring the thorough written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resources Director before an employee serving in the probationary period can be terminated.

8. **Termination of Employees Serving in the Probationary Period.** All employees of the City, including those serving in the initial probationary period, are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. An employee serving in the initial probationary period who is terminated has no right of appeal. Employees serving in the initial probationary period are subject to all policies and procedures of the City with the exception of appeal rights.
9. **Sexual and Other Unlawful Harassment.** Employees serving in the probationary period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the probationary period have no right of appeal; however, if it is believed that unlawful harassment or discrimination has occurred; such conduct must immediately be reported as set out in City policy.

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E. HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY

1. **Safe Work Environment.** The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.
2. **Serious Health Condition/Disabilities.** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees. All employees must notify Human Resources of any health development or condition which could require reasonable accommodations to assist them in continuing to perform their essential job functions.
3. **Medical Exams for Current Employees.** The Human Resources Director, or an employee's department director (with the prior written approval of the Human Resources Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws.
4. **Medical Information from an Employee's Doctor.** Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide medical information from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.
5. **Genetic Information.** In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.
6. **Medical Records.** Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

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7. **Return to Work/Fitness for Duty.** Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.
8. **Time Off From Work.** Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant.

F. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

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

1. **Zero Tolerance.** This policy prohibits harassment, intimidation, threats, bullying and violent behavior by or toward anyone in the workplace that is in any way job or City related, that is or might be carried out on City property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero-tolerance policy for this type of misconduct.
2. **Firearms and Other Weapons Banned.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon inside any City buildings. Prohibited weapons include firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy, and the City retains the right to search for firearms or other weapons inside City buildings.

Signs clearly stating the City's ban against weapons are conspicuously displayed and clearly visible at all entrances to City buildings.

- ♦ The signs are in both English and Spanish and read, in accordance with Texas Penal Code Chapter 30.06:
 - ✓ "NO OPENLY DISPLAYED OR CONCEALED FIREARMS ALLOWED: Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law) may not enter this property with either a concealed handgun or a handgun carried openly."
 - ♦ The signs have contrasting colors with block letters at least one inch in height, as required in the statute.
3. **License to Carry a Firearm.** Employees licensed by State of Texas to carry a handgun or other gun may have a permitted weapon only on the City parking lot if it is locked in the employee's vehicle. Employees licensed to carry handguns must report to the Human Resources Director their identity and license plate numbers of all vehicles that employee may park in City parking lots.

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4. **Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, department director, the Human Resources Director, and/or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person, or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her department director and Human Resources.
5. **Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must immediately provide to Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their department director and Human Resources of any protective or restraining order issued against them.
6. **Confidentiality.** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.
7. **Documentation.** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by Human Resources and the Police Department.
8. **Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

SECTION 4. TYPES OF EMPLOYMENT

A. JOB CLASSIFICATIONS

Job Classifications

Each Employee is assigned to a specific job and each job has a related job classification. Your job is classified as one of the following:

- Regular employees: Employees who are hired to work on a continuous basis until either they or [Company] terminates the employment relationship.
- Temporary employees: Employees hired for a particular task. Temporary employees shall not be eligible to participate in any insurance plans adopted by [Company], nor any other fringe benefit programs, except where required by law. This position could require

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¶ The City has four categories of employment:¶

¶ **Regular**

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employees to work from 20 to 40+ hours per week depending upon business needs. This category is designed to allow the City to handle seasonal operations demands and should be considered a supplement to permanent positions. Temporary employees are not eligible for vacation/holiday pay, personal leave, jury duty, or maternity/funeral leave. If an employee is needed for more than 7 consecutive months in a calendar year, he/she will be transferred to a permanent position.

- Full-time employees: Employees who generally work 37.75 to 40 or more hours per week. All regular full-time employees shall be eligible to receive all of the benefits set forth by [Company] which may change from time to time.
- Part-time employees: Employees who generally work more than 20 hours per week, but less than 37.75 hours per week. Part-time employees shall not be eligible to participate in insurance plans adopted by [Company], nor any other fringe benefit programs unless they regularly work more than 30 hours per week, or as mandated by law.
- Inactive Status: Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds any protected state or federal leave of absence will be placed on inactive status.
- Independent Contractor: As defined by the US Department of Labor, independent contractors are not employees of [Company] and are not eligible for Company benefits.
- Assigned Personnel: Employees who are assigned to the City but are paid directly by another government or private organization are not employees of the City. These employees' benefits are specified in the contract for services. Assigned personnel are governed by all terms of these policies not in conflict with their contract for services.

Additionally, each position is classified as either exempt or nonexempt. A **nonexempt** employee is any full-time or part-time employee, whether salaried or hourly, who holds a position subject to overtime pay provisions mandated by the federal Fair Labor Standards Act (FLSA) and related state laws. An **exempt** employee is any salaried employee who holds a position considered exempt from (not subject to) overtime pay as mandated by the FLSA. Exempt employees are not paid overtime.

Eligibility for various programs described herein may be linked directly to an Employees' job classification. If an Employee has any questions regarding their job title or job classification, they should please talk with their immediate supervisor or manager.

Because all Employees are "at-will" and hired for an unspecified duration, none of the classifications above guarantees employment for any specific length of time. Employment is at the consent of the Employee and the City. Accordingly, either the Employee or the City can terminate the employment relationship at-will, at any time, with or without cause or advance notice for any non-discriminatory reason.

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Temporary

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Regular Part Time. A regular part

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¶
Temporary Part Time. A temporary part time employee is an employee hired to work an average of fewer

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¶
See the **Benefits** chapter of these policies for details of benefits available to each category of employee.¶
The following two designations indicate whether or not an employee is eligible for overtime compensation:¶ ... [3]

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SECTION 5. EMPLOYEE COMPENSATION AND ADVANCEMENT

A. PAY

Compensation for City employees is set each year by the City Council in the adopted City operating budget. Rules governing salary administration and pay increases are also established by the City Council.

B. PAYDAYS AND CHECK DELIVERY

The pay period for the City is biweekly. Checks are issued every two weeks on Friday, for the 14-day period ending the previous Friday at midnight. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

Employees may receive a paycheck early only for the following reasons:

1. An emergency situation, or
2. Employee will be out of town on City business on the payday, or
3. Employee will be out of town on approved, scheduled vacation leave.

Paychecks will be given to someone other than the employee only if the employee provided advance written permission to Human Resources. If an employee is deceased, the final paycheck will be distributed only to the employee's estate.

The City encourages employees to have their paychecks electronically deposited.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the appropriate department head, who will notify Human Resources.

C. PAYROLL DEDUCTIONS

An Employees' pay will be subject to required deductions for state, federal and local taxes, and for social security taxes. Voluntary deductions agreed to in writing may be made for example, for health, dental or life insurance premiums, or voluntary contributions to a retirement plan, if applicable.

Additionally, the City may be required by law to recognize certain court orders, liens, wage garnishments and other deductions required by law. In the event changes occur, you should obtain copies of court orders and immediately forward them to the City with any changes.

Social Security and Medicare Taxes: Social Security tax is deducted from an Employees' pay in two segments – Social Security tax and Medicare tax. The amount of deduction from the Employees' wages is matched by the City and credited towards the Employees' Social Security benefits. Contact Human Resources or the local Social Security office for further details or if assistance is needed.

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Deleted: before his or her final paycheck is issued, the value of the property or equipment may be deducted from the final pay
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Please be advised that all payroll changes, including deductions, must be submitted in writing.

Deductions for Exempt Employees: Exempt Employees will receive their full salary for any workweek in which any work is performed. The only exceptions to this general policy may occur in the following situations, where deductions from an Employees' salary may be made:

- for full day absences for personal reasons, including vacation but excluding sickness or disability.
- for full day absences due to sickness or disability if an Employees' paid leave (including vacation, paid time off (PTO), or sick) balance has been exhausted:
 - to offset amounts an Employee may receive as jury or witness fees (but not for travel and parking), or for military pay;
 - for penalties imposed in good faith for infractions of safety rules of major significance;
 - for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (but not for performance or attendance problems);
 - during the initial and final week of employment (if the Employee works less than a full week);
 - for weeks in which an Employee takes unpaid leave under the Family and Medical Leave Act (if applicable).

In a workweek in which work is performed, an exempt Employees' pay will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness, or disability (although the City reserves the right to require the exempt Employee to use available paid leave to cover partial-day absences where permitted by law).
- an absence created by the City (e.g., if the office is closed on a scheduled workday) when the Employee is ready, willing, and able to work.
- for variations in an Employees' quality or quantity of work.
- partial workday or partial workweek absences for jury duty, or attendance as a witness.
- any other deductions prohibited by applicable law.

Improper deductions are a serious violation of the policies and are prohibited.

Payroll Complaint Procedure:

If an Employee believes this policy has been violated in any way, the Employee must immediately report such concerns to an appropriate member of the management team or the Human Resources Department. Any manager receiving such a complaint must immediately report the complaint to the Human Resources Department.

The Employees' complaint will be thoroughly investigated. Any Employee electing to use this complaint procedure will be treated courteously, and the complaint will be handled as quickly as possible.

The registering of a complaint under this policy or participation in such an investigation will not be used against the Employee in any capacity, nor will it have an adverse impact on the Employees'

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employment. Retaliation will not be tolerated and must be reported to an appropriate member of the management team or the Human Resources Department.

In the event an improper deduction was made, the Employee will be promptly paid in full.

The City makes every effort to ensure Employees are paid correctly. Occasionally, however, unintentional errors happen. Mistakes brought to the attention of the City will be promptly corrected. Please review your pay stub upon receipt to ensure it is accurate and if you believe a mistake has been made you should report it. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to your supervisor, an appropriate member of the management team and/or the Human Resources Department. the City will promptly investigate and make corrections, as appropriate.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing and returning the appropriate forms to the Human Resources Department forms for communicating these changes.

D. POSITION CLASSIFICATION PLAN

The Human Resources is responsible for preparation and administration of a Position Classification Plan for all City positions. All positions are assigned an official classification title, a description of duties and minimum qualifications. Each new or revised position must be reviewed and approved by the Human Resources Director and the City Manager. All City positions are classified as either exempt or nonexempt from overtime compensation under the Fair Labor Standards Act (FLSA). Each job has an official job classification title which is used in all personnel matters, official records, payroll records and budgets.

