



AGENDA

City of Lucas
City Council Regular Meeting
February 4, 2016
7:00 PM
City Hall – Council Chambers
665 Country Club Road – Lucas, Texas

Notice is hereby given that a City of Lucas Regular City Council Meeting will be held on Thursday, February 4, 2016 at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas, 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Citizen Input

The Citizens' Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting it to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions but may refer items to City Staff for research and possible inclusion on a future agenda.

1. Citizen Input (Mayor Jim Olk)

Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Community Interest (Mayor Jim Olk)

Consent Agenda

All items listed under the consent agenda are considered routine and are recommend to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.

3. Consider approval of the minutes of the December 17, 2015 City Council Workshop meeting. **(City Secretary Stacy Henderson)**
4. Consider approval of the minutes of the January 7, 2016 City Council meeting. **(City Secretary Stacy Henderson)**
5. Consider approval of the minutes of the January 23, 2016 City Council Strategic Planning session. **(City Secretary Stacy Henderson)**
6. Consider adopting Ordinance 2016-02-00824 granting Atmos Energy Corporation, a Texas and Virginia corporation franchise to construct, maintain, and operate pipelines and equipment in the City of Lucas for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes. **(Development Services Director Joe Hilbourn)**

Public Hearing(s)

7. Consider adopting Ordinance 2016-02-00829 amending Section 14.03.113(c) of the Code of Ordinances by amending the minimum dwelling size of the floor area of any dwelling to be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches and that dwellings shall have a minimum eight five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials. **(Development Services Director Joe Hilbourn)**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take Action

Regular Agenda

8. Consider approving Resolution 2016-02-00445 that encourages the Commissioner's Court to vote in opposition to House Bill 1150 that was approved during the 84th Legislative Session that creates three new periods during which fireworks may be sold. **(Fire Chief Jim Kitchens)**
9. Consider approval of the preliminary plat submitted by Randy Helmlinger, on behalf of Pennington Partners, Ltd., to create a 39,823 square foot lot and leaving 19.243 acres unplatted for the property located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube. **(Development Services Director Joe Hilbourn)**
10. Consider approval of a site plan request by Randy Helmlinger, on behalf of Pennington Partners, Ltd., for a veterinary clinic, creating a 39,823 square foot lot, for a parcel of land located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube. **(Development Services Director Joe Hilbourn)**
11. Discuss and provide direction to the City Manager regarding possible design modifications associated with the Blondy Jhune Road Bridge Replacement Project. **(Public Works Director/City Engineer Stanton Foerster)**

12. Consider placing the following sales tax proposals on the May 7, 2016 election ballot for consideration by the voters:
 - a. Continuation of the one-quarter of one-percent (.25%) sales tax dedicated for street maintenance. This revenue source for street maintenance will discontinue in September of 2016 unless the voters approve its continuation.
 - b. Abolish the one-quarter of one-percent (.25%) sales tax dedicated to property tax relief and approve an additional one-quarter of one percent (.25%) for street maintenance. **(Finance Director Liz Exum)**
13. Discuss upgrading the water utility system from ARM (Automatic Meter Reading) to AMI (Advanced Metering Infrastructure). **(Development Services Director Joe Hilbourn)**
14. Discussion and provide direction to the City Manager regarding possible changes to the Code of Ordinances associated with funding of non-safety streetlights by individuals. **(Councilmember Duke and Public Works Director/City Engineer Stanton Foerster)**
15. Consider the City of Lucas Employee Policies and Procedures Handbook and Resolution 2016-02-00446 providing the City Manager with the Authority to Implement and Modify said Handbook. **(City Manager Joni Clarke and HR Manager Cheryl Meehan)**
16. Discuss and provide guidance to the City Secretary regarding the City holding a joint election with Lovejoy ISD and the City of Fairview. **(City Secretary Stacy Henderson)**

Executive Session

The City Council may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

17. Executive Session: An Executive Session is not scheduled for this meeting.
18. Adjournment.

Certification

I hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on January 29, 2016.

Stacy Henderson, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972.912.1211 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas Council Agenda Request February 4, 2016

Requester: Mayor Jim Olk

Agenda Item:

Citizen Input

Background Information:

NA

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request February 4, 2016

Requester: Mayor Jim Olk

Agenda Item:

Community Interest:

There are no Community Interest items scheduled for this meeting.

Background Information:

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

NA

Motion:

NA



City of Lucas Council Agenda Request February 4, 2016

Requester: City Secretary Stacy Henderson

Agenda Item:

Consent Agenda:

3. Consider approval of the minutes of the December 17, 2015 City Council Workshop meeting. (City Secretary Stacy Henderson)
4. Consider approval of the minutes of the January 7, 2016 City Council meeting. (City Secretary Stacy Henderson)
5. Consider approval of the minutes of the January 23, 2016 City Council Strategic Planning session. (City Secretary Stacy Henderson)
6. Consider adopting Ordinance 2016-02-00824 granting Atmos Energy Corporation, a Texas and Virginia corporation franchise to construct, maintain, and operate pipelines and equipment in the City of Lucas for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes. (Development Services Director Joe Hilbourn)

Background Information:

Agenda Item No. 6:

The City Council discussed this item at their November 5, 2015 meeting. At that time, there was a question raised as to Atmos response in an emergency situation.

Atmos was contacted and in the event of a line emergency, Atmos would respond.

A very small portion of the City will be served by Atmos Energy Cooperation including the following locations:

- Angel Parkway between Estates and West Lucas Road
- Estates Road between Angel Parkway and the proposed Allison Lane
- West Lucas Road from Angel Parkway to proposed Allison Lane
- Parker Road from 1378 to Stinson Road
- 1378 from Parker Road to roughly the entrance of Seis Lagos

Attachments/Supporting Documentation:

1. Minutes of the December 17, 2015 City Council Workshop meeting.
2. Minutes of the January 7, 2016 City Council meeting.
3. Minutes of the January 23, 2016 City Council Strategic Planning session.
4. Ordinance 2016-02-00824 Atmos Energy Corporation Franchise Agreement.



Item No. 03-04-05-06

City of Lucas Council Agenda Request February 4, 2016

Requester: City Secretary Stacy Henderson

Budget/Financial Impact:

NA

Recommendation:

City Staff recommends approval of the Consent Agenda.

Motion:

I make a motion to approve/deny the Consent Agenda as presented.



**City of Lucas
City Council Workshop
December 17, 2015
6:00 PM**

City Hall - 665 Country Club Road – Lucas Texas

Minutes

Call to Order

Mayor Olk called the meeting to order at 6:00 p.m.

Council Members Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Debbie Fisher
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Wayne Millsap

Staff Present:

City Manager Joni Clarke
City Secretary Stacy Henderson
Public Works Director/City Engineer Stanton Foerster
Development Services Director Joe Hilbourn
Finance Director Liz Exum
Public Works Crew Chief Jeremy Bogle
Public Works Specialist Aaron Rector
Public Works Crew Chief John Alexander
Public Works Supervisor Jesse Corpus
Public Works Specialist Pedro Ovalle

Council Members Absent:

Councilmember Philip Lawrence

Mayor Olk called to order the City Council Workshop at 6:00p.m.

Regular Agenda

1. Discuss debt financing alternatives for the general and utility funds.

Councilmember Millsap discussed the Neighborhood Connector Street projects and financing alternatives for those projects.

Councilmember Millsap discussed:

- Costs associated with the projects
- Minimizing a tax rate increase
- Using reserve funds towards capital projects
- Capital projects that were safety issues
- Total taxable value in the City from 2010 to 2015
- Impact on proposed funding
- Funding in the form of general obligation bonds versus certificates of obligation

The City Council discussed the need to communicate with the residents the various funding options and believed it was in the best interest to conduct a town hall meeting to revisit the Neighborhood Connector Street projects and funding. The City Council asked that an item be placed on the January 7, 2016 City Council agenda to select a date for a Town Hall meeting.

2. Workshop purpose and goals.

Public Works Director/City Engineer Stanton Foerster gave a brief presentation discussing the goals of the workshop.

3. Discuss City growth and build out.

Development Services Director Joe Hilbourn discussed population estimates from 2015 to 2030 with a projected population of 11,965 within the city limits and a population of 6,311 in the extraterritorial jurisdiction area. Mr. Hilbourn discussed commercial buildout was projected in 2025 and discussed the areas currently zoned commercial.

4. Discuss NTMWD Contracts.

Public Works Director/City Engineer Stanton Foerster stated that the last amendment to the contract between the City of Lucas with NTMWD occurred in 2004. Mr. Foerster discussed water tower storage and ground tank storage capacities and current constraints under the existing contract.

Mr. Foerster stated that this item would be brought before the Council at a later time to discuss possible solutions related to water pressure and tower replacement.

Mayor Olk stated that they would be moving forward to Agenda Item No. 6.

6. Discuss radio read updates.

Development Services Director Joe Hilbourn gave a presentation discussing the radio read project goals. Phase one included meter installation, Phase two included budgeting funds to allow for meters to be read electronically in real time and not having to drive by individual homes to read meters, and Phase three would include the homeowner having access to their accounts in real time to see how much usage is occurring.

Mr. Hilbourn stated the total cost of Phase two will be \$202,000. He also discussed costs associated with completing Phase two and three and annual maintenance costs.

A representative with RG3 spoke to the City Council regarding the new technology in place and that the proposal would include the City of Lucas becoming a beta tester with the new technology.

The Council discussed how the technology would work, security concerns associated with cloud based software, and their concerns with being a beta tester.

The City Council directed staff to bring the contract forward to a Council meeting in January for their review and would provide the City Manager direction.

5. Discuss infrastructure.

Public Works Director/City Engineer Stanton Foerster discussed the following items with the City Council:

- Water system and dead end line locations
- Water storage and partnership with NTMWD
- Main replacement throughout the city
- Pressure plains throughout the city
- Existing water tower storage
- Strategies to fix the dead end lines
- Changing out smaller lines
- Existing water towers and size of lines and pressure associated with the water towers
- Funding associated with fixing dead end lines and water storage tanks

7. Discuss rate structure and study.

Finance Director Liz Exum discussed the existing water rate structure and excessive water use with customers over 50,000 gallons, 75,000 gallons and 100,000 gallons. Ms. Exum discussed adding a surcharge to water customers using over 50,000 gallons.

The City Council discussed how the existing rate structure has residential customers paying more than existing commercial customers.

The City Council also discussed current debt obligations and the ability for on-line bill payment services.

The City Council stated a rate study would be needed and projects identified.

8. Adjournment.

***MOTION:** A motion was made by Councilmember Bandy, seconded by Councilmember Fisher to adjourn the meeting at 8:54p.m. The motion passed unanimously by a 6-0 vote.*

APPROVED:

ATTEST:

Jim Olk, Mayor

Stacy Henderson, City Secretary



**City of Lucas
City Council Meeting
January 7, 2016
7:00 PM**

City Hall - 665 Country Club Road – Lucas Texas

Minutes

Call to Order

Mayor Olk called the meeting to order at 7:00 p.m.

Council Members Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Debbie Fisher
Councilmember Steve Duke
Councilmember Tim Baney
Councilmember Wayne Millsap
Councilmember Philip Lawrence

Staff Present:

City Manager Joni Clarke
City Attorney Joe Gorfida
City Secretary Stacy Henderson
Development Services Director Joe Hilbourn
Public Works Director/City Engineer Stanton Foerster
Finance Director Liz Exum
Human Resources Manager Cheryl Meehan

Mayor Olk determined that a quorum was present. Everyone was reminded to turn off or silence their cell phones and the City Council recited the Pledge of Allegiance.

Citizen Input

1. Citizen Input

There was no citizen participation.

Community Interest

2. Community Interest Items.

Mayor Olk asked that all in attendance have a moment of silence for the victims of the tornadoes that affected Rowlett and surrounding areas on December 26, 2015.

Consent Agenda

3. Consider approval of the minutes of the December 3, 2015 City Council meeting.

- 4. Consider adopting Ordinance 2016-01-00826 amending Chapter 1 of the Code of Ordinances as it relates to Qualifications of Members requiring citizens appointed to all boards and commissions to have resided in the City for twelve continuous months; repealing the provision in Chapter 3 titled Building Regulations as it relates to the Board of Adjustment; and amending Chapter 14 titled Zoning as it relates to the Board of Adjustment.**

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Lawrence to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

Regular Agenda

- 5. Consider setting a date for a Town Hall meeting to discuss the Neighborhood Connector Street Project that includes improvements to Blondy Jhune Road, Winningkoff Road, Snider Lane Bridge/Floodplain Crossing and Stinson Road Bridge/Floodplain Crossing.**

The City Council was in agreement to have a Town Hall meeting on Sunday, February 7 at 2:00p.m. to discuss the Neighborhood Connector Street Projects.

- 6. Discuss and consider a Development Agreement between the City of Lucas and Amtex Multi-Housing, LLC., for the purpose of road improvements to McGarity Lane starting at Angel Parkway going eastward to the northeast boundary of the proposed site plan attached to the Development Agreement.**

Gary Lacey with Amtak Multi-Housing, LLC., discussed their proposed development stating there would be 120 units, two stories in height and be available to seniors age 62 and older. Mr. Lacey stated that there would be 121 one bedroom units, and 18 two bedroom units. He also discussed amenities on site and that they would be required to own the property for 15 years because of the type of development and tax breaks they would receive.

Councilmember Fisher asked for clarification as to whether they were a licensed care facility.

Mr. Lacey stated that they were not a licensed care facility, the development for was for active seniors.

The following residents came forward to speak in opposition to the request discussing items such as the lack of services available to service this type of development; it was not the best use for the area, opposition to multi-family development in Lucas, and the impact on emergency services.

- Brenda Rizos, 1200 N. Winningkoff
- Frank Prokop, 1890 Sawmill Drive
- Leon Luckey, 1065 Wendy Lane
- Theresa McLaren, 1875 Sawmill Dive

- Sean McLaren, 1875 Sawmill Drive
- Ron Keelen, 1005 Wendy Lane
- Dianne Redman, 1930 Mary Lee Lane
- Virginia Rupp, 235 Red Star
- James LoSapio, 650 Scarlett Drive

The City Council discussed components of the development, that it was not the best use for the property, how services to accommodate a multi-family development would be affected, and that the overall fit for the community was not consistent.

MOTION: *A motion was made by Mayor Olk, seconded by Councilmember Baney to deny the Development Agreement between the City of Lucas and Amtex Multi-Housing, LLC., for the purpose of road improvements to McGarity Lane starting at Angel Parkway going eastward to the northeast boundary of the proposed site plan attached to the Development Agreement. The motion to deny passed unanimously by a 7 to 0 vote.*

7. Consider approval of Resolution R-2016-01-00444 of the City Council of the City of Lucas, Texas approving an agreement with First National Bank of Omaha for the VOX Commercial VISA Credit Card.

A presentation was given by Finance Director Liz Exum discussing the details of the Vox commercial credit card.

MOTION: *A motion was made by Councilmember Lawrence, seconded by Councilmember Millsap to approve Resolution R 2016-01-00444 approving an agreement with First National Bank of Omaha for the Vox commercial Visa credit card. The motion passed unanimously by a 7 to 0 vote.*

8. Consider adopting Ordinance 2016-01-00827 amending Chapter 10 of the Code of Ordinances titled “Subdivision” by amending definitions and the procedure for filing plats including amending plats to be consistent with Chapter 212 of the Local Government Code; amending the chapter to replace the planning and zoning manager with the Director of Development Services and providing for other non-substantive changes to division 2, titled Platting Procedure.

A presentation was given by Development Services Director Joe Hilbourn stating all the changes that the City Council recommended had been incorporated into Chapter 10.

MOTION: *A motion was made by Councilmember Millsap, seconded by Councilmember Lawrence to adopt Ordinance 2016-01-00827 titled “Subdivision” by amending definitions and the procedure for filing plats including amending plats to be consistent with Chapter 212 of the Local Government Code; amending the chapter to replace the planning and zoning manager with the Director of Development Services and providing for other non-substantive changes to division 2, titled Platting Procedure. The motion passed unanimously by a 7 to 0 vote.*

- 9. Consider authorizing the City Manager to enter into a construction contract with McMahon Contracting recommended by the design consultant for the construction of the Blondy Jhune Road Bridge Replacement Project in the amount of \$2,460,237.50, plus a 20% contingency.**

Public Works Director/City Engineer Stanton Foerster gave a presentation discussing the retaining wall, the engineers estimate and the pricing of bids received that were approximately \$700,000 more than the engineers estimate. Mr. Foerster cited tree preservation, price of concrete, embankment and right of way concerns that caused the contractor to place a higher price than what was estimated.

Virginia Rupp, 235 Red Star, stated that she was neither in favor nor opposed to the request, but stated that the pricing was 50% higher than expected.

The City Council expressed their concerns regarding the increase in cost and asked that the plans be reviewed with the engineer to reevaluate the project costs proposed.

***MOTION:** A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to deny the authorization of the City Manager to enter into a construction contract with McMahon Contracting for the construction of the Blondy Jhune Road Bridge Replacement project. The motion to deny passed by a 5 to 2 vote with Mayor Olk and Councilmember Duke voting in opposition to deny.*

- 10. Consider the following items regarding the Texas Emergency Services Retirement System (TESRS) due to the inability of the City of Lucas to terminate its participation in the volunteer pension plan:**
 - a. Receive recommendations from the Lucas Volunteer Firefighter Pension Board.**
 - b. Appropriate funds from the unrestricted fund balance in the general fund in the amount of \$20,000 to finance the required payments to TESRS.**
 - c. Authorize the City Manager to negotiate a revised contract to TESRS to reduce the payment per qualified volunteer to \$36 per month which is the minimum contribution rate.**

A presentation was given by Human Resources Manager Cheryl Meehan discussing who was considered a qualified participant and the definition of service was outlined describing volunteers that participate in 25 percent of runs would be eligible. With this definition, only three volunteers qualified to participate in the TESRS contract. Ms. Meehan discussed with the City Council pursuing an amended agreement with TESRS to lower the minimum contribution.

The City Council was in agreement to authorize the City Manager to amend the existing agreement to reduce the minimum contribution from \$60 per month to \$36.00 per month.

Executive Session

The City Council may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

11. Executive Session

There was no Executive Session scheduled for this meeting.

12. Adjournment.

***MOTION:** A motion was made by Councilmember Millsap, seconded by Councilmember Fisher to adjourn the meeting at 8:44p.m. The motion passed unanimously by a 7 to 0 vote.*

APPROVED:

ATTEST:

Jim Olk, Mayor

Stacy Henderson, City Secretary



City Council Special Meeting Strategic Planning Session

January 23, 2016

9:00 PM

Community Center - 665 Country Club Road

Minutes

The Strategic Planning Session began at 9:05 a.m.

Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Debbie Fisher
Councilmember Tim Baney
Councilmember Steve Duke
Councilmember Wayne Millsap

Staff:

City Manager Joni Clarke
City Attorney Joe Gorfida
City Secretary Stacy Henderson
Public Works Director/City Engineer Stanton Foerster
Development Services Director Joe Hilbourn
Finance Director Liz Exum
HR Manager Cheryl Meehan
Fire Chief Jim Kitchens
Assistant Fire Chief Ted Stephens

Absent:

Councilmember Philip Lawrence

Special Meeting/Strategic Planning Session Regular Agenda

1. Welcome.

Welcome and introductions were given by facilitator Mike Conduff, of The Elim Group, City Council and staff.

