City Council Committee
Regular Meeting

Tuesday, August 18, 2026, 5:30 PM
City Hall Council Chambers
298 W Washington
Stephenville, Texas 76401

AGENDA

CALL TO ORDER

PERSONNEL COMMITTEE

Ricky Thurman, chair; LeAnn Durfey, Mark McClinton, Maddie Smith

1. Review and Potential Update of Personnel Policy

DEVELOPMENT SERVICES COMMITTEE

Gerald Cook, chair; Mark McClinton, Ricky Thurman, Nick Robinson

1. Review the Code of Ordinances, Title XV "Land Use", Chapter 155 "Subdivisions" and the Development Review Process.

2. Review and Discuss SB 785 relating to Manufactured Housing.

NOMINATIONS COMMITTEE

Nick Robinson, chair; Maddie Smith, Ricky Thurman, Alan Nix

1. Discuss and Consider Resolution relating to use of Hotel Occupancy Tax (HOT) Funds for the Enhancement and Upgrading of Sports Facilities and Athletic Fields within the City of Stephenville

TOURISM AND VISITORS BUREAU COMMITTEE

LeAnn Durfey, chair; Gerald Cook, Mark McClinton, Dean Parr

1. Review and discuss the Stephenville Historic Main Street Reimbursement Grant Program.

ADJOURN

EXECUTIVE SESSION NOTICE

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

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Note: In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.

Personnel Policy and Procedure Manual

City of Stephenville
298 West Washington
Stephenville, Texas 76401

Personally Responsible in Developing Excellence

Council Approved: March 6, 2018

Council Approved Revisions: March 5, 2019

TABLE OF CONTENTS

Introduction
Welcome from our City Administrator
Introductory Statement
Organization Description
Organizational Structure
Customer Service

Chapter 1: EMPLOYMENT
Employment Classifications
Employee Relations
Equal Employment Opportunity
Work Ethics
Nepotism
Personal Relationships
Compensation
Incentives and Bonuses
Employee Medical/Psychological Examinations
Mandatory Referral
Outside Employment
Job Posting
At-Will Employment
Americans with Disabilities (ADA) Policy
Introductory Period

Chapter 2: PERSONNEL ACTIONS & RECORDS
Personnel Files
Employment Reference Checks
Performance Reviews (Quarterly Conversations)
Classification Compensation Guidelines
Job Descriptions
Separation of Employment
Retirement

Chapter 3: EMPLOYEE BENEFITS
Employee Benefits
Health Insurance
Air Ambulance Insurance
Life Insurance
Workers' Compensation Insurance
Workers' Compensation Wage Supplement
Consolidated Omnibus Budget Reconciliation Act (COBRA)
Deferred Compensation Plan

Chapter 3: EMPLOYEE BENEFITS CONTINUED

TMRS Retirement Plan
Tuition Reimbursement
Employment Assistance Program
Uniforms
Opt Out
Certification Pay
Bilingual Pay

Chapter 4: LEAVE OF ABSENCE

Sick Leave
Vacation Leave
Holiday Leave
Family and Medical Leave Act (FMLA)
Personal Leave without Pay
Military Leave
Funeral/Bereavement Leave
Jury & Witness Duty Leave
Voting Time Off
Administrative Leave

Chapter 5: COMPENSATION

Timekeeping
Pay Periods
Pay Deductions
Overtime
Alternate/Compressed Schedule
Longevity Pay
On Call/Emergency Call Back Pay

Chapter 6: WORK ENVIRONMENT

Safety
Internet Access & Electronic Mail (E-mail)
Telephone and City Issued Wireless Telephone Devices
Meal & Rest Periods
Tobacco Use
Temporary Restricted Duty
Take-Home Vehicles
Notification of Closure/Delays
Travel
Identification (ID) Badges
Visitors in Workplace
Workplace Monitoring
Workplace Violence Prevention

Chapter 6: WORK ENVIRONMENT CONTINUED

Weapons – Concealed and Open Carry
Security Access
Social Media Policy
Breastfeeding Policy
Personal Identity Information (PII) Security, Notification, and Confidentiality

Chapter 7: EMPLOYEE CONDUCT

Corrective Procedures
Employee Conduct and Work Rules
Employee Appeal Process
Grievance
Drug Free Workplace
Substance Abuse and Testing
Harassment & Discrimination
Minimum Driving Standards
Attendance and Punctuality
Dress Code and Personal Appearance
Political Activity

Chapter 8: MISCELLANEOUS

Media Relations
Solicitation Policy

APPENDICES

Appendix A: Nepotism Chart
Appendix B: Positions Subject to DOT Regulations
Appendix C: Safety Sensitive Positions
Appendix D: Motor Vehicle Standard
Appendix E: **Forms**
Request for Outside Employment
Sick Leave Buy Back
Voluntary Resignation Notice
Change of Status
Supervisor's Checklist for Separated Employee
Application for Degree Plan Approval
Tuition Reimbursement Agreement
Course Pre-Approval Request
Reimbursement Request
Wage Deduction Authorization Agreement
Leave Request Form
FMLA
Alternate/Compressed Schedule Request
Temporary Restricted Duty Agreement

Appendix E: **Forms – Continued**

Travel Request
Request for Check
Performance Correction
Employee Grievance
Supervisor's Report of Reasonable Suspicion
Discrimination and/or Harassment Complaint
Employer Notification of Traffic Violation for CDL
Waiver of Group Health Insurance (Opt Out)
Retiree Notification
Employee Request for ADA Accommodation
Take Home Vehicle Request
Social Media Approval/Agreement
Performance Improvement Plan
City Issued Wireless Device Acknowledgement
Vehicle Accident Report
Bilingual Certification Request
Direct Deposit Authorization
Workers Compensation First Report of Accident/Injury/Incident
Workers Compensation Preventable Action Plan
Introductory New Employee Review

Appendix F: Chart

Discipline Options Chart

Welcome to the Family! A message from our City Manager



On behalf of the City Council, citizens and your new peers, it is my pleasure to congratulate you on your new position and welcome you to the city family. We are excited and honored that you have chosen to share your unique gifts and talents with our organization. Our purpose for being is simple. We strive every day to make people's lives better and partner with our citizens to build the kind of city they want to live in and want their children to inherit.

Stephenville is a distinctive, progressive community that is truly unlike any other. With its rich heritage, diverse and engaged citizenry, unique natural beauty, and strong faith and service communities, the town has established itself as a regional leader and one of the best places anywhere to live, work and raise a family. Our community is strongly values-based, and focuses on people and relationships, stewardship, the highest level of ethics, integrity and behavior, and servantleadership.

As an organization, we reflect the values and priorities of the community we serve and enjoy a unique, family oriented culture dedicated to excellence, collaboration, innovation and achievement. We focus on the things we have in common, and work every day to serve our citizens and customers with excellence, integrity, and heart. Stephenville's citizens, our sole reason for being, are special, and deserve the absolute best care we can provide. Put another way, we treat our citizens and customers like family. It's the Stephenville way.

It is my hope and prayer that you find the privilege of serving this very special community every bit as rewarding as I have. I am looking forward to your contributions and serving with you.

Allen Barnes



Introductory Statement

The city's Personnel Policy manual is designed to acquaint the employee with the City of Stephenville and provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the city unless specified otherwise. It describes many of the employee's responsibilities and outlines the programs developed by the city to benefit employees. It is the employee's responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies.

It is important to understand that no employee manual can anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded by such new legislation and it is the intent of the city to monitor and follow any such legislation. The city reserves the right to revise, supplement, or rescind any policy or portion of the Personnel Policy Manual from time to time as it deems appropriate, at its sole and absolute discretion, with the exception of the employment-at-will policy. Employment-at-will means that the employee or the city may end the employment relationship at any time for any reason or no reason. When there are revisions, supplements or other changes to the manual, directors, managers, supervisors and employees will be notified of such changes as they occur.

The language used in any statement, policy or procedure herein, is not intended to create, nor is it to be construed to create, a contract between the city and any one or all of the city's employees.

Should there be any questions as to the interpretation or understanding of any policy, procedure or practice, please visit the Human Resources Department. The Human Resources Department administers the city's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department. All references to Stephenville Personnel Policy shall mean the most recent revision.

The City wishes, at the outset, to relay some of its rights, which includes, but are not limited to, the following:

- Hiring, directing, assigning, discharging, disciplining, and recalling employees.
- Establishing wages, hours, working conditions, allocating, and assigning work.
- Determining the quantity and quality of work to be performed.
- Management and control of premises and equipment.

Individual Department Rules and Policies:

Each individual department may have departmental policies and procedures which are separate from or are in addition to the policies and procedures listed in this manual. All departmental policies and procedures must have the approval of the city administrator or designee. Departmental policies and procedures are to be followed; however, no policy or procedure shall be inconsistent with this Personnel Policy Manual. Should such a situation exist, the city's Personnel Policy Manual shall supersede the conflicting department policy.

With the exception of matters of appointment and other personnel actions reserved for the city council by statute, charter, or ordinance, the final authority on personnel decisions is reserved for the city administrator or designee. Although major areas of policy are defined in this manual, there may be situations, which are not specifically cited. In these instances, the city administrator retains the right to establish policy.

Organization Description

MISSION

Making Stephenville an unusually good place to be

VISION

To create a community that is ready for what the future holds. It will be innovative, financially stable, safe, and attractive. Stephenville will remain the family oriented Cowboy Capital of the World and the City of Champions.

CORE VALUES

Nice SPIRIT

Be Nice – Serve with Sincerity

Be Selfless – Serve with Compassion

Be Professional – Serve with Pride

Have Integrity – Serve with Character

Be Respectful – Serve with Humility

Be Innovative – Serve with Creativity

Be Transparent – Serve with Accountability

Culture Statement

The City of Stephenville has a team-oriented work environment that is focused on achieving the highest level of customer satisfaction, providing a family-oriented and fun work environment while pursuing excellence at all levels in the organization. Stephenville envisions being the city that peer cities strive to emulate by exuding professionalism, exceptional pride and the love Stephenville has for its colleagues, citizens and community. Stephenville has a culture that is second to none; one that can only be understood through experience.

Services Provided

The primary objective and purpose of municipal government is to provide the most effective, cost-efficient, and courteous service possible to its citizens. Employees are selected for their positions because they have demonstrated the knowledge, skills, and abilities to fulfill the overall city mission of providing excellent city services.

City Building(s) and Locations

- City Hall, 298 W. Washington St.
- City Landfill, 669 CR385
- City Library, 174 N. Columbia Street
- City Park and Recreation Center, 378 W. Long St.
- Stephenville-Clark Airport, 1050 Airport Road
- Fire Administration and Fire Station #2, 1301 Pecan Hill Road
- Fire Station #1, 212 W. Tarleton Street
- Municipal Court, 112 W. College
- Municipal Service Center, 1201 Glen Rose Highway
- Public Safety Building, 354 N. Belknap Street
- Senior Citizens Center, 164 E. College
- Splashville (Aquatic Center), 850 S. Graham Avenue
- Waste Water Treatment Plant, CR454
- Water Department, 298 W. Washington Street

History of the City

Stephenville is the county seat of Erath County, is on the North Bosque River at the junction of U. S. highways 67, 377, and 281, 100 miles southwest of Dallas. It is named for John M. Stephen, who settled there in 1854 and donated the land for the town site laid out by George B. Erath when the county was organized in 1856. Stephen donated an additional fifty acres of timber to promote the development of the community and became the first postmaster in 1857. By 1858, when the population had grown to 766, Comanche raids were common. The turmoil caused by these Indian raids and by the Civil War and its aftermath reduced the population to 300 by 1871. Thereafter, the town grew steadily as a center for agricultural and livestock production. After 1886 the area was also a center for coal mining, an important industry there for the next thirty years. The *Texas Pacific*, the county's first newspaper, began in Stephenville in 1870. The town was permanently incorporated in 1889, the year the Fort Worth and Rio Grande Railway arrived. Most of the stone buildings on the town square date from the 1890s, the decade in which John Tarleton Agricultural College (now Tarleton State University) opened. Another newspaper, the *Tribune*, also began at that time; it later merged with the town's original paper, which had become the *Empire*, to form the*Empire-Tribune.*

Stephenville and Erath County had an oil boom from 1918 to 1920, but the important fields lay outside the county, and the expectations of great fortunes in petroleum soon faded. The town grew slowly in the next decades, from a population of 3,891 in 1920 to 4,768 in 1940. In 1953 an industrial foundation was formed there, and with ten years Stephenville had industries including a creamery, hatcheries, feed mills, meat-packing plants, a garment factory, and nurseries. By the early 1970s the town had more than 200 businesses and a population of more than 9,000. In 1983 a population of 11,881 supported 320 businesses. Industrial products included coated abrasives, clothing, automobile parts, mobile homes, and electrical products. Tarleton State University was the town's largest employer. In 1990 the population was 13,502. By 2000 the population reached 14,921. By 2017 the population reached 20,607.

About Stephenville

Stephenville is located 1-2 hours from the Dallas/Fort Worth Metroplex, 1.5 hours from Waco, 2.5 hours from Austin, and 4 hours from Houston. Stephenville is the home of Tarleton State University and offers each student a traditional college experience. Tarleton offers students more than 18 on campus living options, an opportunity for field learning and internship experience with many of the local businesses. Stephenville allows students to earn a high quality education, while staying in an area that feels just like home and with a lot of history. Tarleton currently has 13,011 enrolled students and 1,586 for faculty/staff as of fall 2017.

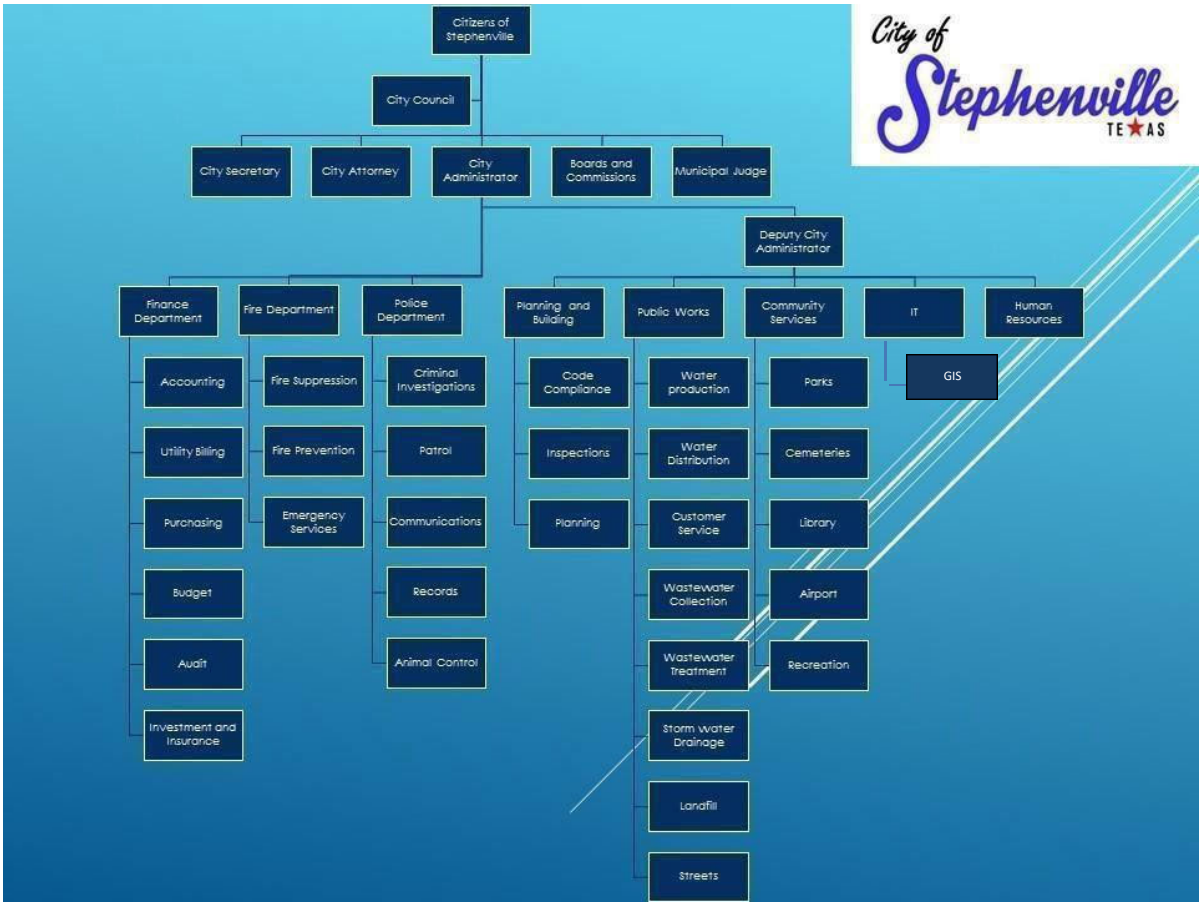
Stephenville also offers their community two (2) public parks: Jaycee Park and Stephenville City Park, two (2) golf courses: Legends Country Club and Tejas Municipal Golf Course, eight (8) tennis courts: four of which are located on the Tarleton State University campus, Cinemark Movie Theater, Splashville, Stephenville Youth Center, 281 Speedway, Stephenville Disc Golf Course, Bosque River Trail, Shopping, Dining and Entertainment; at various establishments.

Stephenville is also known as the *'Cowboy Capital of World', 'City of Champions'*, *'Texas Music Friendly',* and home of *'Moo-La',* Stephenville takes pride in having small town values, where a strong work ethic, family- values, and a giving heart still matter.

This just proves that if you are looking for a small town community, you have found one of the best!

Organizational Structure

Stephenville uses a council-manager form of government. The city council is comprised of an elected Mayor and eight elected council members. The city manager is appointed by the city council and serves as policy advisor to the council, as well as, Chief Executive Officer of the city. The city manager and deputy city manager share in the responsibility of managing the city and carrying out the policies and the vision of the council. The chart below illustrates the organizational structure of the city.



Customer Service

As part of the City of Stephenville's mission, customer service is a priority. Every employee of the organization is expected to assist in the continual effort toward prompt, high quality service delivery, and to embrace the philosophy of fulfilling the mission of the city.

In an effort to accomplish the mission, employees should follow certain general guidelines when interacting with customers. City employees are to treat customers with respect, regard, and courtesy with every contact, no matter where or when these contacts occur and without unnecessary delay.

General customer service guidelines shall be followed, such as:

- **S**ervice with a smile
- **T**eamwork
- **A** "can-do" attitude
- **R**esponsiveness

Customers who wish to make specific comments or complaints regarding formal employees should be directed to the Human Resources Department. All other complaints should be directed to the appropriate division director.

Chapter 1: EMPLOYMENT

1.01 Employment Classification

PURPOSE:

To define the classifications of employment in the City of Stephenville.

POLICY:

The city will maintain standard definitions of employment and will classify employees in accordance with the following definitions:

A. Full time Employees

A full time employee holds an authorized position budgeted for at least 2080 hours per fiscal year.

B. Part Time Employees

A part time employee holds an authorized position, budgeted for fewer than 1000 hours per fiscal year.

C. Part time Employee with Retirement Benefits

A part time employee with retirement benefits holds an authorized position, budgeted for fewer than 2080 hours, but may work over 1,000 hours per fiscal year consistently. If this occurs the employee will be required to contribute to the City's retirement.

D. Temporary/Seasonal

A temporary/seasonal employee holds a job established for a specific period of time or for the duration of a project, season, or assignment. Note: Temporary employees may work various temporary assignments with the city and still retain temporary status.

E. Exempt

Employees in non-exempt jobs must be paid overtime, generally for hours worked over forty (40) hours per week. This means that non-exempt employees' time worked must be recorded to be in compliance with FLSA.

Chapter 1: EMPLOYMENT

1.02 Employee Relations

PURPOSE:

To outline expected employee relations that create a working environment where services are provided to citizens in an efficient, effective, and economical manner.

POLICY:

High productivity and efficiency are a result of individual job satisfaction. To work together successfully, employees must realize that harmonious relationships are not entirely a matter of rules, but are the outgrowth of daily decisions and professional behavior.

Employees are expected to establish and maintain effective professional working relationships with fellow employees, supervisors, elected and appointed officials, citizens, consultants, contractors, and others doing business with the city.

To create a positive work environment, employees and supervisors shall communicate openly and directly. If employees have concerns, they are strongly encouraged to voice them openly and directly to their supervisor or department director.

Chapter 1: EMPLOYMENT

1.03 Equal Employment Opportunity

PURPOSE:

To affirm the city's position regarding non-discrimination in matters relating to employment in the organization.

POLICY:

To help ensure that equal employment and advancement opportunities are available to all individuals, employment decisions at the city will be based upon merit, qualification, and abilities. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. The city does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, ethnic affiliation, age, disability, veteran status, or any other characteristic protected by law.

In accordance with the Americans with Disabilities Act (ADA), the city will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

In compliance with Genetic Information Nondiscrimination Act (GINA), the city prohibits discrimination and retaliation based on genetic information in employment opportunities or practices.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring those issues to the attention of their immediate supervisor, department director, or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in discrimination or retaliation will be subject to corrective action, up to and including termination of employment.

The city will not tolerate derogatory remarks or actions by employees regarding race, color, religion, gender, national origin, ethnic affiliation, age, disability, veteran status, or any other characteristic protected by law.

Chapter 1: EMPLOYMENT

1.04 Work Ethics

PURPOSE:
To define ethical conduct for employees and representatives of the city.

POLICY:
The City will comply with all applicable laws and regulations and expects its directors, officers, volunteers, and employees to conduct business in accordance with the letter and spirit of relevant laws and refrain from dishonest or unethical conduct.

Employees shall, during both working and non-working hours, act in a manner which will inspire public trust in their integrity, impartiality, and devotion to the best interests of the city, its customers, and citizens.

To ensure ethical and impartial business, it is prohibited for city employees to:

1. Offer, or solicit money, property, service, or other items of value by way of gift, favor, inducement, or loan with the intent that the offer would influence or the recipient would be influenced by such conduct in the discharge of public duties. Use their official position, uniform, or badge to secure special advantage in business, personal gain, or other benefit derived from such relationship.
2. Use any city-owned facility, building, equipment, materials, or vehicle for their personal use of benefits, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of city property.
3. Invest or hold a financial interest, directly or indirectly, in any business entity, transaction, or business endeavor that would create a conflict between the city employee's duty to uphold the public trust and the individual's private interest. An employee or employee's immediate family may not be a vendor of the city.
4. Gifts should never be offered in exchange for a city official or employee's vote or similar exercise of discretion because that is bribery. Assuming the gift is not given in exchange for any particular action, the most conservative practice is to avoid ever giving city officials or employees gifts that exceed $50 in value. (A gift below $50 may never be in the form of cash, a check, or gift card.)
5. Gifts or drawings that are open to everyone in attendance for a function are acceptable.

City employees may be offered honorariums, a payment given for professional services that are rendered nominally without charge. If the employee is being paid by the city for the time for which the honorarium will be received, the honorarium will be rejected.

In general, the use of good judgment, based on high ethical principles, will be the guide with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper cause of action, the matter must be disclosed to the immediate supervisor and/or the department director. The department director shall immediate supervisor and/or the department director. The department director shall immediately inform the city administrator for the purpose of precluding any real or apparent conflict of interest.

Chapter 1: EMPLOYMENT

1.05 Nepotism

PURPOSE:

To clearly define the hiring, transfer and promotion standards when any relationship through blood, marriage, adoption, cohabitation or as roommates presents a conflict of interest or conflict of work related decisions for the City of Stephenville.

POLICY:

The employment of individuals related through blood, marriage, adoption, cohabitation or as roommates within the City may cause serious conflicts and problems with favoritism and employee morale within the organization. Employees who are relate through blood, marriage, adoption, cohabitation or as roommates may work in the same department; however, not in the same work unit, division or work in a capacity that poses or may pose a conflict of interest. Additionally, they shall not work directly for, or be supervised by any individual related through blood, marriage, adoption, cohabitation or as roommates. Further, no relative or any employee related through blood, marriage, adoption, cohabitation or as roommates shall be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another. Such employees shall not work in a capacity that poses or may pose a conflict of interest.

This policy applies to all employees. The city reserves the right to take prompt and appropriate action to eliminate the conflict or potential conflict including termination or employment.

The city prohibits employees from the involvement in the selection, placement or discipline process of those with whom they are related through blood, marriage, adoption, and cohabitation or as roommates.

The city reserves the right to take prompt action if an actual or potential conflict of interest arises concerning employees related through blood, marriage, adoption, cohabitation or as roommates who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

A. Definitions

1. **Relatives**: Individuals related through blood, marriage or adoption; these include but are not limited to persons related through the first, second and third degree of consanguinity (blood relations) and the first and second degree of affinity (marriage relations). See the Nepotism Chart (**Appendix A**)
2. **Cohabitants**: Individuals living together in an intimate or sexual relationship but are not married, or declared to be married, including relationships that may be considered common law marriages.
3. **Roommates**: Individuals sharing the same residence.