E. COMPENSATION PLAN

The Human Resources Department is responsible for preparation and administration of a Compensation and Benefits Plan for all City employees. The Human Resources Department shall be responsible for conducting salary and benefits surveys for the City. Survey information gathered will be for the purpose of making recommendations to the City Manager and City Council on pay policies and benefit plan changes in order to keep the City's compensation and benefit plans current, equitable and competitive. Salary administration shall be as follows:

1. **Probationary Employees.** A new employee shall normally be compensated at the minimum rate of the approved salary range. At the end of the first six months of employment (one year for Police Officers), probationary employees will be eligible for a salary increase based on their performance.
2. **Salary Increases.** Each budget year the City Council may consider approval of a salary increase budget for the next fiscal year. If approved, the funds appropriated are utilized for increases according to an established salary increase matrix. Annual salary increases will normally become effective on January 1st.
3. **Reallocation to a Higher Pay Grade.** Reallocation is the reassignment of an entire class of positions to a new pay grade based on market data and/or the current duties and responsibilities of the class. Reallocation can be to either a lower or a higher pay grade. Reallocations are recommended by the Human Resources and approved and implemented

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by the City Manager within budget limitations. If an employee's job is reallocated to a higher or lower pay grade, the employee will not be required to serve another probationary period. An employee shall normally be compensated at the minimum rate of the new range, unless that pay rate is less than the employee's current salary, in which case the employee's rate of pay will remain the same.

4. **Reclassification.** A reclassification is a reassignment of a position to a lower, higher, or different class (job title) based on current duties and responsibilities of the position. An employee whose position is reclassified upward does not automatically receive a pay increase unless an increase occurs to place the employee at the entry of the pay range of the new pay group. Downward reclassifications will not result in a decrease in pay unless the demotion was for disciplinary reasons. Reclassifications are recommended by Human Resources and approved and implemented by the City Manager within budget limitations.
5. **Lateral Transfers.** An employee who transfers laterally from one position to another position in the same pay grade shall continue to receive the same salary.
6. **Demotion.** An employee who is demoted from one position to another position having a lower pay grade shall be compensated at a rate within the lower pay grade as determined by the department director and the Human Resources with approval of the City Manager. All demotions require a reduction in salary unless otherwise approved by the City Manager.
7. **Maximum Rate of Pay.** An employee shall not be paid above the maximum rate established in the approved salary schedule. If salary ranges are adjusted, making an employee's pay higher than the maximum of the pay grade to which his or her job is assigned, the employee's pay will be "frozen" until such time as the pay schedule has been adjusted a sufficient number of times that the employee's pay once again falls within the pay range.
8. **Termination Pay.** Employees who terminate prior to completing the six (6) month probationary period are not eligible to receive vacation pay at termination. Terminated employees will be paid within six (6) calendar days.

A regular employee, who has completed the probationary period and has given the appropriate notice of resignation, will be paid for unused vacation leave, up to the limit established by these policies. Employees who are resigning from employment with the City will normally be paid on the next regularly scheduled payday. Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- ♦ The total work time and allowable vacation and compensatory leave time, if any, will be calculated as a total number of hours for which compensation is due. The employee's regular hourly rate is listed on the City's pay schedule.
- ♦ For employees who are subject to the overtime provisions of the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee's final pay period which have not been compensated through either of the time off methods described in the "Overtime Worked" section of these policies, will be paid in the

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final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.

- ◆ Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight time payment for these hours is equivalent to time and one-half pay for the overtime hours actually worked.)

SECTION 6. ATTENDANCE, WORK SCHEDULE, TIME REPORTING, AND OVERTIME

A. HOURS WORKED

1. **Normal Working Hours.** Normal working hours for most City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the City Manager. A morning and an afternoon break of 15 minutes each will be available to each employee, but this time does not accumulate if not taken and may not be applied to any other absence, leave, or time off.
2. **Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for the City Manager to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work. The schedule of a workday may be adjusted to accommodate an employee's needs with the approval of the employee's supervisor. Flex-time arrangements for longer than one (1) month, however, must be formalized by memorandum to the department director and the Human Resources.

During the summer months, employees may work different hours, while still working five (5) days a week, eight (8) hours per day. This seasonal work schedule is changed at the discretion of the department directors, who confer with the City Manager before making the transition each year.

3. **Determination of Hours Worked and Compensation.** The City Manager determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

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B. OFFICIAL WORK PERIOD

1. **Non-Police Employees' Official Work Period.** The official work period for most City employees is a seven-day period beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday.

The official work period for sworn police personnel is different in length from the above work period.

2. **Police Officer Work Periods and Work Schedules.** In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its police officers:

- ◆ The official work period consists of 14 days with each shift consisting of twelve work hours per day and approximately 15 minutes for shift briefing and shift relief for officers coming off-duty.

Each officer on each shift is given thirty (30) minutes for a meal during the shift. However, during the mealtime, the officers are required to remain in contact with the department. Thus, each officer works twelve hours and 15 minutes each workday resulting in a total of 86 scheduled working hours each 14-day work period.

- ◆ Each officer's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 86 working hours per 14-day work period; time and one-half overtime compensation will commence after the 86th hour worked in a 14-day period.
- ◆ If a police officer is required to work an extra full shift due to the absence of another officer who is on sick, vacation, or compensatory leave, the officer working the extra shift will receive time and one-half overtime compensation for the full shift. If a police officer is required to work only a partial shift to substitute for another officer who is on approved leave, he or she is paid time and one-half overtime for the total actual number of hours worked. The time-and-a-half overtime rate applies in both situations, either for pay or for accumulation of compensatory time off. However, if the employee has had unscheduled absences or time off for sickness, emergencies, or other personal reasons, the employee's additional hours worked will not be considered for overtime purposes unless the number of hours actually worked exceeds 86 for the 14-day work period. (Please see the provisions in the paragraph titled "Leave Taken and Overtime" for additional information.
- ◆ The Police Chief will notify affected employees at least once annually of the beginning and ending dates and times of the official 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods.

(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

C. OVERTIME WORKED

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

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The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Manager. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays.

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

All non-exempt employees must receive their supervisor's and department director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday, may not work through their lunch break and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor.

On the employee's timesheet, the appropriate supervisor must also approve any overtime before the timesheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for sworn peace officers, overtime pay for non-exempt employees is at the rate of 1 ½ times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:01 a.m. on Saturday and ends at midnight the following Friday.) Sworn police personnel are paid overtime based on the 14-day work cycle described earlier in this Section of the City's policies, using the Section 207(k) exemption under the Fair Labor Standards Act (FLSA).

2. **Leave Taken and Overtime.** Paid holidays are included as hours worked for purposes of determining eligibility for overtime pay. Vacation, sick leave, witness duty leave, bereavement leave, jury duty or any unscheduled leave of absence is not considered time worked for purposes of performing overtime calculations.
3. **Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees. Compensatory time accruals are to be monitored at the department level and any accrued time should be used within 60 days of its accrual.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt

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employee for any or all of the employee's accrued compensatory time. The City may also require employees to take time off in order to reduce their accrued compensatory time. Otherwise, compensatory time off may be used the same as leave time.

4. **Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is promoted, transferred, or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective.

Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

5. **Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the department director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (or work cycle if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.
6. **Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek (or 80 hours for sworn peace officers in a 14-day work period). Exempt employees are expected to work the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Human Resources [Director](#). It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Human Resources [Director](#). The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

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

Overtime is defined as hours worked in excess of the allowable **number** of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-police employees; and 80 hours per 14-day work period for sworn peace officers).

For most employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For sworn peace officers, overtime begins to accrue after the 80th hour worked during the 14-day work period.

Employees engaged in recreational or seasonal activities which do not operate for more than seven months in any calendar year, and which meet the other statutory prerequisites, are also exempted from

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the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA. See the chapter of these policies under the main heading “**Categories of Employment**” for additional information on FLSA exemptions.

D. ON-CALL DUTY PAY

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

1. **Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) by arriving at the worksite within 30 minutes. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.
2. **On-Call Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. However, in recognition of the added commitment the employee is being asked to make when designated as “on call,” the City pays the on-call employee an additional \$75.00 per week for serving on-call.

In addition, the City pays on-call employees called back to the workplace at one and one-half (1 ½) their regular rate of pay for actual hours worked, as well as guaranteeing a minimum of two (2) hours’ pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off.

Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor is not considered call-back time and is paid at the employee’s regular rate of pay until overtime requirements are met.

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

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

3. **Employees Called in for Emergencies Who Are Not Designed as “On Call”.** Employees who may be asked to report to duty at any time due to an emergency situation are not considered to be on call. When such employees report for duty, they are paid for

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time actually worked at their regular hourly wage unless the additional hours actually worked constitute overtime under the FLSA provisions explained earlier in this Section.

E. INCLEMENT WEATHER / EMERGENCY CLOSING

During normal operating hours, City offices DO NOT CLOSE during inclement weather conditions. All City employees, whether exempt or non-exempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

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

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

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, all affected, non-essential personnel who were scheduled to work during the time of closure will be granted paid "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other types of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the department director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

In the event that weather conditions prohibit certain departments whose primary work location is outdoors, employees may be asked to perform other duties, attend training sessions or the supervisor may deem it necessary to send the employees home until conditions improve. Employees sent home due to adverse weather conditions will be paid at their regular pay rate but those hours will not count towards calculating overtime.

F. TIME REPORTING

Supervisors will keep records of all hours worked and time not worked. Forms for this purpose are provided by the City. Time records must be signed by the employee's immediate supervisor and department head.

It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time worked.

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Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the timesheets sent to the Human Resources [Department](#) and recorded on the individual department's records.

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SECTION 7. BENEFITS

A. MEDICAL AND LIFE INSURANCE

Regular full-time employees of the city are eligible for group health benefits (general medical, hospitalization, prescription drug, dental, life and AD&D insurance benefits). The city pays 100 percent of the premiums for the employee for this coverage. The City also pays up to \$220.00 per month toward employee's dependent medical coverage and 100% of dependent dental coverage. The Human Resources [Department](#) provides current information concerning eligibility, coverage and cost. The city offers vision insurance benefits for employees and dependents on a voluntary basis. Employees may pay for vision insurance coverage through bi-weekly payroll deductions.