2. Introduction to governance and planning; DiSC review and discussion.

Facilitator Mike Conduff discussed behaviors of good governance and planning, and personality profiles associated with the DiSC assessment.

3. Break

City Council and staff conducted a break at 10:45 a.m.

4. Discussion regarding eight indisputable behaviors and strategic planning.

Highlights included discussions regarding behaviors of Council and representing the citizens and the community.

5. Lunch.

Lunch break began at 11:50 a.m., until 12:30 p.m.

6. Strategic planning and setting goals and objectives for the City.

Highlights included City Council and staff breaking into small groups discussing future goals, items to avoid and growth of the community, such as specific development that promotes a rural lifestyle, recreation in the form of trails and open natural space, and infrastructure needs.

7. Adjourn.

The strategic planning session adjourned at 3:08 p.m.

Jim Olk, Mayor

ATTEST:

Stacy Henderson, City Secretary

ORDINANCE 2016-02-00824
[GRANTING ATMOS ENERGY CORPORATION A FRANCHISE]

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS:

SECTION 1. GRANT OF AUTHORITY: The City of Lucas, Texas, hereinafter called “City,” hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called “Atmos Energy” or “Company,” its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places (“Public Rights-of-Way”), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the “System”) to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2039. This Franchise does not authorize Atmos Energy to use any property owned by the City that is not considered Public Rights-of-Way.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

A. General Provisions: Atmos Energy shall lay, maintain, construct, operate, use, extend, remove, repair, and replace its pipes, mains, laterals, and other equipment to minimize interference with the proper and intended use of the Public Rights-of-Way . Upon request by the City, Atmos Energy shall furnish the City information relevant to such matters which is prepared,

maintained, and available in the ordinary course of business and not deemed confidential or proprietary.

B. Location and Construction: The location of all Company's pipes, mains, laterals, and other equipment in the present and future Public Rights-of-Way in the City shall be fixed under the supervision of the City or an authorized agent appointed by the City. In addition, Atmos Energy shall comply with applicable permitting requirements, except that in no event shall Atmos Energy or contractors working on behalf of Atmos Energy be required to pay for street cutting permits, street excavation permits or other permits related to work in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way.

Upon reasonable request from the City for a public health or safety purpose, Atmos Energy shall identify for the City the location of its System Facilities located in the City. Any maps provided by Company to the City shall be deemed confidential and shall be clearly identified as such by Atmos Energy when provided to the City, and will be provided solely for the City's use. The City agrees to maintain the confidentiality of any non-public information obtained from Atmos Energy to the extent allowed by law. If the City receives a request under the Texas Public Information Act that includes Atmos Energy's previously designated proprietary or confidential information, City will request an opinion from the Texas Attorney General as to the confidential or the proprietary nature of the document(s). The City also will provide Atmos Energy with notice of the request, and thereafter Company is responsible for establishing that an exception under the Texas Public Information Act allows the City to withhold the information. Atmos Energy shall provide all location and "as built" plans on a going forward basis if required through the City's permitting process.

Except to the extent a conflict with this Franchise exists, Atmos Energy agrees to comply with all other City laws, rules, or ordinances that govern the use of Public Rights-of-Way that currently exist or may be applicable during the term of this Franchise.

In determining the location of Company's pipeline within City, Company shall minimize interference with then existing underground structures of City or other utility franchisees. Likewise, in determining the location of the facilities of the City and other users of Public Rights-of-Way within City, City shall minimize interference with then existing Facilities of Company and shall require other users of Public Rights-of-Way to minimize interference with existing Facilities of Atmos Energy. In the event of a conflict between the location of the

Facilities of Company and the location of the facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City Manager and/or his designee or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

City agrees to provide Atmos Energy with its annual capital improvements plan as well as any material updates or changes within a reasonable time after they become available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's Facilities located in the Public Rights-of-Way. Atmos shall comply with Chapter 251 of the Texas Utilities Code with respect to the identification and location of Facilities in the City's Public Rights-of-Way. In the event that Company fails to provide the necessary information, and damage is caused to Company Facilities as a direct result of withholding said information, the Company shall hold the City harmless from all liability, damage, cost or expense resulting from any City action in this regard.

C. Restoration: The surface of any Public Rights-of-Way disturbed by Atmos Energy in laying, maintaining, constructing, operating, replacing and removing shall be restored to approximate original condition as soon as is reasonably possible.

When Company makes, or causes to be made, excavations, or places, or causes to be placed, obstructions in any Public Rights-of-Way, Company shall place, erect, and maintain appropriate barriers and lights to identify the location of such excavations or obstructions. In the event of emergency requiring excavations in the Public Rights-of-Way, notice shall be made to the City as soon as practicable after such emergency excavation.

In addition to providing the location of Company's Facilities, Company shall obtain facilities location information from other users of the Public Rights-of-Way prior to Company's construction, reconstruction, maintenance, operations and repair of its Facilities.

D. Relocation: When the Company is required by City to remove, modify, alter or relocate its mains, laterals, and other Facilities lying in the Public Rights-of-Way to accommodate construction, repair, maintenance, removal, or installation of sewers, drainage, water lines, streets or utilities, such removal, modification, alteration, or relocation shall be promptly made by Company when directed in writing to do so by the City and shall do so at its own expense when Facilities are deemed to be in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in

conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for Company's existing facilities. Atmos shall have the right to propose alternative plans regarding City requested relocations to the extent that the Company deems City proposed placement of Facilities to be inconsistent with gas distribution industry standard safe operating practices for existing Facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

Company shall pay the cost of such relocation unless there are funds specifically made available to affected users of the Public Right-of-Way for reimbursement of such costs, in which case Company shall be entitled to its share of such funding. When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. Company shall be required to notify City of the availability and request that City make application on Company's behalf. Upon receipt of an amount of reimbursement intended for utility relocations including gas utilities, the City shall remit to the Company, within thirty (30) days of receipt, its portion related to the relocation or removal of Company's facilities. However, nothing in this agreement shall require City to make such application.

When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement Atmos Energy shall have the right to seek a surcharge to recover relocation costs pursuant to applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company

document a request to the City for reimbursement as a pre-condition to recovery from customers of such relocation costs. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City. In the event Company, after notice, fails or refuses to commence, pursue, or complete such relocation work within a reasonable time, the City may require the Company to attend a meeting that establishes a formal record of the reasons for the delay and the timeframe in which the Company will complete the relocation work. If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation. If the City requires Atmos Energy to remove, modify, alter or relocate its mains, laterals, and other Facilities specifically for the purpose of enabling the use of the Public Rights-of-Way by another person or corporation and not the City, the Company shall not be bound to make such changes until the other person or corporation has agreed to reimburse the Company for relocation expenses, provided however, that the City shall not be liable for the reimbursement.

E. Abandonment: If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE:

A. General Provisions: In consideration of the granting of this Franchise, Atmos Energy agrees that the City, its agents and employees shall not be liable or responsible for any costs, expenses (including attorney fees) or any other damages to persons or property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's System within Public Rights-of-Way, and Atmos Energy does hereby release, agree to indemnify and keep harmless the City, its agents and employees from and against all suits, actions, or claims of injury to any person or persons, or damages to any property brought or made for or on account of any death, injuries, to or damages received or sustained by any person or persons or for damage to or loss of property arising out of, or occasioned by any acts or omissions by Atmos Energy, its agents or employees in connection with their operations, except to the extent such death, injury or damage is attributable to the City's negligent or intentional acts or omissions. In the event that any action, suit, or proceeding is brought against the City, its agents and employees, upon any liability arising out of Atmos Energy's operations, the City shall give notice in writing to Atmos Energy. Upon receipt of such notice, Atmos Energy, at its sole expense, shall defend such action and take all such steps as may be necessary or proper to prevent the obtaining of a judgment against the City and/or to satisfy said judgment. The City agrees to reasonably cooperate with Atmos Energy in connection with such defense. In the event of joint and concurrent negligence or fault of both Atmos Energy and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any of the defenses of the parties under Texas law. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties, but that this section shall be solely for the benefit of the parties hereto and shall not create or grant any rights, contractual or otherwise, to any person or entity.

B. Damage to City Property: If, as a result of negligence or intentional acts or omissions Atmos Energy employees damage the facilities owned by City within the Public Rights-of-Way, Atmos will be responsible for repairing the damages without charge to the City. However, if such damage by Atmos Energy's employees is due to inaccurate information with respect to the location or description of City's facilities within the Public Rights-of-Way, City will be responsible for all costs associated with such repair or related consequences. Atmos Energy

agrees to notify the appropriate City official as soon as reasonably possible after the occurrence of such damage.

C. Damage to Atmos Energy Property by City: If, as a result of negligence or intentional acts or omissions, including failure to obtain location information from the Company, the City's employees damage Facilities owned by Atmos Energy within the Public Rights-of-Way, the City shall be responsible for the repair of such damage without charge to the Company. However, if such damage by the City's employees is due to inaccurate information with respect to the location or description of Atmos Energy's Facilities within the Public Rights-of-Way, Atmos Energy will be responsible for all costs associated with such repair or related consequences. City agrees to notify the appropriate personnel of Atmos Energy as soon as reasonably possible after the occurrence of such damage.

D. Damage to Atmos Energy Property Due to Work by Others: The City reserves the right to permit to be laid, sewer, water, electric, and other utilities, pipe lines, cables, and conduits, and to do and permit to be done any underground or aboveground work that may be necessary or proper within the Public Rights-of-Way. The City also reserves the right to change any curb, sidewalk, grade of the street or other changes due to a publically funded city project. In permitting this work to be done, the City shall not be liable to the Company for any resulting damage, but nothing herein shall relieve any other person or corporation from being responsible for the damages to Atmos Energy Facilities.

E. Insurance: Company shall maintain adequate insurance covering its obligations of indemnity under this Franchise. Such insurance shall be at the Company's sole expense. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this Franchise may be in the form of self-insurance to the extent permitted by applicable law, but in no instance shall such self-insurance be less than \$10,000,000 in commercial insurance coverages. An insurance certificate shall be provided to the City initially and upon any substantial change in the nature of its coverage under this Section. This Franchise shall satisfy any requirements in the City of Lucas Code of Ordinances with respect to proof of appropriate insurance or other financial assurance required for receipt of a permit to perform work within the Public Rights-of-Way.

SECTION 4. QUALITY OF SERVICE, RATES, INSTALLATION CHARGES, DEPOSITS AND OTHER COMPANY CHARGES

A. General Provisions: Atmos Energy shall at all times furnish service which is safe, modern and sufficient to meet reasonable demands without undue interruption or fluctuations to any person, firm, or corporation that demands service within the City. The service provided shall be equal to or better in all instances to those required within the Mid-Tex Tariff – Service Rules and Regulations as may be amended from time to time, and as kept on file with the City. In addition to the rates charged for gas supplied, Company may make and enforce reasonable charges for service rendered in the conduct of its business, including a charge for services rendered in the inauguration of natural gas service.

B. Service Rates: The City hereby expressly reserves the right, power, and authority to fully regulate and fix the rates and charges for the services of Atmos Energy to its customers located within the City as provided by State law. Atmos Energy shall at all times have current rates and charges on file with the City Secretary and shall update such within fifteen (15) days of any changes thereto.

SECTION 5. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 6. PAYMENTS TO CITY:

A. Atmos Energy agrees to pay and City agrees to accept, a one-time payment of fifty dollars (\$50.00) in consideration of the use and occupancy of the Public Rights-of-Way during the prior period ending December 31, 2014. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 15th day of February, 2016 and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 15th day of February, 2040, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 6.B below, received by Atmos Energy during the preceding calendar year.

B. "Gross Revenues" shall mean:

- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
- (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);and
- (3) "Gross Revenues" shall not include:
 - (a) revenues billed but not ultimately collected or received by Atmos Energy;
 - (b) contributions in aid of construction;
 - (c) the revenue of any affiliate or subsidiary of Atmos Energy;
 - (d) sales tax and franchise fees paid to the City;
 - (e) interest or investment income earned by Atmos Energy; and
 - (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. Privilege Period: The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2015, and each succeeding payment shall be for the privilege period of the calendar year preceding the year in which the payment is made.

D. Payment in Lieu of: It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes,

licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

E. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

F. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.

- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

G. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 7. DEFAULT AND FORFEITURE.

In the event Atmos Energy has failed or refused to correct a defect, impairment or substandard condition after written notice by the City and such failure has continued for longer than thirty (30) days from the date the notice was received by the Company, the City shall have the right to file a claim through the Company's claims department. The City shall notify the Company, in writing, of an alleged failure to comply with a material provision of this Franchise, which notice shall specify the alleged failure with reasonable particularity. The Company shall, within thirty (30) days after receipt of such notice or such longer period of time as the City may specify in such notice, either cure such alleged failure or, in a written response to the City, either present facts and arguments in refutation or excuse of such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure. In the event that such cure is not forthcoming, such default shall entitle the City to compel compliance by suit in any court of competent jurisdiction and if, upon final judgment, not subject to further appeal, being entered in favor of the City, the Company remains in default of any material provision of this Franchise or the final judgment, the City may declare this Franchise to be forfeited and canceled. Prior to a decision from such court, the Company shall have the right to operate its Facilities pursuant to the provisions of this Franchise.

Atmos Energy further agrees, that if, for any reason other than an event of force majeure, the Company fails to pay the regularly scheduled franchise fees as provided in this Franchise within thirty (30) days following written notice from the City that the Company has failed to make payment, such failure shall be sufficient to permit the City to forfeit this Franchise without court action. For the purposes of this section, an event of force majeure means any event or circumstance or combination of events or circumstances beyond the reasonable control of the Company that materially and adversely affects or affect the performance by the Company of its obligations under or pursuant to this Franchise including but not limited to, an act of God; act of civil or military authority; act of war; (whether declared or undeclared); act (including delay, failure to act, or priority) of any governmental authority (including the City); civil disturbance; insurrection or riot; sabotage; fire; inclement weather conditions; earthquake; flood; strike; work stoppage or other labor difficulty; embargo; or other failure or delay beyond it's reasonable control. The Company's financial inability to perform shall expressly be excluded from force majeure events. In the event that any of the above force majeure circumstances prevent the timely payment of franchise fees, the Company shall notify the City within five (5) business days.

SECTION 8. CONFORMITY TO LAWS AND REGULATIONS.

A. Applicable Laws. Notwithstanding Section 13.B below, this Franchise is subject to applicable provisions of the Constitution and Laws of the United States and the State of Texas. This Franchise shall in no way affect or impair the rights, obligations, or remedies of the parties under the Public Utility Regulatory Act of Texas, as it may be amended from time to time. Except as expressly provided herein, Atmos Energy shall not recover costs or expenses directly from the City (exclusive of charges related to the City's billings as a customer) for taking any actions mandated by this Franchise or by any order or request issued by authority of this Franchise.

B. Reservation of Right to Adopt Rules and Regulations: The City reserves the right to adopt, in addition to the provisions included in this Franchise, such additional reasonable regulations as it shall find necessary with respect to governing the use of its Public Rights-of-Way, provided, however, that such regulations are not in conflict with the privileges granted by this Franchise.

SECTION 9. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 10 PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 11. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of February 4, 2016.

PASSED AND APPROVED on this the 4th day of February 2016.

ATTEST:

Stacy Henderson, City Secretary
City of Lucas, Texas

Jim Olk, Mayor
City of Lucas, Texas

STATE OF TEXAS §

COUNTY OF COLLIN §

CITY OF LUCAS §

I, Stacy Henderson, City Secretary of the City of Lucas, Collin County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Lucas, Texas, at a _____ session, held on the _____ day of _____, 2016, as it appears of record in the Minutes in Book _____, page _____.

WITNESS MY HAND AND SEAL OF SAID CITY, this the ____ day of _____, 2016.

Stacy Henderson, City Secretary
City of Lucas, Texas



City of Lucas City Council Agenda Request February 4, 2016

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider adopting Ordinance 2016-02-00829 amending Section 14.03.113(c) of the Code of Ordinances by amending the minimum dwelling size of the floor area of any dwelling to be eighteen hundred square feet (1,800 sq. ft.) in the R-1 zoning district, exclusive of garages, breezeways, and porches and that dwellings shall have a minimum eight five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Background Information:

The City Council asked the Planning and Zoning Commission to review the requirements for masonry in the R-1 zoning district to determine if the masonry requirements were stringent enough considering the smaller lots and the potential for subdivisions that are less than five lots to not require a homeowners association.

Current zoning also allows alternate materials to be approved by the Development Review Committee so as to maintain the architectural compatibility with existing structures.

The existing code states the following:

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the Development Review Committee so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 4, adopted 6/21/12)

Attachments/Supporting Documentation:

1. Ordinance 2016-02-00829 will be sent under separate attachment.

Budget/Financial Impact:

NA



City of Lucas City Council Agenda Request February 4, 2016

Requester: Development Services Director Joe Hilbourn

Recommendation from Planning and Zoning Commission:

The Planning and Zoning Commission voted 5-0 in favor of amending the minimum dwelling size of the floor area of any dwelling to be eighteen hundred square feet (1,800 sq. ft.) in the R-1 zoning district, exclusive of garages, breezeways, and porches and that dwellings shall have a minimum eight five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials.

Motion:

I make a motion to approve/deny Ordinance 2016-02-00829 amending Section 14.03.113(c) of the Code of Ordinances by amending the minimum dwelling size of the floor area of any dwelling to be eighteen hundred square feet (1,800 sq. ft.) in the R-1 zoning district, exclusive of garages, breezeways, and porches and that dwellings shall have a minimum eight five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials.



City of Lucas Council Agenda Request February 4, 2016

Requester: Fire Chief Jim Kitchens

Agenda Item:

Consider approving Resolution 2016-02-00445 that encourages the Collin County Commissioner's Court to vote in opposition of creating three new periods during which fireworks may be sold.

Background Information:

House Bill 1150 that was approved during the 84th Legislative Session creates three new periods where fireworks may be sold within the State of Texas. The Collin County Commissioner's Court will be meeting on February 8, 2016 to take action on this item.

The new periods to sell fireworks created by House Bill 1150 will be:

1. Texas Independence Day (between February 25 and midnight March 2)
2. San Jacinto Day (between April 16 and midnight April 21)
3. Memorial Day (between May 25 and midnight on May 30)

Attachments/Supporting Documentation:

1. Proposed Resolution 2016-02-00445

Budget/Financial Impact:

NA

Recommendation:

City staff recommends encouraging the Collin County Commissioner's Court to vote in opposition of creating three new periods in which fireworks may be sold.

Motion:

I make a motion to approve/deny Resolution 2016-02-00445 that encourages the Collin County Commissioner's Court to vote in opposition of creating three new periods during which fireworks may be sold.