B. Procedures

1. All applicants for employment at the time of hire must disclose the relationship with elected city officials or any individual working for the city in any capacity. Non-disclosure may result in corrective action up to and including termination.
2. When a relationship is created which is not allowed by city policy, it is the responsibility and obligation of the employees involved to promptly disclose the relationships to the department manager or director. Failure to notify management may result in corrective action up to termination.
3. When a relationship is created which is not allowed by city policy, the affected employees will be provided thirty (30) calendar days to consider which employee will vacate his or her position. The affected employee may resign, apply for another position, voluntarily demote or transfer to a vacant position. After thirty (30) calendar days, the department manager or director may decide which employee(s) to demote, transfer or terminate.

C. Grandfather Clause

1. The city is aware that, as of the above revision date of this policy, a number of city employees are related, by blood or by marriage, to other city employees. These employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the city as long as the requirements set out in subsection B of this policy are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy.

D. Periodic Review

1. Periodically, the city manager (or designee) will review the job descriptions and interrelationships between the affected jobs and determine whether they meet the requirements set out in subsection B. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another position within the city for which he or she is qualified and that meets the requirements of subsection B 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.

E. Application of Policy

This policy applies to all full-time and part-time employees of the city.

Chapter 1: EMPLOYMENT

1.06 Personal Relationships

PURPOSE:

To provide guidance in areas where personal relationships overlap with working relationships and avoid potential conflicts of interest in the workplace.

POLICY:

Personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Supervisors are strictly prohibited from having personal relationships with subordinates; dating or intimate, regardless of frequency. The city reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. If it has been determined that a supervisor is dating or intimate with a subordinate, the supervisor may be disciplined, up to and including termination. Any employee who is in violation of the personal relationship policy may be subject to discipline, up to and including termination.

Employees involved in a personal relationship with another employee may not occupy a position in the same department, work directly for, or supervise the employee with whom they are involved. The alternative for any employee determined to be in a personal relationship is for one or both employees to leave employment of the department.

Where a conflict or the potential for conflict arises because of a relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such a dating relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the department director of city manager immediately. Failure to immediately disclose the relationship constitutes violation of the personal relationship policy. Where a conflict or potential conflict arises because of the relationship affecting employment the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If that decision is not made within thirty (30) calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

GRANDFATHER CLAUSE:

The city is aware that, as of the above revision date of this policy, a number of city employees are related, by blood or by marriage, to other city employees. These employees will be “grandfathered” under this policy, meaning they will be permitted to continue their employment with the city as long as the requirements set out in subsections B of Section 1.05 – Nepotism of this policy are met. Please be informed that the above “grandfathered” provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or employment status of the affected employee(s) will be governed by the requirements of this policy.

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 subsection B of Section 1.05 – Nepotism. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another position within the city for which he or she is qualified and that meets the requirements of subsection B of Section 1.05 – Nepotism. 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.

Chapter 1: EMPLOYMENT

1.07 Compensations

PURPOSE:

To ensure the city is staying within the guidelines of our approved Pay Plan.

POLICY:

All employees hired with the City of Stephenville will be hired at the minimum range unless justification is provided to warrant hiring at a higher rate of pay. With justification, and proper form (**Appendix E, Form 4**) it must be approved by the city manager prior to any job offer.

Chapter 1: EMPLOYMENT

1.08 Incentives and Bonuses

PURPOSE:

To insure that City of Stephenville employees are properly compensated for assignments and duties that fall beyond their normal scope of responsibilities.

POLICY:

The city recognizes that from time to time employees are requested to perform duties beyond the normal scope of responsibilities. Where this occurs the city may offer an incentive or bonus to an employee in conjunction with the beginning of the extra assignment. The incentive may take the form of financial benefit, additional time off, or other thing of value.

Nothing in the policy should be construed to be contrary to Texas case law and the Texas case law and the Texas Constitution prohibition against awarding such incentives or bonuses after the work is done. In all cases of incentives or bonuses, the incentive or bonus will be agreed upon by the city and the employee prior to commencing that assignment.

Chapter 1: EMPLOYMENT

1.09 Employee Medical/Psychological Examinations

PURPOSE:

To outline the procedures requiring certain current or prospective employees to undergo a city-paid examination to ensure successful performance of essential job functions.

POLICY:

Applicants for specific jobs may be required to undergo and pass a pre-employment physical and/or psychiatric exam upon a conditional offer of employment. The examination will be conducted by a physician of the city's choice and paid for by the city. Employment will be contingent upon successful completion of the examination in a relation to the standards of fitness required by the essential functions of the position. Where conflicts of medical/psychological opinion occur, the decision of the city's appointed physician/psychologist or psychiatrist shall be final and binding.

A department director, with agreement of the Human Resources Manager, may require current employees to undergo a physical and/or psychological examination in order to determine fitness to perform the essential job functions for continued employment. Employees who are transferred, promoted, or demoted may be required to undergo an examination to ensure that they are capable of performing the essential job functions of the new position.

Any medical/psychological information concerning an employee will be maintained in separate, **confidential** medical files, apart from regular personnel records, in the Human Resources Department. Such records are not subject to open records. Only authorized employees may have access to such files. Any employee found to have discussed medical information about another employee with anyone else or to have released such information without authorization, is in violation of this policy and will be subject to corrective action, up to and including termination from employment.

Chapter 1: EMPLOYMENT

1.10 Mandatory Referral

PURPOSE:

To outline the Mandatory Referral process developed to assist employees experiencing problems or concerns which adversely affect their job performance.

POLICY:

If there is continuing or serious misconduct or disruptive behaviors by an employee, the department director may require a psychological evaluation of an employee. The employee may be referred to the Employee Assistance Program (see *Policy 3.11 Employee Assistance Program*), health insurance provider, or another professional organization or individual for evaluation. If psychological evaluation and successful treatment are made conditions of continued employment, or if a corrective action is delayed or reduced contingent upon evaluation and successful treatment, then such referral is considered mandatory and full participation in the recommended course of action is required. Referral does not automatically preclude corrective action. Failure to fully participate will be cause to reinstate the original personnel action or to take the appropriate personnel action, up to and including termination.

All cases of mandatory referral shall be discussed with the Human Resources Manager or designated representative prior to referral. If the employee has sought treatment on his/her own initiative, then the Human Resources Manager or designee may require full disclosure and release of psychological information related to the recommended course of action and treatment or the city may refer the employee to another provider on a mandatory basis.

Chapter 1: EMPLOYMENT

1.11 Outside Employment

PURPOSE:

To outline the conditions an employee of the City of Stephenville must meet before accepting another job or business opportunity outside their employment with the city.

POLICY:

The position an employee holds with the City of Stephenville shall take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the city is permissible as long as the following considerations are met:

1. Employee must submit a ***Request for Outside Employment*** **(Appendix E, Form 1)** to the department director prior to the acceptance of outside employment and whenever the nature of such employment changes. If outside employment is approved, the request form will be forwarded to Human Resources and placed in the employee's personnel file.

2. Outside employment may not conflict with the best interest of the city and must be terminated if it adversely affects the employee's attendance or performance of duties. Approval of outside employment may be withdrawn at any time.

3. Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, military leave, leave without pay, or FMLA (see *Policy 4.04 Family and Medical Leave Act (FMLA)* for additional FMLA information).

4. Any employee currently working at an outside job at the date of implementation of this revision of the Personnel Policy Manual must also submit a "***Request for Outside Employment Form***," (**Appendix E, Form 1**) to the Department Director.

Chapter 1: EMPLOYMENT

1.12 Job Posting

PURPOSE:

To outline the job posting and application process for city-wide job openings.

POLICY:

A. Job Posting

Jobs will be posted on the official city website and on the job board outside City Hall. The jobs may also be posted on departmental bulletin boards located at all city owned buildings. Each job posting will normally remain open for a minimum of one (1) week and will include the job title, department, job summary, essential duties, closing date, and minimum qualifications. In general, notices of job openings are posted, although the city reserves its discretionary right not to post a particular opening.

B. Applying for a job

To apply for a posted position, an application shall submit a completed application online.

C. Internal Applicants

All employees, including part time and seasonal, may apply for internal job postings and will be subject to the same requirements and or tests (if applicable) as external applicants. An applicant's current supervisor may be contacted to verify performance, skills, and attendance, and the personnel file may also be reviewed. Staffing limitations or other circumstances that might affect a prospective transfer may be discussed. Employees who have been on corrective probation or have been suspended in the previous twelve (12) month period are not eligible to apply for posted jobs.

Chapter 1: EMPLOYMENT

1.13 At-Will Employment

Each employee enters into the employment relationship with the City voluntarily, with no specified length of employment. Accordingly, either the city of an employee can terminate the employment relationship at will, at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies or any verbal statement to the contrary. Any employee, manager, or supervisor who makes such a representation or promise is not authorized to do so.

Chapter 1: EMPLOYMENT

1.14 Americans with Disabilities (ADA)

PURPOSE:

The City of Stephenville prohibits discrimination against qualified individuals with disabilities relating to the application, interviewing, hiring, promotion, discharge, compensation, training, or other terms, conditions, and privileges of employment.

POLICY:

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. However, the employer is **not** required to lower quality or quantity standards to make an accommodation. In addition, the employer is **not** required to provide personal use items such as glasses, contact lens, wheelchairs or hearing aids as an accommodation. The City of Stephenville will comply with all Federal, State, and Local laws relating to the employment of applicants and employees with disabilities and reasonably accommodate qualified individuals with a disability so that qualified individuals with disabilities can perform the essential functions of the job in question.

An individual who can be reasonably, accommodated for the job in question, without undue hardship will be given the same consideration for that position as any other applicant or employee.

Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. All employees are required to comply with safety standards. Any employee that poses a direct threat to the health of safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regards to the employee's immediate employment situation.

A. Definitions

In implementing this policy, the City of Stephenville will be guided by the most recent applicable definitions stated in the ADA or in case law construing the ADA, and applicable state and local law. In the event of any conflict between the definitions in the ADA and the definitions in this policy, the legal definitions will be prevailing.

The following discussion is provided for general guidance of applicants and employees in understanding the policy of the City of Stephenville.

"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". An individual may also be deemed "disabled" if that person is regarded as having such impairment. However, in the "regarded as" instance, the situation is more complicated. Under amendments to the ADA in 2008, if the condition is transitory and minor defined as:

1. Having an actual or expected duration of six (6) months or less, then the condition does not qualify as a disability.
2. Generally, ameliorative measures such as medications and medical devices, *will not* be considered in making a disability determination, although ordinary eyeglasses or contacts may be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as "disabled". On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being "disabled" if the person otherwise meets the definition of "disabled".
3. **"Major life activity"** may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A "major life activity" may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
4. **"Direct threat to safety"** refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
5. A **"qualified individual with a disability"** refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
6. **"Reasonable accommodation"** refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment of devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
7. **"Undue hardship"** refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: **(1)** the nature and cost of the accommodation; **(2)** the overall financial resources of the facility at which the reasonable accommodation is to be made; **(3)** the number of persons employed at that facility; **(4)** the effect on expenses and resources or other impact upon that facility; **(5)** the overall financial resources of the City; **(6)** the overall number of employees and facilities; **(7)** the operations of the particular facility as well as the entire City; **(8)** the relationship of the particular facility to the City. These are not all of the factors but merely examples.
8. **"Essential job functions"** refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation.

B. Administrative Procedures – How to request an accommodation

An applicant and/or employee is fully responsible for providing the request for accommodation when needed. ***Request for ADA Accommodation Form, (Appendix E, Form 24)*** may be found in the back of the City Policy Manual or in the Human Resources department. Any request for accommodation must be reasonable, does not cause an undue hardship, a threat to safety and will enable the applicant or employee to perform the essential functions of the position. Each request, will be evaluated on the aforementioned criteria.

All requests are confidential. The review and coordination of any request for accommodation for a disability will be limited to those who have a right to know.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The Human Resources Manager is designated as the ADA Coordinator responsible for the receipt, review and response of requests for accommodation from the applicant or employee. Additionally, the Human Resources Manager designee is also responsible for informing the department director of the request and conducting the review with the appropriate staff, department and/or agency.

The applicant or employee, will be provided the status of the request within five (5) working days. Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADA Coordinator to the applicant or employee.

Should the applicant or employee disagree with the findings of the ADA Coordinator, the applicant or employee may appeal the decision of the ADA Coordinator within five (5) working days to the deputy city manager or designee. The request for appeal must be provided in writing. The decision of the deputy city manager or designee will be final.

Chapter 1: EMPLOYMENT

1.15 Introductory Period

PURPOSE:

To provide all new employees a defined period of time in which they must satisfactorily demonstrate job proficiency.

POLICY:

All new employees hired to fill regular full-time positions must satisfactorily complete an introductory period of six (6) months from date of hire. Sworn public safety positions must satisfactorily complete an introductory period of one (1) year from date of hire.

Each employee serving in the introductory 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 an acceptable standards of conduct in their employment. During the introductory period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attitude, or conduct.

A. Introductory Performance Discussion

All employees serving in the introductory period shall have the opportunity to meet with their supervisor to discuss their progress in their new position, any expectations, additional training they feel they need, and their goals with the city. This is a good time for the employee to be able to visit with their supervisor in a one-on-one basis. After the discussion, the supervisor will be asked to document the discussion. Once the employee has read it, he or she will have the opportunity to read it and also have the opportunity to make any comments on the form. Both parties will be asked to sign and date it. The document will be submitted to the Human Resources office and placed in the employer's file.

B. Extensions to Introductory Period

The introductory period may be extended under any of the following circumstances:

1. At the end of the initial six (6) months, the introductory 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 introductory 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 introductory period will be completed. Such extension will be solely at the discretion of the department director and the Human Resource Manager.

2. An introductory 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. Hence, each full-day absence incurred by an employee during the introductory period will normally extend the six-month introductory period by an additional day.

C. Failure of Introductory Period

An employee is considered to have failed the introductory period when it is determined that the employee's suitability, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of introductory period may occur at any time within the introductory period. An employee who does not successfully complete the introductory period will normally have their employment terminated from the city. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the city. Department directors are responsible for ensuring the thorough written documentation of all cases of failure of the introductory period, including documentation of counseling, training, and other efforts to help employees during this period. All such documentation should be reviewed by the Human Resources Manager before an employee serving in the introductory period has their employment terminated.

D. Termination of Employment Serving in the Introductory Period

All employees, including those serving in the initial introductory period, are at-will employees and may have their employment terminated at the time during the introductory period, with or without notice or cause. An employee serving in the initial introductory period who has their position terminated has not right to appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial introductory period are otherwise subject to all policies and procedures of the city.

E. Sexual and Other Unlawful Harassment

Employees serving in the introductory period are subject in all respects to the city's Harassment and Discrimination Policy, Chapter 7.07. Employees serving in the introductory period have no right to appeal; however, if it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy 7.07 – Harassment and Discrimination. The City of Stephenville has zero tolerance for any form of Sexual Harassment.

F. Completion of Introductory Period

Employees who have completed the introductory trial period are not entitled to remain employed by the city for any definite period of time. Both employee and the city are free, at any time, with or without notice and with or without cause, to end the employment relationship.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.01 Personnel Files

PURPOSE:

To outline the information maintained in the personnel file, employee's access to the file, and how an employee must keep personnel data and records current.

POLICY:

The City of Stephenville maintains an official personnel file in the Human Resources on each employee including such information as the employee's job application, resume, performance evaluation form, change of status forms, and other employment records.

A. Restrictions & Confidentiality of File

Personnel files are the property of the city, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisors and management personnel of the city who have a legitimate reason may review information in a file. Medical records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written non-disclosure form at any time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

B. Employee Access to File

Employees who wish to review their own file shall contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file.

C. Personal Data Changes

It is the responsibility of each employee to notify the Human Resource Department within one (1) week of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, etc. For employees with dependent insurance coverage, the number and names of dependents must also be kept up to date.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.02 Employment Reference Checks

PURPOSE:

To establish the guidelines for employee reference checks and city response to reference checks by other entities.

POLICY:

To ensure that individuals who join the City of Stephenville are well qualified and have a strong potential to be productive and successful, it is the policy of the city for the Human Resources Department to check the employment references of the selected applicant prior to extending a job offer.

The Human Resources Department is designated to respond to reference check inquiries from other employers. All calls, contacts and written inquiries concerning current or former employees should be referred to the Human Resources Department.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.03 Performance Reviews (Quarterly Conversations)

PURPOSE:

To outline the general procedures for conducting a systematic performance evaluation.

POLICY:

Performance reviews are scheduled approximately every three (3) months. They are called "Quarterly Conversations" and are to be documented-in the Performance Review software.

Supervisors and employees of the City of Stephenville are strongly encouraged to discuss job performance and goals on an ongoing, informal basis. Supervisors are also encouraged to record examples of employee performances throughout the year to be used as documentation to support the performance review. Quarterly conversations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, meaningful approaches for meeting goals.

*See also 7.01.D – Corrective Action and Performance Evaluation

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.04 Classification Compensation Guidelines

PURPOSE:

To outline different types of movement on the pay plan.

POLICY:

Movement between classifications can fall into different classes. These classes are defined below:

A. Reclassification

Reclassification is a title and/or grade change based on significant change or expansion of job responsibilities and duties, or as a result of market review. It is approved during the budget process, and there is no change in the performance review date.

Reclassification is not an assessment of the personal merit or attributes of the employee. Neither a greater volume of the same work nor isolated occurrences of higher duties are justification for reclassification. Classification decisions are not based on an employee's job performance or a comparison to the volume of work that other employee perform.

B. Lateral Transfer

Lateral transfer is a transfer to another department within the same grade. The performance review date will change to the promotion/transfer date.

C. Promotion

Promotion is the assumption of expanded duties into a vacant position and higher pay grade. The wage increase would be the amount sufficient to reach the minimum of the wage range, up to a 5% wage increase. The performance review date will change to the promotion date.

D. Demotion

Demotion is movement into a vacant position at a lower pay grade. At demotion, the performance review date will change to the demotion date and wage will be adjusted to the new wage range.

Employees who promote to safety-sensitive positions are required to pass a drug test, in accordance with *Chapter 7.06 Substance Abuse and Testing.*

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.05 Job Descriptions

PURPOSE:

To outline the content of job descriptions and procedures for composing, revising, and ensuring the accuracy of the descriptions.

POLICY:

The City of Stephenville makes every effort to create and maintain accurate job descriptions for all positions within the city. Each description includes the following sections: job summary, typical duties, knowledge, ability to, minimum qualifications, and work environment section.

The city maintains job descriptions to aid in orienting new employees to their job, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

When new positions are deemed necessary, the department director and the city manager must present to the city council the feasibility and need for the position. Existing job descriptions are also reviewed and revised to ensure that they are up-to-date and reflect changes. Employees are expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact their supervisor or the Human Resources Department with questions or concerns about the job description.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.06 Separation of Employment

PURPOSE:

To establish the types of separation and guidelines to be followed when an employee ends employment with the City of Stephenville.

POLICY:

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), and reduction in workforce, or termination. When an employee separates from the city, their supervisor shall complete the ***Supervisor's Checklist for Separated Employee*** **(Appendix E, Form 5)** and the employee should contact Human Resources to schedule an exit interview, typically to take place on their last workday.

A. Types of Separation

1. **Resignation**

   Resignation is a voluntary act initiated by the employee to end employment with the city. The employee must submit a signed and dated letter of resignation or the ***Voluntary Resignation Notice*** **(Appendix E, Form 3)** providing a minimum of two (2) weeks' notice. If an employee does not provide advance notice, or fails to work the remaining two (2) weeks, the employee will not be eligible for rehire. The employee also will not be eligible to receive payout of accrued benefits, unless at the discretion of the department director and the city manager a decision is made to pay all or a portion of accrued benefits to the employee in lieu of the two (2) week notice.

   Vacation days and/or holidays may not be taken during the two-week notice without prior written approval from the department director. For employees with a holiday bank, a holiday may not be used after the letter of resignation is submitted.

2. **Retirement**

   Employees who retires under TMRS are required to notify their department director and the Human Resources Department in writing at least one (1) month before planned retirement date. See *Policy 3.09 TMRS Retirement Plan and Policy 2.07 Retirement* for more information.

3. **Job Abandonment**

   Employees who fail to report to work or contact his/her supervisor for two (2) consecutive work days shall be considered to have abandoned the job without notice effective at the end of his/her normal shift on the second day. The supervisor or department director shall notify the Human Resources Department at the expiration of the second work day and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

4. **Termination**

   Employees of the City of Stephenville are employed on an at-will basis, and the city retains the right to terminate their employment at any time.

5. **Reduction in Work Force**

An employee may be laid off because of changes in duties, organizational changes, lack of funds, or lack of work. Employees who are laid off may not appeal the lay-off decision through the appeal process.

6. **Release**

Release is the end of temporary or seasonal employment.

7. **Long Term Absence**

The city has an obligation to provide services to citizens. The city reserves the right to fill a position if an employee has been absent for work for more than 180 calendar days, for whatever reason, except as provided below. Brief appearances at work during an overall absence of 180 days will not prevent the city from filling the position if it is determined to be in the city's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the essential duties of his or her actual position for a period of 180 days will be released from employment if it is unlikely, in a doctor's opinion) that the employee will be able to perform the essential functions of his or her position. Nothing in this policy guarantees an employee's ongoing employment for 180 days (or for any other period of time) if it is determined that the employee will be unable to return to perform the essential job functions within a 180-day period. In other words, the city may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to perform the essential job duties of his or her actual position at the end of 180 days. An employee who has a paid leave balance remaining at the end of 180 days may, at the city's option, extend his/her leave using any available paid leave balance up to a maximum paid absence of one year, or be terminated and paid for accrued leave balances according to *Policy 4.01, Sick Leave and Policy 4.02, Vacation Leave*.

This policy will be administered consistently with the city's obligations under the Americans with Disabilities Act, including considering extending leave as a reasonable accommodation.

B. Out-Processing

1. **Return of City Property**

The separating employee must return all city property at the time of separation, including but not limited to uniforms, cell phones, keys, and identification cards. Failure to return some items may result in deductions from final paycheck. See *Policy 3.12 Uniforms* for additional information. An employee will be required to sign the ***Change of Status Form*** **(Appendix E, Form 4)** to deduct the costs of such items from the final paycheck.

2. **Exit Interview**

The separating employee shall contact the Human Resources Department as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or other day as mutually agreed upon.

3. **Final Paycheck**

The separating employee's final paycheck will not be direct deposited. Final paychecks, which may include applicable deductions and payouts will be in the form of an actual, paper check. The separated employee's final paycheck will be mailed to the address on file. Unless other arrangements have been made.

C. Termination of Benefits

An employee separating from the city is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two (2) weeks' notice must be given and the employee must work the full two (2) work weeks.

1. **Vacation Leave**: Accrued vacation leave will be paid in the last paycheck, according to *Policy 4.02 Vacation Leave.*
2. **Sick Leave**: Accrued sick leave will not be paid in the last paycheck, according to *Policy 4.01 Sick Leave*
3. **Health Insurance**: Health insurance terminates the last day of the month upon termination date. See *Policy 3.07 Consolidated Omnibus Budget Reconciliation (COBRA)* for information about continued health coverage.

D. Rehire

Former employees who leave the city in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Department and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must consult with the Human Resources Manager or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee.

Previous tenure will not be considered in calculating longevity, leave accruals, or any other city benefit.

E. REAPPOINTMENT AS POLICE OFFICER AFTER RESIGNATION

A person who previously served as a City of Stephenville police officer may apply to the Chief of Police for reappointment as patrol officer within one (1) year of the effective date of termination if the applicant for reappointment resigned voluntarily in good standing and holds a valid, current license as police officer from the Texas Commission on Law Enforcement. Reappointment will not be considered if the applicant resigned pending disciplinary action or investigation.

An applicant for reappointment shall meet all requirements for entry level patrol. The applicant will also not be required to take an entrance examination or be placed on the eligibility test.

Upon reappointment, the applicant will be reinstated with all previous longevity and seniority benefits earned during any previous period of employment with the City of Stephenville Police Department, including placement on the salary step for patrol officer.

It shall be the Chief of Police's discretion to determine the applicant's suitability for reappointment. In the event the Chief of Police decides the applicant should not be reappointed, the applicant shall be notified of the decision in writing and the reappointment process is terminated. The Chief of Police shall forward a copy of this documentation to the Human Resources Manager. If, based on the overall value of the applicant to the department, the Chief recommends reappointment as patrol officer, notice of the reappointment shall be given in writing to the Director.

In the event there is no vacancy for patrol officer at the time of application for reappointment, the Chief may retain the application. Reappointment can be made only within one (1) year of the date of resignation. If there is no reappointment within two (2) years from date of resignation of the applicant, the reappointment process is automatically terminated.

F. Bar from Employment

An applicant or employee whose employment is terminated for violating a city policy or who resigned in lieu of termination from employment, due to a policy violation, will be ineligible for rehire. Employees who resign without giving a two (2) week notice and fulfilling their two (2) week notice will not be eligible for rehire.

Chapter 2: PERSONNEL ACTIONS AND RECORDS

2.07 Retirement

PURPOSE:

To provide information to employees on retirement guidelines and benefits.