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The nature and extent of insurance coverage is subject to change for medical, dental, life and AD&D insurance for new employees. Retirees from the City of Lago Vista are eligible to have their health insurance continued through the City's health insurance provider as long as the retiree pays the premiums for such health insurance. *(Legal Reference: Tex. Local Gov't Code §§ 175.001 et seq., as amended.)*

Upon employment, each regular full-time employee is given a benefits booklet containing detailed information about the City's insurance programs. See the provisions in these policies on **Continuation of Group Insurance** for information on continued coverage after certain status changes.

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B. SOCIAL SECURITY

All employees of the City are covered by Social Security. The City also contributes to the Social Security System on behalf of each employee.

C. RETIREMENT

The City is a member of the Texas Municipal Retirement System (TMRS). Regular full-time employees and employees expected to work at least 1000 hours per year are required to become members of TMRS and are eligible for this benefit immediately upon employment. Members contribute six percent (6%) of their gross salary each month toward retirement. The City matches the employee's TMRS contributions on a 2 to 1 ratio.

The City has a five-year (5) vesting plan, and allows retirement at or after age 60 or at any age after 20 years of participation in the TMRS plan. Accidental death and disability benefits are also incorporated into this retirement plan should an employee become disabled prior to retirement.

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Funds contributed by the employee may only be withdrawn upon retirement or resignation. Vested employees will receive the City's matching funds only when they are eligible for retirement and began receiving monthly retirement benefits.

More information is provided in the TMRS Handbook or on their website at www.tmr.com.

1. **Military Leave Buy-Back.** Employees who performed active-duty military service prior to employment with the City, are eligible to establish credit in TMRS for a maximum of 60 months of military service, if the employee has been employed by the City for ten (10) years, and has at least ten (10) years of creditable service in TMRS.

Employees who voluntarily leave employment with the City to enter into active-duty military service, and terminate their TMRS membership by withdrawing their deposits are eligible to establish credit in TMRS for a maximum of 60 months of military service provided the employee is re-employed by the City within 90 days of:

- ◆ Release or discharge from active duty; or
- ◆ Release from hospitalization continuing for not more than one year after discharge.

The credit received is only for the months of active-duty service performed (maximum of 60), has no monetary value, and is not included in the calculation of Updated Service Credits. More detailed information is provided in the TMRS Handbook.

2. **Updated Service Credits.** Employees who have current service credit or prior service credit in TMRS in force and effect on the first day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date have at least thirty-six (36) months of credited service with the System, shall be and are hereby allowed "updated service credits" as defined in subsection (d) of Section 853.402 of the TMRS Act. The updated service credit is one hundred percent (100%) of the "base updated service credit," calculated as provided in subsection (c) of Section 853.402 of the TMRS Act. Each updated service credit replaces any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service. More detailed information is provided in the TMRS Handbook

D. WORKERS' COMPENSATION

Employees of the City are covered by the [workers compensation insurance program](#). This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about [workers compensation benefits](#) is found in the sections of this manual under the main headings of **Workers' Compensation** and **Injury Leave**. (Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.)

E. UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program. This program provides payments for unemployed workers in certain circumstances. (Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.)

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F. LEAVE TIME

Regular full-time City employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about [leaves](#) and other types of released time are found in this manual under **Section 8 - Leave Time** and **Section 9 - Holidays**.

G. LONGEVITY PAY

Longevity pay is paid at the rate of \$25.00 for the first year of employment (regardless of the number of days employed) and an additional \$25.00 for every year thereafter. The maximum longevity pay is \$500 per year. Employees are eligible for longevity pay if they are full-time, active employees on the day the longevity payroll is published. In addition, the City pays the FICA and TMRS matching costs related to the longevity pay. Longevity pay is paid within the first two weeks of December each year.

H. CONTINUATION OF GROUP HEALTH INSURANCE (COBRA)

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation of coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at the Human Resources [Department](#).

I. EDUCATION / PROFESSIONAL DEVELOPMENT

1. **General Policy.** The City encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the City.
2. **Required Attendance.** When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals and lodging.

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When appropriate, the City may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the chapter of these policies **Travel/Expense Reimbursement**.

3. **Professional Memberships and Seminars.** Subject to the prior approval of the City Manager, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

SECTION 8. LEAVE TIME

A. DEFINITIONS

1. **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
2. **Excused Absences.** Excused absences are defined in this policy manual and approved by the employee's supervisor. Examples include, paid sick leave, vacation, holidays, bereavement leave, administrative leave, work-related injury leave, and other types of approved time off. To be eligible for an excused absence, an employee must contact his/her supervisor no later than thirty (30) minutes after the employee's regularly scheduled starting time. The reasons for the absence and the date and the time the employee expects to return to work must be reported at this time. This thirty (30) minutes provision may be waived by the supervisor if there are extenuating circumstances.

B. APPROVAL OF LEAVE

In order to be considered an excused absence, any leave request must be authorized by the employee's immediate supervisor and approved by the appropriate department head. Employees should submit leave request forms at least seven (7) calendar days before the requested time off. Copies of signed leave forms are attached to the time sheets and sent to the payroll office for recording.

C. VACATION LEAVE

Temporary and part-time employees do not earn vacation leave.

1. **Vacation Leave Accrual.** All new employees are subject to a six (6) month probationary period during which time vacation leave will accrue but cannot be taken. Regular full-time employees earn vacation leave on the following basis:

Number of Years of Service	Number of Hours / Days of Vacation Leave	Hours Accrued Per Pay Period
End of 1 st 6 Months	40 Hours / 5 Days	3.08

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End of 1 st Year – 5 Years	80 Hours / 10 Days	3.08
6 Years	88 Hours / 11 Days	3.39
7 Years	96 Hours / 12 Days	3.69
8 Years	104 Hours / 13 Days	4.00
9 Years	112 Hours / 14 Days	4.31
10 Years	120 Hours / 15 Days	4.62
11 Years	128 Hours / 16 Days	4.92
12 Years	136 Hours / 17 Days	5.23
13 Years	144 Hours / 18 Days	5.54
14 Years	152 Hours / 19 Days	5.85
15 Years	160 Hours / 20 Days	6.15

Vacation leave is accrued at a rate of 10 days per year of continuous employment through the fifth year of employment. One additional day per year accrues beginning with the sixth year and ending with a maximum of 20 days the fifteenth year. (Example: 6 years = 11 days per year, 7 years = 12 days per year, etc.)

2. **Use of Vacation Leave.** Vacation leave usage shall be scheduled with the employee's supervisor as far in advance as possible. Use of vacation leave will be at the convenience of the employee whenever possible. However, use of vacation leave should not interfere with normal functioning of City operations. Vacation leave may be taken in increments of one-half day or more.
3. **Sickness during Vacation Leave.** Employees who become ill during their vacation should notify their supervisor so that the time they are ill may be counted as sick leave. At the discretion of the supervisor, medical proof of illness may be required.
4. **Payment upon Termination.** Upon termination, all regular employees who resign or are terminated after completing the full six (6) month probationary period will be compensated for unused vacation leave, up to a maximum of thirty (30) days (240 hours). Employees who leave City employment before completing six (6) months of service shall not be entitled to vacation pay. Payment will be based on the employee's salary at the time of termination. Employee's who leave employment without providing at least a two (2) week written notice will forfeit accumulated vacation leave.
5. **Holidays during Vacation.** City holidays that occur during an employee's vacation will not be charged to vacation time.
6. **Payment upon Death.** Payment for the employee's accrued vacation leave will be paid to the employee's estate.

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7. **Restrictions.** An employee shall not be granted vacation leave in excess of accumulated leave. Employees may not elect to receive pay in lieu of vacation leave. Vacation leave is not transferable to another employee. Employees shall be allowed to retain their vacation leave credits if they are reassigned, promoted, or demoted. Employees do not accumulate vacation leave while on leave of absence.

D. SICK LEAVE

Sick leave is a benefit provided to regular City employees to be used when an employee or a member of the employee's immediate family is unable to work due to illness, physical incapacity, doctor and dental visits. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and/or resides with the employee.) Abuse of this sick leave benefit will not be tolerated. Employees who willfully use sick leave for purposes other than those intended by these policies shall be subject to discipline. All regular full time employees of the City are entitled to accumulate paid sick leave credit according to the following rules:

1. **Sick Leave Accrual.** All regular full-time employees accrue sick leave at the rate of twelve (12) days per year (or eight (8) hours per month), with accrual allowed to continue without limit.
2. **Use of Sick Leave.** Sick leave may be taken in hourly increments; however, sick leave must be accrued before it is used. The following rules govern the use of sick leave:
 - ◆ Sick leave will accumulate and may be used during the probationary period; however, sick leave may not be used in advance of its being earned.
 - ◆ Employees may use sick leave for illness of a dependent family member. (Dependent family member is defined as husband, wife, son, daughter, mother, father or other family member who is dependent upon and/or resides with the employee.)
 - ◆ Sick leave may be used, if approved by the City Manager, as additional Bereavement Leave (See paragraph on Bereavement Leave.)
 - ◆ After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used in lieu of sick leave. When absence due to illness exceeds the amount of paid leave earned, authorized pay to the employee shall be discontinued until the employee returns to work.
 - ◆ To receive paid sick leave, an employee must communicate with his/her immediate supervisor or the supervisor's authorized representative, before or within one (1) hour of the time set for beginning work unless a justifiable excuse is presented regarding an emergency situation.
 - ◆ Supervisors and department directors may require satisfactory proof of illness according to these policies (for either the employee or the employee's dependent family member) if there are three (3) or more consecutive days of absence. (See paragraph relating to "Unexcused Absences.") If there is a question of an employee's fitness to continue in his/her present position, an employee may be required to undergo a physical examination by a physician designated by the City at the City's expense.
 - ◆ Employees shall not earn sick leave while on a leave of absence.

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3. **Light Duty.** An arrangement mutually acceptable to both the employee and supervisor may be made to allow an employee to return to work when regular duty is not possible. Light duty must be approved by the department director and the Human Resources Director on a case-by-case basis. A physician must specify what will constitute light duty.

4. **Payment for Sick Leave at Termination.** The following is the policy for employees who started employment before July 1, 2016:

- ◆ The number of sick days that an employee will be paid at time of termination is fifty percent (50%) of the employee's accumulated leave balance. The maximum sick leave payment an employee will receive at termination is ninety (90) days/720 hours).

Any employee employed by the City after July 1, 2016, will not be eligible for paid accrued sick leave at termination.