RESOLUTION NO. 2016-02-00445

A RESOLUTION OF THE CITY OF LUCAS, TEXAS, ENCOURAGING THE COLLIN COUNTY COMMISSIONER'S COURT TO VOTE IN OPPOSITION OF CREATING THREE NEW PERIODS IN WHICH FIREWORKS MAY BE SOLD.

WHEREAS, House Bill 1150, that was passed during the 84th Texas Legislative Session, creates three new periods during which fireworks may be sold, and is now going for a vote before the Collin County Commissioner's Court; and

WHEREAS, House Bill 1150 has authorized the following additional dates for fireworks sales that include:

- 1) Texas Independence Day between February 25 and March 2
- 2) San Jacinto Day between April 16 and April 21
- 3) Memorial Day between May 25 and May 30

WHEREAS, implementing additional dates that fireworks can be sold will directly impact the quality of life of the City of Lucas residents, create a fire hazard within the City limits, and require the City to incur additional costs for adequate staffing levels; and

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

Section 1. That all of the above recitals are true and correct; and

Section 2. That the City Council of the City of Lucas strongly encourages the Collin County Commissioner's Court to vote in opposition to creating three new periods in which fireworks can be sold.

PASSED, APPROVED AND ADOPTED this 4th day of February, 2016.

CITY OF LUCAS

Jim Olk, Mayor

ATTEST:

Stacy Henderson, City Secretary



City of Lucas Council Agenda Request February 4, 2016

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider approval of the preliminary plat submitted by Randy Helmberger, on behalf of Pennington Partners, Ltd., to create a 39,823 square foot lot and leaving 19.243 acres unplatted for the property located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube.

Background Information:

This lot is currently zoned C for Commercial Business. This plat will create two lots that will both meet the City's minimum requirements for lot size and frontage. Lot 1 proposes a veterinary clinic, which is allowed by right. Lot 2 is the remaining portion. The plat includes R.O.W. dedication for future widening of Angel Parkway and conforms to all City's requirements.

Attachments/Supporting Documentation:

1. Preliminary Plat.

Budget/Financial Impact:

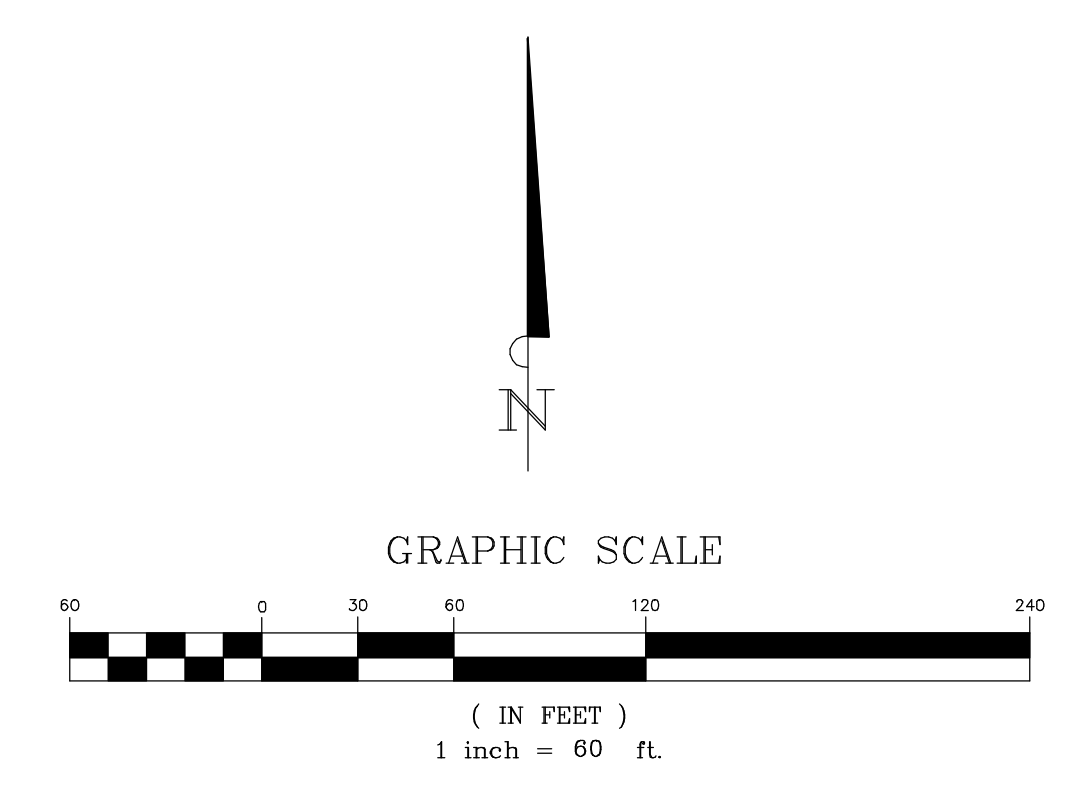
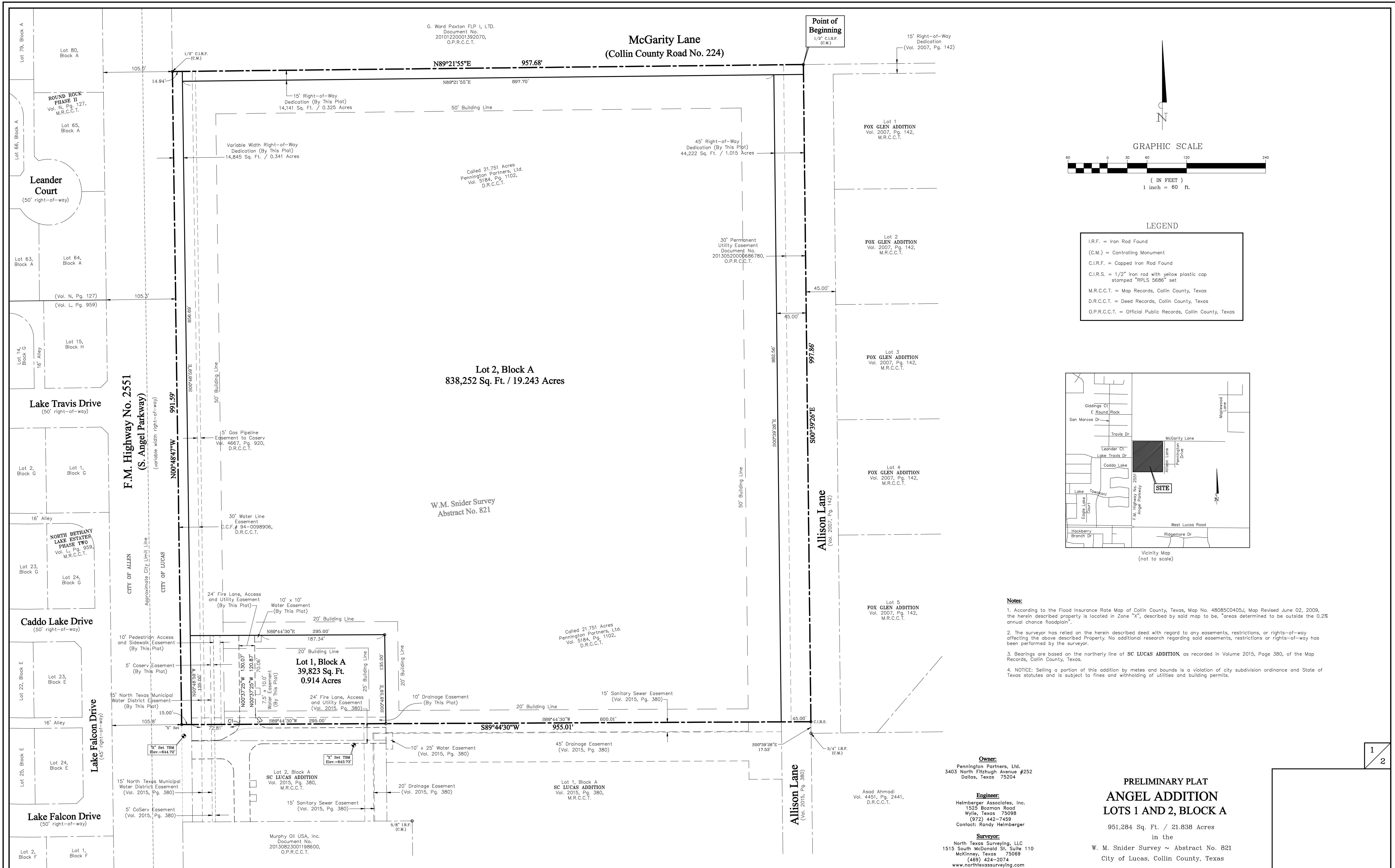
None

Recommendation from Planning and Zoning Commission:

The Planning and Zoning Commission recommend approval of the plat unanimously by a 5-0 vote.

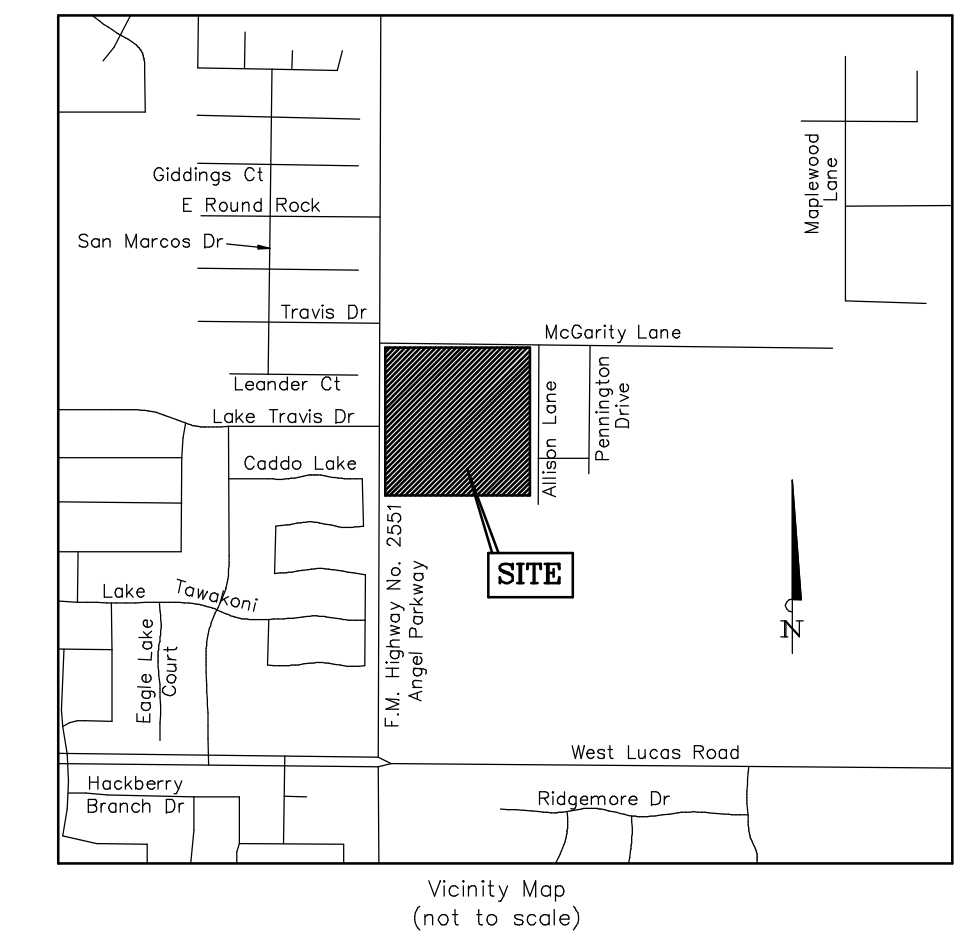
Motion:

I make a motion to approve/deny the preliminary plat submitted by Randy Helmberger, on behalf of Pennington Partners, Ltd., to create a 39,823 square foot lot and leaving 19.243 acres unplatted for the property located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube, in the W.M. Snider Survey, ABS 821, otherwise known as Lot 1 and 2, Block A of the Angel addition.



LEGEND

- I.R.F. = Iron Rod Found
- (C.M.) = Controlling Monument
- C.I.R.F. = Capped Iron Rod Found
- C.I.R.S. = 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
- M.R.C.C.T. = Map Records, Collin County, Texas
- D.R.C.C.T. = Deed Records, Collin County, Texas
- O.P.R.C.C.T. = Official Public Records, Collin County, Texas



- Notes:**
1. According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0405J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain".
 2. The surveyor has relied on the herein described deed with regard to any easements, restrictions, or rights-of-way affecting the above described property. No additional research regarding said easements, restrictions or rights-of-way has been performed by the surveyor.
 3. Bearings are based on the northerly line of SC LUCAS ADDITION, as recorded in Volume 2015, Page 380, of the Map Records, Collin County, Texas.
 4. NOTICE: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and State of Texas statutes and is subject to fines and withholding of utilities and building permits.

Owner:
 Pennington Partners, Ltd.
 3403 North Fitzhugh Avenue #252
 Dallas, Texas 75204

Engineer:
 Helmberger Associates, Inc.
 1528 Bozeman Road
 Wylie, Texas 75098
 (972) 442-7459
 Contact: Randy Helmberger

Surveyor:
 North Texas Surveying, LLC
 1515 South McDonald St. Suite 110
 McKinney, Texas 75069
 (469) 424-2074
 www.northtexasurveying.com
 Firm Registration No. 10074200
 Contact: Chad Holcomb

PRELIMINARY PLAT
ANGEL ADDITION
LOTS 1 AND 2, BLOCK A
 951,284 Sq. Ft. / 21.838 Acres
 in the
 W. M. Snider Survey ~ Abstract No. 821
 City of Lucas, Collin County, Texas

Date: December, 2015 Scale: 1" = 60'

DATE: 11/20/2015 SCALE: 1" = 60' DRAWN BY: C.S.H. CHK'D BY: M.B.A. JOB NO.: 2015-0135

1
2

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, Pennington Partners, Ltd. is the owner of a tract of land, situated in the W.M. Snider Survey, Abstract No. 821, in the City of Lucas, Collin County, Texas, and being all of that called 21.751 acre tract of land, described by deed to Pennington Partners, Ltd., as recorded in Volume 5184, Page 1102, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a plastic cap found for the northeasterly corner of said 21.751 acre tract, same being the northwesterly corner of **FOX GLEN ADDITION**, an addition to the City of Lucas, as recorded in Volume 2007, Page 142, of the Map Records, Collin County, Texas (M.R.C.C.T.), and also being in McGarity Lane (a.k.a. County Road No. 224);

THENCE South 00°39'26" East, along the westerly line of said **FOX GLEN ADDITION**, same being the westerly monumented line of Allison Lane, as dedicated by said **FOX GLEN ADDITION**, same also being the easterly line of said 21.751 acres, a distance of 937.86' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the southeasterly corner of said 21.751 acre tract, said corner also being the northeasterly corner of a 45' right-of-way dedication, as dedicated by SC LUCAS ADDITION, an addition to the City of Lucas, as recorded in Volume 2015, Page 380, M.R.C.C.T.;

THENCE South 89°44'30" West, along the southerly line of said 21.751 acre tract, same being the northerly line of said **SC LUCAS ADDITION**, a distance of 955.01' to an "X" cut set in a concrete culvert, said corner being the southwesterly corner of said 21.751 acre tract, said corner also being the northwesterly corner of said **SC LUCAS ADDITION**, said corner also being in the easterly monumented line of F.M. Highway No. 2551;

THENCE North 00°48'47" West, along the westerly line of said 21.751 acre tract, same being the easterly monumented line of F.M. Highway No. 2551, a distance of 991.59' to a 1/2" iron rod with a plastic cap found for the northwesterly corner of said 21.751 acre tract, same being in the aforementioned McGarity Lane;

THENCE North 89°21'55" East, along the northerly line of said 21.751 acre tract, same being along said McGarity Lane, a distance of 957.68' to the **POINT OF BEGINNING** and containing 951,284 square feet or 21.838 acres of land, more or less.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT we, PENNINGTON PARTNERS, LTD., owner, does hereby bind themselves and their heirs, assigns and successors of title this plat designating the hereinabove described property as **ANGEL ADDITION, LOTS 1 AND 2, BLOCK A**, an addition to the City of Lucas, Collin County, Texas, and does hereby dedicate to the public use forever, the streets, alleys and public use areas shown hereon; the easements, as shown, for mutual use and accommodation of the City of Lucas and all public utilities desiring to use or using same. All and any public utility and the City of Lucas shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths which in any way, endanger or interfere with the construction, maintenance or efficiency of it's respective systems on said easements; and the City of Lucas and all public utilities shall have the right to construct, reconstruct, inspect, patrol, maintain and add to or remove all or parts of it's respective systems without the necessity of, at anytime, procuring the permission of anyone. This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

WITNESS MY HAND at Lucas, Texas, this _____ day of _____, 2016.

PENNINGTON PARTNERS, LTD.

Name - Position

Signature

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally

appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2016.

NOTARY PUBLIC in and for the State of Texas.

MORTGAGE HOLDER CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, hold a mortgage or represent holders of a mortgage on a portion of the described property herein, do hereby consent to the submission and filing of this plat designating the hereinabove described property as **ANGEL ADDITION, LOTS 1 AND 2, BLOCK A**, an addition to the City of Lucas, Collin County, Texas, and does hereby dedicate to the public use forever, the streets, alleys and public use areas shown hereon; the easements, as shown, for mutual use and accommodation of the City of Lucas and all public utilities desiring to use or using same. All and any public utility and the City of Lucas shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths which in any way, endanger or interfere with the construction, maintenance or efficiency of it's respective systems on said easements; and the City of Lucas and all public utilities shall have the right to construct, reconstruct, inspect, patrol, maintain and add to or remove all or parts of it's respective systems without the necessity of, at anytime, procuring the permission of anyone. This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

WITNESS MY HAND at Lucas, Texas, this _____ day of _____, 2016.

XXXXXXXXXXXXXX

Name - Position

Signature

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally

appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2016.

NOTARY PUBLIC in and for the State of Texas.

APPROVAL CERTIFICATE

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinance and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works _____ Date _____

The Director of Planning and Community Development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinance, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development _____ Date _____

Approved by the Planning and Zoning Commission of the City of Lucas, Texas, on the _____ day of _____, 2016.

ATTEST:

Chairperson Planning and Zoning Commission _____

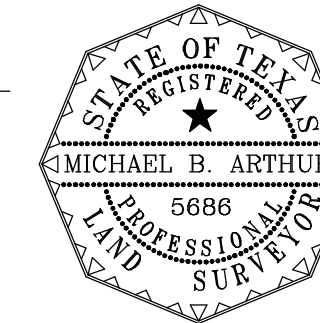
Zoning Secretary _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plat from an actual on-the-ground survey of the above described property, and that the corner monuments shown hereon were found or were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of McKinney, Collin County, Texas.

Michael B. Arthur _____ Date: _____
Registered Professional Land Surveyor
Texas Registration No. 5686



STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared MICHAEL B. ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2016.