POLICY:

The City of Stephenville is a member of the Texas Municipal Retirement System (TMRS), which is governed by the State of Texas legislature. Participation in the system is mandatory for all regular full time employees working the number of hours required by TMRS. Employee contributions to the system will be deducted from each pay check. Employees who retire must notify their department director and the Human Resources Department in writing at least one (1) month before the planned retirement date.

A. Benefits Eligibility

1. In order for an employee to be considered retired with the City of Stephenville, the employee must be qualified for service retirement from TMRS immediately upon separation from the city. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age. Military Service credit toward earlier retirement. See *Policy 3.09 TMRS Retirement Plan* for more information or call TMRS at 1-800-924-8677.
2. An employee who retires from active duty with five (5) years current, continuous full time employment with the City of Stephenville is eligible to purchase health insurance coverage as provided by the city's group health insurance carrier, unless the person is eligible for other group health benefits coverage.
3. Eligibility for participation in the city's group insurance plan will cease if the retiree becomes eligible for another employer's group plan. The retiree is required to notify the city of medical insurance benefits provided by other group insurance. If a retiree fails to disclose evidence of medical insurance benefits provided by another group plan, the retiree's eligibility and enrollment shall be terminated immediately.
4. Participation in the city's health and dental insurance program ceases upon the date of eligibility for Medicare for the Retiree and dependents unless otherwise stipulated.
5. To be eligible for retiree health/dental coverage the employee must return the form which they receive via the United States Postal Service from National Benefit Services (NBS), or current service provider, with the medical and/or dental choices selected by the date on the form.
6. Dependents that are on the city's medical/dental plan at the time of retirement may be maintained through COBRA. Retirees may not add dependents to insurance after retiring.
7. The retiree is responsible for remitting the amount of the premium at the time specified to the insurance carrier. If the retiree fails to remit the required amount to the insurance carrier at the time required, the coverage will terminate and medical/dental insurance coverage will cease.
8. The Stephenville City Council approved a Supplemental Death Benefit Option with TMRS which provides a death benefit of $7,500 for TMRS retirees.
9. The city reserves the right to change the Supplemental Death Benefit and/or eligibility criteria at any time at the city's discretion. The policy is not intended to be a contract. Benefit changes to the city's group medical/dental plan shall apply to retirees enrolled in the (COBRA). Notification of any changes to the plan will come through the United States Postal Service.

10. Once a retiree's participation in the City's COBRA plan has been terminated for any reason, it shall not be reinstated.

B. Retirement Gifts

1. It is the practice of the City of Stephenville to give special recognition to employees at the time of their retirement.
2. The recipient must have been employed with the city for a minimum of twenty (20) years to be eligible for a retirement gift.
3. Any employee who has been employed with the city for twenty (20) years or more will receive a gift certificate in the amount of one hundred dollars ($100) good towards items of your choice at many locations. Items include restaurants, shopping stores, which include groceries, clothing, hunting & fishing, household and more. The city may also hold a small reception with cake and punch at the discretion of the employee. Invitations may be sent to family members of the retired employee, and previous retirees of the city.

Chapter 3: EMPLOYEE BENEFITS

3.01 Employee Benefits

PURPOSE:

To communicate the wide range of the benefits provided by the City of Stephenville to employees.

POLICY:

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of employment. Details of many of these benefits may be found elsewhere in the policy manual.

The following benefits are available to eligible employees;

- Health Insurance (Policy3.02)
- CareFlite & Air Med Insurance (Policy 3.03)
- Life Insurance through TMRS (Policy 3.04)
- Workers' Compensation Insurance (Policy 3.05)
- Workers' Compensation Wage Supplement (Policy 3.06)
- COBRA (Policy 3.07)
- Deferred Compensation Plan (Policy3.08)
- TMRS Retirement Plan (Policy3.09)
- Tuition Reimbursement (Policy 3.10)
- Employee Assistance Program (Policy 3.11)
- Uniforms (Policy 3.12)
- Insurance Opt-Out (Policy 3.14)
- Certification Pay (Policy3.15)
- Bilingual Pay (Policy 3.15)
- Sick Leave / Buy-Back (Policy 4.01)
- Vacation Leave (Policy4.02)
- Holiday Leave (Policy 4.03)
- Family and Medical Leave (Policy 4.04)
- Personal Leave Without Pay (Policy 4.05)
- Military Leave (Policy 4.06)
- Funeral/Bereavement Leave (Policy 4.07)
- Jury & Witness Duty Leave (Policy4.08)
- Voting Time Off (Policy 4.09)
- Longevity Pay (Policy 5.06)

Chapter 3: EMPLOYEE BENEFITS

3.02 Health Insurance

PURPOSE:

To communicate the health insurance programs for City of Stephenville employees, and to identify eligibility requirements.

DEFINITIONS:

Spouse: A husband or a wife as defined or recognized under Federal law for purposes of marriage. Common law marriage shall require presentation of a certified copy of the Declaration of Informal Marriage. Spouses from marriages are considered eligible family members.

POLICY:

The City of Stephenville's health insurance plans provide employees and their dependent(s) access to health insurance benefits. Only employees in the following employment classification are eligible to participate in the health insurance plan:

- Full time employees

Health insurance benefits are effective the first day of the calendar month, after the date of hire.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the city and the insurance carrier. Each new employee is required to complete their enrollment online at the time full time employment begins.

The city council may at their discretion require employees to pay a portion of the cost of the employee's health insurance. This participation will be considered by the council in April of each year.

The city offers employees the option to purchase dependent health and dental insurance as described below:

1. A spouse will be covered when defined by a formal marriage certificate or a certified copy of a Declaration of Informal Marriage. The city does not cover a common law spouse without the declaration.
2. Biological or legally adopted children of the employee or of the employee's lawful spouse will be covered.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee and/or dependent(s) for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). See *Policy 3.07 Consolidated Omnibus Budget Reconciliation Act (COBRA)* for more information.

Contact the Human Resources Department for additional information about health insurance benefits.

Chapter 3: EMPLOYEE BENEFITS

3.03 Air Ambulance Insurance

PURPOSE:

To communicate the air ambulance insurance program for the employees and their family members and to identify eligibility requirements.

POLICY:

The City of Stephenville provides insurance with CareFlite and Air Evac service for all full-time employees and any family members living in their household.

Those eligible include full-time employees; any person living in the household; any child who is a college student, but is away attending college. All employees, dependents or participants listed must have insurance from either the city's insurance plan or another insurance company.

Chapter 3: EMPLOYEE BENEFITS

3.04 Life Insurance

PURPOSE:
To communicate the life insurance program for City of Stephenville employees, and to identify eligibility requirements.

POLICY:
Life insurance offers employees important financial protection. The Texas Municipal Retirement System (TMRS) provides all employees of a basic life insurance plan of one times their annual wage. The City of Stephenville offers employees the option to purchase supplemental life insurance for themselves and their dependents. Employees in the following employment classifications are eligible to participate:

- Full time employees
- Part time employees with TMRS benefits

Eligible employees participate in the TMRS life insurance plan subject to completion of the mandatory TMRS enrollment form. Each new eligible employee must complete enrollment forms at the time employment begins or at the time of status change causes eligibility.

Contact the Human Resources Department for additional information about this or other life insurance benefits.

Chapter 3: EMPLOYEE BENEFITS

3.05 Workers' Compensation Insurance

PURPOSE:

To describe the City of Stephenville's Workers' Compensation Program and the reporting procedures to follow when workers' compensation insurance may apply.

POLICY:

The City of Stephenville complies with the Texas Labor Code in the provision of workers' compensation insurance coverage for its employees. This program covers an injury or illness sustained in the course of employment, subject to applicable legal requirements and workers' compensation guidelines. Workers' compensation insurance coverage begins immediately upon employment with the city.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear it must be reported. It is imperative that the supervisor then notifies HR of the accident/injury.

Neither the city nor the workers compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social, or athletic activity sponsored by the City or for outside employment.

Time off on workers' compensation leave will not be counted as time worked for the purposes of determining overtime. FMLA will run concurrent with workers compensation absences. See *Policy 4.04 Family and Medical Leave for more information*

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contracting Human Resources and completing the necessary paperwork.

Employees must comply with the instructions and restrictions of the treating physician. Failure to comply may result in corrective action up to or including termination.

A. REPORTING PROCEDURES

1. When an accident/injury occurs, whether medical treatment is necessary or not, the employee must report the accident/injury to their supervisor.
2. The supervisor must then follow the steps below:
    a. Verbally notify HR, if time permits, and obtain an authorization to treat at a city- approved facility, if needed. If the situation is a true life-threatening emergency, please proceed immediately for care, without HR authorization.
    b. Transport the employee for medical treatment to an approved city medical facility or contact emergency transportation if an employee is unable to drive.

c. If after normal operating hours, have the employee contact the Human Resource Manager the following morning for a prescription form; if needed.

d. If the employee goes to the emergency room for treatment, ensure they follow up with a City-approved physician before returning to work.

e. Have the employee complete the "*Employee Accident-injury*" form **(Appendix E, Form 36)**

f. Bring all forms to the Human Resources (HR) immediately upon completion, but not later than the next business day.

g. Complete the "*Preventative Action Plan*" **(Appendix E, Form 37)** within fifteen (15) days after injury/accident and return to HR.

For additional information on workers' compensation, visit the Texas Workers' Compensation Commission online at http://www.tdi.gov/wc//indexwc.html or contact Human Resources.

Also see Chapter 3.06 Workers' Compensation Wage Supplement for additional information.

Chapter 3: EMPLOYEE BENEFITS

3.06 Workers' Compensation Wage Supplement

PURPOSE:

To describe the Workers' Compensation wage

POLICY:

The city offers a wage supplement option for an employee who sustains an injury on the job:

Employees who use the city's occupational health provider and receive Temporary Income Benefits (TIB) from the city's Worker's Compensation insurance carrier may receive a wage supplement from the city for up to one year. In order to receive wage supplement, the employee must use the city's occupational health provider, a physician referred by the city's occupational provider, or a physician referred by Texas Municipal League Intergovernmental Risk Pool unless hospital emergency room treatment is necessary. If hospital treatment is necessary, subsequent outpatient care shall be with the city's occupational health provider or physician referred by the Texas Municipal League Intergovernmental Risk Pool.

A. Texas Workers' Compensation Act

When an employee is injured within the course and scope of their employment for the City of Stephenville, the employee is eligible for Workers' Compensation payments pursuant to State Law. Workers' Compensation pays for:

- Reasonably required and necessary medical treatment
- A statutory amount, based on the employee's average weekly wage and weekly benefits in lieu of wage for inability to work due to an on the job injury or occupational illness; no wage increase while out on workers' compensation
- Additional monetary benefits for permanent disability suffered as a result of the on the job injury or occupational illness
- Death benefits

Workers' Compensation entitlements are subject to being denied or discontinued based on the following grounds covered in the Texas Workers' Compensation Act:

1. The injury occurred while the employee was in a state of intoxication or under the influence of illegal drugs
2. The injury was caused by the employee's willful intention to attempt to injure him or herself or to unlawfully injure another person
3. The employee's horseplay was the cause of the injury
4. The injury arose out of an act of a third person intending to injure the employee because of personal reasons and not directed at the employee as an employee or because of their employment

5. The injury arose out of voluntary participation in an off-duty recreational, social, or athletic activity not part of the employee's work-related duties, except where these activities are a reasonable expectancy of or are expressly or implicitly required within the scope of the employee's job duties.

As provided by law, Workers' Compensation benefits are subject to a seven (7) calendar day waiting period. Employees will begin earning Workers' Compensation weekly benefits after the seventh day of an on the job injury that requires absence from work. Covered employees who are absent from work due to an on the job injury, for less than seven days, will be on the payroll in workers' compensation pay status.

**Note: An employee may select a physician of their own choice to administer treatment in connection with the on the job injury. However, city wage supplement and Workers' Compensation benefits will only be provided when using the city's occupational health care provider or a physician referred by the Texas Municipal League, unless hospital emergency room treatment is necessary.

If an employee was not taken off work by the treating physician but doesn't feel well enough to come to work, he/she must return to the treating physician for evaluation. If the physician's release says the employee may return to work and the employee decides not to, the employee must use his/her own accrued sick leave. If no sick leave is available, the employee must use his/her accrued vacation leave.

B. Temporary Income Benefits

Temporary Income Benefits (TIB) will be paid weekly by the city's Workers' Compensation carrier beginning on the eighth (8th) day of lost time injury leave and will continue until the employee reaches Maximum Medical Improvement (MMI). TIB is paid at the rate of approximately 70% of the injured employee's average weekly wage.

This will result in the employee receiving approximately 85% of gross pay because TIB are not subject to income and social security tax.

The city continues to supplement the injured workers' wage so that there is no reduction in pay. Therefore, supplemental check(s) received from the Texas Municipal League (TML) must be endorsed by the employee and turned in to Human Resources. Please consult Human Resources for more information.

C. Wage Supplement Rules

Wage supplement payments may be suspended or forfeited at any time for the injured employee's failure to comply with city policies, procedures or directions.

The following list contains examples of grounds for suspension or forfeiture of wage supplement payments:

1. If the employee engages in work, whether paid, unpaid or as a volunteer, while off work from the city regardless of when the position was accepted
2. If the employee is terminated or resigns for any reason

3. If the employee fails or refuses to comply with instructions or the advice of the treating physician
4. If the employee fails to act in a manner consistent with being off work convalescing
5. If workers compensation indemnity payments are stopped
6. If the employee refuses to accept or perform a different or light duty job with the city that is within the employee's physical capacity and for which the employee is able, qualified, and/or could be trained
7. If the employee refuses to submit to any independent medical examination or treatment in accordance with the Texas Workers Compensation Statute
8. If the employee refuses to return to regular duty after being released by the treating physician
9. If the employee fails to report the injury within twenty-four (24) hours without good cause for the delay as determined by Human Resources
10. If the employee fails to keep Human Resources informed on a weekly basis as to the status of the injury when off work receiving Workers' Compensation payments
11. If the employee refuses to cooperate with Human Resources in ascertaining facts, information, and requests concerning the status of the injury

Chapter 3: EMPLOYEE BENEFITS

3.07 Consolidated Omnibus Budget Reconciliation Act (COBRA)

PURPOSE:

To outline the eligibility and procedures for extended health insurance through the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

POLICY:

COBRA gives employees and/or dependent(s) the opportunity to continue health insurance coverage under the City of Stephenville's health plan when a *qualifying event* would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death, reduction in hours, an employee's divorce or legal separation, or a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary will pay the full cost of coverage at the city's group rate plus an administrative fee. When a qualifying event occurs, contact the Human Resources Department to determine COBRA eligibility.

Chapter 3: EMPLOYEE BENEFITS

3.08 Deferred Compensation Plan

PURPOSE:
To outline employee eligibility, contribution, and benefits of voluntary participation in the 457 Deferred Compensation Plan.

POLICY:
The 457 Deferred Compensation Plan has been established to provide employees with a voluntary investment option designed to supplement the employee's income at retirement.

Employees in the following employment classifications are eligible for participation in the 457 Deferred Compensation Plan:

- Full time employees
- Part time employees with retirement benefits

The 457 Deferred Compensation Plan permits an employee, on a voluntary basis, to authorize a portion of their wage to be withheld, tax deferred, and invested. Eligible employees may enroll, make changes, or stop deductions at any time in the 457 Deferred Compensation Plan. Employees contribute up to a fixed amount that is set annually by IRS. Neither the deferred amount nor earnings on the investments are subject to current federal income tax. Various investment options are available to best meet individual retirement objectives.

For additional information, please contact the Human Resources Department.

Chapter 3: EMPLOYEE BENEFITS

3.09 TMRS Retirement Plan

PURPOSE:

To identify eligibility requirements for employees to participate in the Texas Municipal Retirement System (TMRS). The retirement system is administered on a state-wide basis.

POLICY:

Participation in the Texas Municipal Retirement System (TMRS) system provides for monthly pension benefits at retirement.

A. Eligibility for Enrollment

At the time of employment, all eligible employees are enrolled in the TMRS pension plan. Employees in the following employment classification participate in TMRS:

- Full time employees
- Part time employees in position budgeted to work less than 2080 but at least 1,000 hours a year (Part time employees with Retirement benefits)

B. Contributions

Contribution rates and other policies of the city's TMRS plan are determined by the city council and are subject to change.

1. Contributions to TMRS are mandatory for eligible employment classifications described above
2. Currently, the employee contributes 6% of their earnings each pay period. The contributions are tax deferred and made through payroll deduction. Vesting generally occurs five (5) years after the first contribution.
3. Currently, the city's contributions are approximately 2 to 1 (about 12%)

C. Interest Earnings

Employee deposits earn interest on an annual basis, credited to the employee's account each year on December 31st. Prorated interest occurs only during the year in which the employee retires.

D. Benefits at Retirement

1. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age. Military Service or previous government employment may contribute service credit toward earlier retirement
2. TMRS benefits will be based on years of service, wage, the employee and city contributions to the account, and the retirement option selected
3. Employees must contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork

E. TMRS Supplemental Death Benefits

The Stephenville City Council approved a Supplemental Death Benefit Option which provides a death benefit equivalent to the annual wage for current employees and $7,500 for retirees of the city.

For additional information, please consult the TMRS Benefits Guide available online at http://www.tmrs.com.

Chapter 3: EMPLOYEE BENEFITS

3.10 Tuition Reimbursement

PURPOSE:

To provide employees with the procedures to access and utilize the City of Stephenville's Tuition Reimbursement Program.

POLICY:

In recognition of the long-range contribution that additional job related education can make in continued quality service to the community, educational expense reimbursement is offered to eligible employees on a limited basis according to the following guidelines:

- Full time employees
- Must be employed with the city a continuous year before submitting an application for tuition reimbursement

A. Eligibility

1. Educational courses must be taken from an accredited college or university. For the purposes of this policy, accredited shall mean an institution of higher education recognized by the U.S. Department of Education (http://ope.ed.gov/accreditation/search.aspx) or The Council for Higher Education Accreditation (http://www/chea.org/search/search.asp).

2. The employee must have a field of study, commonly known as a major, declared with the employee's chosen college or university. Only those fields of study that, in the judgment of the employee's department director and the City Manager's Office, are related to the employee's current job classification or which will enhance the employee's potential for advancement to a position within the city are considered under this program. Single courses in self-improvement or continuing education programs not leading to a degree do not qualify under this program.

3. The maximum number of hours eligible to be reimbursed per semester is six (6)

4. To be eligible for reimbursement, completion of the course with a passing grade of "C" or better for undergraduate level is required, or "B" or better for graduate level work.

5. Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc.) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source

B. Procedures and Responsibilities

An employee considering reimbursement under the terms of this program must make application to the city prior to enrollment in qualified courses. The employee must notify their division director prior to August 1st each year for budgeting purposes.

1. Tuition reimbursement will be paid only if the courses and degree plan in question have been pre-approved
2. The employee must complete and submit to their Department Director the ***Application for Degree Plan Approval*** form **(Appendix E, Form 6)**, along with a complete degree plan outlining required courses and a signed ***Tuition Reimbursement Agreement*** **(Appendix E, Form 7)**. The Department Director will enter a recommendation as to approval of the degree plan and then forward the application to the Human Resources Department. The Human Resources Manager will review the application for completion and forward to the City Administrator's office with recommendations for approval
3. The decision of the City Administrator or designee is final. If the City Administrator approves the field of study, all courses in the degree plan are eligible for reimbursement subject to the availability of funds in the City's Annual Operating Budget. Reimbursement will be paid at 100% of the eligible tuition rate up to a maximum of $1,200 annually
4. Eligible tuition rate is defined as the resident tuition rate established by the state or county college attended for undergraduate or graduate level work. If attendance is at an institution other than a state or county college, reimbursement will be based on the average tuition rate for state schools within the region as determined by the Human Resources Department
5. Mandatory fees shall be reimbursed at 50%, excluding late fees and interest for delayed payment plans. Eligible fee rate is defined as the resident fee rate established by the state or county college attended for undergraduate or graduate level work. If attendance is at an institution other than a state or county college, reimbursement will be based on the average fee rate for state schools within the region as determined by the Human Resources Department
6. Prior to the commencement of each semester, the employee must submit a ***Course Pre- approval Request*** **(Appendix E, Form 8)** to the Human Resources Department notifying the City of the courses to be taken that semester
7. Upon completion of the course the employee must submit original tuition and textbook receipts, grade reports, and the ***Reimbursement Request*** **(Appendix E, Form 9)** to the Human Resources Department for reimbursement within 30 days of the final grade report to be eligible for reimbursement
8. Books and course materials will be reimbursed with appropriate receipts up to, but not exceeding, the amount of the tuition reimbursed for the course
9. The employee who receives tuition reimbursement must remain in service to the City, as a full time employee, for at least two (2) years beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past two (2) years must be refunded to the City. As a condition of receiving tuition reimbursement, the City may deduct any sums owing from the employee's final paycheck from the city

10. The Employee agrees to refund the City of Stephenville the full amount of the tuition and book reimbursement provided during the year preceding voluntary resignation. An employee applying for tuition reimbursement will sign a ***Tuition Reimbursement Agreement*** **(Appendix E, Form 7)** acknowledging the requirements and agreeing to such
11. Under no circumstances will the City pay any employee more than $1,200 per year. (*Refer to Guideline #3 above*)

Chapter 3: EMPLOYEE BENEFITS

3.11 Employee Assistance Program

PURPOSE:

To communicate the availability of free counseling and referral assistance for full time employees of the City of Stephenville through the Employee Assistance Program (EAP).

POLICY:

The City of Stephenville offers an Employee Assistance Program (EAP) to employees that provide confidential short-term counseling for employees and/or their dependent(s).

Areas for counseling include, but are not limited to marital and family conflicts, drugs and alcohol use, job or emotional stress, depression, and grief. Individual counseling for immediate family is available for up to six (6) sessions per incident per year at no cost. Consult your insurance material or the Human Resources Department for the telephone number of the EAP.

Chapter 3: EMPLOYEE BENEFITS

3.12 Uniforms

PURPOSE:

To establish a standard regarding employee uniforms, the conduct employees must exhibit while in uniform, uniform maintenance, and the return of uniforms upon separation from the city.

POLICY:

A. Uniforms

Employees who are required to wear uniforms will be provided uniforms, complete with required insignia, etc., upon employment in most departments or after probation in other departments. Employees who are furnished uniforms must wear the regulation uniforms while performing work for the city, except when special circumstances or work conditions exist. Employees may not wear city uniforms for other than city work. However, uniforms may be worn to and from work, while performing specific assigned or approved functions, running errands during lunch periods, or with approval of their director.

B. Uniform Conduct

No employee, while wearing any city attire, shall purchase, possess or consume alcoholic beverages in public. No uniformed employee shall use tobacco products while time spent in city-owned, rented, or leased vehicles or equipment. Police officers who have confiscated alcohol or tobacco products within the scope of employment are exempt from this policy for that time period. See *Policy 6.05 Tobacco Use* for more information.

C. Uniform Maintenance

The employee will be responsible for all cleaning and care of the uniforms, unless this service is provided under a lease agreement. City uniforms must be in good condition. The employee's immediate supervisor will determine whether an employee's uniform is clean and serviceable. Replacement uniforms will be furnished at the city's expense on an as needed basis and as funding allows. Supervisors are responsible for determining the need for uniform replacement. Uniforms damaged due to employee carelessness or negligence will be replaced at the employee's cost.

D. Uniforms at Termination

Employees who separate employment for any reason must return all uniforms and insignia issued by the city. Supervisors are responsible for the removal and return of all identifying patches and insignia. Employees must sign the ***Wage Deduction Authorization Agreement*** **(Appendix E, Form 10)** at the time the uniform(s) is/are issued. By signing the form, the employee agrees to return all city issued uniforms with city patches and/or insignia at separation of employment. Failure to do so may result in deduction from the final paycheck equal to the replacement value of the item(s) not returned.

Chapter 3: EMPLOYEE BENEFITS

3.13 Opt Out

PURPOSE:
To define the Opt Out program at the City of Stephenville.

POLICY:
An eligible employee covered by another private insurer or employer sponsored group medical plan may opt out of the city provided employee medical insurance coverage at date of hire or during annual open enrollment period. An employee who chooses to opt-out will be compensated an amount to one- half of the city's per employee cost of providing medical insurance in lieu of medical benefits.

Employees eligible for Medicare are no longer eligible for the city provided medical insurance plan, but will be compensated at an amount equal to the amount paid for eligible employees.

If employee(s) choose to Opt Out of the group insurance coverage for themselves, they **must** provide the Human Resources Department with proof of insurance coverage and the ***Waiver of Group Health Insurance (Opt Out)*** **(Appendix E, Form 22)**

Chapter 3: EMPLOYEE BENEFITS

3.14 Certificate Pay

PURPOSE:
The purpose of this policy is to outline the parameters of certification pay.

POLICY:
The City of Stephenville is committed to the employee's educational growth and development. In addition to an employee's regular earnings, an employee who obtains certification may be eligible for certification pay.