E. CIVIL LEAVE

The City provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise, a nonexempt employee's time off to testify will be considered a leave without pay. (*Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.*)

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

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

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

F. VOTING LEAVES

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Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during working hours.

Upon ten (10) days' notice to the supervisor, employees may be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, or leave without pay for the period of time missed.

G. FAMILY AND MEDICAL LEAVE (FMLA)

In accordance with the Family and Medical Leave Act (FMLA), the City allows eligible employees to take unpaid leave for certain specified reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave. Covered Employers must grant such leave and usually protect an employees' position (or its equivalent in pay and other benefits) upon timely return from leave. Employees should contact Human Resources to determine whether you may be eligible for leave under this policy.

Eligibility

To be eligible for FMLA leave, you must:

1. Have worked at least 12 months for the City in the preceding seven years (limited exceptions apply to the seven-year requirement);
2. Have worked at least 1,250 hours for the City during the preceding 12 months; AND
3. Currently work at a location where there are at least 50 employees within 75 miles.

Conditions Triggering Leave

FMLA leave may be taken for the following reasons:

1. The birth of a child, or to care for a newly born child (up to 12 weeks);
2. Placement of a child with the employee for adoption or foster care (up to 12 weeks);
3. To care for a qualifying family member (spouse, child, or parent) with a serious health condition (up to 12 weeks);
4. Because of the employees' own serious health condition that makes the employee unable to perform his/her job (up to 12 weeks);
5. To care for a covered service-member with a serious injury or illness related to certain types of military service (up to 26 weeks); or,
6. To handle certain qualifying exigencies arising out of the fact that the employees' spouse, son, daughter, or parent is on duty under a call or order to active duty in the Uniformed Services (up to 12 weeks).

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The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception of leave to care for a covered service-member with a serious injury or illness related to certain types of military service. For such leave, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

Definitions

A “*serious health condition*” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three (3) full calendar days and two visits to a health care provider or on visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

A “*covered service-member*” is a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

- The term “*serious injury or illness*” means an injury or illness incurred by the covered service-member in the line of duty while on active duty in the Armed Forces that may render the service-member medically unfit to perform the duties of the service-member’s office, grade, rank, rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumes veteran status.
- “*Qualifying exigencies*” include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

Identifying the 12-Month Period

The City measures the 12-month period utilizing a “rolling” 12-month period for counting family and medical leave, counting backward from the first day FMLA leave is taken. FMLA leave generally ends 12 months after that first date of leave. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

For leave to care for a covered service-member, the City calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service-member and ends 12 months after that date.

Using FMLA Leave

City of Lago Vista Employee Handbook

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When an employee’s own serious health condition leaves the employee unable to perform the essential functions of his/her position.¶
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Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or qualifying family member, or in the case of a covered service-member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for the birth of a child, to care for a newly born child or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the City's operations.

Use of Accrued Paid Leave

The City requires you to use accrued paid leave (such as sick leave, vacation, personal days, or other paid time off), concurrently with your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the City's normal procedures for the applicable paid leave policy (e.g., call-in procedures, advance notice, etc.).

An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, the family and medical leave will run concurrently with any paid leave.

An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave.

An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave.

If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave.

The City may count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

Notice and Medical Certification

When seeking FMLA leave, employees are required to provide:

1. Sufficient information for the City to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include notification you are unable to perform job functions, a family

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Moved down [4]: Each department supervisor is responsible for notifying the Human Resources Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury.

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

Moved down [5]: An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or once the employee exceeds three (3) days.¶

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

Approval: An employee shall submit a request for family and medical leave through proper channels to the department director who will then forward it to the Human Resources Manager for approval. Confidential medical information that accompanies ... [7]

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member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified;

2. If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave; if the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances;
3. Medical certification supporting the need for leave due to a serious health condition affecting you or a qualifying family member within 15 calendar days of the City's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, the City may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with the City's standard leave of absence and attendance policies, subjecting you to discipline up to and including termination of employment. Second or third medical opinions and periodic re-certifications may also be required;
4. Period check-ins during leave and require employees on an extended FMLA leave must check in at least once each week by phone or email during their absence with Human Resources or their supervisor; and
5. Medical release before returning to work if the leave was due to your serious health condition. The City will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with these requirements may result in delay or denial of leave, or disciplinary action, up to and including termination of employment.

Supervisor Responsibilities

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

City Responsibilities

To the extent required by law, the City will inform employees whether they are eligible under the FMLA upon inquiry or applicability of the FMLA. Should an employee be eligible for FMLA leave, the City will provide them with a notice that specifies any additional information required, as well as the employees' rights and responsibilities. If an employee is not eligible, the City will provide a reason for the ineligibility. The City will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave anticipated to

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Certification Required to Return to Work after FMLA Leave for Self: Upon returning

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If the validity

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Return to Work: When an employee returns to work after family and medical leave, the employee shall

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be counted against the employees' leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

Job Restoration

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Exemption for Key employees

Certain "Key employees" may not be returned to their former or equivalent position following leave if doing so would cause substantial economic injury to the City. Key employees are salaried and among the highest paid 10% of all employees at a worksite or within 75 miles of that worksite. The City will notify you if you qualify as a "key employee," if the City intends to deny reinstatement and/or other rights.

Effect on Married Couples

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

Continuation of Insurance Benefits

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

Holidays

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

TMRS

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility

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

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to initiate such an arrangement by timely contacting Human Resources, and completing the necessary paperwork.

Recordkeeping

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

Failure to Return After FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), may be subject to the City's standard leave of absence and attendance policies. This may result in termination of employment if you have no other Company-provided or legally mandated leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the City's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

Other Employment

The City generally prohibits employees from holding outside employment that violates the Employment Outside Work policy. This policy remains in force during all leaves of absence including FMLA leave, and a violation may result in disciplinary action up to and including termination of employment.

Worksite Employers' Compliance with FMLA and employees' Enforcement Rights

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or terminate or discriminate against any person for opposing any practice made lawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the City encourages employees to bring any concerns or complaints about compliance with FMLA to its attention, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer. Further, FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Limited Nature of this Policy

This policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The City reserves the right to modify

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

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[this or any other policy as necessary, in its sole discretion, to the extent permitted by law. State or local leave laws may also apply.](#)

[For further information concerning FMLA leave, including whether you and the City are covered by the FMLA and whether you are eligible for such leave, please contact Human Resources.](#)

H. MILITARY LEAVE

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

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

2. **Paid and Unpaid Leave for Training and Duty.**

- ♦ **Full Pay For Up to 15 Days.** Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour workweek during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.
- ♦ **Other Paid Leave.** Employees who have exhausted all available paid military leave may, at their option, may use any other available paid leave time (i.e., vacation leave, holiday leave, and compensatory time) to cover their absence from work.
- ♦ **Unpaid Leave.** After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.
- ♦ **Benefits.** The City will continue to provide employees on paid military leave with most City benefits.

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12-Month Period: A rolling 12-month period measured backward from the date leave is taken. ¶

12-Month Service Member Period: A single 12-month period measured forward from the first day Service member Family Leave is taken. ¶

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

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

Next of Kin: The nearest blood relative of a Covered Service member. ¶

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

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

Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. ¶

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

Military Family Leave Entitlement. ¶

Military Exigency Leave – Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a conti... [9]

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- ◆ **Medical and Dental.** While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.
- ◆ **Return to Employment.** Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
- ◆ **Other Benefits.** While on *paid* military leave, employees continue to accrue vacation, sick leave, and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
- ◆ **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five years or three times the length of the military service to make up any TMRS contributions that were missed while on military leave.
- ◆ **Returning from Leave.**
 - ✓ **Return to Work:** A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the *Texas Local Government Code* before being reinstated.
 - ✓ **Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

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- For service of less than 31 days, employees have eight (8) hours following their release from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.
- ✓ These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevents the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.
- ◆ **Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

I. ADMINISTRATIVE LEAVE

The City may grant Administrative Leave with or without pay to an employee, at the discretion of the City Manager (or designee), when no other paid leave category is available or applicable.

Department directors, in consultation with Human Resources, may designate Administrative Leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to Human Resources for proper payroll processing.

J. OTHER LEAVES OF ABSENCE WITHOUT PAY

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the City's Leave Request Form. Department directors are authorized to grant an unpaid LOA for up to 30 days. Any LOA beyond 30 days must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of 180 total days away from work. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, the American with Disabilities Act as Amended and the Family Medical Leave Act (FMLA). An LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

1. **Use of All Other Available Leave.** All vacation, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing an LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing an LOA.

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2. **Criteria.** Factors considered by the City in granting an LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

3. **Reasons for LOA.** An LOA may be considered in the following circumstances:

- ◆ Recovery from extended illness, injury or temporary disability.
- ◆ Extended care for immediate family members.
- ◆ Educational purposes when successful completion will contribute to the work of the City.
- ◆ Public service assignment.

4. **Documentation.** Requests for LOA without pay must be made in writing to the employee's department director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to Human Resources. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform the essential functions of the position, when the employee is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work in a full or modified duty capacity.

Any employee on LOA without pay must contact Human Resources weekly to report on the employee's condition or status. Before returning to work from a medical LOA, the employee must submit a letter from the doctor stating that the employee is able to resume normal job duties. The City may also impose additional return to work requirements.

5. **Other Employment during Leave.** Under no circumstances may an employee on an authorized LOA without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the department director and Human Resources.

6. **Reinstatement.** Employees returning from an LOA will be reinstated to their same position or one of similar pay and status, provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. Usually, an employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned employment with the City.

7. **Benefits/Premium Payments.** All LOA's are unpaid. Vacation, sick leave, holiday pay, and other benefits do not accrue during an unpaid LOA. Any benefit continuation during an LOA must be approved in advance by Human Resources and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of an LOA. Employees who have group health or any other kind of insurance

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through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either the employee's, or the City's, portion of insurance premiums during an LOA may result in cancellation of coverage.

8. **Revocation.** The City Manager may revoke authorized leave without pay at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

K. WORKERS COMPENSATION INSURANCE AND LEAVE

Every injury, no matter how minor, must be reported to the Human Resources within 24 hours of occurrence by the injured employee's supervisor.

Workers Compensation benefits are provided, as required by law, for injuries or illness arising out of job-related duties, and is free to Employees.