NOTARY PUBLIC in and for the State of Texas

Owner:
Pennington Partners, Ltd.
3403 North Fitzhugh Avenue #252
Dallas, Texas 75204

Engineer:
Helmburger Associates, Inc.
1525 Bozman Road
Wylie, Texas 75098
(972) 442-7458
Contact: Randy Helmburger

Surveyor:
North Texas Surveying, LLC
1515 South McDonald St, Suite 110
McKinney, Texas 75069
(469) 424-2074
www.northtexassurveying.com
Firm Registration No. 10074200
Contact: Chad Holcomb

**PRELIMINARY PLAT
ANGEL ADDITION
LOTS 1 AND 2, BLOCK A**

951,284 Sq. Ft. / 21.838 Acres
in the

W. M. Snider Survey ~ Abstract No. 821
City of Lucas, Collin County, Texas

Date: December, 2015

Scale: 1" = 60'



City of Lucas Council Agenda Request February 4, 2016

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider approval of a site plan request by Randy Helmberger, on behalf of Pennington Partners, Ltd., for a veterinary clinic, creating a 39,823 square foot lot, for a parcel of land located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube.

Background Information:

This lot is currently zoned Commercial Business. The proposed use is for a veterinary clinic that is allowed by right in this zoning district. Current zoning requires 22 parking spaces and 29 parking spaces are being proposed. The building will be one-story in height and 4,375 square feet in area. Approximately 3,250 square feet will be used for the vet clinic, with the remaining 1,125 square feet available for lease space. Lot coverage for the property is 43.26 percent and the maximum allowable permitted is 65 percent.

Attachments/Supporting Documentation:

1. Site Plan.

Budget/Financial Impact:

None

Recommendation from the Planning and Zoning Commission:

The Planning and Zoning Commission recommended approval of this request with a unanimous vote of 5-0.

Motion:

I make a motion to approve/deny the site plan request by Randy Helmberger, on behalf of Pennington Partners, Ltd., for a veterinary clinic, creating a 39,823 square foot lot, for a parcel of land located on Angel Parkway, approximately 900 feet south of the intersection of Angel Parkway and McGarity Lane north of the Kwik Lube, in the W.M. Snider Survey, Abstract 821, Lot 1 and 2, Block A of the Angel Addition.



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Discuss and provide direction to the City Manager regarding possible design modifications associated with the Blondy Jhune Road Bridge Replacement Project.

Background Information:

The Blondy Jhune Road Bridge Replacement Project consists of replacing the west and east bridges on Blondy Jhune Road along with respective roadway approaches. The project is located between Country Club Road and Winningkoff Road. Work includes paving, grading, drainage, bridge structures, approach slabs, retaining walls, signage, and pavement markings, etc.

Sealed bids were received at City Hall until Tuesday, December 22, 2015. On January 21, 2016, the City Council rejected all bids and asked staff to submit ideas on how to lower the cost of the project.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

This project is funded using account 21-8210-491-121, Blondy Jhune Bridges and Safety Projects. This account was established by certificates of obligation sold in mid-2015.

Recommendation:

The only way to determine the cost of the bridges is to bid the project. There is a possibility that even if the cost saving ideas listed below are incorporated into the plans, the bids could come in higher than the December bids. Generally, when quantities are reduced, the unit cost or cost per item increases. The relationship between quantities and unit cost is not linear; it is exponential. That is why the cost savings listed below are not cumulative. Each item impacts and is related to the other items.

Staff recommends considering the following design modifications to possibly lower project costs:



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

1. Reduce or eliminate retaining walls with slopes (16% Reduction)

Currently the wall designed is for a mechanically stabilized earth (MSE) system. This design was used because of the lack of right-of-way/easements and to protect trees. If we consider using 3:1 slopes in existing ROW and ask five adjacent property owners for ROW or slope easements, construction cost and time could be reduced, but the time and cost of acquiring the ROW or slope easements could both increase. We need ROW or slope easements from five property owners. Two on the west side of the western bridge, and three on the eastern bridge: northeast, southeast, and southwest. Using slopes instead of walls will eliminate all trees within 30 feet of the new roadway. Staff was directed to minimize ROW and protect the trees. This directive would need to change.

2. Use plain, smooth retaining walls (5 to 10% Reduction)

Current design calls for a stone pattern on the MSE concrete panels. If we consider using the aesthetics similar to the Winningkoff Road Bridge, there is a potential to reduce the wall cost. A standard RW1 (reinforced concrete wall) can be textured and painted. Textured MSE walls were used to satisfy request to provide "stone" look to the walls. RW1 walls can be used, but these walls are easier to vandalize with graffiti. There is some graffiti on the Winningkoff Road Bridge. Staff was directed to make the walls look more natural. This directive would need to change.

3. Eliminate all or some of the trail elements (11 to 23% Reduction)

Current design calls for synthetic rubberized mulch surfacing over reinforced concrete trail as the trail ramps up and down to the bridge structures. The contractors' range of bids for this pad was from \$12,000 to \$69,000. Current design calls for an eight-foot wide trail on the bridges for horseback riders to cross the creeks. Staff was directed to add the trail elements to the plans. This directive would need to change.

4. Use a truss bridge (Benefit unknown)

Current design is a reinforced concrete bridge deck with 28-inch TxDOT standard AASHTO prefabricated concrete girders. Staff has contacted two truss design and fabrication companies, but we have not received their numbers to determine if there is a savings or not. The potential benefits of the truss are as follows: a) thinner bridge thus reducing the roadway elevation and retaining wall height, b) more "country" looking, and c) fabricated off-site. Drawbacks are as follows: a) maintenance costs are higher, and b) cannot be modified in the future. This options should be considered.

5. Use the standard T501 "Jersey" rail (2% Reduction)

The potential cost savings between a T411 rail and a T501 rail may be too small to truly benefit the project, but the T501 is easier to build. The T501 rail is used on the Winningkoff Road



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

Bridge. Some believe this rails looks industrial and associate the look with larger roads such as interstate highways where it is widely used.

6. Narrow bridge to 28 feet wide (30% Reduction)

The 40-foot wide bridge allows for two 12-foot lanes with two feet of separation between the lanes, shoulders, three rails, and horse trail. The two-foot separation, shoulders, one of the rails and horse trail are not required. At 28 feet, there would be two 12-foot lanes with two rails. Some might consider this too "tight." The existing bridges are 30 feet wide. Staff was directed to provide for a separation between the lanes, shoulders, and the trail. These directives would need to change.

7. Narrow roadway to 24 feet (5% Reduction)

By narrowing the roadway from 28 feet to 24 feet, the center separation between the lanes and thin shoulders would be lost. The current design has a two-foot separation that will have tactile elements to reinforce the concept of staying in one's lane while driving. Staff was directed to provide for a separation between the lanes through the curves. This directive would need to change.

Staff does not recommended the following:

8. Use a more frequent storm and less freeboard (15 to 25% Reduction – Substandard)

Current 100-year storm and a positive two feet of freeboard design criteria represents standard engineering and best practices. Freeboard is the distance between the water surface and the bottom of the bridge. This means that during a storm that has one in 100 chance of happening in any given year, the Blondy Jhune Bridges are designed to have a dry driving surface and the surface of the water will be two feet below the bottom of the bridge. If we consider changing the design flood to a frequency less than 100-year, the roadway could be lowered and the height and length of the retaining walls and drill shafts would be reduced thus reducing the cost of the project.

The Winningkoff Road Bridge is based on a substandard design of a 10-year storm with a **negative two feet of freeboard**. This means that during a storm that has a one in 10 chance of happening in any given year, the water level will be at the driving surface of the bridge and the bottom of the bridge will be two feet under water. During a 100-year storm, staff estimates that the Winningkoff Bridge will have water flowing two to four feet above the roadway (four to six feet of negative freeboard).

The design engineer estimates a potential savings of 15 to 25% by lowering the design storm to the 50-year or 25-year, respectively, because of shorter retaining walls and drill shafts. The bridge would not get thinner by changing the design storm. To use any storm more frequent than



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

100-year and freeboard less than two feet would be considered substandard. County governments frequently build structures with a substandard design to meet budget constraints.

9. Narrow the roadway to 24 feet on the bridge (35% Reduction – Substandard)

The 40-foot wide bridge allows for two 12-foot lanes with two feet of separation between the lanes, shoulders, three rails, and horse trail. The two-foot separation, shoulders, one of the rails and horse trail are not required. At 24 feet, there would be substandard lane widths with two rails. This is too narrow per standard engineering and best practices. Staff was directed to provide for a separation between the lanes, shoulders, and the trail. These directives would need to change.

10. Lower the bridge weight limit (2% Reduction)

The bridges are currently designed for HS20 loading per TxDOT and AASHTO criteria. Simply stated the bridges are design for a 20-ton limit. The weight limit could be lowered to 10- or 15-ton. Reducing the load requirements could reduce either the size or number of girders or reduce the depth of the bridge deck thus lowering the associated costs. This would not lower the elevation of the bottom of the bridge.

The Winningkoff Bridge was design for 20-tons, but staff has been told by the contractor that built the bridge that the weight limit was changed to a substandard five tons during construction.

11. Use thinner pavement design (4 to 7% Reduction)

Current 20-year design calls for an eight-inch reinforced concrete pavement supported by lime treated subgrade. By thinning the concrete and/or eliminating the lime treated subgrade, the cost would be reduced, but the maintenance costs would increase and the lifespan of the pavement would be eight to 12 years. The roadway would not last as long as the bonds.

Staff believes the following would not reduce the cost of the project:

12. Widen creek channel

Current design kept the channel widths similar to the existing bridge spans. The idea here is to widening the channels. This would result in a longer bridges, but it would reduce wall quantities. A cost effectiveness analysis is required to compare the cost of the bridge verses cost of walls to determine if this is an effective option. Widening the channel may also have an effect on the hydrology of the bridges and eliminate several trees.

13. Lower design speed (1% Reduction)

Current design speed is 30 miles-per-hour with super-elevation. The super-elevation or banking of the curves is a safety element that assist the movement of vehicles. Blondy Jhune Road has a very winding roadway alignment with numerous changes in vertical grades and horizontal



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

alignment. This does not save much money, but it is easier to build and could possibly shorten the length of the roadway construction.

To reduce the cost of the project, Public Works Director/City Engineer Stanton Foerster recommends the following design elements:

- A. Obtain right-of-way or easements to eliminate the need for retaining walls. This will require the elimination of all trees within 30 feet of the new pavement where slopes are needed. (16% Reduction)
- B. Eliminate all trail elements. If the location of a trail is determined in the future, a separate non-20-ton bridge can be built. (11 to 23% Reduction)
- C. Consider other bridge structures such as trusses. The least expensive option would be selected. (Benefit unknown)
- D. Use the standard T501 Jersey rail like the rail on the Winningkoff Bridge. This does not save much money, but it is easier to build. (2% Reduction)
- E. Narrow bridge width to 30 feet. (25% Reduction)
- F. Narrow roadway width to 24 feet. (5% Reduction)

The only way to determine the cost of the project is to solicit bids. The six items listed above represent a possible savings of 43% as compared to the current plans. The benefit of #3 is unknown. There is a possibility that even with the cost saving ideas designed into the plans the bids could be higher than \$2.5 million. Generally, when quantities are reduced, the unit costs increase.

Motion:

I make a motion to (direct/not direct) the City manager to proceed with redesign and bidding of the Blondy Jhune Bridge Replacement Project with the following design criteria:

1. Obtain right-of-way or easements to eliminate the need for retaining walls. This will require the elimination of all trees within 30 feet of the new pavement where slopes are needed. (16% Reduction)
2. Use plain, smooth retaining walls (5 to 10% Reduction)
3. Eliminate all or some of the trail elements (11 to 23% Reduction)
4. Use a truss bridge (Benefit unknown)
5. Use the standard T501 "Jersey" rail (2% Reduction)
6. Narrow bridge to 28 feet wide (30% Reduction)
7. Narrow roadway to 24 feet (5% Reduction)
8. Use a more frequent storm and less freeboard (15 to 25% Reduction – Substandard)
9. Narrow the roadway to 24 feet wide on the bridge (35% Reduction – Substandard)
10. Lower the bridge weight limit (2% Reduction)



City of Lucas City Council Agenda Request February 4, 2016

Requester: Public Works Director/City Engineer Stanton Foerster

11. Use thinner pavement design (4 to 7% Reduction)
12. Widen creek channel
13. Lower design speed (1% Reduction)
14. Eliminate all of the trail elements (11 to 23% Reduction)
15. Narrow bridge to 30 feet wide (25% Reduction)

Note: The underlined items listed above are recommended by the City Engineer.



City of Lucas Council Agenda Request February 4, 2016

Requester: Finance Director – Liz Exum

Agenda Item:

Consider placing the following sales tax proposals on the May 7, 2016 election ballot for consideration by the voters:

- a. Continuation of the one-quarter of one-percent (.25%) sales tax dedicated for street maintenance. This revenue source for street maintenance will discontinue in September of 2016 unless the voters approve its continuation.
- b. Abolish the one-quarter of one-percent (.25%) sales tax dedicated to property tax relief and approve an additional one-quarter of one percent (.25%) for street maintenance.

Background Information:

The City of Lucas may adopt a sales tax rate up to a two-percent cap. Sales tax is levied by the City on all goods sold within the city limits. The City has adopted a one-percent general revenue sales tax and may also adopt additional sales tax that cannot exceed a total of one-percent for dedicated purposes. Currently, the City of Lucas has adopted the following “dedicated purpose” sales tax:

- One-quarter of one-percent (.25%) sales tax dedicated for street maintenance
- One-quarter of one-percent (.25%) sales tax dedicated to property tax relief
- One-half of one-percent (.50%) sales tax dedicated to the Lucas Fire Control, Prevention and Emergency Medical Services District for the purpose of funding equipment and operational costs that include fire safety and emergency medical programs

The City Council will be evaluating the two sales tax proposals for possible placement on the May 7, 2016 election ballot for consideration by the voters:

1. The sales tax for street maintenance is an optional, dedicated city sales tax which may be spent to repair and maintain existing city streets and expires after four years unless another election is held. This revenue source for street maintenance will discontinue in September of 2016 unless the voters approve its continuation.
2. The sales tax for property tax relief uses sales tax collected to reduce property tax. The sales tax for property tax relief dedicates this portion of sales tax collected to offset an equivalent amount of city property tax revenue. The City may be asking voters to consider abolishing the property tax relief and approve an additional one-quarter of one percent (.25%) for street maintenance.

If both of the above-referenced proposals are placed on the ballot and approved by the voters, this would mean that a total of one-half of one percent of sales tax collected will be earmarked for repair and maintenance of existing city streets. This represents approximately \$265,000 annually.



City of Lucas Council Agenda Request February 4, 2016

Requester: Finance Director – Liz Exum

HB 157 relating to the rates that municipalities can impose sales tax became effective on September 1, 2015. This house bill amended the Local Government and Tax Codes allowing municipalities more flexibility in how sales tax is allocated to specific purposes as long as the local rate would not result in a combined sales tax rate that exceeds the maximum two percent cap.

Attachments/Supporting Documentation:

1. House Bill (HB) 157 Larson – Sales Tax

Budget/Financial Impact:

If both of the proposals are placed on the May 7, 2016 ballot and approved by the voters, a total of one-half of one percent of sales tax collected annually will be earmarked for repair and maintenance of existing streets which is approximately \$265,000 annually.

Recommendation:

Staff recommends that the City Council place both sales tax proposals on the May 7, 2016 ballot. The continuation of the existing allocation of sales tax for street maintenance is an essential funding stream to help address deteriorating city streets in need of repair. By requesting the voters to abolish the sales tax allocated to property tax relief, it could provide additional resources for street maintenance and this property tax expense paid by the taxpayer is a deduction filed on a taxpayer's federal income tax return.

Motion:

I approve/deny a motion to authorize staff to include placing the following sales tax proposals on the May 7, 2016 election ballot for consideration by the voters:

- a. Continuation of the one-quarter of one-percent (.25%) sales tax dedicated for street maintenance; and
- b. Abolish the one-quarter of one-percent (.25%) sales tax dedicated to property tax relief and approve an additional one-quarter of one percent (.25%) for street maintenance.

84R241 TJB-D

By: Larson

H.B. No. 157

A BILL TO BE ENTITLED
AN ACT

relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 334.082(d), Local Government Code, is amended to read as follows:

(d) The tax imposed by this subchapter is in addition to a tax imposed under other law, including Chapters 321 and 323, Tax Code, and is included in computing a combined sales and use tax rate for purposes of the limitation on the maximum combined sales and use tax rate of political subdivisions.

SECTION 2. Section 334.083(a), Local Government Code, is amended to read as follows:

(a) The rate of a tax adopted by a county under this subchapter must be one-eighth, one-fourth, three-eighths, or one-half of one percent. The rate of the tax adopted by a municipality may be any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), Tax Code.

SECTION 3. Section 334.084, Local Government Code, is amended to read as follows:

Sec. 334.084. RATE INCREASE. (a) A municipality [~~or county~~] that has adopted a sales and use tax under this subchapter at any rate, and a county that has adopted a sales and use tax under this subchapter at a rate of less than one-half of one percent, may by ordinance or order increase the rate of the tax if the increase is approved by a majority of the registered voters of that municipality or county voting at an election called and held for that purpose.

(b) The county tax may be increased under Subsection (a) in one or more increments of one-eighth of one percent to a maximum of one-half of one percent. The municipal tax may be increased under Subsection (a) in one or more increments of one-eighth of one percent to any rate that the municipality determines is appropriate and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), Tax Code.

(c) The ballot for an election to increase the tax shall be printed to permit voting for or against the proposition: "The adoption of a sales and use tax for the purpose of financing _____ (insert description of venue project) at the rate of _____ [~~of one~~] percent (insert [~~one-fourth, three-eighths, or one-half, as~~] appropriate rate)."

SECTION 4. Section 363.055(a), Local Government Code, is amended to read as follows:

(a) The proposed rate for the district sales and use tax imposed under Subchapter B, Chapter 321, Tax Code, may be any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), Tax Code. The proposed rate for the district sales and use tax imposed under [~~Subchapter B, Chapter 321, Tax Code, or~~] Subchapter B, Chapter 323, Tax Code, may be only:

- (1) one-eighth of one percent;
- (2) one-fourth of one percent;
- (3) three-eighths of one percent; or
- (4) one-half of one percent.

SECTION 5. Section 504.252(b), Local Government Code, is amended to read as follows:

(b) The rate of the tax imposed under Subsection (a) may be any rate that is an increment of one-eighth of one percent, that the authorizing municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 504.254(a) [must be equal to one-eighth, one-fourth, three-eighths, or one-half of one percent].