Eligible employees are required to provide their supervisor, department director and/or Human Resources with proof of eligibility (certificate) before certification pay will be awarded. Human Resources will generate a ***Change of Status Form*** (***Appendix E: Form 4***). Certifications must be to improve and enhance the performance of their duties as public employees in their department. All paperwork must be generated and returned with approvals to Human Resources within three (3) pay periods of the employee being hired or receiving the proof of eligibility for certification pay in order for payment to be retroactive. Certification pay is included in 26 pay periods.

If an employee is currently receiving certification pay and transfers to another department which does not require that certification, the employee no longer receives certification pay while in that department, unless it is a temporary assignment given by the city manager or department director.

If the certification requires renewal and the employee fails to renew the certification and turn in the paperwork, the certification will be dropped until proof of renewal is received in Human Resources.

Fire Department

Intermediate Fire Certificate	$360 per year
Advanced Fire Certificate	$360 per year
Master Fire Certificate	$360 per year
Paramedic Certification	$3,000 per year
EMS Instructor Certificate	$360 per year
Fire Investigator Certificate	$360 per year

The above certification pay is cumulative, with the exception of Paramedic Certification. For example, if the employee had an Intermediate Fire Certificate and then received the Advanced Certification, the employee would receive $720 per year. The maximum number of certificates an employee will receive pay for is three (3) not including Paramedic Certification.

Police Department

Dispatch Intermediate Certificate	$360 per year
Dispatch Advanced Certificate	$360 per year
Dispatch Master Certificate	$360 per year
Peace Officer Intermediate Certificate	$360 per year
Peace Officer Advanced Certificate	$360 per year
Peace Officer Master Certificate	$360 per year

The above certification pay is cumulative. . For example, if the employee had and Intermediate Certificate and received the Advanced Certificate, the employee would receive $720 per year.

Shift Differential	$48.08/ per pay period and $88.48/ per pay period depending on the shift

Parks & Recreation Department

Pesticide Applicator Certification	$360 per year
Aquatic Facilities	$360 per year
License Irrigator	$360 per year

The above Parks and Recreation certification pay is cumulative. For example, if the employee has a Pesticide Applicator Certification and obtains an Aquatic Facilities certification, the employee would receive $720 per year.

Chapter 3: EMPLOYEE BENEFITS

3.15 Bilingual Pay

PURPOSE:

To better serve the community, it is the policy of the City of Stephenville to recognize and compensate regular full or part time employees who are able to demonstrate their bilingual ability through successfully passing a language fluency test.

POLICY:

The intent of this policy is to compensate employees who are regularly utilized for their bilingual skills.

Employees who have been approved Bilingual Pay will receive Bilingual Certification Pay of $50 per month

DEFINITIONS:

Eligible Employees: Regular full or part time employees who have been identified by their department director/supervisor based upon the needs of the department. Eligible employees must have direct contact responsibilities that require fluent verbal, written or reading skills other than English on a continuing and frequent basis.

Excluded Employees: Department directors, seasonal and temporary employees, are not eligible for language pay.

Eligible languages: At this time, the only language identified is Spanish. Other languages may be identified if the needs of the city change.

Note: Eligible employees must be able to successfully pass the language fluency test that is administered by Human Resources. Employees may be asked to reaffirm their language skills at any time at the discretion of the department director.

PROCEDURE:

1. Department directors are responsible for identifying employees within their department who may qualify for bilingual testing based upon the department's needs

2. Department directors are responsible for completing the ***Bilingual Certification Request for Testing and Pay*** **(Appendix E, Form 30)** and submitting it to Human Resources

3. Once approved, the Human Resources Department will coordinate language proficiency testing

4. The test will be conducted on city-paid time. If an employee fails to meet the test standards, the employee must wait six (6) months before submitting a request to the department director to be reconsidered for bilingual pay

5. Any employee receiving bilingual certification pay is expected to assist other non-bilingual employees in any department and the public as needed. They may also be required to report to work during emergencies and/or disaster relief efforts

6. Each department director is responsible for re-evaluating the need for bilingual skills on an annual basis and contacting Human Resources should those needs change

7. If an employee receiving bilingual pay promotes, transfers, or demotes to a position where the language skill is not needed, or voluntarily withdraws from the bilingual pay programs, bilingual pay will discontinue

8. Bilingual certification pay may discontinue at any time at the discretion of the department director

Chapter 4: LEAVES OF ABSENCE

4.01 Sick Leave/Buy-Back

PURPOSE:

To identify the guidelines and procedures regarding the accrual, use, and payment of sick leave.

POLICY:

The City of Stephenville provides paid sick leave benefits to eligible employees for periods of temporary absence due to illness or injury. Paid time off for sick leave will not be counted as time worked for the purposes of determining overtime.

Eligible employee classification for Sick Leave:

- Full time employees

A. Accrual

A full time employee is eligible to accrue 80 hours of sick leave per year, accrued at a rate of 3.08 hours per pay period. Full time employees will accrue a max of 960 hours. Fire Department employees working 24-hour shifts are eligible to accrue sick leave at the rate of 4.62 hours per pay period totaling 120 hours per year. Fire Department employees will accrue a max of 1440 hours.

B. Accumulation

Sick leave shall accrue effective the first day of employment.

C. Uses of Sick Leave

1. **Personal Illness**: Permissible uses of sick leave are personal illness, injury, routine doctor appointments, examinations or treatments that cannot be reasonably scheduled during non-working hours
2. **Family Illness**: Employees may use sick leave when it is absolutely necessary to care for their ill or injured child, parent, or spouse. See *Policy 4.04 FMLA* for additional information
3. **While on Vacation**: Employees who become ill during vacation leave may request the time be charged to sick leave with a doctor's statement
4. **While on Unpaid Leave of Absence**: Employees on approved personal leave of absence without pay will not be allowed to convert leave time to sick leave time

D. Scheduling and Using Leave

Employees who are unable to report to work due to illness or injury must notify their immediate supervisor before the start of the work day or as may be prescribed by departmental policy by calling the telephone number(s) preferred by the supervisor. The immediate supervisor must also be contacted on each additional day of absence. A physician's statement is required when requested by the department director, after any surgery, or if absence is continuous for more than three (3) working days. Under no circumstances shall sick leave be granted in advance of accrual. Employees are required to complete the city's ***Leave Request*** **(Appendix E, Form 11)** in order to use sick leave. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation such as shift differentials.

At the discretion of the supervisor, employees who are deemed unable to satisfactorily perform their job due to illness or injury may be sent home by the supervisor with loss of sick leave. See *Policy 4.04 FMLA* for additional information on leave.

E. Misuse of Sick Leave

The misuse of the sick leave benefit is grounds for corrective action up to and including termination. The misuse or abuse of sick leave is characterized by a pattern of behavior, such as the following examples:

1. Misrepresenting the need to use sick leave.
2. Falsifying healthcare provider notices or reports.
3. Frequent patterns of sick leave use such as using sick leave before or after holidays or following a payday.
4. Using sick leave as it accrues

F. Payment Upon Separation

If an employee retires, resigns or for any other reason leaves the city, the employee will not be paid accrued sick pay at the time their employment terminates with the city

G. Sick Time Buy-Back

1. Full-Time Employees only will be eligible to buy back up to forty (40) hours of sick time with a carry-over balance of eighty (80) hours available for the next year. For instance, on the first pay period in October, if an employee has a balance of 120 available hours of sick time, they can buy back 40 hours, which would leave a balance of 80 hours available sick time to carry over. If they have only 104 hours available, they would only be able to buy back 24 hours, which leaves them the 80 hours to carry over. In order for any employee to utilize this benefit, employees must always have a minimum balance of 80 hours after they buy back any sick time

2. Employees who use more than twenty-four (24) hours during the year are not eligible for the Buy- Back

3. Paperwork must be turned in no later than November 1st of each year in order to qualify for the Buy-Back. The Buy-Back payout will be issued the pay period prior to the Thanksgiving holiday and on a separate check; other than payroll. Employees must complete the ***Sick Time Buy-Back Form*** **(Appendix E: Form 2)** and turn it in to the Human Resources Department by the deadline. Funds issued will be subject to council approval and budgeting

Chapter 4: LEAVES OF ABSENCE

4.02 Vacation Leave

PURPOSE:
To provide guidelines and procedures for the accrual, use, and payment of vacation leave upon separation.

POLICY:
Vacation leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Paid time off for vacation leave will not be counted as time worked for the purposes of determining overtime.

Eligible employee(s) classification for Vacation Leave:

- Full time employees
- Full time sworn public safety employees (Police & Fire)

A. Accrual

The amount of paid vacation leave that full time employees receive each year increases with the length of their employment as shown in the following schedule:

1. **Full Time Employees**
    a. Upon **initial eligibility**, full time employees are entitled to earn eighty (80) hours of vacation each year, accrued monthly at a rate of 3.08 hours per pay period
        - **Employees**: Earned vacation may not be taken until after successful completion of introductory period
        - **Sworn Public Safety**: Earned vacation may not be taken until after six (6) months of service
    b. At **five (5) years** of eligible service, an employee is entitled to ninety-six (96) hours of vacation each year, accrued monthly at the rate of 3.69 hours per pay period
    c. At **ten (10) years** of eligible service, an employee is entitled to 120 hours of vacation each year, accrued monthly at the rate of 4.62 hours per pay period.
    d. At **fifteen (15) years** of eligible service, an employee is entitled to 160 hours of vacation each year, accrued monthly at the rate of 6.15 hours per pay period.

2. **Shirt Firefighters**
    a. Upon **initial eligibility**, shift firefighters working 24-hours shifts are eligible to receive 120 hours of vacation each year accrued at the rate of 4.62 hours per pay period
    b. At **five (5) years** of eligible service shift firefighters working 24-hour shifts are eligible to receive 144 hours of vacation each year accrued at the rate of 5.54 hours per pay period.
    c. After **ten (10) years** of eligible service shift firefighters working 24-hours shifts are eligible to receive 180 hours of vacation each year accrued at the rate of 6.92 hours per pay period.
    d. After **fifteen (15) years** of eligible service shift firefighters working 24-hour shifts are eligible to receive 240 hours of vacation each year accrued at the rate of 9.23 hours per pay period.

B. Accumulation "Carry Over"

The maximum amount of unused vacation that an employee shall be allowed to have at the beginning of any new fiscal year shall be the amount the employee would normally accrue in twelve (12) months.

Carry over in excess of the maximum may be allowed if:

1. The employee is not able to take vacation because of the needs of the City;
2. The employee submits a request to Human Resources in writing to be allowed vacation accrual above the maximum and documents the reason the employee was unable to take vacation in time to reduce his or her balance below the maximum; and
3. The City Administrator approves the request for vacation accrual in excess of the maximum.

C. Scheduling and Using Accrued Leave

Employees must submit a ***Leave Request Form*** **(Appendix E, Form 11)** to their supervisor to request vacation leave. Approval will be made based on a number of factors including business needs, staffing requirements, and seniority of employees. Employees are eligible to use vacation leave, once the employee has completed their introductory period of six (6) months. Under no circumstances will vacation leave be granted in advance of accrual. Paid holidays occurring while an employee is on approved vacation will not be charged to vacation leave. "On-Call" or "Call Back" non-exempt employee's vacation will be credited, up to eight (8) hours for call out time worked.

D. Payment Upon Separation

1. If an employee retires or resigns with a two (2) week notice and completes the two (2) weeks, the employee will be paid for accrued vacation time that has been earned through the last day of work. At the discretion of the department director and the city administrator, the two (2) week notice may be waived and accrued vacation time that has been earned may be paid in lieu of the two (2) week notice.

2. If the employee quits without a two (2) week notice, or fails to work the full two (2) weeks after notice, no payment for accrued vacation leave shall bemade.

3. If an employee leaves the city for any reason during the first year of employment, no payment will be made for vacation leave

Chapter 4: LEAVES OF ABSENCE

4.03 Holiday Leave

PURPOSE:
To identify the city's observed holidays and to establish the procedures used for holiday pay.

POLICY:
Holiday leave will be provided immediately upon assignment to the eligible employment classification. Paid time off for holidays will not be counted as time worked for the purposes of determining overtime.

Eligible employment classification for Holiday Leave:

- Full Time Employees

A. Observed Holidays

The City of Stephenville observes twelve (12) holidays during the year. The holidays and dates observed are:

New Year's Day	January 1
Martin Luther King Day	Third Monday of January
Presidents' Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September*
Veterans Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgivi4ng	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday **	

- In compliance with the Texas Local Government Code Section 142.0013, covered fire-fighters shall receive a holiday designated as September 11 in lieu of Labor Day.

** Taken at employee's discretion, with approval of his/her supervisor

B. Holiday Pay

Holiday pay will be calculated based on the employee's pay rate as of the date of the holiday. Full time employees of the city will receive holiday pay at eight (8) hours per observed holiday. Shift firefighters will receive twelve (12) hours of holiday pay for each observed holiday.

Employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday unless leave has been previously approved by the department director or designee or sick leave is used with a doctor's note.

C. Holidays on a Day Off

1. **On the Weekend**: A recognized holiday that falls on a Saturday will be observed on the preceding Friday or earlier if Friday is also a holiday. A recognized holiday that falls on a Sunday will be observed on the following Monday.
2. **During Vacation Leave**: Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged as vacation.
3. **During Sick Leave**: An employee who is on FMLA approved leave will receive holiday pay.
4. **Due to Suspension**: If an employee is suspended without pay on the day previous, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.
5. **Due to job related absence**: If an employee is off due to a workers' compensation injury or illness, the employee will receive their normal workers' compensation and will not accrue credit for a holiday.

D. Working on the Holiday

If a non-exempt employee works on a recognized holiday, the employee will receive holiday pay plus normal wages for the hours worked on the holiday. For example: If an employee works eight (8) hours on Christmas day, the employee will receive regular pay for the eight (8) hours worked and holiday pay for eight (8) hours.

Full time, non-exempt essential personnel who are needed in order to provide basic services during city observed holidays, including employees in public safety, public works and the recreation center, may take an alternate day off 30 days before or after a holiday. If an alternate day is not taken during the 60-day time frame, the employee will receive pay for the holiday in the next pay period, if requested, when submitting time worked. If the holiday is not requested during the 60-day time frame, it will be forfeited. For information on emergency call-backs on holidays, see *Policy 5.07 On Call/Emergency Call Back Pay.*

Exception: Shift Police and shift Fire personnel will have the annual holidays loaded into a holiday bank in October and may take the holiday at any time during the year with supervisor approval. Holidays not taken at the end of the year will be forfeited. If an employee in this category leaves during the year and has taken, but not accrued, one or more holidays, it will be deducted from vacation leave accrual. If the vacation leave accrual doesn't cover the taken holiday(s), the amount will be deducted from the employee's final paycheck.

E. Floating Holiday

In addition to the twelve (12) recognized holidays, employees receive one (1) floating holiday each calendar year. The Floating Holiday must be used by September 30th of each fiscal year. To be eligible, a new employee must complete six (6) months of service. The floating holiday must be approved by the supervisor and may not be used in less than 4-hour increments. Employees who leave employment with the city will not be paid for an unused floating holiday, nor may they schedule the floating holiday after their resignation has been submitted. Employees wishing to observe other holidays other than the city's observed holidays may use the Floating Holiday or request Vacation Leave.

Chapter 4: LEAVES OF ABSENCE

4.04 Family and Medical Leave Act (FMLA)

PURPOSE:

To establish the conditions under which an employee may request temporary leave without pay for family and/or medical reasons, with job protection in accordance with the Family and Medical Leave Act of 1993 (FMLA).

DEFINITIONS:

Child: A biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis (in place of parent) who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary.

Eligible Family Member: Employee's child, stepchild, foster child, adult child, parent, stepparent, and spouse.

Health Care Provider: A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner and nurse midwife, clinical social workers and physician assistants, and Christian Science practitioner. The health care provider must be certified/licensed to practice in the state in which treatment is being administered.

Parent: The biological parent of an employee or an individual who stood in loco parentis (stood in as a parent) to an employee.

Reduced Leave Schedule: A leave schedule that reduces the usual number of hours per workweek or per workday of an employee.

Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than five (5) consecutive work days or more than two (2) fire shifts combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. 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. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, *etc.,* are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Spouse: A husband or a wife as defined or recognized under Federal law for purposes of marriage. Common law marriage shall require presentation of a certified copy of the Declaration of Informal Marriage. Spouses from marriages are considered eligible family members.

POLICY:

A. Eligibility

1. Employees who have completed one (1) year of service and have worked at least 1,250 hours in the preceding twelve (12) months prior to the start of FMLA leave are eligible for FMLA. All periods of absence from work due to military service is counted in determining an employee's eligibility for FMLA leave.

2. Employees who have completed one (1) year of service and have worked at least 1,250 hours in the preceding twelve (12) months prior to the start of FMLA leave are eligible for FMLA. All periods of absence from work due to military service is counted in determining an employee's eligibility for FMLA leave.

3. Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call or order to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.

4. Employees who are off work in excess of five (5) consecutive days or more than two (2) fire shifts are eligible to be placed on family and medical leave if then meet the below criteria. An eligible employee is entitled to twelve (12) weeks of unpaid FMLA leave for:

a. The birth of a child and to care for the newborn child within one (1) year of birth

b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement;

c. To care for the employee's spouse, child, foster care, adult child, or parent who has a serious health condition;

d. A serious health condition that makes the employee unable to perform the essential functions of his or her job;

e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".

Exception: Twenty-six (26) worksheets of leave during a single 12-month period is available to eligible employees to care for a covered service member with a serious injury or illness, incurred in the line of active duty, if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin *(see military caregiver leave)*.

B. Qualifying Exigency Leave

Eligible employees who are members of the Regular Armed Forces, National Guard, or Reserves are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact the spouse, son, daughter, foster child, or parent of the employee is on covered active duty (require deployment to a foreign country), or has been notified of an impending call to active duty status, in support of a contingency operation. A qualifying exigency is defined as:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation*
- Post-deployment activities
- Parental care leave
- Additional activities not encompassed in the other categories, but agreed to by the employer and employee

*The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is a maximum of 15 calendar days.

Required information for Certification of a Qualifying Exigency

The city requires that the employee provide a copy of the covered military member's active duty orders and the Department of Labor (DOL) Certification of Qualifying Exigency for Military Family Leave Form to support request for qualifying exigency leave.

If requesting leave for Rest and Recuperation, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting for the dates of the military member's leave is required.

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, foster child, parent, or next of kin of a covered service member of the Armed Forces, including National Guard and Reserve members, with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, is entitled to up to 26 workweeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

The definition of covered service member includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Serious injury or illness for a Current Service member

A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. This includes illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

Serious Injury or Illness for a Covered Veteran

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR
- A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
- A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
- An injury, including a physiological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

C. Procedures

1. In determining the amount of family medical leave available to an employee, the twelve (12) month period will be calculated as a "rolling" 12-month period measured backward from the date of any FMLA leave usage. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks (or 26 weeks provided in certain circumstances) which has not been used during the immediately preceding 12 months.

2. When spouses are both employed by the City, and the leave is taken due to a birth/adoption, the aggregate number of weeks is limited to twelve (12). 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.

3. Employees will first use sick leave, then vacation leave, then holiday bank leave (if applicable). When all leave is depleted, the employee goes into unpaid leave status. Benefit accruals, such as vacation leave, sick leave and holiday benefits will be suspended during unpaid leave and will resume upon return to active employment.

4. In cases where the employee is eligible for workers' compensation, family medical leave shall run concurrently. However, in this event, employees will not be required to use accrued leave.

5. The City complies with the confidentiality requirements of the Genetic Information Non-Discrimination Act (GINA).

D. Intermittent Leaves/Reduced Leave Schedules

1. Requests for intermittent or reduced leave schedules involving the birth or placement of a child for adoption or foster care will be granted only in extenuating circumstances.

2. Intermittent or reduced leave schedules involving the need to care for a sick family member or for an employee's own serious health condition will be granted only when medically necessary.

3. Employees who request this type of foreseeable leave based upon planned medical treatment may be required to transfer temporarily to an available alternative position for which the employee is qualified.

E. Notice Requirements

1. When the need for leave is foreseeable based on the birth, adoption, or placement of a child, or on planned medical treatment, the employee requesting leave should give written notice to the Human Resources Department not less than thirty (30) days before the date the leave is to begin. When the leave must begin in less than thirty (30) days, the employee should give notice for leave as soon as possible. In cases of a medical emergency or an unforeseen event, notice must be provided to Human Resources no later than two (2) working days after the event.

2. In cases when the employee requests leave for planned medical treatment, the employee should make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the City. The City reserves the right to request a second opinion or Certification of Medical Necessity as to the timing of the medical treatment with regards to work schedules.

3. Each department supervisor is responsible for notifying the Human Resource Department as soon as he/she is aware of circumstances that may cause an employee to be entitled to FMLA, even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work related injury. An employee using sick leave should be reported to the Human Resources Department if it is anticipated that the duration of the illness will be more than five (5) consecutive full calendar days, or two (2) or more shifts for the Fire Department employees. Supervisors must inform Human Resources when the employee returns to work.

4. Failure to provide notice as required under this policy may result in corrective action, up to and including termination. Nothing in this FMLA policy modifies or alters the City's policy regarding attendance. See *Policy 7.09 Attendance& Punctuality* for additional information.

F. Certification

1. The City requires that requests for leave because of serious illness be supported by complete and sufficient certification from the appropriate health care provider. Sufficient certification must be submitted within fifteen (15) days of requesting the leave. *Medical Certification* forms may be obtained from the Human Resources Department.

2. Human Resources will notify the employee if the certification is not complete and the employee will be provided seven (7) calendar days (unless circumstances warrant more time) to remedy any deficiency in the certification.

3. 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.

4. Certification to support leave requests are valid only for the time specified by the physician. If additional time off is necessary at the end of the specified time, the employee is responsible for providing an updated certification form, completed by the health care provider, to Human Resources. In cases of ongoing intermittent leave, medical certification is valid for one (1) year. Medical certification must be resubmitted each year to support the need for continued intermittent leave.

G. Reinstatement

1. At least two (2) working days in advance, the employee is to confirm the intended return to work date with his/her supervisor and must notify Human Resources.

2. Upon returning to work after leave for his or her own illness, the employee is required to provide fitness for duty certification to Human Resources.

3. If the validity of a certification or reinstatement 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.

H. Benefits

1. Employee health related benefit premiums will be paid for the duration of the FMLA at the same rate as is paid for active employees. The employee's dependent portion of the premium shall continue to be paid by the employee. For those employees who are taking leave without pay, the employee's dependent's portion of the premium payment(s) must be received in Finance by the 1st of each month or health coverage will be terminated.

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

I. Recordkeeping

Family medical leave time will be tracked in 15 minute increments 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.

J. Exempt Employees

Paid leave accounts may be charged for less than one (1) full work day and the salary of an exempt employee may be docked for absences of less than one (1) full work day (if leave accruals have been exhausted). 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 if pay is docked because of unpaid FMLA leave.

K. Outside Employment

Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, military leave, leave without pay, or FMLA (see *Policy 1.11 Outside Employment* for additional information).

L. Responsibility of Human Resources

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

Chapter 4: LEAVES OF ABSENCE

4.05 Personal Leave without Pay

PURPOSE:
To define guidelines and procedures for personal leave without pay.

POLICY:
The City of Stephenville may allow a leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations, subject to department workloads.

Eligible employee classifications:

- Full time employees

A. Eligibility

Eligible employees may request personal leave only after having completed one (1) year of service. Personal leave may be granted by the Department Director for up to a limit of twenty-two (22) working days, or 10 shifts for shift fire employees, in a calendar year.

B. Requesting Leave

Employees requesting Personal Leave without Pay must submit a ***Leave Request Form*** **(Appendix E, Form 11)** to their Department Director thirty (30) days in advance of the requested starting date. This requirement may be waived when circumstances do not permit such advance notice.

C. Approval Process

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. A request for personal leave which exceeds twenty-two (22) working days in one (1) calendar year requires the approval of the Department Director and City Administrator.

D. Benefits While On Leave

Employees must make arrangements with the Human Resources Department to pay their share of insurance premiums if they wish to continue insurance benefits. Employees who have approved personal leave for more than twenty-two (22) working days will be placed on COBRA. See *Policy 3.07 COBRA* for additional information. Benefit accruals, such as vacation, sick leave, and holiday benefits, will be suspended during the leave and will resume upon return to active employment.

E. Return from Leave

When personal leave ends, every reasonable effort will be made to return the employee to the same position, if available, or to a similar position for which the employee is qualified. In the event that circumstances do not permit the employee's return on the date established, a written request for extension must be submitted two (2) weeks prior to such date. If an employee fails to report to work promptly at the expiration of the approved leave period, the employee will be terminated.

Chapter 4: LEAVES OF ABSENCE

4.06 Military Leave

PURPOSE:
To define the benefits related to military leave for both active duty and temporary military training duty.