1. **Police Personnel.** Police personnel will be compensated according to State law for injuries occurring in the course of employment.
2. **All Other City Employees.** All other employees will adhere to the following policy upon incurring an on-the-job injury:
 - ◆ **First Seven (7) Days.** The City will pay the employee's full salary for the first seven (7) calendar days, whether that employee is a regular employee, still in the probationary period, full-time, or temporary
 - ◆ **After First Seven (7) Days.** If the employee must be absent from work for more than seven (7) calendar days, Worker's Compensation will pay either 66 2/3% of the employee's full salary, or a set amount (whichever is less). The City will provide the difference between the employee's regular pay and the Worker's Compensation payment. The combined total of the City paycheck and the Worker's Compensation check shall not exceed the employee's regular salary.
 - ◆ **Time Limit.** The time limit for use of injury leave is five (5) months, with the count beginning on the first day the employee is off work. At the end of five (5) months, the employee will either receive Workers' Compensation checks only, or he/she will begin to use accrued sick or vacation leave. No exceptions to this policy will occur.
 - ◆ **Modified Duty.** If modified duty can be arranged by the supervisor, the employee shall return to work on a modified duty status with no loss in pay. The doctor is to determine what modified duty entails as far as activity. As soon as the doctor rules that the employee is able to return to full duty, he/she will be taken off modified duty and placed back on his/her regular tasks.
 - ◆ **Return to Work.** If at any point information is obtained that the employee is able to return to work but not willing to do so, the Human Resources will report this

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information to the Worker's Compensation insurance carrier and the carrier will investigate the matter. Refusal to return to work could result in the lost of Worker's Compensation benefits and the possibility of termination.

- ◆ **Benefits.** Employees accrue vacation, sick and holiday leave while on injury leave.

For information on eligibility and injury reporting procedures for bona fide, on-the-job, work-related injuries, please see the section in this manual under the main heading **Worker's Compensation**.

L. USING LEAVE IN COMBINATION

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if the employee has accrued vacation leave available, and then on compensatory leave if the employee has that leave available.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Manager, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee.

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SECTION 9. HOLIDAYS

M. LIST OF HOLIDAYS

The following is a list of approved holidays:

Holiday	Date(s)
New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday In November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Employee Option Day	Employee/Supervisor Discretion

1. Rules Governing Holidays

- ◆ If the holiday occurs on Saturday, it will be observed on the preceding Friday. If the holiday occurs on Sunday, it will be observed the following Monday. The Mayor, upon approval by the City Council, may issue a proclamation declaring any day a holiday.
- ◆ Full-time regular employees will receive holidays off with pay. If a full-time regular, non-exempt employee is required to work on a holiday, that employee will be paid their regular hourly rate and will accrue a leave day to be taken in the future. Any accrued holiday leave will be paid upon termination.
- ◆ Part-time employees who regularly work at least 25 hours weekly may be granted reduced holiday benefits. Temporary employees are not eligible for paid holidays.
- ◆ An employee who is absent without leave on the day immediately preceding or following a City holiday shall not be paid for the holiday.

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- ◆ City employees accrue an Employee Option Day after the employee completes six (6) months of satisfactory performance. Police officers accrue an Employee Option Day after the officer completes one (1) year of satisfactory performance.
- ◆ If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.
- ◆ This section applies to employees who work on shifts other than Monday through Friday. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will (1) be provided with an alternate day off on what would otherwise have been a regular workday for the employee, or (2) be paid his or her regular salary amount for the pay period involved, plus eight additional hours for the holiday.

SECTION 10. WORKERS' COMPENSATION

A. ELIGIBILITY FOR WORKER'S COMPENSATION

1. **Purpose.** Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers compensation insurance.
2. **Eligibility.** Employees injured on the job are generally eligible for workers compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, as well as possible partial salary continuation.
3. **Not Covered.** Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers compensation plan.

B. ACCIDENT AND INJURY REPORTING PROCEDURES

1. **Medical Attention.** When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from an approved provider list as provided by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance.
2. **Reporting and Documentation.** The employee's supervisor is responsible for notifying Human Resources, and the employee's department head immediately upon being made

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aware of an employee's involvement in an accident or injury. This timely notification is critical.

3. **Investigation.** The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report and any other related information to Human Resources, no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.

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4. **Report Suspicious Circumstances.** If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers compensation will be made by the City's Workers' Compensation insurance carrier or the Texas Department of Insurance and not by the City.

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5. **Employee Reporting Requirements.** If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work and to report to Human Resources each Friday. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to Human Resources and to the employee's supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

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6. **Returning to Work.** The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

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7. **Approval of Modified Duty Assignments.** All modified duty assignments must be approved by Human Resources, to ensure compliance with the City's policies, the physician's restrictions/release, and with the Americans with Disabilities Act as Amended (ADAAA).

8. **Maximum Time Limits.** The City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a

reasonable time period if holding the position does not result in undue hardship on the City. Twelve (12) weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's workers compensation leave.

9. **Consideration of Reasonable Accommodations.** Human Resources will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled, and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

SECTION 11. DRUG AND ALCOHOL USE POLICY

A. DRUG-FREE AND ALCOHOL-FREE WORKPLACE

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

B. PROHIBITION AGAINST ALCOHOL AND ILLEGAL AND UNAUTHORIZED DRUGS

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

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C. PROHIBITION AGAINST ILLEGAL AND UNAUTHORIZED DRUG-RELATED PARAPHERNALIA

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

D. PERMISSIVE USE OF PRESCRIBED AND OVER-THE-COUNTER DRUGS

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

E. POLICE DEPARTMENT EMPLOYEES

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

F. MANDATORY DISCLOSURE BY EMPLOYEES

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

G. ON-CALL EMPLOYEES

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

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H. MANDATORY REPORTING OF ARRESTS AND CONVICTIONS

Employees must notify their immediate supervisor and the department director, in writing, of any alcohol or drug-related arrest and/or conviction (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace as soon as possible or no later than twenty-four (24) hours after the arrest and/or conviction.

I. OFF-DUTY CONDUCT

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use, or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

J. REHABILITATION/TREATMENT.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include:
 - ◆ The length of the employee's employment with the City;
 - ◆ The employee's prior work and disciplinary history;
 - ◆ The employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program;
 - ◆ The reputation of the program and the likelihood of a successful outcome;
 - ◆ The employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace;
 - ◆ The resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee

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must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - ◆ Initial negative test for drugs and/or alcohol before returning to work;
 - ◆ A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - ◆ Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - ◆ In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
 - ◆ The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by Human Resources. The employee must meet with Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

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K. POLICY VIOLATIONS

Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Human Resources to receive assistance or referrals to appropriate resources in the community.

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L. TESTING

1. **Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally-accepted testing procedure. City employees are subject to five types of testing: pre-employment (applicants), post-accident (all employees), random (employees in safety-sensitive positions), reasonable suspicion (all employees), and return to duty (specific employees).
2. **Testing of Applicants.** All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of

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employment or future employment with the City.

3. Testing of Employees.

- ◆ Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.
- ◆ Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
- ◆ For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
- ◆ Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
- ◆ Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
- ◆ A positive test result is a violation of the City’s Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.
- ◆ The City has additional obligations when testing for controlled substances and alcohol for those employees who are licensed to drive commercial City vehicles regulated by the U.S. Department of Transportation. Please see the City’s Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures.

- ◆ All testing must normally be authorized in advance by both the employee’s department director and Human Resources. If the department director is unavailable within a reasonable period of time, Human Resources may, with sole discretion, authorize the testing of an employee. If Human Resources is unavailable within a reasonable period of time, the department director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led the supervisor to

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suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

- ◆ If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- ◆ All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. Positive test results may be subject to confirmation testing.
- ◆ Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

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M. SEARCHES

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

All searches must be authorized and conducted under the direction of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

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SECTION 12. DRUG AND ALCOHOL POLICY FOR EMPLOYEES UNDER DOT REQUIREMENTS

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A. EMPLOYEES / APPLICANTS SUBJECT TO TESTING.

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the

City of Lago Vista Employee Handbook

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U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

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

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. City positions currently subject to the testing provisions of this policy are all drivers with Class A, Class B or Class C CDL's. The positions may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

B. PROHIBITED ALCOHOL USE.

1. **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
 - ◆ While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
 - ◆ While using alcohol; or
 - ◆ Within 4 hours after using alcohol.
2. **Use Following an Accident.** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

C. PROHIBITED DRUG USE

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

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D. REQUIRED ALCOHOL AND DRUG TESTS

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

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

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

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

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

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

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

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- ◆ **Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions.

If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test, and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to Human Resources.

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

- ✓ An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- ✓ 24 hours have elapsed since the reasonable suspicion observation was made.

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

4. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year.

Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. **Return-to-duty and follow-up testing.** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing.

When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy, and it is the policy of the City not to do so.

Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

E. REFUSAL TO TEST

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

F. ADDITIONAL INFORMATION ABOUT ALCOHOL TESTING.

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1. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
2. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

G. ADDITIONAL INFORMATION ABOUT DRUG TESTING.

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

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

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4. **Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
5. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

H. CONFIDENTIALITY

Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer (MRO). Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers compensation and unemployment proceedings.)

All test results will be kept in a confidential file by Human Resources, Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

I. INFORMATION FROM PRIOR EMPLOYERS

For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment.

The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three (3) years. The City will also ask if the person has tested positive, or refused to test, on

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any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two (2) years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

J. NOTIFICATION TO APPLICANTS/EMPLOYEES OF POSITIVE TEST RESULTS

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

K. EMPLOYEE ADMISSION OF DRUG/ALCOHOL USE

An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty.

The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy.

A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

L. SAFETY SENSITIVE FUNCTIONS

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

1. All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
2. All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
3. All time spent at the driving controls of a CMV in operation;

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4. All time, other than driving time, in or upon any CMV;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

M. TRANSPORTATION TO TESTING SITE

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

N. QUESTIONS

Anyone with questions regarding this policy should contact Human Resources.

SECTION 13. PERFORMANCE APPRAISALS

A. PURPOSES OF PERFORMANCE APPRAISAL SYSTEM

The City uses a thorough performance appraisal system for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance appraisal system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance appraisal system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

B. SCHEDULE

1. Regular full time and part time employees are eligible for:
 - ◆ A performance review after six (6) months of their initial probationary period, except for new Police Officers, who serve a twelve (12) month probationary period; and
 - ◆ Annual performance appraisal in December of each year.
 - ◆ Newly transferred or promoted employees who are serving their initial probationary period may also receive periodic evaluations during their probationary period.
 - ◆ Department directors are not governed by the above schedule; the City Manager's office establishes a performance appraisal system for director-level positions.