SECTION 6. Section 504.256, Local Government Code, is amended to read as follows:

Sec. 504.256. BALLOT. In an election to adopt the sales and use tax under this chapter, the ballot shall be printed to provide for voting for or against the proposition: "The adoption of a sales and use tax for the promotion and development of new and expanded business enterprises at the rate of _____ [~~of one~~] percent" (insert [~~one-eighth, one-fourth, three-eighths, or~~

~~one-half to be inserted as] appropriate rate).~~

SECTION 7. Section 504.258(c), Local Government Code, is amended to read as follows:

(c) The tax rate may be reduced or increased to any rate that is an increment of one-eighth of one percent, that the authorizing municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 504.254(a)[+

~~[-(1) - - reduced in one or more increments of one-eighth of one percent, to a minimum rate of one-eighth of one percent; or~~

~~[-(2) - - increased in one or more increments of one-eighth of one percent, to a maximum rate of one-half of one percent].~~

SECTION 8. Section 504.261(b), Local Government Code, is amended to read as follows:

(b) In an election to impose, reduce, increase, or abolish the tax under this chapter and the additional sales and use tax, the ballot shall be printed to provide for voting for or against the proposition: "The adoption of a sales and use tax within the municipality for the promotion and development of new and expanded business enterprises at the rate of _____ [~~of one~~] percent (~~insert [one-eighth, one-fourth, three-eighths, or one-half to be inserted as] appropriate rate~~) and the adoption of an additional sales and use tax within the municipality at the rate of _____ [~~of one~~] percent to be used to reduce the property tax rate" (~~insert [one-eighth, one-fourth, three-eighths, or one-half to be inserted as] appropriate rate~~).

SECTION 9. Section 505.252(b), Local Government Code, is amended to read as follows:

(b) The rate of a tax adopted under this chapter may be any rate that is an increment of one-eighth of one percent, that the authorizing municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 505.256(a) [must be equal to one-eighth, one-fourth, three-eighths, or one-half of one percent].

SECTION 10. Section 505.256(a), Local Government Code, is amended to read as follows:

(a) Chapter 321, Tax Code, governs the imposition, computation, administration, collection, and remittance of the sales and use tax, except as inconsistent with this chapter. An authorizing municipality may not adopt a rate under this chapter that, when added to the rates of all other sales and use taxes imposed by the authorizing municipality and other political subdivisions of this state having territory in the authorizing municipality, would result in a combined rate exceeding two percent at any location in the municipality.

SECTION 11. Section 505.259, Local Government Code, is amended to read as follows:

Sec. 505.259. ELECTION REQUIREMENT FOR CERTAIN MUNICIPALITIES. For a tax under this subchapter at a rate that does not exceed one-half of one percent, the [The] election requirement under Section 505.251 is satisfied and another election is not required if the voters of the authorizing municipality approved the imposition of an additional one-half cent sales and use tax at an election held before March 28, 1991, under an ordinance calling the election that:

(1) was published in a newspaper of general circulation in the municipality at least 14 days before the date of the election; and

(2) expressly stated that the election was being held in anticipation of the enactment of enabling and implementing legislation without further elections.

SECTION 12. Section 321.101(a), Tax Code, is amended to read as follows:

(a) A municipality may adopt or repeal a sales and use tax authorized by this chapter, other than the additional municipal sales and use tax, and may reduce or increase the rate of the tax, at an election in which a majority of the qualified voters of the municipality approve the adoption, reduction, increase, or repeal of the tax.

SECTION 13. Section 321.102(a), Tax Code, is amended to read as follows:

(a) A tax imposed under this chapter, a tax rate increase or decrease adopted under this chapter, or the repeal of a tax abolished under this chapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives a notice of the action as required by Section 321.405(b). This subsection does not apply to the additional municipal sales and use tax.

SECTION 14. Section 321.103, Tax Code, is amended to read as follows:

Sec. 321.103. SALES TAX. (a) In a municipality that has adopted the tax authorized by Section 321.101(a), there is imposed a tax on the receipts from the sale at retail of taxable items within the municipality at ~~any [the] rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), and that is approved by the voters.~~ The tax is imposed ~~[of one percent and]~~ at the same rate on the receipts from the sale at retail within the municipality of gas and electricity for residential use.

(b) In a municipality that has adopted the additional municipal sales and use tax, the tax is imposed at ~~any [the] rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), and that is approved by the voters. [The rate, when the tax is adopted, must be equal to either one-eighth, one-fourth, three-eighths, or one-half of one percent.]~~ The rate may be reduced in one or more increments of one-eighth of one percent ~~[to a minimum of one-eighth of one percent] or increased in one or more increments of one-eighth of one percent [to a maximum of one-half of one percent, or the tax may be abolished].~~ The rate that the municipality adopts is on the receipts from the sale at retail of all taxable items within the municipality and at the same rate on the receipts from the sale at retail within the municipality of gas and electricity for residential use unless the residential use of gas and electricity is exempted from the tax imposed under Section 321.101(a), in which case the residential use of gas and electricity is exempted under this subsection also.

SECTION 15. Section 321.108(d), Tax Code, is amended to read as follows:

(d) The rate of a tax adopted for a district under this section may be increased ~~to any rate that is an increment [in increments] of one-eighth of one percent [not to exceed a total tax rate of one-half percent]~~ for financing the operation of the crime control and prevention district~~[7]~~ by order of the board of directors of the crime control and prevention district if ~~the board determines that the rate is appropriate, would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), and is approved by a majority of the voters voting at an election called by the board and held in the district on the question of increasing the tax rate.~~ At the election, the ballot shall be printed to provide for voting for or against the following proposition: "The increase of the _____ Crime Control and Prevention District sales and use tax rate to _____ percent." If there is an increase or decrease under this subsection in the rate of a tax imposed under this section, the new rate takes effect on the first day of the next calendar quarter after the expiration of one calendar quarter after the comptroller receives notice of the increase or decrease. However, if the comptroller notifies the president of the board of directors of the district in writing within 10 days after receipt of the notification that the comptroller requires more time to implement reporting and collection procedures, the comptroller may delay implementation of the rate change for another calendar quarter, and the new rate takes effect on the first day of the next calendar quarter following the elapsed quarter.

SECTION 16. Section 321.404, Tax Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) In an election to adopt the tax, the ballot shall be printed to provide for voting for or against the applicable proposition: "A ~~[one percent]~~ sales and use tax is adopted within the city at the rate of _____ percent" (insert appropriate rate) or "The adoption of an additional sales and use tax within the city at the rate of _____ ~~[of one]~~ percent to be used to reduce the property tax rate" (insert ~~[one-eighth, one-fourth, three-eighths, or one-half to be inserted as]~~ appropriate rate).

(c) In a municipality that does not impose a property tax, the ballot at an election to adopt the additional municipal sales and use tax shall be printed to provide for voting for or against the following proposition: "The adoption of an additional sales and use tax within the city at the rate of _____ ~~[of one]~~ percent" (insert ~~[one-eighth, one-fourth, three-eighths, or one-half to be inserted as]~~ appropriate rate).

(d) ~~In an election to reduce or increase the tax, the ballot shall be printed to provide for voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of _____ (insert appropriate rate)."~~

SECTION 17. Section 321.405(a), Tax Code, is amended to read as follows:

(a) Within 10 days after an election in which the voters approve of the adoption, change in rate, or abolition of a tax authorized by this chapter, the governing body of the municipality shall by resolution or ordinance entered in its minutes of proceedings, declare the results of the election. A resolution or ordinance under this section must include statements showing:

- (1) the date of the election;
- (2) the proposition on which the vote was held;
- (3) the total number of votes cast for and against the proposition; and
- (4) the number of votes by which the proposition was approved.

SECTION 18. Section 327.004, Tax Code, is amended to read as follows:

Sec. 327.004. TAX RATE. The tax authorized by this chapter may be imposed at any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 327.003(b) ~~[the rate of one-eighth of one percent or one-fourth of one percent].~~

SECTION 19. Section 327.006(b), Tax Code, is amended to read as follows:

(b) At an election to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of (insert appropriate rate ~~[one-eighth of one percent or one-fourth of one percent]~~) to provide revenue for maintenance and repair of municipal streets."

SECTION 20. Section 327.0065, Tax Code, is amended to read as follows:

Sec. 327.0065. RATE CHANGE. (a) A municipality that has adopted a sales and use tax under this chapter ~~[at a rate of one-fourth of one percent]~~ may by ordinance decrease the rate of the tax in increments of [to] one-eighth of one percent.

(b) A municipality that has adopted a sales and use tax under this chapter ~~[at a rate of one-eighth of one percent]~~ may by ordinance increase the rate of the tax to any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 327.003(b) ~~[to one-fourth of one percent]~~ if the increase is authorized at an election held in the municipality.

(c) The ballot for an election to increase the tax shall be printed to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) ~~[one-fourth of one percent]~~ to provide revenue for maintenance and repair of municipal streets."

SECTION 21. The changes in law made by this Act to Sections 334.084(c), 504.256, and 504.261(b), Local Government Code, and Sections 321.404, 327.006(b), and 327.0065(c), Tax Code, apply only to ballot language for an election ordered on or after the effective date of this Act. Ballot language for an election ordered before the effective date of this Act is governed by the law in effect when the election was ordered.

SECTION 22. This Act takes effect September 1, 2015.



City of Lucas Council Agenda Request February 4, 2016

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Discuss upgrading the water utility system from ARM (Automatic Meter Reading) to AMI (Advanced Metering Infrastructure).

Background Information:

The City of Lucas used Infinity registers to measure water consumption and began to experience some failure. This vendor discontinued its business operations and was essentially bought out by RG3. Overtime, as failure rates with the Infinity registers increased, the City sought resolution to this situation. In fiscal year 14/15, the City funded the replacement of the Infinity registers with RG3's Tesla 4 registers. The implementation of this register replacement program using the Tesla 4 registers served as an essential and immediate solution to the Infinity register failure.

Currently, the City of Lucas has the capability of "reading" water consumption by driving by each customer and downloading the consumption data onto a laptop. This data is then transferred into the Incode utility billing system. When a customer has a question about the consumption data, a City staff member must go out to the customer's location and download consumption data as it cannot be assessed or downloaded from City Hall.

The first phase of the utility billing enhancements was the installation of the new Tesla 4 registers. The second phase was to evaluation the installation of infrastructure to upgrade the utility system from ARM (Automatic Meter Reading) to AMI (Advanced Metering Infrastructure).

It is important to understand the difference between AMR and AMI, as the terms are often confused. AMR, or Automatic Meter Reading, is essentially a step up from an employee walking over to a water meter, reading the numbers, and writing them down. Rather, a device automatically pings the meter to get a current reading, which is used to generate a bill. AMR systems can be walk-by, drive-by, or fixed network, but regardless of how the meter is read, the communication is one-way. The meter talks to the meter-reading device, but the device cannot send a command back to the meter. Conversely, AMI enables two-way communication over a fixed network between the utility system and the metering endpoints. It is a comprehensive system that can facilitate the identification of leaks, help gain compliance with water conservation efforts and enhance customer service by having immediate access to customer water consumption information.

Staff brought forward for City Council consideration the transformation of the City's existing AMR system to an AMI system. At the December 17, 2015 City Council Workshop staff was directed to check references for RG3 to determine whether the City should or should not move forward with a contract for the second and third phases of the utility project. The third phase of this utility system enhancement project is to implement software that would allow water customers to be able to access their consumption data from their home computers.



Item No. 13

**City of Lucas
Council Agenda Request
February 4, 2016**

Requester: Development Services Director Joe Hilbourn

City staff spoke with representatives from Porter, Texas and confirmed that they have installed the Tesla 4 registers but have not proceeded with implementation of AMI. In addition, there were some questions raised regarding the reliability of the Tesla 4 (Crystal Line 1415) register and an unacceptable failure rate. The City of Grapevine was contacted and while the feedback was positive, they only have a pilot project involving approximately 50 samples.

Also worth mentioning is that life of the current meters that is typically 10 to 12 years. In approximately three years, the City will need to consider replacement its current inventory of meters to ensure the reliability of the system. It is prudent to evaluate the meter replacement together with the pros and cons of the enhancements offered by an AMI system. Historically, meters have been made out of brass and now there are composite meters available that are cost effective. Public Works has been collecting information from a variety of vendors and suppliers to ensure that the City Council has adequate information in which to base its decision. This information will be presented during the upcoming fiscal year 16/17 budget process.

Attachments/Supporting Documentation:

N/A

Budget/Financial Impact:

To be determined.

Recommendation:

Staff recommends waiting until the next fiscal year's budget process to allow for a more comprehensive evaluation of options and vendors.

Motion:

N/A



City of Lucas

City Council Agenda Request

February 4, 2016

Requester: City Councilmember Steve Duke and
Public Works Director/City Engineer Stanton Foerster

Agenda Item:

Discussion and provide direction to the City Manager regarding possible changes to the Code of Ordinances associated with funding of non-safety streetlights by individuals.

Background Information:

During the past 18 months, various homeowners' associations (HOAs) have been contacted by Public Works Director/City Engineer Stanton Foerster. The goal is to remove these HOA streetlights from the city's electric bill and get the HOA to start paying for their streetlights per the City code. Notifications were not sent to each home in each neighborhood, if a neighborhood had an active HOA, the HOA was contacted about the streetlights. If a citizen called City about another issue in their neighborhood and their neighborhood streetlights were to be removed from the City bill, the Public Works Director/City Engineer would let the caller know that the City was planning to stop paying for their streetlights.

The City was paying \$1,155 per month for streetlights in the following neighborhoods:

1. Camden Estates – Four lights, \$94 per month
2. Enclave – Three, \$71
3. Austin Trails – Eight, \$122
4. Wolf Creek – 14, \$305
5. Stonegate – Seven, \$182
6. Tara – 14, \$95
7. Travis Ranch – Three, \$42
8. Saddlebrook – One, \$16.

No Active HOA:

1. Trailside – Two, \$47
2. Lucas Creek – Seven, \$165
3. Northfork – One, \$16

Safety lighting at the signalized intersections is paid for by TxDOT.



City of Lucas City Council Agenda Request February 4, 2016

Requester: City Councilmember Steve Duke and
Public Works Director/City Engineer Stanton Foerster

Attachments/Supporting Documentation:

City of Lucas Code of Ordinances – **Sec 10.03.123(i) Streets and drainage**
Street lighting shall be provided at street intersections within new subdivisions and at streets connecting to new subdivisions and shall conform to the latest edition of the Illuminating Engineering Society Handbook and the city's lighting ordinances. The use of sodium vapor lights for street and parking lot illumination shall not be allowed in the city. Cost of installation of street lighting shall be borne by the subdivider. Cost of ongoing service and utilities shall be borne by the subdivider and included in a maintenance agreement as part of the homeowners' association documents.

Budget/Financial Impact:

The streetlights were funded using General Fund Account 11-6210-334, Street Lighting.

Recommendation:

None

Motion:

NA



City of Lucas Council Agenda Request February 4, 2016

Requester: City Manager Joni Clarke
HR Manager Cheryl Meehan

Agenda Item:

Consider the City of Lucas Employee Policies and Procedures Handbook and Resolution 2016-02-00446 providing the City Manager with the Authority to Implement and Modify said Handbook.

Background Information:

The City of Lucas Employee Policies and Procedures Handbook has been updated and revised. Attached you will find the comprehensive rewrite of the Employee Policies and Procedures Handbook that will replace the City's existing policies. The Texas Municipal Human Resources Association works with a law firm that specializes in employment law to create a model policy document that is tailored for municipalities. We used the model policies as a template and made the necessary changes relevant to the City of Lucas. These policies have been reviewed by City Attorney Joe Gorfida. Once we finalize these policies, we will be holding employee training so that everyone is aware of the requirements.

Attachments/Supporting Documentation:

1. Memorandum summarizing significant changes
2. Draft Resolution
3. Draft Employee Policies and Procedures Handbook

Budget/Financial Impact:

There is no direct financial impact on the current budget. The value attributed to the additional 6 days of sick leave per employee would be approximately \$42,258 based on the current pay scale.

As part of the fiscal year 2015/16 budget process, staff received approval to eliminate short-term disability coverage and replace it with a long-term disability policy.

Recommendation:

The City Manager is seeking authority to implement these updated polices and modify these polices as the law requires and for operational necessity. The City Manager will only bring policies before City Council that have a financial impact.



City of Lucas Council Agenda Request February 4, 2016

Requester: City Manager Joni Clarke
HR Manager Cheryl Meehan

Motion:

I make a motion to approve/deny Resolution No. 2016-02-00446 providing the City Manager with the authority to implement and modify the Employee Policies and Procedures Handbook.



City of Lucas
665 Country Club Road
Lucas, Texas 75002
972.727.8999
www.lucastexas.us

MEMORANDUM

To: Jim Olk, Mayor
Kathleen Peele, Mayor Pro Tem
Debbie Fisher, Councilmember
Steve Duke, Councilmember
Tim Baney, Councilmember
Philip Lawrence, Councilmember
Wayne Millsap, Councilmember

Copy: Joe Gorfida, City Attorney
Cheryl Meehan, HR Manager

From: Joni Clarke, City Manager

Re: Revised Personnel Policies – Summary of Significant Changes

Date: January 29, 2016

The purpose of this memorandum is to highlight significant changes that are outlined below:

Chapter One – Introduction

One of the important sections in this chapter is providing the City Manager with the authority to make modifications to the personnel policy (section 1.01). It also clarifies that volunteer emergency responders must comply with the personnel policies. The goal would be to allow changes to the policy that do not have a financial impact on the City, to be completed by the City Manager without Council approval. However, any policies that have a financial impact would be brought before the City Council for review and comments prior to implementation.

Chapter Two – Workplace Environment

This chapter highlights laws that regulate the workplace and guidelines for safe practices and accident reporting requirements. This Chapter contains the FMLA guidelines that comply with Federal Law. It also clarifies:

- operational guidelines during inclement weather
- nepotism
- outside employment
- searches
- use of tobacco products; and
- establishes a weapons policy that reflects current changes in state law

Chapter Three – Recruitment and Employment

Chapter three classifies city employees and highlights the Fair Labor Standards Act as it pertains to nonexempt and exempt employees and those that qualify for the 207(k) exemption. It establishes practices pertaining to fitness for duty and employment with the City.

Chapter Four – Conduct/Performance

Chapter four creates clear expectations regarding employee behavior and performance. Work attire, acceptance of gifts, attendance, work hours and modified duty assignments are all part of this chapter along with a drug and alcohol use policy and progressive discipline.

Chapter Five – Benefits

This chapter highlights employee benefits. The City Council approved discontinuation of the short-term disability policy and replacing it with a long-term disability policy. The benefit will be 60% of the covered employee's weekly salary up to \$1,000 a week and benefits begin at day 61. The required breast-feeding policy has been added to this section.

Chapter Six – Leave

This chapter focuses on the types of leave and compensatory time. It features City observed holidays and details regarding holiday pay. An important change in this section is holiday pay counting as hours worked for the purposes of calculating overtime for non-exempt employees. In addition, the management of holiday hours for firefighters has been revised where they have a pool of holiday hours that must be scheduled. This chapter also includes a comprehensive policy on military leave that complies with Federal Law.

Sick leave is also addressed in this chapter. We are proposing an increase in the number of sick days provided (from 6 days to 12 days). There is no direct financial impact on the current budget. The value attributed to the additional 6 days of sick leave per employee would be approximately \$42,258 based on the current pay scale. The City Council approved eliminating the short-term disability coverage and replacing it with a long-term disability policy and to bridge the gap between when the long-term disability policy benefits would be available (day 61), we are suggesting 340 days of sick leave accrual for full-time employees and 504 hours for firefighters working 24-hour shifts.