POLICY:
The City of Stephenville complies with Section 431.005 of the Texas Government Code, where an employee who is a member of a reserve unit of the armed forces of the United States, engaged in authorized military training or duties authorized by proper authority, will receive pay for up to fifteen (15) working days in a federal fiscal year (October 1 – September 30). Military time will not count as time worked for the purposes of determining overtime.

Eligible employee classification for Military Leave:

- Full Time Employees
- Part Time Employees with Retirement Benefits

A. Requesting Leave

Employees must provide a copy of orders and/or the annual drill schedule as soon as available. Employees must submit a ***Leave Request Form*** **(Appendix E, Form 11)** to their Department Director and the Human Resources Department as soon as possible and it should be accompanied by a copy of the order, directive, notice or other document requiring absence from scheduled work. Travel time included in the orders may be counted as military leave. Military leave will be granted without loss of seniority.

B. Using Military Leave

If the training exceeds fifteen (15) regularly scheduled working days (120 hours) in a fiscal year (October 1 through Sept 30) the employee may elect to use accrued vacation, comp time, or holiday leave before being placed on leave without pay.

C. Active Duty Order

An employee who is a member of a reserve component of the armed forces and is ordered to full time extended, active duty shall receive extended military leave of absence. If the employee's military pay is less than their City wage, they will receive the difference between the total of employee military pay (excluding meal payment) and their regular City wage for up to one (1) year.

D. Benefits While On Leave

Employees on extended military leave will not accrue sick leave, vacation leave, holiday leave, or benefits, nor shall they be eligible for performance-based merit increases.

1. COBRA

The City's medical and dental insurance carriers exclude active military from insurance coverage, therefore employee group insurance ceases for the military member. Dependents may remain covered with the City's group insurance plans under the Consolidated Omnibus Budget Reconciliation Act (COBRA), for a period up to eighteen (18) Months. For up to one (1) year, the City will continue to pay the amount of monthly premium as had been paid, if applicable, up to the date of extended leave. After one (1) year, the employee will be responsible for paying the full COBRA premium.

It will be the employee's responsibility to ensure that the employee portion of the premiums due are paid to the City and/or the insurance carrier(s) on a monthly basis. Alternatively, the employee may discontinue health benefits coverage during his or her absence. An employee who discontinues existing medical or dental insurance coverage while on military status may reinstate this coverage upon return to full time City employment. Reinstatement of this coverage must be made within 31 days of return to full time employment by completing the appropriate enrollment forms available from the Human Resources Department. See *Policy 3.06 COBRA* for more information.

2. TMRS

According to the Texas Municipal Retirement System (TMRS) guidelines, an employee entering active service becomes an inactive participant. Upon return to full time employment with the City, the employee may apply to TMRS for credit for military time served. The TMRS Supplemental Death Benefit does not cover employees on active duty. See *Policy 3.08 TMRS* for additional information.

E. Return from Leave

At the end of military duty, the employee shall report to work on the next scheduled work day, unless a written request for an extension along with the number of days needed and extension is approved by the Department Director and the City Administrator. Any missed increases will be granted upon return.

Chapter 4: LEAVES OF ABSENCE

4.07 Funeral/Bereavement Leave

PURPOSE:

To provide guidelines governing paid bereavement leave for the death of an immediate family member.

POLICY:

The City of Stephenville provides 24 hours (36 hours for 24-hour Shift Firefighters) of paid leave to eligible employees who miss work due to the death of an immediate family member.

Eligible employee classification for Funeral/Bereavement Leave:

- Full Time Employee

Immediate Family is defined as any one of the following:

- The employee's spouse, parent, child, foster child, stepchild, sibling, grandparent, or grandchild
- The employee's spouses' parent, child, foster child, stepchild, sibling, grandparent, or grandchild

An employee may be required to provide information to document the absence.

A. Requesting Leave and Approval Process

The employee should notify their department supervisor of the need to use funeral/bereavement leave as soon as possible. Leave shall be granted unless there are unusual business needs or staffing requirements.

B. Pay While on Leave

Funeral/Bereavement pay is calculated based on the base pay rate at the time of absence and will not include shift differential pay. Paid time off for funeral/bereavement leave will not be counted as hours worked for the purposes of determining overtime.

C. Additional or Other Bereavement Leave

Employees may, with Department Director written approval, use available vacation leave for additional time off as necessary. If vacation leave is exhausted, sick leave of up to a week may be used if more time is needed for the death of a spouse or child, with approval from the Department Director. Employees wishing to attend a funeral other than that of an immediate family member may use vacation leave or personal leave without pay. Sick leave may not be used for attendance at funerals without the written approval from the Department Director.

Chapter 4: LEAVES OF ABSENCE

4.08 Jury and Witness Duty Leave

PURPOSE:

To establish a procedure for receiving time off for jury duty and for responding to a court subpoena for witness duty.

POLICY:

The City of Stephenville encourages employees to fulfill their civic responsibilities by serving on a jury and fulfilling witness duty, when required. Paid time off for Jury or Witness Duty Leave will not be counted as time worked for the purposes of determining overtime, nor shall shift differential apply. Time spent in court by employees who are required to attend court in the course and scope of their job shall be counted as time worked for the purposes of determining overtime.

Eligible employee classification for Jury and Witness Duty Leave:

- Full Time Employees

A. Jury Duty

Full time employees qualify for paid jury duty leave. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Jury duty pay is a benefit that will be calculated on the employee's base rate of pay for the number of hours the employee otherwise would have worked on the day(s) of absence, with a maximum payment of eight (8) hours a day, or twelve (12) hours a day for shift workers. Employees are expected to return to work whenever the court schedule permits or if released from court with two (2) or more work hours still remaining left in the day.

B. Witness Duty

1. Job Related

Part time or full time employees serving as a witness for a job-related event will receive paid time off for the period of witness duty. The subpoena must be shown to the employee's supervisor immediately upon receipt so that operating and schedule adjustments can be made to accommodate the absence. Absence due to job-related witness duty is counted as time worked. A copy of the subpoena will be placed in the employee file; except for police department work case load related subpoenas.

2. Personal

Full time employees who make a court appearance for personal reasons will be expected to schedule the time off in advance and take vacation, holiday or compensatory leave or leave without pay. Part time employees who make a court appearance for personal reasons will be expected to schedule the time off in advance if on the scheduled work day.

Chapter 4: LEAVES OF ABSENCE

4.09 Voting Time Off

PURPOSE:
To establish a procedure for an employee to receive time off to vote in an election if unable to do so outside of their usual working hours.

POLICY:
The City of Stephenville encourages employees to fulfill their civic responsibilities by voting in elections.

Generally, employees are able to find time to vote either before or after regular work hours. Department Directors and direct supervisors should encourage employees to use early voting in lieu of requesting special leave. If employees are unable to vote in an election during their non-working hours, the City will grant up to two (2) hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, or when the absence provides the least disruption. Voting time off will not be counted as time worked for the purpose of determining overtime.

Chapter 4: LEAVES OF ABSENCE

4.10 Administrative Leave

PURPOSE:

Administrative leave can be used for corrective purposes, decision making leave, a cooling off and/or transition period.

POLICY:

An employee who is suspected of a violation of state, federal, or local law; City ordinance; a City or departmental rule or regulation; or the City Policy Manual may be subject to corrective action up to and including termination, or may be placed on administrative leave with or without pay pending the outcome of any related administrative review, investigation and/or the imposition of management action.

Employees placed on paid administrative leave must comply with the following guidelines:

- Be available by phone during regular business hours (Monday – Friday 8 am – 5pm).
- Refrain from any conversation or contact with city employees regarding the administrative leave and its guidelines.
- Unless on business with the city, the employee may be asked to refrain from being on city premises or entering city facilities contingent upon the circumstances.

Failure to comply with the aforementioned guidelines may result in immediate corrective action, up to and including termination.

Chapter 5: COMPENSATION

5.01 Timekeeping

PURPOSE:
To define time worked and not worked, and to outline the City's timekeeping procedures.

POLICY:
Accurately reporting time worked is the responsibility of every non-exempt employee. The City must keep an accurate record of time worked in order to calculate employee pay and benefits.

A. Time Worked

Time worked includes all time that an employee is required to be physically at work for the City. Time worked is used to determine overtime pay for nonexempt employees. The City does include the following provisions as time worked:

1. **Work Away from Premises or at Home:** A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance in writing by the Department Director. If approved, work performed off the premises, job site, or at home by a non-exempt employee must be counted as time worked. See *Policy 5.05 Alternate/Compressed Schedule* for additional information.

2. **Break Time:** Rest periods of fifteen (15) minutes or less are counted as time worked. See *Policy 6.04 Meal & Rest Periods* for additional information.

B. Time Not Worked

Per the Fair Labor Standards Act (FLSA), the City does **not** count the following provisions as time worked:

1. **Paid Leave**: Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury duty, non-job related witness duty, funeral/bereavement leave, and voting time off are not counted as time worked.
2. **Lunch or Dinner Periods:** Uninterrupted time off for lunch or dinner is not counted as time worked.

C. Timekeeping

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The timekeeper for the department will review and then initial the time record before submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the department timekeeper.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in corrective action, up to and including termination of employment.

Chapter 5: COMPENSATION

5.02 Pay Periods

PURPOSE:
The purpose of this policy is to outline the schedule for distribution of paychecks or direct deposit.

POLICY:
As a condition of employment at the City of Stephenville, appointed employees and trainees are required to participate in payroll direct deposit. This means that your pay will be deposited directly into your account at a participating banking institution each payday. Pay periods are bi-weekly, every other Friday. In the event the regularly scheduled payday falls on a holiday, employees will be paid the day before. If you do not provide information about an established bank account, City of Stephenville will establish a debit account at an approved banking institution for the purpose of direct deposit.

With each paycheck or direct deposit, you will receive a statement showing gross pay, itemized deductions and net pay. If you are nonexempt, the statement will also show the number of hours for which you are being paid, including sick time, vacation, and holiday hours. Vacation, sick time, and personal holiday to-date accruals also appear on each pay statement for nonexempt employees. All direct deposit statements will be available in the Payroll Department located at City Hall. Enrollment forms are available from the Department Director, Human Resources, or via city website.

Payments that cannot be deposited. Lost or stolen checks should be reported immediately to the Payroll Department.

The City's workweek begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. the following Friday.

For most employees, the pay period is made up of two, 40-hour work weeks or work cycles. Some Police and Fire Department personnel may have alternate work cycles that make up the pay period. The alternate work cycles must be in accordance with law and approved by the Department Director and Human Resources.

Chapter 5: COMPENSATION

5.03 Pay Deduction

PURPOSE:

The purpose of this policy is to outline the schedule for distribution of paychecks or direct deposit.

POLICY:

The City of Stephenville offers programs and benefits beyond what is required by law.

A. Mandatory Deduction

The City of Stephenville is required by law to make certain deductions from employee's compensation.

The following deductions are required for payroll deductions:

1. Withholdings of Federal income taxes
2. Federal Insurance Contributions Act (FICA) tax, which is comprised of Social Security and Medicare
3. Contributions to the TMRS Retirement Plan
4. Child support from the Attorney General's office or a signed Court document
5. Legal document for garnishments of wages

B. Voluntary Deductions

The City allows limited voluntary deduction programs to employees for City- sponsored benefits.

The following are voluntary deductions that must be chosen by the employee during their initial enrollment, during open enrollment or at a life-changing event:

1. 457 Deferred Compensation Plan
2. Flexible spending account (FSA)
3. Supplemental insurance plans
4. Other individual retirement annuity or deferred compensation plan
5. United Way contributions
6. Additional withholdings for Federal Income taxes
7. Weapons and equipment purchase program

Contact the Human Resources Department for contribution levels and enrollment information.

C. Record of Deductions

The check stub serves as a statement of employee's earnings and deductions.

Employees who received income in the previous year will receive a Wage and Tax Statement (W-2) by January 31 from the city. If an employee does not receive their W-2 by February28th, they can contact the Payroll Department.

D. Changes in Deductions

An employee may begin, change, or cancel most deductions during open enrollment or if a life-changing event occurs, they may change certain deductions during the year. An employee may change the number of dependents for tax purposes at any time during the year. For information on any changes employees must contact the Human Resources Department for the appropriate form.

Chapter 5: COMPENSATION

5.04 Overtime

PURPOSE:

To provide a consistent policy governing overtime work in accordance with the Fair Labor Standards Act and Chapter 142 of the Local Government Code

POLICY:

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

A. Eligibility for Overtime

1. The city's work week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. the following Friday.
2. Generally, except for Fire and Police Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 hours in the city's work week.
3. For information on emergency call-backs on holidays, see *Policy 5.07 On-Call/Emergency Call Back Pay*
4. Police officers and shift firefighter personnel have a different workweek schedule than the regular forty (40) hour work cycle. Fire and Police personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act and Section 142.0015 of the Local Government Code.
5. An employee's regular rate of pay includes all pay incentives, such as certification pay, longevity, and shift differential pay.

B. Scheduling and Working Overtime

Overtime assignments will be distributed as equitably and practical to all non-exempt employees qualified to perform the required work. Refusal to accept an overtime assignment when reasonable notice has been given or an emergency exists, may be cause for discipline, up to and including termination.

All non-exempt employees must receive their supervisor's or Department Director's prior authorization before performing any unplanned 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, non-exempt employees may not work through their lunch break without prior authorization from the appropriate supervisor. The supervisor must approve any overtime before time worked is submitted for processing and payment. Non-exempt employees who work overtime without receiving proper authorization will be

subject to corrective action, up to and including possible termination of employment.

C. Flex-time Work Schedule

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

D. Time Worked

Approved paid absences, including but not limited to sick leave, vacation leave, holiday or holiday bank leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked for the purposes of computing overtime. See *Policy5.01 Timekeeping* for additional information.

E. Compensatory Time

The maximum compensatory time accrual for any employee shall be the maximum allowed under the provisions of the FLSA.

a. **Fire and Police sworn employee** – 320 regular hours / 480 comp hours maximum
b. **All other employees** – 160 regular hours / 240 comp hours maximum

F. Use of Compensatory Time

Nonexempt employees may accrue compensatory time in lieu of being paid overtime compensation. Scheduling of compensatory time shall be subject to approval by the employee's supervisor. 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.

If an individual's employment terminates before all of his/her earned compensatory time is used, he/she will be paid for all unused time at his/her regular hourly rate on his/her final paycheck.

G. Exempt Employees

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

H. Exempt Employees – Exception for Overtime Pay

In the event of an emergency or disaster declared by the Mayor of the City of Stephenville, salaried employees shall receive overtime salary in the amount of one and one-half times their hourly salary for each overtime hour worked.

In accordance with federal law, the City shall not make improper deductions from exempt employee's pay. Any exempt employee, who believes an improper pay deduction has been made, must immediately notify the Director of 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.

In the event city employees, whether exempt or non-exempt, are activated as part of a state or federal request for assistance they will be paid over time at a rate and in a manner consistent with the most current state policy governing reimbursement for the position or capacity in which they have been activated. Time will begin when the leaving the station and will end when returning to the station. *(So long as, we are reimbursed by the State or Federal Government)*

Chapter 5: COMPENSATION

5.05 Alternate/Compressed Schedule

PURPOSE:

To allow city employees who are normally scheduled to work 8:00 a.m. to 5:00 p.m. an opportunity to work an alternate work schedule**.**

POLICY:

Flexible work schedules are offered when it is feasible and will in no way interfere with providing efficient and effective city services.

A. Eligibility

Eligibility for participation in the city's alternate work week schedule will depend on an assessment by the department director that the employee's proposed work schedule will enable the employee to fully meet job responsibilities and performance expectations. Employees who have been subject to corrective action during the previous 90 days may not be eligible to participate in the alternate work schedule program.

B. Alternate Schedule: Work Times and Core Hours

Upon prior written approval from the department director, employees may participate in the city's alternate work schedule program by working the same number of normally scheduled hours per week during a different, pre-approved schedule.

1. Employees are required to work the core hours of 10:00 a.m. to 3:00 p.m. or as defined by the department director.

2. Employees must schedule an unpaid lunch time for a minimum of thirty (30) minutes and maximum of two (2) hours during each day worked. Taking lunch time at the beginning or end of the work day is not permitted, except in special circumstances when approved by the department director.

C. Compressed Work Week

The compressed workweek is another option for a flexible work schedule consisting of four (4), 10-hour work days.

D. Alternate Work Schedule Requests

Eligible employees may request participation in the alternate work schedule program by submitting an ***Alternate/Compressed Schedule Request*** **(Appendix E, Form 13)** to their department director. Employees should be prepared to discuss how they intend to resolve any conflicts that may arise between work responsibilities and the new work schedule.

E. Evaluation of Requests

In evaluating an Alternate/Compressed Schedule Request, the department director will weigh such factors as the requesting employee's job responsibilities and his or her extent of interaction with members of the public and others, the schedules requested by other employees in the department, and the extent to which the requesting employee has demonstrated responsibility and dependability.

F. Schedule

Department directors will forward the request to Human Resources. Once a schedule is approved, the employee will be expected to work that schedule for a minimum of two (2) months.

The city reserves the right at any time to return a participating alternate/compressed work schedule employee to his or her standard schedule if the employee's schedule is not permitting the department to operate effectively or changes in circumstances necessitate a change.

G. Holiday Leave While on Alternate/Compressed Schedule

Full time employees of the city will receive holiday pay at eight (8) hours per observed holiday. If working an alternate/compressed schedule, employees must use vacation leave to make up the difference of time off due to a holiday.

Chapter 5: COMPENSATION

5.06 Longevity Pay

PURPOSE:

To outline procedures regarding longevity pay which is provided to recognize the value of long-term service with the City of Stephenville.

POLICY:

A. Eligibility

All full-time employees are eligible to begin receiving longevity pay when they have completed one (1) full year of employment from their date of hire. Payment will be based on month of service at the time payments begin.

B. Accrual

Accrual is at the rate of $4.00 per month for each full year of service. After 11 years of full- time employment, employees will receive$6.00 per month.

C. Payment

Longevity payments will be based on the employee's anniversary date (one full year). Payments will be paid beginning after their first year is complete. Employees will have the option to receive longevity pay once per year on the last pay period in November or equally divided and payable during each pay cycle. All employees hired after April 1, 2018 will be required to receive their longevity payment once per year on the last pay period of November.
Approved on April 3, 2018 -Ordinance No. 2018-O-13

D. Upon Change in Employment Status or Separation

If employee changes from full-time to part-time status, longevity pay will cease. If employee is rehired by the city, longevity will start from the current new hire start date.

Chapter 5: COMPENSATION

5.07 On Call/Emergency Call Back Pay

PURPOSE:

To standardize On Call/Emergency Call Back Pay across the city and provide guidelines for employees who are subject to on call or emergency call back pay.

POLICY:

The below applies to both On Call and Emergency Call Back

A. An employee who is called back to work outside his or her normal work schedule shall be paid for the time worked or a minimum of two (2) hours, whichever is greater.

B. Department directors shall establish reasonable, maximum response times (between 15 and 60 minutes) for their departments.

C. An employee who is called back to work will be paid for travel time to and fromwork.

D. An employee who is called back a second time within two (2) hours of the last call back will be considered still "on the clock," and will be entitled to additional time if the second call back keeps the employee working beyond the initial two (2) hours.

Emergency Call Backs

An emergency call back is defined as an unscheduled request made by an appropriate management official for an employee to return or report to work due to unforeseen or emergency circumstances after leaving the building or work location at the end of their regular shift and before the beginning of the next regularly scheduled shift.

Emergency call backs will be considered overtime. Justification must be provided to the department director to validate that the call back is an emergency.

On-call Call Back

An on-call employee is the employee designated to be contacted if a situation arises after normal work hours. Compensation for on-call employees will be paid a prearranged sum per day while on call. Time worked while on call will be calculated at the employee's regular rate of pay.

Overtime compensation is applicable only when total hours worked exceeds the regular full time work cycle, including Holiday. For example, if an on-call employee is called back to work on a holiday week, even though an employee has not exceeded 40 hours at work, the time will be considered time and a half for the overtime hours worked. (See *Policy 5.04 Overtime* and *5.01 Timekeeping* for additional information*).*

Employees who are on-call must adhere to all city policies, including *Policy 7.06 Substance Abuse and Testing*. Any variance from such policies may result in corrective action, up to and including termination.

Chapter 6: WORK ENVIRONMENT

6.01 Safety

PURPOSE:

To define health and safety practices utilized by the city to assist in providing a safe and healthy work environment for employees, citizens, customers, and visitors.

POLICY:

The city has established a **Workplace Safety Manual** which is available in each department. Human Resources is responsible for implementing, administering, monitoring, and evaluating the safety program. However, its success depends on the alertness and personal commitment of all employees.

A. Report of Accident

The city will take all practical steps to eliminate or reduce an employee's exposure to accidental injury or to conditions that would be injurious to his or her health. In the case of accidents resulting in injury, employees must immediately complete a ***Report of Employee Injury/Accident/Incident*** form, located on the city website under Forms and submit the form to their immediate supervisor. The supervisor must then submit the form to Human Resources.

B. Safety Training

Employees and supervisors receive periodic workplace safety training through city-initiated risk/safety procedures. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A safety advisory group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

C. Reporting Unsafe Acts

Employees shall cooperate with the city by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or, where appropriate, correct such situations, may be subject to corrective action, up to and including termination of employment.

D. Safety Suggestions

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor or manager, or bring them to the attention of Human Resources. Reports and concerns about workplace safety issues may be made anonymously, if the employee wishes. All reports can be made without fear of reprisal.

Chapter 6: WORK ENVIRONMENT

6.02 Internet

PURPOSE:

To define the appropriate use of computer resources, maximize security, and ensure proper job performance.

DEFINITIONS:

Users are all employees, volunteers, city council members, and other persons that are authorized to use the City's computer resources, with the exclusion of public computers.

Computer resources refer to the city's entire computer network. Computer resources include, but are not limited to, host computers, file servers, fax servers, web servers, workstations, stand-alone computers, laptops, smartphones, tablets, software, data files, and all internal and external computer and communications networks (i.e. Internet, computer online services, value-added networks and e-mail systems) that may be accessed directly or indirectly from or through the city'scomputer network.

The Texas Public Information Act provides that all information that the city is required to assemble, collect and maintain under a law or ordinance or in connection with the transaction of official business is public information subject to disclosure to the public unless otherwise exempted from disclosure by the Act or other law.

Instant Messaging and Chat Rooms refers to Internet-based real-time interactive communication using any Instant Messaging or Chat Room software installed on the computer or downloaded from the Internet.

Electronic Mail (E-mail) is the network of computer hardware and software that permits the sending and receiving of electronic messages from one personal computer user to another. In the context of this policy, e-mail transmissions include transmissions that travel via the Internet, as well as transmissions that travel via the city's wide area network only.

Internet access is defined as the ability for any personal computer to connect to the world-wide network of computers known as the Internet, and to access Internet-based applications such as the World Wide Web, File Transfer Protocol, Newsgroups, Gopher, Telnet, and Wide Area Information Services.

POLICY:

The City of Stephenville relies on its computer resources to conduct business efficiently through access to information and communication via Internet and electronic mail (email).

A. No Expectation of Privacy

a. **THERE IS NO EXPECTATION OF PRIVACY IN THE USE OF THE CITY'S COMPUTER SYSTEM OR ANYTHING CREATED, STORED, SENT, OR RECEIVED BY THE USER.**

b. All Internet and e-mail communications sent through, received, or stored in the city- owned system are the property of the city. Additionally, the city has the unilateral right to access all stored electronic communications. Access to the Internet with the assistance of city owned equipment is a city privilege. All Internet and e-mail activity must be in compliance with this policy and other applicable policies, procedures, and rules.

c. In order to protect its interests, the city retains the right to monitor all of its electronic communications systems at its discretion and as allowed by law. By using these systems, employees consent to monitoring by the city. *Any information transmitted, received or stored on the city's equipment is public property and subject to disclosure and public access as provided by law*.

d. The city's right to access e-mail messages, including sites reviewed on Internet, may occur under the following circumstances:

    a. Upon an employee's departure or absence from the city, the user's mail may be accessed to save or review those messages that pertain to city business and as necessary to locate information;
    b. If required by law;
    c. When information is present which indicates improper use of the Internet ore-mail;
    d. When necessary to investigate a possible violation of a city policy or a breach of the security of the electronic mail system;
    e. Monitoring may be done for mechanical and service quality control as well as for compliance with this policy;
    f. For all stored communications.

e. The contents of electronic mail/Internet access files or data may be disclosed without the permission of the user. Any individual using the city's e-mail system has no expectation of privacy in any e-mail message that the individual may generate or receive, including personal messages (if any). At any time an employee's department director or manager, Director of Information Technology or any other appropriate person selected by the city administrator or their designee, in consultation with Human Resources, may review an individual's messages or sites.

f. The city reserves the right to monitor all traffic on the network, including sites accessed, content examined and time spent. Individuals must not use computers or networks in such a way that would disrupt or impair the use by others or be contrary to any city policy. No employee shall use the Internet or e-mail to present his or her views, ideas, questions, or actions as representing the city unless doing so in an official capacity and authorized by the city administrator or his/her designee.