C. PERFORMANCE APPRAISAL PROCESS

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1. **Written Appraisals.** All performance appraisal information must be written where required and forwarded to Human Resources for retention in the employee's official personnel file. An appraisal is considered complete at the time the employee signs and dates the appraisal document, or the supervisor and/or department director has a witness acknowledge the employee's refusal to sign the appraisal document.

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2. **Clear Communication.** Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed. Each employee will sign and date a copy of the performance appraisal when it is reviewed with him, or her and the supervisor will forward a copy to Human Resources for filing in the employee's official personnel file and provide the employee a copy.

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3. **Reviewers Properly Trained.** Department directors are expected to ensure compliance with this policy and ensure that supervisors and managers under their direction are adequately trained in the performance appraisal process. In order to correct any obvious errors or rating bias, department directors and/or mid-level managers are encouraged to review all performance appraisal documents for validity prior to the department supervisor conducting the performance appraisal meeting with the affected employee.

4. **Human Resources Responsibilities.** Human Resources will review all appraisal documents for obvious errors and return them to the department directors for any clarifications or procedural corrections. Human Resources is responsible for maintaining original appraisal documents in the City's official personnel files and for timely processing appraisals for any compensation due.

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5. **Employee Responsibilities.** Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance appraisal with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the department director; if the department director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

D. PERFORMANCE APPRAISAL APPEALS

Employees have the right to present an appeal concerning their performance appraisal. The performance appraisal appeal will follow the grievance procedure guidelines (See the Section on Grievances), through the City Manager level. The City Manager's decision is final.

SECTION 14. EMPLOYEE CONDUCT & WORK RULES / DISCIPLINARY ACTION

A. PURPOSE

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

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B. PROGRESSIVE DISCIPLINE

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

- ◆ oral warning
- ◆ letter of counseling
- ◆ written reprimand
- ◆ probation
- ◆ suspension (without pay)
- ◆ demotion
- ◆ Performance Improvement Plans
- ◆ discharge

C. DOCUMENTATION

All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. Even an oral warning should be noted in writing by the supervisor or director issuing the oral warning; the employee should be asked to acknowledge the oral warning, and the note, signed by the employee and the person conducting the oral warning, should be sent to the employee's personnel file.

Any written disciplinary action should set forth:

1. Examples of conduct, incidents, actions, or failures to act, that resulted in the discipline;
2. The discipline to be imposed,
3. The effective dates, and
4. If the action is not a dismissal, the likely effect if the employee continues to perform, or to fail to perform, in the manner that resulted in the disciplinary action.

In the event an employee is to be discharged, the supervisor, prior to taking the action, shall forward a copy of the documentation to Human Resources for review, who shall forward a copy of the proposed dismissal to the City Manager. The supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

D. SUPERVISORY RESPONSIBILITY

All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their

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subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; and discipline their subordinates as required under their departmental and/or City policies and procedures. Employees with supervisory responsibilities shall also address performance appeals submitted to them, as provided by policy, in a professional manner. The intent of these policies is to attempt to resolve such issues at the lowest possible supervisory level.

E. REVIEW BY HUMAN RESOURCES MANAGER AND APPROVAL BY CITY MANAGER

Any proposed disciplinary action in excess of an oral warning must be reviewed by Human Resources prior to being given to the employee. This applies to both employees serving the initial probationary period and regular employees that have completed the initial probationary period.

Disciplinary actions, other than oral or written warnings, require the advance approval of Human Resources unless an emergency situation exists. Any written notice of disciplinary action will be included in the employee's personnel file.

F. APPEAL RIGHTS

Where a disciplinary action involves a suspension of one (1) day (or one (1) shift) or more, demotion, and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. However, positions classified as Director level and above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial probationary period have no right of appeal for disciplinary action taken against them.

G. PROHIBITED ACTIVITIES

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

- ◆ Theft or inappropriate removal or use of City property or other property not belonging to the employee;
- ◆ Falsification of timekeeping or other records, including employment application;
- ◆ Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs;
- ◆ Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment;
- ◆ Violation of City's policy regarding sexual or other unlawful harassment;

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- ◆ Interfering with work schedules or another employee's ability to work;
- ◆ Misuse of City telephones, computers, mail systems, internet, etc.;
- ◆ Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval;
- ◆ Breaks in excess of the allotted time allowed;
- ◆ Violation of smoking/tobacco policy;
- ◆ Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
- ◆ Profanity, abusive language, or racial slurs;
- ◆ Unauthorized disclosure of confidential information;
- ◆ Violation of any provision of the City Charter;
- ◆ Violation of City or departmental policies, codes of conduct, rules and procedures;
- ◆ Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- ◆ Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- ◆ Unsatisfactory performance or conduct;
- ◆ Inefficiency, incompetence, or neglect of duty;
- ◆ Fighting, provoking or instigating a fight, or threatening violence;
- ◆ Disruptive activity in the workplace;
- ◆ Engaging in a work stoppage;
- ◆ Conduct which results in waste or damage of a co-workers, the City's, or citizen-owned property;
- ◆ Insubordination or other disrespectful or unprofessional conduct;
- ◆ Discourteous treatment of the public;
- ◆ Possession of weapons on City time, City premises, or while on City business (except for licensed police officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle);
- ◆ Violation of local, state or federal law;
- ◆ Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime;
- ◆ Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- ◆ Outside employment that conflicts with, or potentially conflicts with, City interests;

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- ◆ Acceptance of payment of any kind for activities related to City employment;
- ◆ Failure or refusal to follow lawful orders;
- ◆ Sleeping on the job;
- ◆ Dishonesty, including misrepresentation during the hiring process; or
- ◆ An accumulation of minor infractions.

H. DISCIPLINARY MEETING

A disciplinary meeting will be scheduled prior to the imposition of a suspension of one (1) day (or one (1) shift) or more, demotion, or termination. The department director, the affected employee, (the meeting may also include a representative from Human Resources) attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

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I. ADMINISTRATIVE LEAVE

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

J. ADDITIONAL INFORMATION

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Separations**.

SECTION 15. SEPARATIONS

A. TYPES OF SEPARATIONS

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

1. **Resignation.** An employee who intends to resign is expected to notify the supervisor and/or Human Resources in writing at least (2) two weeks prior to the last day of work. Department Managers are expected to notify the City Manager and Human Resources at least thirty (30) days in advance. Employees who fail to give the required advance notice are typically not eligible for rehire.
2. **Retirement.** An employee who intends to retire is requested to notify the department director, supervisor, and Human Resources, in writing at least one month prior to the date of retirement. The Texas Municipal Retirement System (TMRS) application for retirement

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must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

- ◆ **Retiree Health Coverage.** An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS is entitled to purchase continued health benefits coverage for the retiree and eligible dependents unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must inform Human Resources before the date of retirement.

An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents that were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage.

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

Dismissal may also occur for the following:

- ◆ **Job Abandonment.** If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three (3) or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.
- ◆ **Long-Term Absence.** Leave of absence beyond 180 days may be granted if it is a reasonable accommodation justified by medical necessity.
 - ✓ This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and the Amendments to the Americans with Disabilities Act.
- ◆ **Incapacity.** An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirements of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation and sick leave benefits if provided by policy, payable upon termination.
- ◆ **Reductions-in-Force/Reorganization.** An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the elimination of the position, other material change in the duties of the organization, or for other reasons which are outside the employee's control, and which do not reflect discredit upon the service of the employee.

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When reductions in force are necessary, decisions on individual separations will be made after considering:

- ✓ The relative necessity of each position to the organization,
- ✓ The performance record of each employee,
- ✓ Qualifications of the employee for remaining positions with the city, and
- ✓ The employee's length of service with the city.

Employees who have been laid off may reapply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the city for 12 continuous months is dismissed as a result of a reduction in force, he or she will be given a minimum of two (2) weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department director will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

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

Separation Agreements/Severance Agreements. At the City's sole discretion, an employee may be offered a Separation Agreement or a Severance Agreement relating to the employee's termination of employment. All Separation Agreements or Severance Agreements offered to department heads whose termination or removal requires City Council approval as stipulated in the City Charter, regardless of the financial terms or dollar amount, shall require prior approval by the City Council. **Procedure for Approval:**

1. The City Manager shall present all proposed department head separation agreements to the City Council for review and approval during a duly noticed public meeting.
2. The presentation shall include all relevant details of the agreement, including but not limited to the reasons for the separation, the financial terms, and any other pertinent information. Portions of the presentation may be made in closed session of the Council, as permitted by law.

B. EXIT INTERVIEWS

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. Human Resources shall complete an Exit Interview Form, and the supervisor also completes a form.

Exit interviews are conducted confidentially by Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The department director (or designee) is responsible for promptly

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notifying Human Resources of all separations, arranging for the exit interview, and providing documentation of receipt of all departmental and/or City property from the exiting employee.

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SECTION 16. GRIEVANCES

A. POLICY

It is the policy of the City, insofar as possible, to prevent the occurrence of grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

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The Texas Whistle Blower Act provides that the City may not suspend or terminate the employment of, or otherwise discriminate against, a City employee who reports a violation of law to an appropriate law enforcement authority, if the employee report is made in good faith.

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An employee may file a grievance regarding their wages, hours, or conditions of employment, including but not limited to one or more of the following grounds:

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- ◆ Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- ◆ Unfair treatment;
- ◆ Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- ◆ Improper application of fringe benefits; or
- ◆ Improper or unsafe working conditions.

The City follows a grievance procedure which ensures a uniform process in the City's consideration of work-related grievances. Elements of the process include the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

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B. FINAL AUTHORITY

Grievances can be appealed through the employee's supervisor to the City Manager whose decision is final.

C. PROCEDURE

The following procedures are applicable to regular employees.

1. **Informal Grievances.** The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.
2. **Formal Grievances.** Formal grievances must be in writing on a form provided by the Human Resources Department, signed by the employee, and presented to the employee's

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supervisor within ten (10) City working days after the event(s) forming the basis of the grievance allegedly occurred or were reasonably discovered by the grievant. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by a representative of their choice, including another City employee.