The following chart illustrates the practice regarding sick time leave for our benchmark cities:

	Celina	Fairview	Fate	Melissa	Parker	Prosper	Sunnyvale	Trophy Club	Lucas
3 of Sick Days	12	N/A	N/A	12	N/A	12	12	10	6 Proposed 12
Accrual Maximums	Unlimited	N/A	N/A	520 hours	N/A	FT 720 PT 360 FF 1080	90 days 720 hours	90 days 720 hours	0 Proposed FT 340 FF 504

Those cities with “N/A” have a paid time off/personal leave policy.

The City of Lucas would **NOT** pay accrued sick leave balance upon employee separation.

Vacation leave is also addressed in chapter six and currently, the policy allows for a carryover balance at the end of the calendar year of 80 hours. A modification of the number of hours allowed for carryover at the end of the calendar year to equal the number of hours the employee accrues is being recommended. This allows for additional flexibility for employees in planning time off and upon separation, the City would not pay any amount in excess of the allowable accrual.

Chapter Seven – Communication

Chapter seven addresses communication and in particular, the use of cell phones in the workplace and creates policy regarding the use of electronic communication devices and/or systems. The media is addressed in this chapter and social media. It also requires emergency essential employees to be available via telephone.

Chapter Eight – Compensation

Chapter eight creates a policy on certification pay and documents our current practice. This chapter references the classification plan that was put into place in the prior fiscal year and the various forms of compensation such as cost of living adjustments, emergency pay, longevity pay, market adjustments and merit compensation and describes how these forms of compensation are administered. It creates an on-call policy to clarify and standardize our practices and details how payment is rendered. Chapter eight includes our overtime practice in compliance with FLSA and clarifies our regulations regarding compensatory time.

Chapter Nine – Equipment & Vehicle Use

Chapter Nine creates policy regarding the use of City-owned or leased equipment and vehicles. It also establishes some guidelines for vehicle allowances and take home vehicles.



RESOLUTION NO. 2016-02-00446

**A RESOLUTION OF THE CITY OF LUCAS, TEXAS,
PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO
IMPLEMENT AND MODIFY THE EMPLOYEE POLICIES AND PROCEDURES HANDBOOK**

WHEREAS, the Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government; and

WHEREAS, the City of Lucas adopted its Home Rule Charter in May 15, 2008; and

WHEREAS, the City of Lucas Home Rule Charter in Section 4.03 Duties of the City Manager includes that the City Manager will: “(6) Provide supervision and control over all departments and offices that are created by the City Council and employees appointed by the City Manager except as otherwise provided in this Charter”; and

WHEREAS, the City Manager, in consultation with the City Attorney, is recommending the approval of the updated and revised City of Lucas Employee Policies and Procedures Handbook and seeking the authority to implement and modify these policies as necessary; and

WHEREAS, if there is a financial impact regarding a proposed policy change, the City Manager would be required to seek City Council approval.

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

Section 1. That all of the above recitals are true and correct; and

Section 2. The City Council of the City of Lucas supports giving the City Manager the authority to administer employee policies in the best interest of the City and in compliance with the law.

PASSED, APPROVED AND ADOPTED this 4th day of February, 2016.

CITY OF LUCAS

Jim Olk, Mayor

ATTEST:

Stacy Henderson, City Secretary



EMPLOYEE POLICIES AND PROCEDURES HANDBOOK

Table of Contents

CHAPTER ONE -- INTRODUCTION	1
1.01 Amendment of Policies	1
1.02 Application of Policies	1
1.03 Code of Conduct.....	1
1.04 Definitions	1
1.05 Management Authority	1
1.06 Objectives.....	2
1.07 Values.....	3
CHAPTER TWO -- WORKPLACE ENVIRONMENT	4
2.01 Americans with Disabilities Act	4
2.02 At-Will Employment.....	4
2.03 Employee Safety	4
2.04 Equal Employment Opportunity	7
2.05 Family and Medical Leave.....	7
2.06 Inclement Weather – Emergency Closing.....	11
2.07 Nepotism	12
2.08 Outside Employment.....	14
2.09 Political Activity	14
2.10 Searches.....	15
2.11 Sexual and Other Unlawful Harassment	15
2.12 Tobacco Products	17
2.13 Weapons Control and Violence Prevention Policy	17
CHAPTER THREE -- RECRUITMENT AND EMPLOYMENT	19
3.01 Employment Status	19
3.02 Exit Interviews	20
3.03 Health/Medical Examinations/Fitness for Duty	21
3.04 Orientation Period	22
3.05 Recruitment and Selection	24
3.06 References	24
3.07 Residency Requirement.....	24
3.08 Separations	24
3.09 Valid Driver’s License.....	25

CHAPTER FOUR - CONDUCT/PERFORMANCE	26
4.01 Arrest, Confinements and Indictments.....	26
4.02 Attendance.....	27
4.03 Breaks.....	28
4.04 Conflict of Interest, Solicitation and Acceptance of Gifts	29
4.05 Dress, Appearance and Uniforms.....	30
4.06 Drug and Alcohol Use Policy.....	32
4.07 Employee Conduct and Work Rules/Disciplinary Action	37
4.08 Grievances	40
4.09 Modified Duty Assignments	41
4.10 Performance Evaluation System	42
4.11 Promotions	43
4.12 Work Hours	43
CHAPTER FIVE -- BENEFITS	44
5.01 Benefits - General.....	44
5.02 Confidentiality of Medical Information	44
5.03 Deferred Compensation Program.....	45
5.04 Dental	45
5.05 Group Health Continuation Coverage.....	45
5.06 Health Care Coverage	46
5.07 Life Insurance.....	46
5.08 Long-term Disability	46
5.09 Retirement – Medicare.....	46
5.10 Retirement – Texas Emergency Services Retirement System	46
5.11 Retirement – Volunteer Firefighters 457(e) Length of Service Award Program	46
5.12 Retirement – Texas Municipal Retirement System (TMRS).....	47
5.13 Short-term Disability.....	47
5.14 Social Security.....	47
5.15 Supplemental Insurance	47
5.16 Vision	47
5.17 Workers Compensation.....	48
5.18 Breast Feeding at the Workplace	49
CHAPTER SIX -- LEAVE.....	51
6.01 Administrative Leave	51

6.02	Bereavement Leave	51
6.03	Compensatory Time	51
6.04	Holidays	52
6.05	Jury Duty	54
6.06	Military Leave	54
6.07	Sick Leave	56
6.08	Unpaid Leave of Absence	58
6.09	Vacation Leave.....	60
CHAPTER SEVEN -- COMMUNICATION.....		62
7.01	Cell Telephone Use in the Work Place	62
7.02	Electronic Communications and Systems Access Use	62
7.03	Media.....	64
7.04	Social Media/Social Networking	65
7.05	Telephone Contact.....	67
CHAPTER EIGHT -- COMPENSATION		68
8.01	Certification Pay.....	68
8.02	Classification Plan.....	68
8.03	Cost of Living Adjustment (COLA)	68
8.04	Direct Deposit	69
8.05	Emergency Pay.....	69
8.06	Longevity Pay	69
8.07	Market Adjustments	69
8.08	Merit Compensation.....	70
8.09	On-Call and Call Back Compensation (Nonexempt Employees)	70
8.10	Overtime, Comp Time and Time Management	71
8.11	Pay Period and Pay Date	73
8.12	Payroll Deduction.....	73
CHAPTER NINE -- EQUIPMENT & VEHICLE USE		74
9.01	City Property/Equipment Use	74
CHAPTER TEN – RESERVED.....		77
CHAPTER ELEVEN – RESERVED		77

CHAPTER ONE -- INTRODUCTION

1.01 Amendment of Policies

Amendments to the Employee Policies and Procedures Handbook must be approved by the City Manager. The City Manager is responsible for the implementation of the personnel policies. No City of Lucas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

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

1.02 Application of Policies

The Employee Policies and Procedures Handbook shall apply to all City employees and volunteer emergency responders, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. For the purpose of the Employee Policies and Procedures Handbook, the term employee includes volunteers providing services on behalf of the City. All employees and volunteer emergency responders must become familiar with and abide by these policies.

This policy does not apply to elected officials nor does it apply to appointed members serving on the City's Boards and Commissions.

1.03 Code of Conduct

City of Lucas employees will provide exemplary customer service and serve the citizens of Lucas in a manner that creates trust and governmental transparency and conduct themselves in a way that would facilitate a positive reflection on behalf of the organization and the community.

1.04 Definitions

City shall mean the City of Lucas, Texas.

Employee shall mean City Employees including those appointed by the City Council.

Volunteer shall mean volunteer emergency responder.

1.05 Management Authority

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

Policy Administration. 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 City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Policies and Procedures Handbook.

The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

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

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

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

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to Department Directors or to others as deemed appropriate in the City Manager's sole discretion.

1.06 Objectives

The objectives of the Employee Policies and Procedures Handbook are as follows:

1. To promote fair and equitable personnel practices and administration in the management of the City's human resources.
2. To develop a program of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the citizens of the City.

3. To provide compensation based upon individual merit and the relative duties and responsibilities of positions in the service of the City.
4. To promote high morale by the consistent administration of these policies.
5. To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.07 Values

The LUCAS organizational values are based on the following principles to ensure the provision of extraordinary public service:

- **Leadership** – influencing the behavior of others through positive role-modeling
- **Understanding** – exercising good judgment and being tolerant of diverse perspectives
- **Communication** – embracing transparency through the sharing of information
- **Aspire** – demonstrating the desire to achieve
- **Service** – having a passion for helping others

CHAPTER TWO -- WORKPLACE ENVIRONMENT

2.01 Americans with Disabilities Act

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

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position 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 ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

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, Department Director, Human Resources or the City Manager.

2.02 At-Will Employment

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. Although adherence to these Employee Policies and Procedures Handbook is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment.

2.03 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 obey 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 obeying the safety rules of your job, by remaining alert, and by thinking safety at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

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, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only in designated 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 in specific areas where machinery and heavy equipment is in use. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire-Rescue Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.

- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Accident Reporting Involving City Equipment or Vehicles. All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor, Human Resources and to the proper law enforcement agency. 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. A Department of Public Safety Drivers Accident Report Form (ST-2) which is available on the City's Public Drive must be completed by the employee and reviewed by their immediate supervisor and submitted to Human Resources within 24 hours of the accident.

Violation. 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.

Accidents Involving Personal Vehicles while Conducting City Business. All accidents and injuries, however slight or seemingly inconsequential, involving personal vehicles being used while conducting city business must immediately be reported to the appropriate supervisor, Human Resources and to the proper law enforcement agency. 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. A Texas Department of Insurance, Division of Workers' Compensation, Employees First Report of Injury or Illness form which is available on the City's Public Drive must be completed by the employee and reviewed by their immediate supervisor and submitted to Human Resources within 24 hours of the incident.

Traffic Regulations. 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.

2.04 Equal Employment Opportunity

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

2.05 Family and Medical Leave

Policy. In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

Procedures:

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

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

Department Notification. Each department supervisor is responsible for notifying Human Resources 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 Human Resources if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for nonexempt Fire-Rescue Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for nonexempt Fire employees of sick leave use.

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

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

Utilization of Paid Leave. An employee utilizing family and medical leave for a qualifying event shall be required to exhaust all accrued vacation, sick leave, personal leave, comp time and any other applicable paid leave prior to going on unpaid leave. When an employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

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

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

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

Return to Work. When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or

substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

Effect on Married Couples. If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave 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 for one employee.

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.

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

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

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

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

Definitions:

- Child - A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and incapable of self-care because of a

mental or physical disability. 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 Human Resources.

- 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 Human Resources.
- Parent - A biological adoptive, step or foster father or mother or someone who stood in loco parentis to the 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 in the state where the employee was married and includes individuals in a same-sex marriage or common law marriage.

Military Family Leave Entitlement:

Qualifying Exigency Leave. Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. Eligible employees with 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 contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

Military Caregiver Leave. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave (during a single 12-month period) to care for a covered spouse, child, parent, or next of kin. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties for which he/she is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Extended Medical Leave. Nothing in this policy prevents the City from granting unpaid leave for employees beyond the initial twelve (12) weeks, however, the same protections and benefits granted under FMLA leave will not be continued during this extended leave. Employees who desire to continue coverage while on leave without pay must make advance arrangements to pay the required monthly health insurance amounts. If the insurance policy requires a premium paid in part by the employee, the employee must pay his/her portion of the premium as with the portion normally paid by the City by the first day of each billing month or his/her enrollment in that particular policy may be terminated.

2.06 Inclement Weather – Emergency Closing

Except for extraordinary circumstances, City facilities DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

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

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City facilities 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.

When weather or other conditions are such that the City Manager declares certain City departments officially closed, all affected personnel, i.e., those nonessential employees who were scheduled to work during the time of closure, will be granted “paid administrative leave” for the time the department is closed.

When weather or other conditions are such that the City Manager declares a “delayed opening” for certain City departments, all affected personnel, i.e., those nonessential employees who were scheduled to work during the time of closure, will be granted “paid administrative leave” for the time the department is closed provided they report to work at the time designated. If an employee

fails to report to work at the designated time, regular full-time and part-time nonexempt employees who don't report, must use accrued vacation or compensatory time available.

Emergency Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Emergency 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. Employees are required to sign their job description which acknowledges that they have received notice of their designation of emergency essential or nonessential status and requirement to work during inclement weather or other emergency situations.

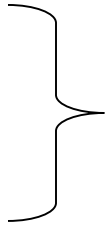
2.07 Nepotism

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

Applicants:


1. An applicant related to the City Manager by blood or marriage within the second degree according to common law shall not be employed by the City.
2. An applicant related by blood or marriage within the second degree according to common law to any member of the City Council law shall not be employed by the City.
3. Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's immediate family. Immediate family includes spouse, parents, children, brother or sister.

First Degree: Mother
Father
Sister
Brother
Son
Daughter



(or) in-law

Second Degree: Uncle
Aunt
Nephew
Niece
Grandfather
Grandmother
Granddaughter
Grandson
1st Cousin



(or) in-law

Promotions. In the event of a proposed promotion to any of the positions listed above, any employed family member of a person considered for promotion to any of the positions identified above must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect. During this ninety (90) day period, the employed family member may apply for other open positions within the City or seek a transfer provided that the employed family member is duly qualified and the position sought does not violate the City's nepotism policy.

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

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

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

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

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

Periodic Review. Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which

he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.

Application of Policy. This policy applies to all full-time and part-time employees but does not apply to temporary seasonal employees of the City.

2.08 Outside Employment

Written Authorization Required. City employees may engage in outside employment provided they receive prior written approval from their Department Director and the City Manager.

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.

Workers' Compensation Coverage. Employees are not covered by the City's workers' compensation insurance while working for another employer.

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 by the City Manager.

2.09 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, City employees may not:

- While on duty publicly endorse or campaign in any manner for any person seeking a City public office.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.

- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Lucas City Council, Allen, Lovejoy, McKinney, Plano, Princeton and Wylie ISDs and Collin County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

2.10 Searches

The City may conduct unannounced searches or inspections of the work site, as it deems appropriate and reasonable, 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, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. 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. The City also reserves the right to conduct surveillance through video equipment or security personnel.

2.11 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 harassing citizens, vendors, and all other third parties.

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

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

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

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

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

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

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

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

- Department Director;
- Human Resources; or
- City Manager.

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

Under this policy, an employee may report to and/or contact Human Resources directly, without regard to the employee's normal chain of command.

The City encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his/her behavior is unwelcomed and request that it stop. Often this action resolves the problem. If the conduct continues and is a clear violation of this policy, employees are still required to report the offending conduct to one of the individuals listed above.

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

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately to Human Resources or the City Manager.

Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including termination 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.

2.12 Tobacco Products

The City's policy is to provide a smoke free workplace. Smoking and use of smokeless tobacco and e-cigarettes (vapor devices) is prohibited in City buildings, or outdoors within twenty five (25) feet of any entrance utilized by employees or the public. Smoking and use of smokeless tobacco is also prohibited in all City vehicles, in garages or around the entrances to buildings. Smoking and use of smokeless tobacco is only allowed in designated 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.

2.13 Weapons Control and Violence Prevention Policy

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

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

Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a TCLEOSE certified peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property.

Employees licensed to carry by State of Texas may have a licensed handgun only on the City parking lot if it is locked in the employee's vehicle. Employees licensed to carry concealed weapons must report to Human Resources and the City Manager their identity and license plate numbers of all vehicles that employee may park in City parking lots.

Mandatory Reporting. Each City employee must immediately notify Human Resources or the City Manager and the appropriate law enforcement agency 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 Human Resources or the City Manager.

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 Collin County Sheriff's Office a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and Human Resources of any protective or restraining order issued against them.

Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment.

CHAPTER THREE -- RECRUITMENT AND EMPLOYMENT

3.01 Employment Status

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

Regular Full-Time. An employee in a budgeted position that is permanent in nature with an officially scheduled work week of 40 hours or more (except for certain Fire-Rescue Department shift personnel who have a different work cycle) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Regular Part-Time. An employee in a budgeted position with an officially scheduled work week of less than 40 hours who has successfully completed 6 months of active service with the City. Part-time employees who work at least 1000 hours in a year are required to participate in Texas Municipal Retirement System (TMRS). Those part-time employees that work less than 1,000 annually are required to participate in a city-sponsored 457(b) program as they are ineligible to participate in TMRS and the City of Lucas does not participate in social security withholdings. The required deduction is a minimum of 7.5% of their compensation.

Temporary/Seasonal. An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits. Temporary employees are required to participate in a city-sponsored 457(b) program as they are ineligible to participate in TMRS and the City of Lucas does not participate in social security withholdings. The required deduction is a minimum of 7.5% of their compensation. Interns are classified as temporary/seasonal employees.

Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.

Volunteer Emergency Responders. An individual who is not paid salary or benefits for services rendered to the City but may be eligible to receive a monthly stipend. Volunteer emergency responders are required to comply with the Employee Policies and Procedures Handbook. Volunteer emergency responders are covered by the City's worker's compensation coverage and are offered a 457(e) Length of Service Award Program (LOSAP) if they meet certain eligibility requirements.

Volunteers. Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are not paid and are not entitled to any benefits but are covered by worker's compensation.

FLSA Classification. In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by Human Resources.

- Nonexempt Employees – Employees who are subject to all provisions of the Fair Labor Standard Act (FLSA) as amended. These employees receive overtime pay for hours worked beyond 40 hours in any workweek at one and a half times their regular hourly rate.
- Exempt Employees – Executives, professional, administrative, outside sales and some computer professional employees who are excluded from the overtime provision of the Fair Labor Standards Act (FLSA) as amended. These employees do not receive overtime pay for hours worked beyond 40 hours in a workweek.
- 207(k) Employees - The Fair Labor Standards Act (FLSA) provides partial and total exemptions from overtime for fire fighters in some cities. A partial exemption can be found in section 207(k) of the FLSA which provides that employees engaged in fire protection may be paid overtime on a “work period” basis. The employer is responsible for setting the “work period.” A “work period” may be from seven consecutive days to 28 consecutive days in length. For the City of Lucas, its fire protection and emergency medical personnel who work shifts are due overtime under such a plan after 159 hours worked during a 21-day period.