B. Inappropriate Use

a. Users may not use the city's computer resources for personal use which interferes with job performance.

b. Users are prohibited from the creation, transmission, review, or storage of inappropriate e-mail or internet content, including, but not limited to;

    a. Material that is of a sexual or offensive nature.
    b. Material that promotes hatred, harassment, illegal activity, or discrimination that may be related, but not limited to gender, sexual orientation, race, religion, national origin, age, political belief, physical attributes, disability, or information regarding an employee's health status without their permission.
    c. Material that is fraudulent, embarrassing, profane, obscene, intimidating, defamatory, or otherwise inappropriate.
    d. Material that causes interference to the network such as viruses or hacking

***Note**:* The above section, a-d, does not apply to storage for spam control.

c. Users may not use the city's computer resources for activities including, but not limited to:
    a. Downloading software and/or other electronic files from Internet sources unless necessary for city business
    b. Downloading software in violation of copyright law
    c. Downloading and/or sharing music or movies
    d. Downloading games, playing computer games, playing interactive internet games, or introducing or playing software via CD or diskette
    e. Downloading, logging on, and/or utilizing any Instant Messaging or Chat Room programs for personal use
    f. Dissemination of confidential or legally protected information
    g. Communications that compromise the integrity of the city and its business in any way
    h. Non-city, commercial, or personal advertisements.
    i. Online gambling
    j. Re-posting personal communications, including the sender's e-mail address, without the author's prior consent
    k. Looking or applying for work or business opportunities other than internal city postings
    l. Jokes, chain letters, personal business operations, or political material
    m. Frivolous messages
    n. Communications that use someone else's name
    o. Communications sent city-wide that do not directly relate to the administrative processes of the city
    p. Accessing personal use e-mail accounts

d. Users encountering or receiving any material information in violation of this policy shall report the incident to their immediate supervisor. Any questions regarding the use of internet access or the e-mail system shall be discussed with a supervisor, who may obtain further information from the information Technology Department.

C. Internet Use

a. Security

The Internet is not a secure network; thus, employees shall assume that all Internet activities are public. The city is not responsible for material viewed by users.

b. Accessing the Internet via Modem

To ensure security and avoid the spread of viruses, accessing the Internet directly by modem is strictly prohibited unless the computer in use is not connected to the city's network. Internet access through a computer attached to the city's network is through an approved Internet firewall and thereby authorized.

D. Electronic Mail Use

a. Communicating Information

The content of all e-mails shall be prepared with the same level of accuracy and professionalism as other official city communications. Users must use the same care in drafting e-mails and other electronic documents as they would for any other written communication.

b. Public Records and E-mail Retention

Employees are responsible for deleting unnecessary mail items from the email system. Employees are also responsible for retaining e-mails of enduring value in accordance with the city's retention schedule. Any email items that need to be retained should be saved as a file or printed if necessary. An alternative to the above is to archive e-mails of enduring value on the employee's hard disk. If this approach is taken, employees become responsible for ensuring that backup copies are made on a regular basis.

Employees who have subscribed to list-services should request to be removed from such lists before terminating employment with the city. Messages sent to all e-mail users should be restricted to information that will have a direct impact on employees and/or the employee work area (i.e., power outages, interruption of services, etc.).

c. Non-City Property

The contents of city related electronic mail, files, or data may be viewed, copied or disclosed by the city without the permission of the user. Any individual, using a non-city owned computer or electronic device for city business has no expectation of privacy in any e-mail message or other document that the individual may generate or receive if the e-mail message or document relates to city business.

E. Password Protection

The city's automated information systems are a valuable asset and must be protected from unauthorized access. Accordingly, users are required to observe the following guidelines when using city computers, whether at a work location or when assigned equipment is used at home:

a. Passwords must be used to access the city's network.
b. Passwords must be used to access computers that are used by multiple users or computers that are used at home or for travel.
c. Passwords should not be frivolous: i.e., names, birth-dates, addresses, or easily remembered sequences (111111, 1123456, etc.).
d. Passwords should consist of at least 8 characters, with a mixture of letters, numbers, and special characters.
e. Passwords should be changed at a minimum every 90 days.
f. Passwords must not be written down, stored around the computer, or stuck to the monitor or desktop.
g. Passwords must never be disclosed to an unauthorized person. The department director may designate a person to maintain a list of passwords for occasions when access to a departmental computer is required, such as when the person to whom the computer is assigned is unavailable**.** If for some reason the user must disclose a password to an unauthorized person, it must be changed immediately.
h. Computer equipment assigned for home use is not to be used by non-city personnel. Computers that are logged on should be put in password protect mode when left unattended, especially if in a public place. If accessing the City's email system from a remote location, precaution must be taken that such access is not available for non- authorized users (e.g., using password memory facilities, short-cuts, auto-fill capabilities)

F. Police Department Investigation(s):

a. This policy does not apply to police department legitimate case load investigations

G. Corrective Action

Computer access is a privilege that may be revoked at any time. Employees violating this policy will be subject to corrective action, up to and including termination. It is every user's duty to utilize the city's computer resources responsibly, professionally, and ethically.

Chapter 6: WORK ENVIRONMENT

6.03 Telephone and City Issued Wireless Telephone Devices

PURPOSE:

This policy defines the guidelines for the standards of use of the telephone and wireless devices to those employees requiring such technology in the course of daily business, as well as defining responsibilities of both management and employees in the appropriate use and oversight of wireless technology.

POLICY:

Telephones in city offices are intended to be used for official city business. Any personal calls shall be kept to a minimum and shall not interfere with the operations of the employee's work or department. If an employee's supervisor determines that this privilege of telephone use is being abused or is interfering with department operations, this privilege may be restricted or removed.

WIRELESS DEVICES:

A. Assignment

1. It is the policy of the city to provide wireless telephones to designated employees in order to improve productivity, enhance customer service to citizens and/or to enhance public safety services.

2. It is also the policy of the city to maintain the right to access and disclose any and all messages communicated through electronic means when city-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message.

B. Authorized Usage

1. City-owned wireless telephones are intended for and expected to be used for city business. Minimal personal usage is permitted, as long as the personal use is reasonable and prudent.

2. Employees should not use wireless telephones to discuss confidential or sensitive information because wireless telephone conversations are not secured.

C. Eligibility Criteria

Employees eligible for assignment of city-owned wireless telephones are those designated by the city administrator and/or department directors, including (but not limited to):

1. Employees who are frequently in a vehicle who must conduct city business by telephone while in the field and it can be shown that cost savings and customer service efficiency will be realized through use of such devices;

2. Employees who have a critical need to maintain accessibility with other departments, managers, city management staff and/or public officials, in order to ensure uninterrupted customer service and/or the integrity of the organization; public safety positions and vehicles in order to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of city government and to provide for communications which may be inappropriate for mobile radios;

3. Employees involved in the city's emergency response plan; and

4. Department directors and employees who have a responsibility for responding to public safety incidents in the field.

D. Responsibilities

1. City Administrator

   The city administrator is responsible for final approval on all requests for wireless telephone devices once the request has been approved by the appropriate department director.

2. Department Directors

   Department directors will be responsible for:

   a. Approving requests for wireless telephones from their respective subordinates;
   b. Ensuring that requests are in conformance with the procedures outlined herein, or that exceptions are justified;
   c. Ensuring that all persons assigned a city-owned wireless telephone are provided access to a copy of this policy and procedure and that the employee is in compliance with it;
   d. Conducting periodic inventories of wireless telephones with their respective departments to ensure accountability;
   e. Conducting annual reviews of assigned devices to determine if such assignments continue to be justified;
   f. Informing appropriate employees responsible for city communications of all reassignments of wireless telephones;
   g. Reviewing the monthly bill, collecting funds from department employees, and forwarding those funds to the Finance Department to reimburse the city for any chargeable personal calls or text messages appearing on the bill.

3. Employees

Employees who are assigned the use of city-owned wireless telephones are responsible for:

a. Ensuring the physical security of such devices. In case of negligence, the employee will be responsible for reimbursing the city any cost incurred in replacement or repair of the phone;

b. Ensuring that all communications on such devices are kept to the briefest duration possible;
c. Keeping personal communications to a minimum;
d. Ensuring that any personal use does not detract from the employee's availability for completion of assigned duties;
e. Being available to receive calls or mobile data messages while working or on-call;
f. Using good judgment while speaking or sending mobile data messages, as all phone records are subject to Open Records Request;

g. Not using the telephone by sending or reading mobile data messages while driving a City vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.
h. Providing the appropriate employees/supervisor notification of any repair, lost, stolen or damaged equipment.
i. Surrendering a city-owned phone upon request of a department director, regardless of the reason;
j. Non-exempt employees: Ensuring compliance with work away from premises or at home involving the use of a wireless device (see Chapter 5, page1).

4. Reimbursements

a. Users must review their monthly billing statement for accuracy, annotate the bill of any personal call or text charges that incur additional cost to the city, and submit payment to the designated department cashier. If there is no department cashier, payment shall be submitted to the Finance Department.

E. Procedure

To request wireless telephone usage, the employee must make a request in writing to the department director. A determination will be made certifying whether or not cellular technology is an appropriate communication device for the situation and must be approved by the department director and the City Administrator. Every employee utilizing wireless telephones shall be required to sign the ***City Issued Wireless Device Acknowledgement Form*** **(Appendix E, Form 28)** regarding this policy, which verifies that the employee has read and understands the obligations.

Inappropriate use of cellular phones shall be reported to the respective department director and/or immediate Supervisor. Any employee violating this policy is subject to corrective action, up to and including termination.

Chapter 6: WORK ENVIRONMENT

6.04 Meal and Rest Period

PURPOSE:

To establish consistent standards for meal and break periods throughout the City of Stephenville.

POLICY:

A. Meal Period

Meal periods shall be determined by supervisors with the approval of the department director to accommodate operating requirements. Meal periods will not be counted as time worked for the purposes of determining overtime, with the exception of essential personnel approved by the department director.

B. Rest Period

If authorized by an employee's supervisor, employees may be allowed two 15-minute rest periods during the day. Such rest periods shall be considered a privilege, not a right, and shall never interfere with proper performance of the work responsibilities and work schedules of each department. If possible rest periods will be provided in the middle of work periods. Rest periods may not be combined or taken at the start or the end of an employee's workday, or be used to extend meal periods. Since this time is counted and paid as time worked employees must not be absent from their workstations beyond the allotted rest period time.

Chapter 6: WORK ENVIRONMENT

6.05 Tobacco Use

PURPOSE:

To provide a safe and healthy work environment for citizens, customers, and employees.

POLICY:

In keeping with the city's intent to provide a safe and healthful work environment, smoking and the use of smokeless tobacco products (e.g. chewing tobacco, snuff, vapor e-cigarettes, etc.) are prohibited in city buildings and other facilities, in city owned buildings or municipal buildings or in city-owned, rented, or leased vehicles or while using city equipment.

Employees may use tobacco products outdoors on their rest breaks outside of the buildings in designated smoking areas or during their meal periods. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue. No employee shall use tobacco products while making public contact.

Employees may be allowed to smoke during their break or meal period, only in designated areas by their department director. Designated areas are restricted to out-side only.

Willful or repeated violations of this policy will result in appropriate corrective actions.

Chapter 6: WORK ENVIRONMENT

6.06 Temporary Restricted Duty

PURPOSE:
To outline the guidelines and procedures for assignment and use of restricted duty.

POLICY:
It is the goal of the city, with the cooperation of all departments, to locate and assign restricted duty, when necessary and feasible, to employees who are temporarily restricted from performing their regular job as a result of work related or non-work related injury or illness. Temporary restricted duty opportunities will return employees to a meaningful assignment as soon as possible when they are unable to perform the full essential functions of their positions (with or without reasonable accommodation) due to the injury or illness.

A. Restricted Duty Work Assignment

1. An employee will be considered for a restricted duty assignment when he or she can perform work of a restricted nature, as opposed to their normal range of duties.

2. The city reserves the right to require an employee to be medically released with no restrictions before returning to full duty. Restricted duty assignments must be coordinated with the Human Resources Department.

3. Restricted duty assignments must be existing duties consistent with normal operations of the division or department. An employee assigned restricted duty assignments may be assigned duties in several departments. These restricted duties assignments must not be created specifically for an individual employee. If no assignment is available, the employee must stay home until released to full duty.

B. Procedures

The following procedures apply when an employee is released for restricted duty and provides a Physician's Restricted Duty Recommendation to his/her supervisor and the Human Resources Department.

1. Within one (1) working day of receiving a Physician's Restricted Duty Recommendation, the employee forwards it to the Human Resources Department. If a restricted duty assignment is made, a ***Temporary Restricted Duty Agreement*** **(Appendix E, Form 14)** must be completed by the employee and the Human Resources Department.
2. For a work related injury only, if a restricted duty assignment is not available in the department of origin, the Human Resources Manager or designee will review the limitations/restrictions provided by the physician and determine an appropriate assignment based on the restrictions noted by the physician and the employee's abilities to perform the work.

3. If an employee with a work related injury is assigned to restricted duty in another department, the department of origin continues to pay the employee's wage at the employee's regular pay rate regardless of the nature of the restricted duty assignment.
4. An employee unable to return to regular duty on the original date indicated by the treating physician must provide an updated Physician's Restricted Duty Recommendation prior to the originally estimated date of return to regular duty.

C. Additional Provisions

1. The restricted duty assignment shall not exceed ninety (90) working days in a one (1) year period.
2. Extensions beyond ninety (90) working days must be authorized by the City Administrator's Office and the Human Resources Manager upon recommendation of the department director and receipt of proper documentation to indicate the need for extension.
3. An employee's refusal to perform a task consistent with the medical restrictions will be interpreted as a violation of city policies. The employee will leave the work site, will be placed on leave without pay, and may be subject to corrective action. The employee may be ordered to be re-evaluated in order to determine their ability to perform available restricted duty tasks.
4. An employee on restricted duty may be assigned several types of work at various locations and times, necessitated by changing medical restrictions or by completion of available work of a particular type.

Chapter 6: WORK ENVIRONMENT

6.07 Take-Home Vehicle

PURPOSE:
To establish standard requirements and procedures, in accordance with applicable provisions of the Internal Revenue Code, for the City of Stephenville employees who are assigned city-owned or leased vehicles in the course of providing services and conducting business.

DEFINITIONS:
City Vehicle is any vehicle owned, rented, or leased by the city.

De Minimis means a minimal amount of personal use of city-owned vehicles, as defined by the Internal Revenue Service regulations.

Marked vehicle is a city-owned vehicle which is clearly identified for use in city operations and business.

Take home Vehicle is a city-owned vehicle which is assigned to a specific position with take-home responsibilities.

Unmarked Vehicle is a city-owned vehicle which is not easily identified as used by a city employee. Examples of such vehicles would be those used in fire and/or police criminal investigation and by detective personnel.

Vehicle is any self-propelled equipment, trailer, or trailer mounted equipment, which is towed by a self-propelled piece of equipment, which may be marked or unmarked with city identification, and/or licensed for use on public roadways.

POLICY:
This policy is intended to ensure the safety and well-being of city employees; to facilitate the efficient and effective use of city resources; to minimize the city's exposure to liability; to monitor the use of city- owned vehicles; and to comply with Internal Revenue Service regulations relating to city vehicle usage.

A. Assignment of Take-Home Vehicle

A take home vehicle may be assigned to an employee for any of the following reasons:

1. When taking home a city-owned vehicle serves a valid public purpose
2. When the employee responds to frequent emergency calls from home or is on call-back or standby status
3. When the responsibilities of the position require the person be available to respond to situations with the necessary specialized equipment and/or skill that requires the city vehicle for transportation

B. Take-Home Vehicle Authorization Procedure

The assignment of city take-home vehicles to employees shall require the approval of council, based on the recommendations from the employee's department director and the city Administrator, ***Take Home Vehicle Request Form*** **(Appendix E, Form 25)**. If a vehicle is assigned pursuant to this policy, only the employee who was granted approval is authorized to operate the vehicle without written approval. The following criteria will measure an employee's need for take-home vehicle authorization:

1. All employees that take city vehicles home must live within twenty (20) minutes or less of the job site where the employee is stationed for the purposes of responding to emergencies. Exceptions to this rule will be granted at the discretion of the city administrator. Continued take-home vehicle authorization will be based on the number of actual back to work trips made. If the number of after hours, back to work trips is low, take-home authorization may be discontinued.
2. Positions that utilize a take-home vehicle will be reviewed on an annual basis and will require authorization by the department director and/or the city administrator.
3. The city reserves the right to review the continuing need for any vehicle assignment and withdraw or reassign such vehicle at any time.
4. City vehicle usage will not be negotiated as part of an employment package without prior approval from the city manager

C. Use of Take-Home Vehicles

Authorized personnel who utilize take-home city vehicles will adhere to good stewardship practices and common sense pertaining to responsible use of the vehicles. Employees who use take-home vehicles must adhere to the following general instructions:

1. Employees are prohibited from transporting non-city business related persons in any city take-home vehicle
2. In no case shall a city vehicle be used while purchasing, transporting, or consuming alcohol, unless in the course of an investigation that involves alcohol,
3. Aside from providing services and conducting business, take-home vehicles may be used for commuting and de minimis personal errands during workdays, pursuant to Internal Revenue Service (IRS) regulations. An Employee may utilize their vehicle for lunch and/or break time purposes during workdays as long as it is within reasonable distance from the employee's place of work that day and approved by their supervisor. These regulations may be amended by the IRS from time to time.

D. City Vehicle Requirements

The following requirements are applicable to both take-home and non-take-home City vehicles:

1. Only city employees are authorized to operate city vehicles.
2. All operators of city vehicles shall possess a valid Texas driver's license.
3. All drivers and business travelers must wear seat belts and obey all traffic laws.
4. All city vehicles must be operated in the manner prescribed in applicable State laws and city ordinances.
5. Employees are strictly prohibited from operating a city vehicle while under the influence of alcohol or illegal drugs, and are likewise prohibited from operating a city vehicle while using a prescription, over-the-counter or non-prescribed medicine which may impair their ability to safely operate a motor vehicle.

6. Employees may not use the telephone, send or read mobile data messages while driving a city vehicle. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. The only exception is public safety employees conducting official business; water, streets, code enforcement, and parks and recreation employees only when conducting official city business.
7. Employees are responsible for notifying the city within twenty-four (24) hours if their license is suspended, according to ***Policy 7.08 Minimum Driving Standards***. It is the responsibility of the employee to ensure that all city issued vehicle insurance documentation and registration be in the vehicle at all times. In the case of an accident, the employee driving a city-owned vehicle shall immediately notify the nearest police department to report the accident. Copies of the completed accident report shall be forwarded to the employee's department director and the Human Resources Department. Department directors are required to notify the Human Resources Manager of any vehicular accidents in their department in order to file and distribute insurance claims.
8. Employees must comply with all preventative maintenance programs required by the city. Further, all employees driving city vehicles are required to report and explain any and all abnormalities noticed by the driver to their supervisor immediately. By agreeing to use a city-owned vehicle, the employee agrees to keep city vehicles current on all maintenance and necessary work.
9. Vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression of the city.
10. City vehicles and heavy equipment shall be inscribed in accordance with Chapter 721, Texas Transportation Code. Any tampering or removal of the inscription will result in corrective action.
11. Employees assigned to a city vehicle will be required to sign **Form 25 (Appendix E)** indicating that they have read and will comply with the rules and provisions in this policy, as well as ***Policy 7.08 Minimum Driving Standards***.
12. Employees who have driving responsibilities are subject to the Motor Vehicle Regulations as stated in ***Policy 7.08 Minimum Driving Standards***.

Employees who do not comply with the provisions of this policy shall be subject to corrective action up to, and including termination

Chapter 6: WORK ENVIRONMENT

6.08 Notification of Closures/Delays

PURPOSE:

To communicate the requirements of attendance and pay during periods of inclement weather or other declared disasters.

POLICY:

A. Notification of City Closures/Delays

In the event the city administrator or designee determines that city offices must be closed due to inclement weather or other disaster, the city administrator, or designee will notify all department directors. Department directors will in turn notify their respective staff.

B. Non-Emergency Personnel

When conditions are such that the city administrator, or designee, declares city offices officially closed, all regularly scheduled full-time and part-time, non-emergency personnel scheduled to work will be excused for the day without penalty or loss of pay. The Closure Day will not count as time worked for the purpose of determining overtime. If the city administrator, or designee, declares a delayed opening or early closing, non-exempt employees will be paid for actual time worked.

C. Emergency Service Personnel

Certain emergency service personnel will be required to work even when city offices are declared closed. Emergency personnel are non- exempt personnel who are needed in order to provide basic services during city observed holidays, inclement weather or other declared disasters.

The responsibility for designating those emergency service personnel rests with the department director and will include certain utility, street, parks and recreation employees. Such employees shall be provided with a replacement day-off within 90 days from the declared Closure Day. It will be the responsibility of the department director to coordinate such replacement days off.

Public Safety Personnel:

Due to the nature of positions with the Police and Fire Departments, employees who support 24/7 operations within both departments are expected to report to work as scheduled, regardless of inclement weather or other disaster and are not eligible for the replacement day off. If extenuating circumstances are present, employees must contact their supervisor prior to the start of their shift to discuss further. The employee's supervisor will be responsible for determining the appropriate action.

Employees not scheduled to work, but are called in to assist will receive overtime as per the Emergency Call Back Policy (section 5.07).

D. Use of Official Closure Day

1. **Personal Illness**: Employees who would have used a sick day due to illness may use the Closure Day in lieu of taking a sick day
2. **Out on Family Medical Leave**: If an employee is out on Family Medical Leave (FMLA), the Closure Day will not be counted as a Family Medical Leave day
3. **While on Vacation**: Employees who scheduled vacation that fell on the Closure Day may use the Closure Day in lieu of taking a vacation day
4. **While on Unpaid Leave of Absence**: Employees on approved personal leave of absence without pay will not be granted the Closure Day

E. Inclement Weather Conditions without Official Notification

If city offices are not officially declared to be closed due to inclement weather or other disaster, all employees are expected to make every effort to arrive at work, regardless of weather conditions. However, if an employee feels that driving conditions would constitute a danger to their life and/or property, they may elect to come in later than normal. If conditions do not improve, they may elect to use a day of their vacation. If vacation time is not available, the floating holiday may be used, or the employee may request the day off without pay. Employees must contact their supervisor before the workday begins in any of the above situations.

F. Emergency Response and/or Disaster Preparedness/Recovery

In the event of a disaster, employees who perform emergency work due to any form of major disasters such as flooding, tornado, hurricanes, or other form of force majeure, fire management assistance declarations, preparation and/or recovery efforts, whether local or in response to a State or Federal deployment, employees either Exempt or Non- Exempt will be paid for their time worked regular and on overtime.

Chapter 6: WORK ENVIRONMENT

6.09 Travel

PURPOSE:

To outline the procedures for city-approved travel and reimbursement for travel expenses and set guidelines for reasonable use of public funds.

The City of Stephenville has an accountable plan that requires adequate accounting for all travel expenses within a specified period of time. Under the accountable plan exception – no tax reporting is necessary under IRS guidelines.

POLICY:

It is the policy of the City of Stephenville that employees acting on the city's behalf will be allowed to travel to conferences, seminars, and for other purposes if such travel is determined to be in the best interest of the city or for job-related purposes, with an approved ***Travel Request Form*** **(Appendix E, Form 15)**. Travel time for the purpose of this section is defined as the actual time spent in traveling from the city to the alternate location. Any other mileage is considered as part of the normal commute to work.

A. Responsibilities

The department directors are responsible for communicating and administering the provisions of this policy to employees and approving expenses as legitimate business items.

The finance director is responsible for the overall administration and compliance of the provisions stated in this policy.

All employees shall have the responsibility to report any abuse and or misuse of travel funds to appropriate management. Employees traveling on city business are representatives of the city and are expected to maintain a high level of professionalism and to follow all city policies.

B. Allowable Expenses

Reasonable travel expenses incurred by employees and elected officials will be reimbursed by the city or paid direct, subject to the following guidelines:

1. <u>Meals</u>

1. **Per Diem**

A per-diem is a daily allowance for meals and incidentals while traveling overnight on behalf of the city. Meal expenses for employees will be paid up to $50.00 a day. For partial days the following amounts will be paid: Breakfast $10.00, Lunch $15.00, and Dinner $25.00. The daily allowance for each meal includes the tip. Meals that are provided as a part of a conference, training, etc. do not qualify for per-diem and must be subtracted from any per-diem cash advance request. All travel and cash advances must be approved in advance by the employee's department director (or designee), unless otherwise stated in this policy. The

employee must be away before 7:00 a.m. or after 6:00 p.m. to receive the respective breakfast or dinner portion of the per diem.

Per-diem may be requested in ***advance*** by completing an ***Request For Check*** **(Appendix E, Form 16) no more than 2 weeks prior to travel**. No receipt is required for per-diem.

b. Other Meals

Meal reimbursement in connection with 'day travel' may be subject to IRS income tax withholding regulations and therefore receipts must be maintained by the employee. The reimbursement request and receipt for meals associated with 'day travel' must be submitted to payroll, along with the ***Travel Request Form*** **(Appendix E, Form15)**.