After being presented with a written and signed grievance by the Human Resources Director, the employee's supervisor shall:

- ◆ Schedule and conduct a meeting with the employee and their representative (if any) within ten (10) City working days of receipt of the written grievance to allow the employee to present their grievance, including submission of written materials that the employee deems relevant to the resolution of the grievance;
- ◆ Communicate a written decision on the grievance to the employee within fifteen (15) City working days after receipt of the grievance, sending a copy of the proposed resolution to the employee's file in the Human Resources Department, to the City Manager, as well as the department head.

Written Appeal. If no meeting is scheduled and held as required above, or if an employee receives no written resolution from the supervisor within fifteen (15) working days from the date on which the grievance meeting was held, or if the employee is not satisfied with the proposed written resolution from the supervisor, the employee may file a written appeal with the department director within ten (10) City working days after receipt of the written decision, or the time period for the receipt of a proposed resolution has elapsed.

The department director will review the file materials; consult with the Human Resources Director; and schedule a meeting with the parties involved no later than five (5) working days after receipt of the grievance appeal. Following the meeting, the department director shall respond in writing to the employee within ten (10) working days of the date on which the appeal was received in the department director's office, sending a copy to Human Resources and the City Manager.

Next Level Written Appeal. If the employee receives no written resolution from the department head within ten (10) working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee may file a written appeal with the City Manager within ten (10) working days.

The City Manager shall review the file materials; consult with the Human Resources Director; and schedule a meeting with the parties involved no later than five (5) working days after receipt of the grievance appeal. Following the meeting, the City Manager shall respond in writing to the employee within ten (10) working days of the date on which the appeal was received in the City Manager's office, sending a copy to Human Resources.

The decision of the City Manager is final and cannot be appealed further within the City.

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Notify his or her supervisor and department director, who must notify the Human Resources Manager and the

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Attempt to resolve the grievance with

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3. **Maximum Time Periods.** At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible.

4. **Documentation.** Copies of all documentation relating to the grievance will be forwarded to Human Resources Director immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

5. **Grievances Relating to Sexual or Other Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex (including sexual or other harassment), national origin, age, or disability.

- ◆ The initial written grievance may, at the employee's option, be submitted directly to Human Resources immediately.
- ◆ If the grievant alleges discrimination or sexual or other harassment by the City Manager, the employee may file the grievance directly with Human Resources or with the City Attorney. Such grievances shall also be filed within 10 working days of the alleged discriminatory act. In such instances, to allow adequate time for proper investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.
- ◆ In all instances of alleged discrimination or sexual or other harassment, the City Attorney will be consulted before a written resolution is provided to the grievant.

6. **Grievances against the City Manager.** If an employee files a grievance complaining of the actions of the City Manager, the employee should bypass the Work-Related Problems procedure and submit the written grievance form to the City Attorney directly to initiate the process. Such grievances will be resolved by the City Council using a process as similar to the standard grievance process as possible given the requirements of the Open Meetings Act.

7. **Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal implies that the employee is satisfied with the latest resolution.

SECTION 17. PERSONNEL RECORDS

A. PERSONNEL FILES

An employee's official personnel file contains all documents related to an employee's employment relationship with the City, except for medical records and I-9 forms.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical

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¶ POLICY¶

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.¶
Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile equivalent to the current IRS rate, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).¶ ... [11]

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files are confidential and are not released to anyone unless a “need to know” has been clearly established. Only Human Resources has routine access to employee medical records.

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

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

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of other co-workers’ medical information. Employees are expected to use discretion and judgment when dealing with such information and should not disclose any information, gossip, rumors, or anything else that may constitute an invasion of a co-worker’s privacy or breach of confidentiality. Failure to adhere to this policy will result in disciplinary action, up to and including, termination of employment.

The City must maintain current and accurate records of all employees’ addresses and telephone numbers. It may become necessary to write or telephone an Employee at home about working conditions or schedules. Each employee must promptly inform Human Resources of any changes in an address or telephone number. Employees must also promptly inform Human Resources of any changes in family status such as marriage, divorce, or births. Failure to do so may affect the ability to offer or continue any health benefits to which you or your dependents may be entitled. Any of the above changes should be reported at the time the changes occur.

The employee may request and review their personnel file, but the employee does not have the right to receive a copy of their entire file. However, the employee does have the right to receive a copy of any personnel records that they have signed, including but not limited to the following: application of employment, performance evaluations, and discipline notices. Personnel files will not be removed from the Human Resources Department and will be reviewed in the presence of the Human Resources Director or his/her designee.

Any request to inspect or copy personnel records must be made in writing with advance notice to Human Resources. The request form can be obtained from the Human Resources Department. The employee’s request must be approved prior to the review of their personnel file.

The employee’s personnel records may be made available to review at the Human Resources Department. The records will be made available no later than 30 calendar days from the date the City receives their written request to inspect or copy their personnel records (unless you/your representative and the City mutually agree in writing to a date beyond 30 calendar days but no later than 35 calendar days from receipt of the written request).

The City will strictly limit accessibility of personnel records to the employee, the employee’s designated representative, the employee’s immediate supervisor, department director, Finance Department or designee (material is restricted to financial matters), the Human Resources Department, the City Manager, the City Attorney, and any duly sworn officer of the court upon

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A note to justify an absence;¶
A note to request a leave;¶
A note to verify the employee’s ability to return to work;¶
Medical records to support a claim for sick pay or disability benefits;¶
Insurance records; ¶
Workers’ compensation records; and¶
Medical history records.¶

Genetic Information. The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent (... [26]

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proper subpoena, court order, or written request, except when a request for personnel information is required under the Texas Open Records Act. In instances where a request has been made under the Texas Open Records Act for information contained in an employee's personnel file, the employee will be notified in writing that such a request has been made, along with the name of the person making the request.

Disclosure of personnel information to outside sources will be limited. However, the City will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations, and as otherwise legally required.



City of Lago Vista
Handbook - Policies

B. INFORMATION DISCLOSURE ELECTION

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information.

However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Manager.

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LEAVE RECORDS¶

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the Human Resources Manager. Leave records are updated at the end of each biweekly pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must submit a copy of an approved leave request to the payroll office for any paid leave time used by an employee under his or her supervision. The approved leave request forms must be attached to the payroll information sent to the payroll office at the end of each pay period.¶

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SECTION 19. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

The Employee Handbook contains important information about the City, and I understand that I should consult the Human Resources Department regarding any questions not answered in the handbook. I have entered into my employment relationship with the City voluntarily and understand that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at will, at any time, with or without cause, and with or without advance notice.

I understand and agree that no person other than the City Manager or the City Council may enter into an employment agreement for any specified period of time or make any agreement contrary to the City's stated employment-at-will policy.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, except to the City's policy of employment-at-will. All such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Manager or the City Council have the ability to adopt any revisions to the policies in this handbook.

Furthermore, I understand that this handbook is neither a contract of employment nor a legally binding agreement. I have had an opportunity to read the handbook, and I understand that I may ask my supervisor or any employee of the Human Resources Department with any questions I might have concerning the handbook. I accept the terms of the handbook. I also understand that it is my responsibility to comply with the policies contained in this handbook, and any revisions made to it. I further agree that if I remain with the City following any modifications to the handbook, I thereby accept and agree to such changes. City Council members will also be provided with a copy of these policies.

I have received a copy of the City's Employee Handbook – Policies and Procedures on the date listed below. I understand that I am expected to read the entire handbook. I understand that it is also available on the City's website, at [REDACTED]. Additionally, I will sign two copies of this Acknowledgment of Receipt, retain one copy for myself, and return one copy to the City's Human Resources department on the date specified. I understand that this form will be retained in my personnel file.

Employee Signature

Date

THIS PAGE IS TO BE DATED, SIGNED AND RETURNED TO THE HUMAN RESOURCES DEPARTMENT UPON RECEIVING A COPY OF THESE POLICIES AND PROCEDURES

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ORDINANCE NO. 24-10-17-0X

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, ADOPTING REVISIONS TO THE CITY'S PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, Section 4.06 of the City Charter requires the City Manager to prepare and recommend to City Council Personnel Policies and for Council to adopt such policies by ordinance; and

WHEREAS, Council last adopted Personnel Policies in 2016; and

WHEREAS, numerous developments have occurred in personnel law and practices since 2016; and

WHEREAS, the City Council and City Manager tasked the City Attorney and the City's outside human resources attorney with developing recommended revisions and updates to the Personnel Policies, which revisions were presented to the Council at its October 10, 2024 meeting; and

WHEREAS, the City Council desires to adopt the revised Employee Handbook Policies and Procedures recommended by the attorneys and the City Manager as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby adopt the City of Lago Vista Employee Handbook Policies and Procedures as shown in **Exhibit "A"**.

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have

passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached amendments to the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____ 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.

Exhibit A



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cobby Caputo, City Council

SUBJECT: Discussion, consideration and possible action on Ordinance No. 24-10-17-05, regarding Employee Separation Agreements including, but not limited to, current policies utilized in recent separation agreements and a proposed ordinance requiring City Council approval for all Department Head Separation Agreements.

BACKGROUND: Recent events have highlighted a gap in our current policies that allows the City Manager to sign separation agreements with employees under a certain dollar amount still amounting to tens-of-thousands of dollars without City Council approval. This practice lacks fiscal transparency and potentially circumvents the City Charter's requirement for Council approval for the termination of department heads by getting employees to agree to a settlement or risk being fired.

FINDINGS: The proposed ordinance will require that all department head separation agreements regardless of the financial terms receive City Council approval before execution. This ordinance aims to prevent any future circumvention of the Charter's requirements and ensure that the Council maintains appropriate oversight over all personnel actions.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[Separation_Agreement_Ordinance_10-17-24.pdf](#)

ORDINANCE NO. 24-10-17-05

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, REQUIRING CITY COUNCIL APPROVAL FOR ALL EMPLOYEE SEPARATION AGREEMENTS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.