3.02 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 with the employee during the exit interview. Exit interviews are conducted confidentially by Human Resources. Information discussed during the exit interview may be shared with the City Manager and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the 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.

Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation. Final paychecks will be disbursed on the regular bi-weekly pay date.

3.03 Health/Medical Examinations/Fitness for Duty

It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

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

Medical Exams for Current Employees. Human Resources may require a current employee to undergo a medical and/or psychological examination:

- to determine fitness for continued employment;
- as may be necessary in order for the City to provide a reasonable accommodation;
- following an injury or accident; and
- as otherwise permitted in accordance with applicable laws.

Medical Information from an Employee's Doctor. Under certain circumstances (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.

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

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

Return to Work/Fitness for Duty. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through

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.

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.

3.04 Orientation Period

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete a performance orientation period of six (6) months unless such is waived or extended by the City Manager.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance orientation period of six (6) months.

The orientation 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 orientation period will be retained as employees. The orientation period maybe extended for additional training as determined by the Department Director and the City Manager. Employees are considered in the orientation period until they have actually performed their regular job duties for at least six (6) months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

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

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

Change in Assignment of Employee serving in the Initial Orientation Period. Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation 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 six (6) months performance orientation period in the new position beginning with the date of the position change.

Orientation Performance Evaluations. All employees serving in the orientation period shall be constantly evaluated. Supervisors must evaluate each employee's performance and communicate

feedback regarding the performance to the employee. The supervisor shall provide Human Resources with a supervisory recommendation to retain or terminate the employee in writing.

Extensions to Orientation Period. The performance orientation period may be extended under the following circumstances:

At the end of the six (6) month initial period, the performance orientation period may be extended for up to an additional three (3) months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation 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 orientation period will be completed. Such extension will be at the discretion of the Department Director and Human Resources or the City Manager.

An orientation 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 orientation period will normally extend the six (6) month orientation period by an additional day.

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

Failure of Orientation Period. An employee is considered to have failed the orientation 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 orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation 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 orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by Human Resources before an employee serving in the orientation period can be terminated.

Termination of Employees Serving in the Orientation Period. Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who

is terminated has no right of appeal. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

3.05 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.

3.06 References

The City does not give references, other than to confirm the dates of employment and job title, without the express written consent of the employee. Only the City Manager or Human Resources will provide employment references on current or former City employees.

3.07 Residency Requirement

There is no residency requirement for City employment. Employees who are likely to be called to work in cases of civil emergency MAY be required to reside within reasonable response time which is less than 30 minutes.

3.08 Separations

As previously mentioned in Chapter Two, all employment with the City of Lucas 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.

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

Resignation. An employee who intends to resign is requested to notify the supervisor, Department Director and/or Human Resources in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor or Department Director is responsible for immediately notifying Human Resources.

Retirement. An employee who intends to retire is requested to notify the supervisor, Department Director and/or Human Resources, in writing at least 2 weeks prior to the date of retirement.

Dismissal/Termination. The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails the orientation period. City employees who are terminated, or who resign in

lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

- **Job Abandonment** - If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days or two or more shifts (nonexempt firefighters), the City will normally consider the employee to have abandoned employment, and the employee will be terminated and will not be eligible for rehire.

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

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

3.09 Valid Driver's License

The City requires that every employee who operates a City owned (or leased) vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. The Department Director must submit a form DR-1 Application for Copy of Driving Record, signed by the applicant to Human Resources prior to making a job offer. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. If the applicant or employee has accumulated more than six (6) points on the Operator Standard scale on an annual basis is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, 6 points or fewer in a 3 month period may also be considered excessive. The Lucas Fire-Rescue Department may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

CHAPTER FOUR - CONDUCT/PERFORMANCE

4.01 Arrest, Confinements and Indictments

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.

Employee Detained by Law Enforcement Authorities. An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check. If the City becomes aware of an existing employees involvement in criminal activity, the City may conduct a criminal history check on existing employee. Conduct constituting a crime that violates the laws of the State of Texas or the United States of America, either a felony or misdemeanor (Class A or B) that results in a conviction, a plea of nolo contendere or deferred adjudication may result in disciplinary action, up to and including termination. For any arrest that has not been fully adjudicated, the City may inquire from the employee additional information to determine if the conduct underlying the arrest justifies any action on the part of the City.

Exempt Employees. Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

Nonexempt Employees. If a nonexempt employee does not report to work as scheduled and fails to notify their Supervisor, the time missed will be classified as an unauthorized absence and will be recorded as unpaid leave.

Felonies and Misdemeanors. Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged or indicted for 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.

In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is:

- (1) dismissed;
- (2) receives deferred adjudication or pleads nolo contendere;
- (3) fully adjudicated without trial; or
- (4) if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded.

Such a determination will typically be made by the Department Director, Human Resources and the City Manager. 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.

Employee Status after 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 Human Resources 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.

The Department Director and Human Resources will make a recommendation to the City Manager for approval.

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.

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

4.02 Attendance

Attendance Records. Employees are expected to be at their work stations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in

accordance with departmental procedures. The employee must disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave, or sick leave and the date and time of anticipated arrival. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. At the discretion of the supervisor, employees may notify their supervisor by telephone, email or text message, however it is the employee's responsibility to ensure that they communicate with their supervisor. An employee who does not personally reach the supervisor or receive confirmation of an email or text message being received, should leave a detailed telephone message with the information described above.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have abandoned employment and the employee will be terminated and will not be eligible for rehire.

4.03 Breaks

Federal law or the laws governing the State of Texas does not require the City to provide meal or rest breaks. However, the City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue.

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

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

Break Time for New Mothers. Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

Supervisor Responsibility. Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job

performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

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

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

4.04 Conflict of Interest, Solicitation and Acceptance of Gifts

Conflict of Interest. To uphold the public trust, no employee of the City may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, 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 judgment 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.

Solicitation and Acceptance of Gift. City Employees must comply with the following:

- 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 in excess of \$50 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.
- 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 in writing to the supervisor and the City Manager.
- No employee shall accept or solicit any money, noncash items, property, service or other thing of value in excess of \$50 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, Human Resources, or the City Manager.

4.05 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 work place year-round, in accordance with this policy. 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. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.

Standards for Work Attire:

- Jeans and athletic shoes are not acceptable, unless a special day is declared or as specifically approved by the appropriate Department Director as work assignments dictate.

- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City Manager or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and “Crock” type shoes are not acceptable.
- T-shirts are not acceptable.
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The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive;
- nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.

Hair. Hair styles and hair colors must be appropriate to the employee’s position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Uniforms. The City supplies Fire, Public Works and Development Services 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. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used 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 and City related events.

When an employee terminates, uniforms in good condition and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee’s final pay check. Department Directors are responsible for maintaining adequate records regarding the issuance of uniforms and equipment.

Enforcement. 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 your supervisor, Department Director or Human Resources.

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

4.06 Drug and Alcohol Use Policy

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

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

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. 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. Employees may not store or transport alcohol in a City-owned or leased vehicle.

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

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

Fire-Rescue Department Employees. Certain City Fire-Rescue Department employees may be required to be in possession of drugs in carrying out their job duties as an emergency medical technician or paramedic. Such employees will be exempted from certain portions of this policy

under certain limited conditions. Additional guidelines may be established by Fire-Rescue Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City 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.

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

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

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

Rehabilitation/Treatment.

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

history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. 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:
 - a. Initial negative test for drugs and/or alcohol before returning to work;
 - b. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - c. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - d. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
 - e. The employee 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.

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

rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or Human Resources to receive assistance or referrals to appropriate resources in the community.

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.
2. Testing of Applicants. All applicants to whom a conditional offer of employment has been made and such position is deemed a safety sensitive position 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.
 - a. 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.
 - b. 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).
 - c. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
 - d. 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.
 - e. 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.

4. Testing Procedures.

- a. 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 City Manager 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.
- b. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
- c. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- d. 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.

4.07 Employee Conduct and Work Rules/Disciplinary Action

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

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

- oral warning
- verbal counseling (must be documented)
- written reprimand
- probation
- suspension (without pay)
- performance improvement plan
- demotion
- termination

Documentation. All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be terminated, the supervisor shall forward a copy of the documentation to Human Resources and the City Manager for review. The City Manager will consult with the City Attorney on all terminations. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

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

Review by Human Resources. 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 in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights. Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Appeals Policy). However,

positions classified as director level 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 orientation period have no right of appeal for disciplinary action taken against them.

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

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of smoking policy
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Profanity, abusive language, or racial slurs
- Unauthorized disclosure of confidential information
- Violation of 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 coworker's, City, or citizen-owned property
- Insubordination or other disrespectful or unprofessional conduct
- Discourteous treatment of the public
- Possession of weapons on City time, in City owned vehicles, City premises excluding City parking lots, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with a license to carry a handgun provided their handgun remains locked in their personal vehicle while on City premises).
- Violation of local, state or federal law
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts with, or potentially conflicts with, City interests
- Acceptance of payment of any kind for activities related to City employment
- Failure or refusal to follow lawful orders
- Sleeping on the job (except for Fire-Rescue Department personnel who are governed by applicable Fire-Rescue Department Rules and Regulations)

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

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

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

4.08 Grievances

Definition of Grievance. Inconsistent and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's immediate supervisor. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the employee's Department Director. The employee must submit the grievance in writing within five business days after receiving the supervisor's response.

An employee failing to gain satisfaction after conferring with the employee's Department Director may present the grievance to Human Resources, who will forward the written grievance to the City Manager. The employee must notify Human Resources within **five business days** after receiving the Department Director's response of his/her desire to have the grievance considered by the City Manager.

At the discretion of the City Manager, a special employee grievance committee may be appointed to investigate any grievance and make a recommendation to the Manager.

The decision of the City Manager is final.

4.09 Modified Duty Assignments

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to:

- the nature of the employee's illness or injury;
- the medical release provided in support of modified duty;
- the risk that a modified duty assignment may result in aggravation of the employee's injury or illness;
- the type of modified duty work available;
- the length of the employee's employment with the City;
- the employee's performance and disciplinary history; and
- whether the illness or injury occurred on or off duty.

In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond 30 calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through Human Resources. Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through Human Resources.

4.10 Performance Evaluation System

The City uses a thorough performance evaluation 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 evaluation 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 evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Schedule. All employees receive an annual performance evaluation based on the City's fiscal year which is October 1st through September 30th.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to Human Resources for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

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 Evaluation when it is reviewed, and the supervisor will forward the original to Human Resources for filing in the employee's official personnel file and provide the employee a copy.

Department Director Responsibilities. Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all performance evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias. Department Directors are responsible for the completion of all performance evaluations for departmental staff. All performance evaluations must be complete no later than 60 days after the conclusion of the fiscal year.

Human Resource Responsibilities. Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. Human Resources is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due.

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 evaluation 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.

4.11 Promotions

Open positions shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of six months shall have elapsed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.

4.12 Work Hours

Regular Work Hours. Nonexempt employees of the City, except for Fire-Rescue Department personnel, normally work 40 hours in a seven-day work week. Exempt employees may be required to work in excess of 40 hours in certain weeks. The work week begins at 7:01 am on Monday, and ends on 7:00 am Monday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most nonexempt Fire-Rescue Department personnel work a 24-hour shift every third day, based on a 21-day, 159 hour work cycle. In times of disaster or emergency, working hours shall be determined by the City Manager.

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

CHAPTER FIVE -- BENEFITS

5.01 Benefits - General

The City of Lucas reserves the right to make modifications to its employee benefits program including but not limited to providers, level of benefits, cost, etc., with or without notice. The City may furnish medical, dental, vision, disability and life insurance for each full-time employee. However, the City reserves the right to make changes in insurance benefits when deemed necessary or advisable. For details of coverage, see City's Benefits Summary or contact Human Resources. This insurance is effective as long as the employee remains on the full-time status.

Additional supplemental insurance coverage for employees and members of their families, beyond those amounts provided by the City, may be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job related injuries, provisions and benefits available under workers' compensation are activated.

5.02 Confidentiality of Medical Information

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

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

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

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or 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.

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

5.03 Deferred Compensation Program

The City of Lucas offers an optional 457(b) Deferred Compensation Program for full-time employees. The City does not fund this program. The Deferred Compensation Program is a tax-deferred tool for retirement planning. The City follows IRS guidelines for the amount of earnings that can be tax-deferred during the calendar year.

Part-time, temporary and seasonal employees who do not qualify for the Texas Municipal Retirement System (TMRS) are required to participate in the deferred compensation program since the City does not participate in social security funding. The required deduction for these employees is 7.5% of earnings.

5.04 Dental

The City of Lucas provides dental coverage for all regular full-time employees through Texas Municipal League MultiState Intergovernmental Employees Benefit Pool (TML MultiState IEBP). Coverage for the employees is paid 100% by the City. Employees also have the option of purchasing covering their spouse or family. Cost for additional coverage is the responsibility of the employee. Please Contact Human Resources for current rates.

5.05 Group Health Continuation Coverage

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 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, contact Human Resources.

5.06 Health Care Coverage

The City of Lucas provides Health Care coverage for all regular full-time employees through Texas Municipal League MultiState Intergovernmental Employees Benefit Pool (TML MultiState IEBP). Coverage for the employees is paid 100% by the City. Employees also have the option of purchasing covering their spouse, their children or family. Cost for additional coverage is the responsibility of the employee. Please contact Human Resources for current rates.

5.07 Life Insurance

The City of Lucas provides base coverage of \$50,000 for all full-time employees through our group insurance package administered by MetLife. Additional life insurance may be available for purchase with the completion of medical information forms and approval by MetLife. Cost for additional coverage is the responsibility of the employee. Please contact Human Resources for current rates.

5.08 Long-term Disability

The City of Lucas provides long-term disability insurance administered by MetLife to all full-time employees. Long-term disability insurance is an insurance policy that protects an employee from loss of income in the event that he or she is unable to work due to illness, injury, or accident for a long period of time. Long-term disability insurance ensures that an employee will still receive a percentage of their income if they cannot work due to sickness or a disabling injury. Covered employees will be eligible to receive benefits at day 61 after a qualifying event. The benefit will be 60% of the covered employee's weekly salary up to \$1,000 per week. However, Long-term disability insurance does not provide insurance for work-related accidents or injuries that are covered by workers' compensation insurance.

5.09 Retirement – Medicare

The City participates in the Federal Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched by the City for this benefit. Participation by every employee is a condition of employment.

5.10 Retirement – Texas Emergency Services Retirement System

The City of Lucas participates in the Texas Emergency Services Retirement System (TESRS) in establishing a pension program to attract and retain qualified volunteers.

5.11 Retirement – Volunteer Firefighters 457(e) Length of Service Award Program (LOSAP)

While there is no legal requirement to provide volunteer firefighters with a pension, the City of Lucas created an alternative to the TESRA plan as a viable retention tool for volunteer firefighters. Financial contributions to this plan is based on volunteer firefighter participation in the Lucas Fire Rescue Department and funding levels that are set by City Council.

5.12 Retirement – Texas Municipal Retirement System (TMRS)

The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Lucas currently contributes matching funds at a 2:1 ratio pursuant to actuarial assumptions. Specific plan provisions are established by ordinance and approved by the Lucas City Council. Participation by every full-time regular employee is a condition of employment. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

5.13 Short-term Disability

Short term disability is a type of insurance that pays a percentage of an employee's salary for a specified amount of time, if they are ill or injured, and cannot perform the duties of their job. The City of Lucas does not provide short-term disability coverage for its employees. Employees who desire a short-term disability policy may, at their own expense, purchase this type of coverage from MetLife or another provider.

5.14 Social Security

The City of Lucas does not participate in Social Security. Therefore, employees are affected by the Windfall Elimination Provision which primarily affects an employee who earns a pension from any job where they did not pay Social Security taxes and also worked in other jobs long enough to qualify for a Social Security retirement benefit.

Any pension received by a City of Lucas employee may reduce future Social Security benefits. The Windfall Elimination Provision affects how the amount of your retirement is calculated because a modified formula is used resulting in a lower Social Security benefit.

5.15 Supplemental Insurance

Employees are able to purchase supplemental insurances of their choice from Aflac Insurance or another provider. The City may provide \$300 annually, subject to the annual budget process, for each full-time employee to purchase additional insurance for the employee or their eligible dependents.

5.16 Vision

The City currently has a contract with Superior Vision (formerly known as Block Vision) and the City pays the premium for all regular full-time employees. Additional coverage for spouse, children or family is available to the employee for purchase. Plan highlights are given to every covered employee when they begin working for the City of Lucas. Please contact Human Resources for current rates.

5.17 Workers Compensation

Eligibility for Workers' Compensation. 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.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

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.

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 the approved doctor list (ADL), as provided by the Texas Department of Insurance, Political Subdivision Workers' Compensation Alliance. The approved doctors in our area can be found at <http://www.pswca.org>.
2. Reporting and Documentation - The employee's supervisor is responsible for notifying Human Resources and the employee's Department Director immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.
 - a. 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, First Report of Injury or Illness and any other related information to the 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.
 - b. 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 Texas Department of Insurance and not by the City.

- c. 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 the Human Resources Department 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 the Human Resources and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

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. 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 (ADA,) the Americans with Disabilities Act as Amended (ADAAA).

Maximum Time Limits. Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, 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 weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave. 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.

5.18 Breast Feeding at the Workplace

Employees are permitted to breast feed at the workplace and the City desires to provide a supportive environment for such and has adopted the following policy:

- Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times.

- For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.
- A private room (not located in any restroom) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet.
- If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the supervisor.
- Expressed milk can be stored in designated refrigerators or in employees' personal coolers.
- It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.
- Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the City.
- Employees must keep the general lactation area clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur, including private offices.
- Employees should label all milk expressed with names and dates so they are not inadvertently confused with another employee's milk.
- Employees are responsible for proper storage and disposal of milk.

CHAPTER SIX -- LEAVE

6.01 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 leave category is available or applicable.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to Human Resources for proper payroll processing.

6.02 Bereavement Leave

The City provides regular full-time employees paid time off, up to a maximum of three work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, brother, sister, by blood or marriage, grandparents and legal guardians.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as vacation, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's Leave Request Form.

Employees who wish to attend funerals for other than immediate family must use vacation, compensatory time, or unpaid leave.

6.03 Compensatory Time

When a nonexempt employee request compensatory time in lieu of overtime, the earned time will be calculated at a rate of 1 ½ times the number of hours worked if the employee has 40 hours worked in the pay period. If the nonexempt employee did not have 40 hours worked in the pay period, the compensatory time will be calculated at a one to one ratio (one hour of compensatory time for one hour worked) until 40 hours of work is accumulated. When utilizing compensatory time, a nonexempt employee must properly note its use on the timesheet. Compensatory time is not considered hours worked in the calculation of overtime.

Compensatory time must be used within 90 days of earning the time. Once the 90 days has passed, the hours earned will be paid in the next payroll period and will be paid at straight time since the hours worked have already been record at a rate of 1½ times the hours worked.

Exempt employees do not earn compensatory time.