In order for meal reimbursements to be excluded from taxes, travel must be away from home and involve an overnight stay; or be for a business related purpose.

If a meal reimbursement includes the employee and other(s), the reason for the meal and the names of the attendees must be provided on the back of the receipt.

As an alternative, department director level and above may elect to be reimbursed on actual expenses instead of per-diem, if substantiated by receipts along with an ***Request for Check*** **(Appendix E, Form 16).**

2. <u>Transportation</u>

1. The city expects that the most economical method of travel will be utilized. The city will pay for mileage, round trip air fare, train fare, taxi fare, tips, tolls, and car rental, when required. All approved transportation must be procured via CCH AP check, ACH, EFT or Procurement Card. Likewise all refunds for transportation must be issued directly to the city. Employees are strongly encouraged not to use personal funds to secure transportation. However, department directors have discretion to permit the use of personal funds to secure transportation, if necessary. Round trip air fare for coach class will be paid with arrangements made in advance. First Class or Business Class will only be acceptable when coach class is not available.

2. Mileage reimbursement will only be paid when an employee uses his/her personal vehicle and it is pre-approved by the department director. The rate of reimbursement shall be the standard IRS mileage rate for the current year of travel; which is updated annually. Miles will be calculated based on actual miles driven to and from the approved destination. All mileage reimbursement requests must be accompanied by either a personal mileage a log or an internet mileage calculator showing the round trip mileage actuals or estimates. The city will accept a print out from an online mileage calculator to substantiate miles traveled. Mileage reimbursement will only be issued, prior to travel, upon receipt of approval and approved mileage log.

3. The City of Stephenville provides for car allowance to reimburse employees required to use personal vehicles extensively for city-related business. A car allowance may be set above the reimbursement level as a part of the employee's total compensation package. Car allowance recipients are responsible for any

record keeping requirements of the Internal Revenue Service and any tax implications. All or any portion of a recipient's car allowance may be subject to federal income tax. A car allowance will cover any and all car-related expenses incurred by travel within Erath, Hood, Comanche, Hamilton, Palo Pinto, Eastland, Somervell, and Bosque Counties. Any travel beyond the listed counties will be eligible for mileage reimbursement for actual mileage from the beginning of the trip. Employees receiving a car allowance may be required to furnish valid proof of state required liability insurance coverage. The city manager may eliminate car allowances at any time.

3. **Lodging**

Lodging expenses shall be arranged in advance, using the single rate. Lodging expenses will be paid for the actual number of meeting days with allowance for travel time. The city will reimburse lodging only for travel outside the Stephenville area. The city will reimburse lodging expenses only if travel goes beyond the counties of Erath, Hood, Somervell, Palo Pinto, Hamilton, Comanche, or Eastland counties, unless there is a bona-fide business activity that is expected to extend beyond 7:00 p.m. (i.e. conference networking event, or similar activity). Employees are expected to commute to locations within the counties listed above. Extra charges for room service are not reimbursable or paid by the city. An itemized lodging receipt must be provided, including an itemization for any room charges to be paid or reimbursed by the city. Department directors have discretion to waive the mile restriction for lodging reimbursement under special circumstances. Directors should note on the expense report that the restriction is waived.

4. **Registration Fees:**

Registration fees will be paid directly by the city via check, ACH or Procurement Card. Likewise all refunds for registration fees must be issued directly to the city.

5. **Tips:**

Tips for baggage carriers, taxi fare, and parking fees are allowable expenses and must be substantiated on the expense report (approximately 15%). Note: per diem thresholds must include the tip, reimbursements for tips that are outside of per diems must be shown on a receipt/invoice.

6. **Unplanned Expenses:**

Reasonable, unplanned, out of pocket expenses will be reimbursed provided receipts are presented and substantiated.

7. **Prohibited Expenses:**

Expenses for entertainment, alcoholic beverages, fitness center fees, and in-room movies are not authorized and will not be reimbursed.

8. **Spouses:**

The city will not pay or reimburse registration fees, meals, and travel expenses of spouses who accompany employees to conferences or other business related events.

C. Expense Reports

For all employees who are not Credit Card holders or do not elect to use per-diem, a ***Request for Check*** **(Appendix E, Form 16)** must be completed within seven (7) working days after returning from a trip. This report will itemize all expenses incurred during trip. Receipts are required for hotel, air fare, train fare, meals, registration fees, and any other expenses over $5.00, with the exception of tolls. Include a copy of the conference brochure detailing meals, beginning and ending dates, location and topics.

For employees who use their personal vehicle for approved travel, a ***Request for Check*** **(Appendix E, Form 16)** must be filled out for reimbursement. Actual mileage will be computed and listed at the standard IRS mileage rate. All mileage reimbursement requests must be accompanied by either a personal mileage log or an internet mileage calculator showing the round trip mileage.

For employees who have daily expenses and turn in a report monthly, a ***Request for Check*** **(Appendix E, Form 16)** must be turned in within seven (7) working days following the end of the month.

Any questions regarding expense reports shall be addressed to the finance department.

D. Miscellaneous Expense Reimbursement

Miscellaneous expenses less than $50.00 may be reimbursed through the petty cash system without completing an expense or estimated expense report. All other travel and meal expenses/advances must be reported through the expense report procedure.

E. Compliance

Out-of-town travel by non-exempt employees is covered under the following FLSA rules:

- Travel Time: The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.
- Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not worktime.
- Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.
- Travel that is all in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.
- Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile

F. Travel and City Issued Credit Cards

Credit cards area available to make purchases of goods and services in the most cost effective manner.

1. All charges associated with approved travel should be purchased via the city's two purchasing means as much as possible (City Issued Credit Card or AP Check) this ensures that the city gets the best rates and has access to merchant information for financial reporting purposes.
2. All City Issued Credit Card holders are expected to use their credit cards for approved travel.
3. Travel approval forms must accompany the City Issued Credit Card expense statement for an expense cycle in which travel related expenses are posted.

Abuse of this policy, including falsifying expense reports or submitting false claims, will results in corrective action, up to and including termination of employment and may also result in criminal charges.

Chapter 6: WORK ENVIRONMENT

6.10 Identification (ID) Card

PURPOSE:

The purpose of this policy is to outline the reasons for use and regulation of City of Stephenville employee identification (ID) cards.

POLICY:

As part of the United States Homeland Security Initiative, as well as satisfying the city's goal to provide a safe and secure environment to live and work, city employees are required to carry city-issued ID cards. By carrying ID cards, employees will be a part of this nationwide initiative as well as helping the city attain this goal.

This policy applies to all full time employees, except those in the Police and Fire Department. The Fire and Police Departments have individual policies consistent with their departmental security regulations.

A. Reasons for Carrying/Wearing and ID Badge

1. Provides better security by more easily identifying people in authorized and unauthorized areas
2. Makes it easier for customers to identify the city employee with whom they are communicating
3. Offers instant visual recognition that an individual is a legitimate employee of the city
4. Gives employees in city facilities an opportunity to reasonably question anyone not carrying/wearing an ID badge
5. May deter potential wrongdoers who prefer to operate in an environment where their presence will go unchallenged
6. Serves as proof of an individual's status as an employee of the city

B. ID Badge Responsibilities

1. Employees must carry or wear the ID badge at all times when working for the city, both in city buildings or in the field
2. The ID badge will be displayed in plain view in a professional, business-like manner. Field workers have the option of a wallet ID badge that shall be kept with them while working in order to produce it if requested
3. The badges are the property of the city, and any employee who alters or intentionally mutilates the badge, uses the badge of another employee, or allows his/her badge to be used by another employee is subject to corrective action
4. Any transfer, falsification, or forgery of a city ID badge is a violation of city policy and may result in corrective action. In addition, fraudulent or illegal use of the city ID badge may result in criminal and/or civil charges
5. The use of stickers or other items affixed to city ID badges is prohibited
6. Each employee is responsible for the care, safekeeping, and use of his/her ID badge
7. The city reserves the right to modify or revoke the badge at anytime
8. The badges will be returned to the Human Resources Department upon separation of employment

C. ID Badge Replacement

1. No person shall possess more than one (1) city ID Badge. If a badge is lost and a replacement badge issued, then the original is found, one (1) shall be returned to the Human Resources Department
2. One replacement badge will be provided; however, the employee will be required to pay a charge for each additional badge required due to loss, misplacement, breakage, etc. Exception: If the badge needs to be replaced due to normal wear and tear on the job, no charge will be assessed

Chapter 6: WORK ENVIRONMENT

6.11 Visitors in the Workplace

PURPOSE:

To provide for the safety and security of employees and city facilities.

POLICY:

Restricting unauthorized visitors helps maintain safety standards, protect against theft, ensure security of equipment, protect confidential information, safeguard employee welfare, and avoid potential distractions and disturbances.

All visitors must enter city buildings at the main entrance(s). Authorized visitors will receive directions to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed in restricted employee only areas, employees must immediately notify their supervisor or, if necessary, direct the individual to the public area.

Chapter 6: WORK ENVIRONMENT

6.12 Workplace Monitoring

PURPOSE:
To describe the need and verify the means the City of Stephenville must take to ensure safety by monitoring the workplace.

POLICY:
Workplace monitoring may be conducted to ensure quality control, employee safety, security, and customer satisfaction. There can be no expectation of privacy in the use of the city's resources, including but not limited to, telephones, computers, desks, vehicles, or equipment. Monitoring will occur without prior notification and will be conducted at times and locations deemed appropriate by the city. Workplace monitoring will be done in an ethical and respectful manner.

A. Telephone
Employees who regularly communicate with citizens and customers may have their telephone calls and conversations monitored and/or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training, if needed. Improved job performance enhances our citizens' and customers' image of the city as well as their satisfaction with our service.

B. Video Surveillance
The city may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

C. Computer Resources
The city owns the contents of all files stored on its systems, all information within application files, and all messages transmitted over its systems. The city reserves the right to monitor any and all aspects of its computer system by human and/or automated means without prior notification to employees.

D. Inspections
Lockers, vehicles, offices, desks, file cabinets, and other city property used by employees are subject to inspection by a department director or designee at any time.

Chapter 6: WORK ENVIRONMENT

6.13 Workplace Violence Prevention

PURPOSE:

To outline the guidelines to deal with intimidation, harassment, or other threats of (or actual) violence.

POLICY:

The City of Stephenville is committed to maintaining a safe work environment free of workplace violence, and therefore has a zero tolerance policy regarding violence.

A. Zero Tolerance

If an employee engages in any violence in the workplace, or threatens violence, employment may be terminated immediately. No talk of violence or joking about violence will be tolerated.

Violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities at any time, including off-duty periods. It is the intent of this policy to ensure that everyone associated with the city, including employees, customers, and citizens, never feel threatened by an employee's actions or conduct.

B. Violent Conduct

All employees, including supervisors and temporary employees, shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

C. Reporting Violence

Threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to the immediate supervisor or any other member of management and the local Police Department. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee must be specific and detailed as possible.

Suspicious individuals or activities must also be reported as soon as possible to a supervisor. An employee must not be placed in peril; if an employee sees or hears commotion or a disturbance, they must not try to intercede or investigate what is happening.

The city encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence.

D. Zero Tolerance

The city will promptly and thoroughly investigate all reports of the threat of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, the city may suspend employees, with or without pay, pending investigation.

Chapter 6: WORK ENVIRONMENT

6.14 Weapons – Concealed and Open Carry

PURPOSE:
This policy outlines business procedures for employees to manage and comply with State laws relating to open carry of firearms.

Firearm:
Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use [Texas Penal Code §46.01(a) (3)]. The term firearm shall also include air guns, air pistols, air rifles and all other firearms using air or gas pressure to propel a projectile.

Handgun:
Means any firearm that is designed, made, or adapted to be fired with one hand.

Location-Restricted Knife:
Means a knife with a blade over five and one-half inches.

Prohibited Weapons:
Includes firearms (except handguns), clubs, Location-restricted knife and other weapons as defined by Texas Penal Code 46.01; and other items with the potential to inflict harm.

POLICY:
The city specifically prohibits the carrying of prohibited weapons by any employee while on city premises or city business except for licensed peace officers or animal service officers. Licensed peace officers and animal service officers may carry or possess those weapons that the department approved.

The city specifically prohibits open carrying of handguns by any employee while on duty on city premises or city business except for licensed peace officer.

The city manager and division directors may prohibit the carrying of handguns or prohibited weapons that may not be prohibited by this policy for certain critical job tasks or locations as determined by the department director and city manager.

Appropriate corrective action, up to and including termination of employment, will be taken against any employee who violates this policy.

Chapter 6: WORK ENVIRONMENT

6.15 Security Access

PURPOSE:

The purpose of this policy is to help ensure the safety of individuals using city facilities and to improve the security of city property.

POLICY:

In a public building there is a need to balance the accessibility and use of facilities with the need to provide a safe and secure environment. Convenience must sometimes be compromised in order to maintain security. Each city employee must share in the responsibility to assure security for employees and property.

A. The city maintains a locking system for the protection of its employees, facilities, property, and information. All locks, keys, and access codes are the sole property of the City of Stephenville and will be issued to employees based on their need for access. The city reserves the right to change locks, keys, and access codes as needed. All keys must be returned to the city upon termination of employment. Employees exiting city buildings at the end of the business day shall ensure that all exterior doors are locked, using the key(s) assigned.

B. Security codes shall be changed at the discretion of the city manager or designee. Visitors and non-employees in city buildings must remain in public access areas unless accompanied into an employee only area by a city employee. City employees shall not reveal security codes to anyone other than another employee. Revealing a security code to a non-employee may result in corrective action.

C. No unauthorized person shall make, duplicate, possess or use keys to city premises without authorization. No person may transfer any city key from an individual entrusted with its possession to an unauthorized person, or be in unauthorized possession of a city key. No person shall replace without permission, damage, tamper with or vandalize any city lock or security device.

D. All losses and theft of city keys are to be reported to the city manager's office. The request to replace lost or stolen keys shall be accompanied by a written explanation describing the facts surrounding the loss, particularly the location of the loss and what doors the keys open. Based on the factors involved, a decision will be made to replace the keys or have the locks re-keyed. The individual whose keys were lost shall assume the cost of replacement keys. The department shall assume the cost of re-keying. The fees for key replacement will increase with subsequent losses by the same individual.

Chapter 6: WORK ENVIRONMENT

6.16 Social Media Policy

PURPOSE:

The purpose of this policy is to address the fast-changing landscape of the internet and the way residents communicate and obtain information online. The City of Stephenville ("City") and its various departments may consider participating in social media formats to reach a broader audience. The City encourages the use of social media to further the City's mission to deliver the highest quality municipal services and to further its vision of a premier city that retains its distinctive character.

DEFINITIONS:

A. "Article" means an original posting of content to a City social media site by a City employee.

B. "Blog" (an abridgment of the term web log) means a website with entries of commentary, descriptions of events, or other material such as graphics or video.

C. "Business network" such as LinkedIn® or user groups of a business nature, area network or process that is established to build mutually beneficial relationships with other business people and potential clients. A business network can also serve as an alliance of like-minded individuals with a common problem or interest. For the purposes of this policy, an approved business network is not considered a social network.

D. "Comment" means a response to a City article or social media content submitted by any person or entity.

E. "Content" includes, but is not limited to, articles, comments, photograph(s), video(s), other image(s) or hyperlinks(s) to another site.

F. "Link" means referral to other information at a different location on the Internet via hyperlink.

G. "Social media" is a category of internet-based resources that integrate user generated content and user participation. These include, but are not limited to:

a. Social networking sites (i.e., Facebook®, Google®)
b. Microblogging sites (i.e., Twitter®)
c. Photo and video sharing sites (i.e., Flickr®, YouTube®).
d. Blogs; and
e. News sites (i.e., Reddit®, Digg®).

H. "Social networking" is the practice of expanding one's business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through Web-based groups established for that purpose.

POLICY – Use of Social Media on behalf of the City

The city council and the city manager have an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the City on social media sites. This policy establishes guidelines for the use of social media. The city manager or his designee shall approve what social media outlets may be suitable for use by the City and its departments.

A. All official City presences on social media sites or services are considered an extension of the City's computer information network and are governed by and subject to the City's policy on "Internet Access and Electronic Mail Policy" contained in the *Personnel Policy Manual*.

B. The city manager, or their designee, will review all department requests to use social media sites.

C. Departments that use social media are responsible for complying with applicable federal laws and City policies. This includes adherence to established laws and policies regarding copyright, records retention, the Texas Public Information Act, the First Amendment of the U.S. Constitution, privacy laws and information security policies established by the City.

D. Employees must abide by all federal and state law and policies of the City with regard to information sent through the internet. City social networking sites are subject to the Texas Public Information Act, Federal e-discovery rules, and the City's records retention schedules that apply to social networking content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the usual or approved City platforms and tools.

E. All social network sites and entries shall clearly indicate that any content posted or submitted for posting are subject to public disclosure.

F. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law as well as material that is contrary to promoting the City's mission or reflects negatively on the City.

G. Each City social networking site shall include an introductory statement which clearly specifies the purpose and topic of the blog and social network site. Where possible, social networking sites should link back to the official City internet site for forms, documents and other information.

H. City social networking content containing any of the following forms of content shall not be allowed for posting. Examples include, but are not limited to:

1. Comments not topically related to the particular site or blog article being commented upon;
2. Profane language or content;
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
4. Sexual content or links to sexual content;
5. Solicitations of commerce;
6. Conduct or encouragement of illegal activity;
7. Information that may tend to compromise the safety or security of the public or public systems;
8. Content that violates a legal ownership interest of any other party;
9. Information or references to the personal addresses, personal telephone numbers, personal e-mail addresses, family members or other personal information of City officials or City employees;
10. Commercial promotions or spam; or
11. Organized political activity.

I. All social networking sites shall clearly indicate they are maintained by the City and shall have City contact information prominently displayed.

J. Where applicable, City security policies, including but not limited to information technology security policies, shall apply to all social networking sites and their contents.

K. Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with the City's Personnel Policy Manual. Employees using social media sites, whether as an manager or as a responder to a posting, will follow these guiding principles:

1. Employee should maintain transparency by using his/her real name and job title, and by being clear about his/her role in regards to the subject.
2. Employee will make it clear to readers when he/she is writing about a topic for which he/she is not the City's expert.
3. Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
4. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions, keep responses appropriate and polite.
5. Post meaningful, respectful comments that are on topic.
6. Understand that postings are widely accessible, not retractable, and will be around for a long time, so consider content carefully.
7. Ensure your comments do not violate the City's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the appropriate approval.
8. The legal right to publish others' material, including photos and articles pulled from other sites must always be obtained prior to posting. Do not publish photos taken while on the scene of any incident. Respect brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, include appropriate attributions.

POLICY – Employee personal use of Social Media

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 the use of social media and social networking. Protecting the City's reputation and ensuring that an employee's communication with people outside the City is positive not only reflects positively on the employee as an individual, but also on the City.

Personal use of the City's 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, with cause, 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 of use on or off duty. This policy encompasses social media and social networking.

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.

This policy is not intended to infringe on employee rights. It is not intended to preclude or dissuade employees from engaging in any activities that are protected by state or federal law (including the

National Labor Relations Act), such as discussing wages, benefits or terms and conditions of employment, or raising complaints about working conditions for their own benefit or for the benefit of their coworkers.

Employee Guidelines

A. 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.
B. Blogging, or posting information of a personal nature on the internet, is prohibited during work hours, except during a break. Employees may not engage in social networking while using any of the City's electronic resources, with the exception of the City's WIFI system. 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.
C. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
D. Do not post information on the internet that could adversely impact the City and/or an employee of the City. 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.
E. Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy.
F. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
G. Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites that will reflect negatively on the City.
H. 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.
I. Individual supervisors do not have the authority to make exceptions to these guidelines.

No form of social media 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 with cause.

DISCIPLINE:

A. Employees found in violation of any provision of this policy may be subject to corrective action, up to and including termination of employment. Where laws are violated, the City may pursue criminal and/or civil action against the employee.

B. All Department Directors are responsible for their subordinates' compliance with the provisions of this policy and for investigating non-compliance.

C. Internet user account and password access may be withdrawn without notice if an employee violates this policy.

Chapter 6: WORK ENVIRONMENT

6.17 Breastfeeding Policy

PURPOSE:

To outline the guidelines and procedures for accommodating breastfeeding mothers in accordance with Fair Labor Standards Act 29 U.S.C. 207(r)(1) (FLSA).

POLICY:

Stephenville supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

A. Eligibility

Employee who is breastfeeding

B. Benefit

1. An employee lactation room will be provided in the City Hall building as a private place for employees who are breastfeeding to express milk during work hours.

2. Each City-owned facility has space available for expressing breast milk. The department director and a Human Resource Representative will designate a private room, other than a restroom, which is free from intrusion, in other City buildings for employee use, as the need arises.

3. Access to a nearby, clean, safe water source and a sink is available for washing hands and rinsing out any needed breastfeeding equipment. Sinks and water supplies are available in any City restroom or breakroom, located within each City facility.

4. Access to hygienic storage in the workplace for the mother's breast milk will be provided. Shared refrigerators are available in each City-owned facility. Employees using the refrigerator shall clearly mark their stored belongings with their name.

5. Reasonable unpaid break time for an employee to express breast milk for her nursing child.

C. Requesting Breaks

The Employee is responsible for coordinating with her manager reasonable break times to express milk.

Chapter 6: WORK ENVIRONMENT

6.18 Personal Identity Information (PII) Security Notification, and Confidentiality

PURPOSE:

The City of Stephenville recognizes the importance of maintaining the confidentiality of Personal Identity Information (PII) and understands that such information is unique and sensitive to each individual. The PII covered by this policy may be obtained from various individuals performing tasks on behalf of the City including: employees, applicants, vendors, independent contractors and any PII maintained on its database.

POLICY:

All City departments which encounter PII have the delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced appropriately.

DEFINITIONS:

***Personal Identity Information (PII)*:** Unique personal identification numbers or data, including:

- Social Security Numbers
- Employer Identification Numbers
- Driver's license number
- Date of birth
- Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records

PII may reside in hard copy or electronic records; both forms of PII fall within the scope of this policy.

Vendors: Individual(s) or companies that have been approved by the Finance Department as a recipient of organizational PII and from which the finance department has received certification of their data protection practices conformance with the requirements of this policy. Vendors include all external providers of services to the City and include proposed vendors. No PII information may be transmitted to any vendor in any method unless the vendor has been pre-certified for the receipt of such information.

A. PII Retention

The City understands the importance of minimizing the amount of PII data it maintains and retains such PII only as long as necessary. The city secretary's office is responsible for maintaining organizational record retention procedures, which dictate the length of data retention and data destruction methods for both hard copy and electronic records.

B. PII Training

All new hires who may have access to PII are provided with introductory training regarding the provisions of this policy, a copy of this policy, and implementing procedures for the department to which they are assigned. Employees in positions with regular ongoing access to PII or those transferred into such positions are provided with training reinforcing this policy as well as procedures for the maintenance of PII data and shall receive annual training regarding the security and protection of PII data and City proprietary data.

C. PII Audit(s)

The City conducts annual audits of PII information maintained by the City in conjunction with fiscal year closing activities to ensure that this policy remains strictly enforced and to ascertain the necessity for the continued retention of PII information. Where the need no longer exists, PII information will be destroyed in accordance with protocols for destruction of such records and logs maintained for the dates of destruction. The audits are conducted by Finance, IT, Human Resources, as well as other departments which may have access to PII, under the auspices of the City Attorney.

D. Data Breaches/Notification

Databases or data sets that include PII may be breached inadvertently or through wrongful intrusion. Upon becoming aware of a data breach, the Finance Director or his/her designee will notify all affected individuals whose PII data may have been compromised. The notice will be accompanied by a description of action being taken by the City to reconcile any damage as a result of the data breach. Notices will be provided as expeditiously as possible and in no event be later than the commencement of the payroll period after which the breach was discovered.

The city attorney will handle breach notifications(s) to all governmental agencies to whom such notice must be provided in accordance with time frames specified under these laws. Notices to affected individuals will be communicated by Human Resources after consultation with the city attorney and within the time frame specified under the appropriate law(s).

E. Data Access

The City maintains multiple IT systems where PII data may reside; thus, user access to such IT systems is the responsibility of the IT department. The IT department has created internal controls for such systems to establish legitimate access for users of data, and access shall be limited to those approved by IT. Any change in vendor status or the termination of an employee or independent contractor with access will immediately result in the termination of the user's access to all systems where the PII may reside.

F. Data Transmission and Transportation

1. City Premises Access to PII: The Finance, Human Resources, IT, and other departments with access to PII have defined responsibilities for on-site access of data that may include access to PII; IT has the oversight responsibility for all electronic records and data access capabilities. Finance and Human Resources have the operational responsibility for designating initial access and termination of access for individual users within their organizations and providing timely notice to IT.