WHEREAS, the City of Lago Vista (the "City") is committed to maintaining transparency, accountability, and adherence to the City Charter in the administration of its personnel policies; and

WHEREAS, recent events have revealed a gap in the current policies that allows the City Manager to sign separation agreements with employees under a certain dollar amount without City Council approval; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to require City Council approval for all employee separation agreements to ensure compliance with the City Charter and proper oversight;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

1. **Section 1. AMENDMENT TO PERSONNEL POLICIES.** All separation agreements with Department Heads, regardless of the financial terms or dollar amount, shall require prior approval by the City Council. This requirement applies to all Department Head positions, including those whose termination or removal do not require Council approval as stipulated in the City Charter.
2. **Section 2. PROCEDURE FOR APPROVAL OF SEPARATION AGREEMENTS.**
 - A. The City Manager shall present all proposed department head separation agreements to the City Council for review and approval during a duly noticed public meeting.
 - B. The presentation shall include all relevant details of the agreement, including but not limited to the reasons for the separation, the financial terms, and any other pertinent information.
3. **Section 3. CONSISTENCY WITH CITY CHARTER.** This ordinance is intended to be consistent with and to further the provisions of the City Charter. Nothing in this ordinance shall be construed to amend or conflict with the City Charter.
4. **Section 4. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

5. **SECTION 5. REPEALER.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.
6. **SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.
7. **SECTION 7. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 17th day of October 2024.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing ordinance was passed and approved.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Cobby Caputo, City Council

SUBJECT: Discussion, consideration, and possible action on Ordinance 24-10-17-XX, an ordinance of the City of Lago Vista amending the code of ordinances by amending Chapter 1, General Provisions by adding a new Article 1.200, "Release from Extraterritorial Jurisdiction, providing for procedures for processing petitions for release from the City's ETJ, and mending Appendix A, Fee Schedule to add a fee for processing petitions for release; providing for the following: findings of fact, severability, repealer, effective date, and proper notice and meeting clauses.

BACKGROUND: Council member Roberts proposed an ordinance at the August 15, 2024 meeting to establish procedures for processing petitions for release from the City's ETJ; which are permitted by SB 2038 passed in the 2023 Legislative Session. The proposed Ordinance also added fees to be paid by the petitioner when filing the petition to cover City expenses required by the release of territory from the ETJ.

Council discussed the issue at that meeting and asked several questions of the City Attorney, which needed additional research. The City Attorney also proposed to make some changes to the draft ordinance.

The draft included in this Agenda item reflects the City Attorney's revisions to the proposed ordinance.

FINANCIAL IMPACT: N/A

ATTACHMENTS:

[ETJ_Release_Ordinance_and_Fee_Schedule_Amendment_Draft_10-10-24.pdf](#)

ORDINANCE NO. 2024-10-17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 GENERAL PROVISIONS, ADDING A NEW ARTICLE 1.200 “RELEASE FROM EXTRATERRITORIAL JURISDICTION”, PROVIDING PROCEDURES FOR PROCESSING PETITIONS FOR RELEASE FROM THE CITY’S EXTRATERRITORIAL JURISDICTION; AND AMENDING APPENDIX A, “FEE SCHEDULE,” TO ADD A FEE FOR PROCESSING PETITIONS FOR RELEASE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.

WHEREAS, the City of Lago Vista, Texas, is a Home Rule City operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Legislature passed Senate Bill 2038, which allows residents of a city’s extraterritorial jurisdiction to petition for release from the municipality’s extraterritorial jurisdiction; and

WHEREAS, Senate Bill 2038 provides a timeline for approving the release of property from the extraterritorial jurisdiction after a petition is filed with the municipality; and

WHEREAS, the City Council deems it appropriate to provide procedures for establishing when a petition is considered filed; and

WHEREAS, a petition requesting release must comply with the petition requirements of Chapter 277 of the Texas Election Code; and

WHEREAS, the City Council finds it necessary to establish a procedure for the City Secretary to verify the authority of persons signing a petition on behalf of corporate owners; and

WHEREAS, the City Council desires to amend the fee schedule to require an appropriate fee for processing extraterritorial release requests, including staff time and updating the official map of the city and its extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS THAT:

SECTION 1. All the above premises are true and correct legislative and factual findings of the City Council and are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. The Code of Ordinances is hereby amended by adding the following as Article 1.2100 RELEASE FROM EXTRATERRITORIAL JURISDICTION:

1.2101. Petitions for Release from Extraterritorial Jurisdiction.

(a) A petition for release or a petition to hold an election for release from the City's extraterritorial jurisdiction may be filed by a resident or landowner within the extraterritorial jurisdiction, as provided by Chapter 42 of the Texas Local Government Code, as amended.

(b) A petition either for release or requesting an election is considered filed when it meets the following requirements:

1. The petition must comply with the signature requirements of Chapter 42 of the Texas Local Government Code, as amended, and Chapter 277 of the Texas Election Code, as amended;
2. The petition must include a map of the land to be released and describe the boundaries of the land by either: i. Metes and bounds, or ii. Lot and block number, if there is a recorded map or plat;
3. To permit the City Secretary to verify the petition, the petition of a corporate owner must be accompanied by the following: i. ~~Date of birth of the signor~~; ii. ~~Personal residence address of the signor~~; iii. Business entity's Certificate of Good Standing from the Texas Secretary of State; iv. ~~Business entity's Articles of incorporation, certificate of formation, partnership agreement, or other corporate formation document~~; v. ~~Business entity's Bylaws~~; and vi. Resolution of the business entity authorizing the petition for release to be executed and filed by the entity representative.

(c) Upon receipt of a petition, the City must verify the petition.

1. The City shall notify the resident and landowners of the area described by the petition of its results. This may be satisfied by notifying the party who filed the petition.

(d) If the petition for release contains the requisite number of signatures, the City:

1. ~~shall~~ May release the area from its extraterritorial jurisdiction by the later of the 45th day after the date the petition was filed or the next meeting of the City Council that occurs after the 30th date after the petition was filed; or
2. Allow the area to be released by operation of law by taking no action on the petition by the later of the 45th day after the date the petition was filed or the next meeting of the City Council that occurs after the 30th date after the petition was filed.

(e) If the resident or landowner submits a verified petition to hold an election for release, the City may either:

1. Voluntarily release the area for which the election is to be held from the City's extraterritorial jurisdiction before the date on which the election would have been held; or
2. Order an election for release, which must comply with Texas Election Code and Chapter 42 of the Local Government Code, as amended.

(f) This section does not apply to the following properties in the extraterritorial jurisdiction:

1. In an area designated as an Industrial District under Section 42.044 of the Texas Local Government Code, as amended;
2. In an area subject to a strategic partnership agreement with the city; or
3. Any other exceptions to the release of an area by petition of a landowner or resident as described by Chapter 42 of the Local Government Code.

SECTION 3. Appendix A Fee Schedule is amended by adding Article 11.000 “Fees for Petition for Release from Extraterritorial Jurisdiction” as follows:

Article 11.000 “Fees for Petition for Release from Extraterritorial Jurisdiction”.

(a) General fees.

- Petition for Release from Extraterritorial Jurisdiction: \$ _____
- ~~Escrow Deposit for Legal Fees: \$5,000 (or as determined by the City Council)~~

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: October 17, 2024

SUBMITTED BY: Councilor Saum, City Council

SUBJECT: Discussion, consideration and possible action on Resolution No. 24-2080 advocating support to procure federal funding for the expansion of wastewater and drinking water infrastructure through community project funding dollars with the assistance of Congressman Michael McCaul's office.

BACKGROUND: The City of Lago Vista is facing significant infrastructure challenges related to wastewater and drinking water capacity, requiring substantial investment to support current and future growth. Congressman Michael McCaul's office has access to federal funding through community project funding that Lago Vista would like to apply for to assist in the expansion of Lago Vista's water and wastewater infrastructure. Additionally, support letters from local elected officials and community organizations can strengthen the City's application for federal funding.

FINDINGS: The proposed resolution will indicate the City Council's support to pursue federal funding through Congressman McCaul's office and to work with relevant departments and stakeholders to develop necessary documentation. The resolution also directs the City to seek letters of support from local entities, including State Representative Ellen Troxclair, State Senator Donna Campbell, and other community organizations, to bolster the City's application for infrastructure funding. This initiative is part of the City's ongoing efforts to secure funding for critical infrastructure improvements.

FINANCIAL IMPACT: No immediate fiscal impact. Potential future financial relief from federal funding for necessary infrastructure improvements.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the City to pursue federal funding and to seek support letters.

ATTACHMENTS:

[RESOLUTION NO 24-2080 \(10-17-2024\).pdf](#)

RESOLUTION NO. 24-2080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, EXPRESSING SUPPORT FOR EFFORTS TO PROCURE FEDERAL FUNDING FOR THE EXPANSION OF WASTEWATER AND DRINKING WATER INFRASTRUCTURE THROUGH COMMUNITY PROJECT FUNDING DOLLARS WITH THE ASSISTANCE OF CONGRESSMAN MICHAEL MCCAUL'S OFFICE.

WHEREAS, the City of Lago Vista, Texas has experienced significant population growth in recent years, driven in part by the pro-growth policies of neighboring urban centers such as Austin; and

WHEREAS, the City's water and wastewater infrastructure is critical to ensuring the continued health, safety, and economic well-being of its residents; and

WHEREAS, the City recognizes the importance of responsibly managing its debt levels and avoiding the fiscal challenges that have burdened other communities that have maximized their bond debt; and

WHEREAS, access to safe drinking water and reliable wastewater services is essential in the State of Texas, particularly in rapidly growing communities; and

WHEREAS, the City of Lago Vista is actively pursuing federal funding through community project funding dollars to support the expansion of its wastewater and drinking water infrastructure, and is working with Congressman Michael McCaul's office to secure such funding; and

WHEREAS, the City of Lago Vista is committed to collaborating with local elected officials, community organizations, and other stakeholders to ensure the success of these efforts and to seek additional local support;

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

1. That the City of Lago Vista hereby expresses its full support for efforts to procure federal funding for the expansion of the City's wastewater and drinking water infrastructure through community project funding dollars, with the assistance of Congressman Michael McCaul's office.

2. That the City of Lago Vista encourages the involvement and support of local elected officials, organizations, and community members in this effort to ensure the future growth and sustainability of the City's infrastructure.

3. That this resolution shall take effect immediately upon its passage, and Councilor Shane R. Saum is permitted to communicate the City's support for this effort to Congressman McCaul's office, as well as to other relevant local, state, and federal agencies.

PASSED AND APPROVED this 17th day of October 2024.

Kevin Sullivan, Mayor
City of Lago Vista, Texas

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____,
the above and foregoing instrument was passed and approved.