6.04 Holidays

The City of Lucas observes eleven (11) official holidays. The City provides paid holidays to regular full-time employees. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day	January 1
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Designated Thursday in November
Thanksgiving Friday	Designated Friday in November
Christmas Eve Day	December 24
Christmas Day	December 25
Birthday Holiday	Anytime during your Birthday Month with Supervisor's Approval
Floating Holiday	Employee's Choice with Supervisor's Approval

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

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

Regular Part-time Employees. Regular part-time employees are **NOT** eligible for holiday pay. Those Regular part-time employees hired prior to the adoption of this policy shall receive holiday pay based on pro-rated basis of 50%.

Temporary and Seasonal Employees. Temporary and seasonal employees are **NOT** eligible for holiday pay.

Employees Required to Work on a Holiday. Regular full-time employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request. If an alternate holiday is provided to the employee during the same pay period, it must be reflected on the time sheet and approved by the Department Director. This does not apply to 24-hour nonexempt shift firefighters.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will be given an alternate holiday with pay during the same pay period **OR** will be paid eight (8) hours for the holiday at their regular rate of pay, in addition to the hours worked. If an alternate holiday is provided to the employee during the same period, it must be noted on the timesheet and approved by the Department Director. This does not apply to 24-hour nonexempt shift firefighters.

Holidays for Firefighters. On January 1st of each calendar year, 24-hour nonexempt shift firefighters will receive 132 holiday hours that must be scheduled and used during the calendar year or the holiday hours will be forfeited. Should the nonexempt shift firefighter's employment with the City terminate prior to the end of the calendar year, an adjustment will be made to the holiday hour accrual. If the nonexempt shift firefighter used more holiday hours than they would have earned using the actual holiday date, a deduction will be made in the final paycheck.

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

Holiday Occurring During Unpaid Leave. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will **NOT** be paid for the holiday.

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

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

Holiday Occurring During Workers' Compensation Leave. An employee on worker's compensation leave will **NOT** receive holiday pay.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment.

Overtime. Holiday pay is counted as hours worked for the purpose of calculating overtime for nonexempt employees.

6.05 Jury Duty

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

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit the completed 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. 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.

6.06 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 (120 work hours), reemployment 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.

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 Leave Request 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 Department Director and Human Resources as far in advance of the leave as possible.

Paid and Unpaid Leave for Training and Duty.

1. Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40 hour work week 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.
2. Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.
3. 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 during Military Leave. The City will continue to provide employees on paid military leave with most City benefits.

1. 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.
2. 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.
3. 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.
4. TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees

earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

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.

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:

1. For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
2. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
3. 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 prevent 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 his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

6.07 Sick Leave

Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Eligibility. All full-time employees begin accruing paid sick leave on the first day of employment. Permanent Part-time, temporary and seasonal employees do **NOT** accrue sick leave. An employee who is released for and offered modified duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits. (Any Permanent part-time

employees hired prior to the effective date of this Policy shall continue to accrue paid sick leave at the pro-rated basis of 50%.)

Accrual Rate. Sick leave for regular full-time employees shall be computed on the basis of one (1) working day for each full month employed in a calendar year, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave for nonexempt firefighters working 24-hour shifts shall be computed on the basis of twelve (12) hours for each full month employed in a calendar year, so as to total 144 hours to a nonexempt firefighter's credit each 12 months.

Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 340 hours and 504 for nonexempt firefighters working 24-hour shifts.

Authorized Use of Sick Leave.

1. For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).
2. For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the City Manager may allow the employee to use accrued sick leave determined on a case-by-case basis. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour.

Failure to Report Absence/ Abuse of Sick Leave. Supervisors are required to closely monitor the use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the

period of leave, even if they have written authorization from their Department Director and the City Manager to work a second job.

Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule (“flex time”) to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time be used to make up time missed extend beyond the affected work week or work cycle.

Documentation. Employees requesting paid sick leave must complete a Leave Request form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member’s illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

Family and Medical Leave Act Leave. Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy, and will typically be counted as both.

Payment for Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time. Under no circumstance will accrued sick time be paid to an employee including separation from the City of Lucas.

6.08 Unpaid Leave of Absence

In extraordinary circumstances, the City may grant employees an unpaid leave of absence (LOA). All requests for LOA must be submitted on the Leave Request form with supporting documentation that details the reason for the LOA. Any LOA must be recommended by the Department Director and approved by the City Manager. The employee may seek up to a maximum of 90 total days of unpaid LOA away from work. This policy will be administered consistently with the City’s obligations under the Americans with Disabilities Act. A 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.

Use of All Other Available Leave. All vacation, sick, compensatory time, holiday time and/or leave authorized under FMLA must be used prior to authorizing a LOA to an employee. If the LOA is due to illness or injury, all sick leave must also be used prior to authorizing a LOA.

Criteria. Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

Reasons for LOA. A LOA may be considered in the following circumstances:

1. Recovery from extended illness, injury or temporary disability.
2. Extended care for immediate family members.
3. Educational purposes when successful completion will contribute to the work of the City.
4. Public service assignment.
5. Personnel exchange programs which emphasize intergovernmental relations.

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. 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. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on the employee's condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from the doctor stating that the employee is able to resume normal job duties.

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 the City Manager.

Reinstatement. Employees returning from a 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.

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 a 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 a 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 a LOA may result in cancellation of coverage.

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 termination.

6.09 Vacation Leave

A “vacation day” is defined as an 8-hour period for all employees, other than 24-hour fire shift employees. A “vacation day” for 24-hour fire shift personnel is defined as a 24-hour period. Employees are not required to take a full day of vacation; they may take vacation in one hour increments.

Regular full-time employees (both exempt and nonexempt) and exempt Fire-Rescue Department employees accrue vacation leave in accordance with the following table:

<i>Years of Service</i>	<i>Annual Accrual in Days/Hours</i>	<i>Accrual in Hours per Pay Period</i>	<i>Maximum Total Carryover @12/31</i>
Less than 5	10 days / 80 hours	3.077	80
5 to 10	16 days / 128 hours	4.923	128
Greater than 10	20 days / 160 hours	6.154	160

Fire-Rescue Department nonexempt employees accrue vacation leave in accordance with the following table:

<i>Years of Service</i>	<i>Annual Accrual in Hours</i>	<i>Accrual in Hours per Pay Period</i>	<i>Maximum Total Carryover @12/31</i>
Less than 5	120 hours	4.616	120
5 to 10	192 hours	7.3847	192
Greater than 10	240 hours	9.231	240

Regular part-time, temporary, and seasonal employees do not earn vacation leave. (Regular part-time employees hired prior to the effective date of this policy will continue to accrue vacation time on a pro-rated basis of 50%.)

An employee may not use any accrued vacation leave until successfully completing the initial employment orientation period, except if preapproved by the Department Director. Employees may not “borrow” unearned vacation time and employees shall not receive payment of vacation in lieu of taking time off, except as provided below.

Maximum Accruals. The maximum number of vacation days that may be accumulated is detailed in the above-referenced tables. All days in excess of the maximum total carryover are lost on the last day of the calendar year, December 31st. Employees will not be paid for vacation in excess

of the maximum accrual or for vacation that is “lost” on December 31st. If the needs of the City and/or Department preclude the taking of a scheduled vacation, the City Manager may grant a carryover amount in excess of the maximum total carryover when extenuating circumstances warrant such consideration.

Use and Scheduling of Vacation Leave. Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in one hour increments. Employees must schedule their annual vacation leave in accordance with their Department's guidelines governing vacation scheduling and utilizing the Leave Request form. Whenever possible, vacation time will be scheduled at the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of vacation pay, employees must make sure they have an approved vacation request on file before leaving for vacation.

Holidays. Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect vacation leave balances. Paid vacation leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as vacation days.

Compensation for Vacation Leave. Vacation is paid at the employee's base rate at the time of vacation. It does not include overtime or any special forms of compensation. Vacation time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused vacation, except upon separation of employment, or if an employee is precluded from taking a scheduled vacation due to City and/or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave up to a maximum allowed on January 1st. Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

CHAPTER SEVEN -- COMMUNICATION

7.01 Cell Telephone Use in the Work Place

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without a supervisor's approval. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Safety. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and text messages.

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

No Expectation of Privacy. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, or text messages on these telephones. Employees should be aware that cell telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation. Inadvertent monitoring of private cell conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City provided cell phone.

7.02 Electronic Communications and Systems Access Use

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

Electronic Communications Systems Access. Users desiring electronic communications systems access must obtain written permission from their Department Director and provide it to the Purchasing Coordinator. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

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

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging, texting and email is a privilege. Minimal personal use of the Internet, instant messaging, texting or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.

- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.

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

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

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

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

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

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

7.03 Media

The Mayor or City Manager shall be responsible for all official contact with the media during working hours, including answering of questions from the media. The City Manager may

designate specific employees to give out procedural, factual or historical information on particular subjects.

7.04 Social Media/Social Networking

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. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, 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 Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

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 and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the "General Complaint and Grievance" policy without resorting to social media.

Employee Guidelines:

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.

- Individual supervisors do not have the authority to make exceptions to these guidelines.

7.05 Telephone Contact

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.

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.

All employees must immediately notify supervision and Human Resources of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

Employees who are in positions that are classified as emergency essential are required to be available via telephone contact 24/7.

CHAPTER EIGHT -- COMPENSATION

8.01 Certification Pay

The City may pay the following to a regular full-time employee who obtains and maintains the following certifications and currently serves as a certified public works employee. These payments are subject to appropriation during the annual budget process.

It is the employee's responsibility to submit a copy of the certification showing the date in which it was earned to the Department Director. The Department Director will complete the Personnel Action Form (PAF) and attached a copy of the certification received and indicate the amount of certification pay that is authorized to Human Resources.

Certification pay will begin the following payroll from the date that Human Resources received the supporting documentation. The City will not pay retro-pay certification pay to the date the certification was received by the employee. If an employee does not maintain certification, he or she will no longer be eligible for certification pay and an employee must immediately notify the Department Director if their certification expires, is cancelled or is not renewed.

Public Works. In addition to regular pay, certification pay is available to public works employees who accomplish classification levels based on certain testing requirements and qualifications as follows:

Certification	Monthly Pay
Class D Water Operator	\$25
Class C Water Distribution Operator	\$75
Class B Water Distribution Operator	N/A
Class A Water Distribution Operator	N/A

8.02 Classification Plan

Classification Plan Described. All full-time positions authorized by the City Council shall be included in a position classification plan. Each position classification shall be based on similar or comparable responsibilities, duties, type of work, and required qualifications.

Amendments to Plan. The Classification Plan may be revised from time to time as changing circumstances and conditions require and upon recommendation by the City Manager and approval by the City Council. Such revisions may consist of the addition, deletion, abolishment, consolidation, division or amendment of existing position classifications.

8.03 Cost of Living Adjustment (COLA)

A Cost of Living Adjustment (COLA) is an adjustment made to income in order to counteract the effects of inflation and stabilize purchasing power. COLAs are generally equal to the percentage increase in the consumer price index for urban wage earners and clerical workers (CPI-W) for a

specific period. As part of the annual budget process, the City Council may authorize and include funding in the annual budget for a cost of living adjustment to City employee wages.

8.04 Direct Deposit

City employees and emergency responder volunteers are required to complete the applicable form with the routing and bank account numbers for checking and/or savings account to facilitate all compensation to be delivered via direct deposit.

The Texas Payday Law was amended to include a provision for direct deposit. The amendment allows mandatory direct deposit for employees who keep appropriate bank accounts. At the City's discretion and with the employee's written authorization, the City may establish no-cost bank accounts for employees or offer payroll debit cards (without fees) which are ideal for employees who cannot get a bank account.

8.05 Emergency Pay

The City Manager may authorize emergency pay for employees who are classified as "emergency essential" at an overtime rate of 1-1/2 times the employee's regular hourly rate for nonexempt employees.

The City Manager may consider implementation of emergency pay when emergency essential nonexempt employees are required to respond on short notice to an emergency work situation to:

- avoid significant service disruption;
- avoid placing employees or the public in unsafe situations;
- protect and/or provide emergency services to property or equipment; or to
- respond to emergencies involving inclement weather conditions.

8.06 Longevity Pay

The City provides regular full-time employees with longevity pay, at the rate of \$4.00 per month for each full year of service, up to a maximum of 25 years, paid on an annual basis. Longevity pay begins after a regular, full-time employee has completed one year of service.

8.07 Market Adjustments

The City Council establishes benchmark cities to serve as a resource to generate comparable data regarding employee compensation. To retain a skilled workforce and to remain competitive in the market, the City Council will periodically authorize a compensation market study and implement market adjustments specific to positions that are deemed below acceptable market levels. The City Council selected the following cities to serve as benchmarks for compensation analysis:

- Celina
- Fairview
- Fate

- Melissa
- Parker
- Prosper
- Sunnyvale
- Trophy Club

8.08 Merit Compensation

Merit Compensation is a lump sum payment awarded to employees as recognition of their contribution in meeting the goals and objectives of their department and based on an evaluation of performance for their respective position for the previous year.

8.09 On-Call and Call Back Compensation (Nonexempt Employees)

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

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 email, text, telephone or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours and three (3) hours pay for each call-back within the same 24 hours on Saturday, Sunday and City designated holidays. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the established minimum and into a day off does not entitle the employee to additional premium pay. Travel time between the primary residence and the workplace on 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 telephone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

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

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

8.10 Overtime, Comp Time and Time Management

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

Nonexempt Employees. When the City's operating requirements or other needs cannot be met during regular working hours, nonexempt 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 nonexempt 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 nonexempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Nonexempt 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. Nonexempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, except for Fire-Rescue Department shift employees, overtime pay for nonexempt 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 work week. (The City's work week begins at 7:00 am on Monday and ends at 6:59 am the following Monday.) An employee's regular hourly rate includes all pay incentives, such as longevity, certification pay, etc.

The City of Lucas Fire-Rescue Department follows Section 207(k) of the Fair Labor Standards Act (FLSA) provides that Fire-Rescue Department shift employees may be paid overtime on a "work period" basis. The City of Lucas Fire-Rescue Department shift employees work on a 21 day work period, where hours actually worked over 159 in a 21 day work period are paid at an overtime rate of 1 ½ times the Fire-Rescue Department shift employee's regular hourly rate.

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

Compensatory Time. Nonexempt employees may accrue compensatory time in lieu of being paid overtime compensation. Compensatory time accrues at a rate of 1 1/2 hours for every hour of

overtime worked by nonexempt employees. Comp time accruals are to be monitored at the department level. All compensatory time earned must be documented on the employee's timesheet.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a nonexempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

Compensatory time must be used within 90 days of earning the time. Once the 90 days has passed, the hours earned will be paid in the next payroll period and will be paid at straight time since the hours worked have already been recorded at a rate of 1 ½ times the hours worked. All accrued compensatory time must be taken by September 30 of each fiscal year. Any time not taken by September 30 will be paid to the employee on the last pay period of the fiscal year.

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

NOTE: Exempt employees are not eligible to accrue compensatory time.

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

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 work week. Exempt employees are expected to put in 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 Human Resources.

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

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 Human Resources. 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.

8.11 Pay Period and Pay Date

The City has established work weeks and pay periods administer the payment of wages, salaries and overtime to comply with federal, state, and local laws and provide the employee with a reliable and responsive system.

- A work week for all employees begins on Monday at 7:00 am and ends on Sunday at 6:59 am.
- The pay period for all employees shall be bi-weekly with generally twenty-six pay periods per year.
- A work week for certified firefighters/EMT-B/P working 24-hour shifts is based on seven 24-hour shifts every three weeks.

The pay day is the first Thursday following the end of a pay period. Employees are paid on a bi-weekly basis (every other week on Thursday). If a regularly scheduled payday falls on a holiday, pay checks will be distributed on the day prior to the holiday. When an employee is terminate or voluntarily resigns from employment, the employee is paid on the next regular pay day.

The City of Lucas does not issue paper checks. All employees of the City must complete a Payroll Authorization Form designating an account to utilize for direct deposit. If an employee chooses not to use direct deposit, they can sign up for a City Payroll Card instead.

8.12 Payroll Deduction

The following deductions are authorized for payroll deductions:

1. Income withholding taxes and Medicare taxes.
2. Contributions to the Texas Municipal Retirement System.
3. Presently authorized medical insurance premiums.
4. Presently authorized "other insurance" premiums.
5. Contributions to a deferred compensation plan 457(b).
6. Contributions to an individual retirement annuity.

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

CHAPTER NINE -- EQUIPMENT & VEHICLE USE

9.01 City Property/Equipment Use

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

The City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, handbooks, written materials, uniforms, cell telephones, 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. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed for personal use.

Tobacco Use Prohibited. The use of all tobacco products (including smokeless) is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed.

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.

Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "nonexempt" as prescribed by law. Employees to whom a "nonexempt" vehicle is assigned for take-home will likely incur a federal

income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "nonexempt" vehicles. Fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

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

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- At no time may an Employee under the influence of alcohol or a presence in the system of illegal drugs, drive a city vehicle or a personal vehicle while conducting City business.
- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate Supervisor, Department Director, and or City Manager. Accident reports, along with any law enforcement report, must be filed by the Employee with the Department Director and Human Resources.

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

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

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

CHAPTER TEN – RESERVED

CHAPTER ELEVEN – RESERVED

ACKNOWLEDGMENT

I have received a copy of the City of Lucas Employee Policies and Procedures Handbook and I have read this policy and understand and agree to comply with the above described guidelines.

EMPLOYEE POLICIES AND PROCEDURES HANDBOOK RECEIPT FORM

I acknowledge receipt of the Employee Policies and Procedures Handbook and understand that it does not constitute a contract of employment. I understand that this handbook provides the policies in effect on the date of publication and that these policies are continually evaluated and may be amended, modified or terminated at any time. The City Manager reserves the rights to interpret, change, suspend, or cancel, with or without notice, all or any part of the policies, procedures or benefits discussed herein. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Policies and Procedures Handbook. I agree to become familiar with and abide by these policies. If I have any questions or need clarification on any section, I will contact Human Resources.

Signature: _____

Please print your name legibly: _____

Date: _____



City of Lucas Council Agenda Request February 4, 2016

Requester: City Secretary Stacy Henderson

Agenda Item:

Discuss and provide guidance to the City Secretary regarding the City holding a joint election with Lovejoy ISD and the City of Fairview.

Background Information:

In 2015, funds spent for the City to hold their own election cost approximately \$8,370. This price varies each year as it depends on how many entities are holding elections that don't get cancelled. In working with Collin County regarding our upcoming 2016 election contract, it was brought to the City's attention that having a joint election with Lovejoy ISD and the City of Fairview could potentially save the City approximately \$2,500. Again, this number is just an estimate and is based upon the number of entities that will actually hold an election.

Having a joint election with Lovejoy ISD would eliminate early voting at the Lucas Community Center, all early voting would take place at the Lovejoy ISD Administration building located at 259 Country Club Road. However, Election Day voting would still take place at the Lucas Community Center as well as the Lovejoy ISD Administration building and other Collin County voting centers.

Having the joint election would allow the cost of the early voting portion of the election to be split three ways and then each entity would pay to host Election Day voting at their own location.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

Potential savings of approximately \$2,500

Recommendation:

NA

Motion:

NA