2. Vendors: The City may share data with vendors who have a business need to have PII data. Where such inter-company sharing of data is required, the IT department is responsible for creating and maintaining data encryption and protection standards to safeguard all PII data that resides in the databases provided to vendors. Approved vendor lists will be maintained by the Finance department, and Finance has responsibility to notify IT of any changes to vendor status with the City.

3. Portable Storage Devices: The City reserves the right to restrict PII data it maintains in the workplace. In the course of doing business, PII data may also be downloaded to laptops or other computing storage devices to facilitate City business. To protect such data, the City will also require that any such devices use IT department-approved encryption and security protection software while such devices are in use on or off City premises. The IT department has responsibility for maintaining data encryption and data protection standards to safeguard PII data that resides on these portable storage devices. Employees utilizing portable storage devices must:

    a. Share the responsibility for protecting the security of the equipment from unauthorized users.
    b. Be aware of and follow appropriate security provisions concerning logging on or off City computer systems and networks.
    c. Maintain the confidentiality of their password and of all data that is placed on or deleted from a City computer. It is particularly critical that employees not divulge their passwords to anyone.
    d. Report all security breaches, including compromised passwords, to their supervisor.
    e. Secure such devices when not in use to prevent unauthorized access or theft.

4. Off-Site Access to PII: The City understands that employees may need to access PII while off site or on business travel, and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall reside only on assigned laptops/approved storage devices that have been secured in advance by the IT department.

G. Regulatory Requirements

It is the policy of the City to comply with any international, federal or state statute and reporting regulations. The City has delegated the responsibility for maintaining PII security provisions to the departments noted in this policy. The city attorney shall be the sole entity named to oversee all regulatory reporting compliance issues. If any provision of this policy conflicts with a statutory requirement of international, federal or state law governing PII, the policy provision(s) that conflict shall be superseded.

H. Employee Recourse

If an employee has reason to believe that his or her PII (please refer to what constitutes PII) data security has been breached or that City representative(s) are not adhering to the provisions of this policy, an employee should contact an HR representative.

I. Confirmation of Confidentiality

All City employees must maintain the confidentiality of PII as well as City proprietary data to which they may have access and understand that such PII is to be restricted to only those with a business need to know.

J. Violations of PII Policies and Procedures

The City views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in corrective actions under the City's discipline policy and may include suspension or termination in the case of severe or repeat violations. PII violations and corrective actions are incorporated in the City's PII onboarding and refresher training to reinforce the City's continuing commitment to ensuring that this data is protected by the highest standards.

Chapter 7: EMPLOYEE CONDUCT

7.01 Corrective Action

PURPOSE:

To provide a structured, corrective action process to bring attention to existing performance, conduct or attendance issue(s).

POLICY:

It is the policy of the City of Stephenville that employees comply with certain standards of behavior and performance and where noncompliance is corrected in a manner that protects the dignity of employees. Corrective action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work related shortcomings, strengthen work performance, and achieve success. The following Corrective Actions are merely suggestions. Each Corrective action will be tailored to fit the specific offense or violation and may take into consideration the specific situation and previous performance record of the individual involved.

A. Reasons for Action

Corrective action may be taken for an employee's failure to maintain minimum performance standards, as Corrective action for misconduct, or for an employee who is experiencing a series of unrelated problems involving job performance or behavior. Unrelated performance problems may be considered separately unless the effect of the performance deficiencies has a cumulative effect on the employee's overall performance.

B. Documentation

Supervisors are expected to document Corrective action using the ***Performance Correction Notice*** **(Appendix E, Form 17)**. The documentation should contain a description of the behavior that prompted the discipline, the action taken, and how the employee's conduct must change, including time frames, as necessary. Every Corrective action taken shall be recorded so as to provide documentation that rules are enforced equitably and in accordance with stated policy, without regard to race, gender, national origin, disability, age, religion, or any other characteristic provided by law. All Corrective documentation shall be sent to Human Resources to be kept in the employee's personnel file.

C. Procedure

The City reserves the right to exercise any of the Corrective options, up to and including termination of an employee. Repeating or jumping a step, or moving to immediate discharge may be appropriate depending on the circumstances and management's judgment.

Below are examples of the levels of discipline:

1. **Verbal Warning**

   A verbal warning is best suited for a minor rule infraction or incident of substandard performance. It is usually the first step in the Corrective action process to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or violation of city policies. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem. **A *Performance Correction Notice* (Appendix E, Form 17)** detailing the event shall be signed by the employee and the supervisor and submitted to Human Resources within five (5) business days. A memo may be prepared by the supervisor if needed, and attached to the *Performance Correction Notice*. A copy must be kept in the employee's personnel file in Human Resources.

2. **Written Reprimand**

   A written reprimand is a higher form of discipline that is a more formal documentation of the performance, conduct or attendance issues and consequences. A ***Performance Correction Notice* (Appendix E, Form 17)** detailing the event and clearly outlining expectations and steps the employee must take to improve performance or resolve the problem shall be signed by the employee and the supervisor and submitted to Human Resources within five (5) business days. A memo may be prepared by the supervisor if needed, and attached to the ***Performance Correction Notice***. A copy of the written reprimand must be kept in the employee's personnel file in Human Resources.

   The immediate supervisor will meet with the employee and review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant Performance Improvement Plans. Management will outline for the employee the consequences if he/she continues to fail to meet performance, conduct or attendance expectations. A notification outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the reprimand.

3. **Delay of Step Increase**

   A department director may authorize a delay of a scheduled step increase as a Corrective measure or for unsatisfactory performance. The supervisor and employee will create a ***Performance Improvement Plan* (Appendix E**, **Form 27**). A copy of the written notice of delay of step increase, which indicates the date when the step increase will be re-evaluated, and the Performance Improvement Plan must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources. If the employee meets the required performance standards upon reevaluation, the employee may be eligible to receive an increase consistent with their performance level if annual increases are budgeted. The increase shall not be retroactive.

4. **Corrective Probation**

   The purpose of Corrective probation is to allow the employee a stated period of time to demonstrate improvement on a specific problem or problems specified at the time the employee is placed on Corrective probation. A Performance Improvement Plan that includes a statement of the problem, action steps to achieve necessary improvement,

length of probation period, and information concerning further Corrective action that could result from failure to show improvement shall be signed by the employee. Corrective probation shall not exceed one year in duration and may be used in conjunction with a suspension after a serious or repeated violation. No merit increases or promotions will be authorized during Corrective probation. A copy of the Corrective probation memo must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.

5. **Suspension**

A department director may authorize suspension without pay for up to 120 hours in a single calendar year, with the approval of Human Resources. Suspensions over 120 hours shall require the written authorization of the City Manager. Employees, in all suspensions, shall be given written notice of the reasons for the suspension. The notice shall document the offense and the alternatives upon return to work are either immediate improvement or termination. Suspensions shall be signed by the employee, the supervisor, department director, and Human Resources Manager and must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.

Suspension during Criminal or Civil Proceedings

During investigation, hearing, or trial of an employee on any civil or criminal charge, the employee may be placed on Administrative Leave with or without pay, for the duration of the proceedings, (whenever such suspension would be in the best interest of the City). The department director will issue an Administrative Leave memo, have the employee sign and forward to the Human Resource Department where the Human Resource Manager will sign. A copy must be kept in the employee's personnel file in Human Resources. This is not a Corrective action, but merely a status until the results of the investigation, hearing or trial is obtained.

6. **Demotion**

A Department Director may demote an employee for reasons which include, but are not limited to, a violation of rules or policies or repeated refusal or inability to improve performance. Demotions may be permanent or for a predetermined period of time and may be used in conjunction with a Corrective probation. Corrective demotions may be accompanied by a reduction in wage, if appropriate. Employees shall be given written notice of the reason(s) and duration of the demotion, and in the case of a temporary demotion, the Performance Improvement Plan required for the employee to be reinstated to the former position. A copy of the written notice of demotion must be submitted to Human Resources within five (5) business days and kept in the employee's personnel file in Human Resources.

7. **Administrative Leave**

Administrative leave can be used for Corrective purposes, decision making leave, a cooling off and/or transition period. ***See Chapter 4 Page 68 for guidelines***

8. **Termination**

Employees may be terminated at any time. Termination is normally taken when other Corrective actions have been utilized, but performance has not changed or when an employee has committed a major violation or exhibited behavior that is unacceptable to the City. Termination shall be approved by the Human Resources Department and the City Manager. Employees who are terminated are not eligible to receive unused benefits, except for unused compensatory time and accrued vacation leave. A copy of the termination letter must be reviewed and approved by Human resources before proceeding with the termination. A copy of this letter will be kept in the employee's personnel file in Human Resources.

D. Corrective Action and Performance Evaluation

Employee(s) on probation or suspension are not eligible for a merit increase. After the employee is removed from Corrective status, the employee may be eligible to receive an increase consistent with their performance level if annual increases are budgeted. The increase shall not be retroactive.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Stephenville and its employees.

Chapter 7: EMPLOYEE CONDUCT

7.02 Employee Conduct and Work Rules

PURPOSE:

To promote and ensure appropriate conduct by providing standards governing specific problems regarding employee conduct.

POLICY:

All employees are expected to conduct themselves both on and off the job in accordance with the standards set forth in this policy and are expected to exemplify conduct that is lawful and professional. Employees conduct, on or off the job, should instill public confidence and trust, and should not bring the City into disrepute. An employee's off duty behavior must maintain the expected ethical and conduct standards, and not discredit or adversely impact the City's image or public trust. Compliance with these standards of conduct is a condition of employment.

The following work rules relating to personal conduct are intended to provide minimum guidelines for employee conduct and work performance, and to inform employees of prohibited conduct. Engaging in one or more of the following forms of prohibited conduct may result in Corrective action up to and including termination.

Each employee has a duty to report to a supervisor, department director, or to the Human Resources department any employee conduct that such person believes is a violation of the law, constitutes a misuse of City funds or assets, or represents a danger to public health and safety. An employee will not be subject to Corrective action or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy.

The following is a non-exclusive list of examples of employee conduct for which an employee may be disciplined. The City has the right to exercise any Corrective options as the situation may warrant.

A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:

1. Unexcused absence or tardiness;
2. Failure to give notice of an absence or tardiness to the supervisor before the start of their work day, or as may be prescribed by departmental policy;
3. Separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification;
4. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
5. Abuse of leave, such that the employee's absence from the workplace renders the employee unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.

B. **Excessive use of sick leave** may constitute grounds for the assumption of the department director that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job. Failure to provide a physician's certification will be deemed a violation of City Policy and subject to discipline action. Refer to ***Chapter 4.01 – Sick Leave*** for more information.

C. **Abandonment** occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive work days. The employee is deemed to have abandoned his/her job and shall be terminated.

D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible leave has been exhausted, except when the employee's absence is covered by the Family and Medical Leave Act.

E. **Inability or unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:

1. Failure to follow routine written or verbal instructions;
2. Arguing over assignments or instructions; or
3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.

F. **Indifference toward work** is exemplified by, but is not limited to, the following violations:

1. Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
2. Reading unauthorized material, playing games, watching television, movies or accessing unauthorized internet sites, unauthorized e-mail usage, or otherwise engaging in entertainment while on the job and/or in view of the public;
3. Excessive failure to remain at one's work station without notifying his/her supervisor, leaving work without permission, or taking excessive time or more time allowed for eating or break periods;
4. Smoking or using tobacco products in other than designated areas;
5. Performance of personal business during working hours;
6. Interference with the work of others; or
7. Discourteous or irresponsible treatment of the public or other employees.

G. **Sabotage** is exemplified by, but is not limited to, the following violations:

1. Deliberate damage to or destruction of City equipment or property;
2. Defacing of City property;
3. Unauthorized alteration, removal, destruction, or disclosure of City records;
4. Advocacy of or participation in unlawful trespass or seizure of City property;
5. Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
6. Encouraging City employees to disobey provisions of these rules and regulations, the City Charter, City Ordinances, or other laws;
7. Interference with the public use of or access to City services, properties, or buildings; or
8. Threats to commit any act of sabotage as defined in this subparagraph.

H. **Safety and workplace violations** are exemplified by, but are not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel and/or (PPE) Personal Protective Equipment;
3. Removal or circumvention of a safety device;
4. Lifting in a manner which may cause injury;
5. Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
6. Smoking in a prohibited area;
7. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
8. Failure to report an on-the-job injury, vehicle accident, or unsafe working condition;
9. Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress;
10. Sharing a City key, identification card, building entry code, or security badge with another employee or third-party;
11. Use of another's computer sign-on or computer access code(s), or providing an individual's sign on or computer access code to a third party without proper authorization to gain access to the City's computer network or access to confidential or privileged information;
12. Reading another employee's mail, correspondence, or email without express permission, except as otherwise authorized by personnel policy;
13. Listening to another employee's voice mail without express permission, except as authorized by the personnel policy; or
14. Failure to maintain a driving record acceptable to the City.

I. **Dishonesty** is exemplified by, but is not limited to, the following violations:

1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
2. Cheating, forging, or falsification of official City reports or records;
3. False reporting of the reason for a paid leave of absence;
4. Failure to accurately record time records, or recording the time of another employee; or
5. Any other falsifying action detrimental to the City, City employees, or others.

J. **Theft,** regardless of item value, is exemplified by, but is not limited to, the following violations:

1. Unauthorized taking of City property, City supplies, or the property of others for personal use;
2. Unauthorized use of City or employee funds;
3. Using or authorizing the use of City equipment, supplies, or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
4. Using or authorizing the use of City equipment or employee services without proper authority.

K. **Insubordination** is exemplified by, but is limited to, the following violations:

1. Willful failure or refusal to follow the specific orders or instructions of a supervisor or higher authority; or
2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
    a. If the employee believes an instruction or order is improper, he should request an interpretation of the next higher level of authority; or
    b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

L. **Abuse of drugs or alcohol** is exemplified by, but is not limited to, the following violations:

1. An employee is judged unable to perform duties in an effective and safe manner due to:
    a. ingestion, inhalation, or injection or application of a substance honor into the human body; or
    b. ingestion of an alcoholic beverage;
    c. An employee possesses or ingests, inhales, or injects into his/her body drug:
        1. during working hours and lunch periods;
        2. in a City vehicle;
        3. on City property; or
        4. An employee possesses or ingests an alcoholic beverage:
        5. during working hours and lunch periods;
        6. in a City vehicle; or
        7. on City property; except at an authorized City event

M. **Disturbance** is exemplified by, but is not limited to, the following violations:

1. Fighting or boisterous conduct;
2. Deliberate causing of physical injury to another employee or citizen;
3. Harassment or intimidation;
4. Unnecessary disruption of the work area;
5. Use of profane, abusive, threatening, or loud and boisterous language;
6. Sexual harassment;
7. Spreading of false reports; or

Other disruption of the harmonious relations among employee's or between employees and the public.

N. **Unauthorized use of City property** is exemplified by, but is not limited to, the following violations:

1. Intentional, careless, or negligent damage or destruction of City equipment or property;
2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of equipment;
4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended; or
5. Unauthorized internet or e-mail usage.

O. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, indictment, arrest, conviction or confinement.

Employees must notify their immediate supervisor and the supervisor will notify the Human Resources Manager within 24 hours of any arrest, charge, indictment or driver's license suspension/revocation, whether related to on-duty or off-duty events. Employees may be transferred, demoted or terminated if it is determined by the City in an Administrative Review that the criminal offense is inappropriate for the position or might otherwise compromise the public trust or confidence in the City government.

In determining whether the criminal offense is inappropriate for the position in question, the City will consider, but is not limited to, the following factors:

1. Nature of the position;
2. Nature of the offense;
3. Severity of the offense;
4. Security of other employees and/or citizens;
5. Disruption of the workplace; or
6. Violation of public trust

P. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.

Q. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation described in the subsections.

R. **Failure to maintain competency:** An employee shall maintain sufficient competence to properly perform his/her duties and to assume the responsibilities of his/her position. He/she shall direct and coordinate his/her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions, and orders with minimum supervision, a written record of repeated Corrective actions for infractions of policies, rules, regulations, manuals, or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.

S. **Discrimination:** No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability, or physical handicap.

T. **Professional appearance:** An employee shall maintain a neat, well-groomed appearance and style of his/her hair and wear his/her uniform or other apparel in accordance with individually established departmental standards.

U. **Labor organizations:** No employee shall engage in any form of unauthorized labor organization or political association activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations.

V. **Membership in unlawful groups:** No employee shall be or become a member with intent to further its aims of any organization, association, movement, or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.

W. **Criminal or Traffic Violations:** Employees shall notify their immediate supervisor of criminal violations, any arrest, indictment or convictions within five (5) calendar days of such criminal violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their supervisor immediately of all traffic violations, excluding parking violations of any conviction therefore.

X. **Civil Lawsuit:** Employees shall notify their immediate supervisor of any civil lawsuit that is brought against them.

Y. **Confidentiality and use of information:** No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable department director. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

Z. **Administrative Review or Internal investigation:** An employee shall fully cooperate and is required to answer all questions truthfully and with full disclosure. Any employee failing or refusing to cooperate in an investigation will be subject to Corrective action up to and including termination.

Chapter 7: EMPLOYEE CONDUCT

7.03 Employee Appeal Process

PURPOSE:

To outline the procedures for full time employee appeal to a Corrective action. This policy does not apply to part time, temporary, or seasonal employees, or to employees in the introductory period of employment.

POLICY:

An employee who wishes to appeal a Corrective action may do so by the following procedure. Written notification of the appeal of a Corrective action must be presented to the following supervisory and management personnel in the order indicated.

A. Step One – Appeal to Department Director

A written appeal shall be presented to the department director within seven (7) City business days of the Corrective action taken. The department director will notify the Human Resources Director that an appeal has been received. The department director will review the facts and will render a written decision within five (5) City business days, or if the department director is absent or is to be absent, within five (5) City business days of returning to work. The department director will forward copies of the decision to the employee and the Human Resources Department.

B. Step Two – Appeal to City Manager

In the event the decision of the department director is eligible to be appealed, and is requested, the city manager shall hear the appeal within five (5) City business days of the request, unless the date is extended by mutual agreement between the employee and the city manager. The city manager reserves the right to appoint one or more designees to hear an appeal in his/her stead at any time during the appeal procedure. Representation by an attorney shall be permitted. The employee, the employee's own attorney (if applicable), the department director, the city attorney, and witnesses shall have the opportunity to be present at the hearing before the city manager and answer questions addressed by the City Manager, and to present their side of the issue.

The city manager shall have the absolute right to determine the case on the merits. The city manager shall render a written decision to the employee and department director within five (5) City business days of the conclusion of the appeal hearing. The decision of the city manager is final.

Chapter 7: EMPLOYEE CONDUCT

7.04 Grievance

PURPOSE:

The purpose of this policy is to provide active "current" employees guidelines for discussing and resolving grievance matters and procedures to follow when those matters are not resolved to the employee's satisfaction. This policy does not apply to non-active "former" employees.

Grievance policies and procedures empower employees by ensuring that their voices are heard. A formal process improves employee morale, relieves immediate supervisors of ongoing disputes, and helps to ensure that disagreements or other problems are addressed in a prompt and orderly fashion.

POLICY:

The scope of a grievance is limited to the inappropriate or inconsistent application of a written policy.

No employee will retaliate against a grieving employee.

DEFINITIONS:

"Business day" means any day the City is open to conduct normal business. For the purposes of this policy, it does not include the day the grievance is filed and the day the written response is given.

"Grievable Act" means conduct that constitutes an unequal and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

"**Grievance"** means a formal, written claim for a grievable act.

"Non-Grievable Act" is something that an employee may not submit a grievance. Examples include but are not limited to:

1. Job or duty assignments;
2. Work schedules and shift assignments;
3. Staffing levels;
4. Corrective matters;
5. Performance reviews/quarterly conversations

"Grieving Employee" is an employee who files a grievance.

PROCEDURE:

Filing the Grievance

An employee who believes to be the subject of a grievable act is strongly encouraged to discuss the matter with an immediate supervisor – minimally, in an informal manner. If the immediate supervisor cannot resolve the employee's concerns, the employee may pursue filing a formal grievance in accordance with this policy. Nothing shall preclude the employee from filing a formal grievance initially.

An employee desiring to file a grievance must either use the ***Employee Grievance Form*** **(Appendix E, Form 18)** or complete a memorandum similar in structure to the grievance from. The grieving employee may attach documents the employee feels is pertinent to the grievance.

Investigating the Grievance

Any person who is responsible for receiving and responding to a grievance should interview the grieving employee and other applicable employees, and review as many relevant documents as necessary in order to thoroughly respond.

Three Steps of the Grievance Process

A. Step One – Immediate or Designated Supervisor

The grieving employee must present the written grievance to the immediate or designated supervisor within ten (10) City business days of:

1. The grievable act; or
2. The application of policy; or
3. When the employee learned of the grievable act.

Each department is responsible for designating the applicable supervisor for Step One.

Once received, the supervisor shall provide a written response to the grieving employee within ten (10) City business days of receiving the grievance. Employees who attempt to grieve a non- grievable act will receive notice that the grievance is dismissed and will receive a copy of this grievance policy for guidance.

Grieving employees who are dissatisfied with the immediate or designated supervisor's decision may appeal the decision in writing to the department director within five (5) City business days after receiving the supervisor's decision.

B. Step Two – Department Director

The department director will schedule a meeting with the grieving employee and provide a written response to the grievance within ten (10) City business days of receiving the grievance request.

Grieving employees who are dissatisfied with the department director's decision regarding the grievance may appeal the decision in writing to the city manager within five (5) City business days of receiving the Department decision.

C. Step Three – City Manager

The city manager will schedule a meeting with the grieving employee within ten (10) days of the request. A written response to the grievance will be provided to the employee within ten (10) City business days of meeting with the employee. The decision of the city manager is final.

D. Step Four – Grievance Against City Manager

An employee who believes to be the subject of a grievable act by the city manager must file said grievance with the Mayor or city attorney.

Chapter 7: EMPLOYEE CONDUCT

7.05 Drug Free Workplace

PURPOSE:

To ensure the City of Stephenville is a work environment free of substance and alcohol abuse.

POLICY:

In compliance with the Omnibus Drug Free Work Place Policy Act of 1988, the City of Stephenville shall make a good faith effort to take those steps required by the Act to ensure the safety of its employees, volunteers, citizens, and the general public by providing a workplace that is drug free.

The City strictly prohibits the unauthorized use, sale, purchase, possession, distribution, dispensation, manufacture or transfer of controlled substances, as that term is defined by applicable state and federal laws, while on or in City property or other work sites where employees may be assigned, in City owned vehicles, in or on City equipment and machinery, or in personal vehicles while conducting City business.

Employees, volunteers, or contractor convicted or violations related to controlled substances under state and federal law or who plead guilty or no contest to such charges must inform the City Administrator's Office and the department director within five (5) City business days of such conviction or plea. Employees who operate City vehicles or equipment and receive a DWI or DUI will be placed on unpaid administrative leave pending the outcome of the charge(s); upon conviction for a DWI or DUI, employee will be terminated.

Any employee found in violation of this policy will be terminated and any volunteer found in violation of this policy will be released from volunteer service with the City.

Chapter 7: EMPLOYEE CONDUCT

7.06 Substance Abuse and Testing

PURPOSE:

To provide guidelines for substance abuse testing at the City of Stephenville in order to maintain a safe and productive work environment for employees and to ensure efficient delivery of services to citizens.

POLICY:

The City maintains a firm commitment to provide a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe Corrective action, up to and including termination of employment. This policy applies to all employees including Department Directors and Executive staff.

A. General Provisions

1. **Prohibited of Personal Use**

   Employees shall not use, have present in their body or on their person alcohol, illegal drugs, intoxicants or any other prohibited substances when reporting to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants or any other prohibited substances in City vehicles or equipment or on City premises. Employees are prohibited from using or being under the influence of marijuana in the workplace.

2. **Prescriptions and Over-the-Counter Medications**

   Employees shall not possess prescription drugs except as prescribed by their physician. Employees shall not use prescription drugs or over the counter (OTC) medications in a manner inconsistent with recommended dosages and/or warning statements. Employees shall not possess marijuana except as prescribed by their physician for medicinal purposes. Employees must report their use of over-the-counter or prescribed medication to their supervisor if the use might impair their ability to perform their job safely and effectively. A determination will be made as to whether the employee is able to perform the essential functions of the job safely and properly. The City reserves the right to have a designated city physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties and may restrict the job duties performed while using a drug or medication accordingly.

3. **Prohibition of Distribution**

   Employees shall not sell, possess, provide, dispense, distribute to other persons, or unlawfully manufacture any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, stand-by, on meal or break periods, on City premises or work site, operation a City vehicle, or in a City uniform. In addition, the City prohibits the off- premises abuse of alcohol and controlled substances when those activities adversely affect job performance, job safety, or the City's reputation.

4. Drugs and/or Alcohol Test

On duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required or ordered to submit by a person having the authority to do so.

5. Report for Duty

An employee may not report for duty or operate a City vehicle with any alcohol or illegal drugs present in the body.

6. Training and Conferences

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol, as long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law and shall not operate City owned vehicles, and are discouraged from driving personal vehicles after the consumption of any level of alcohol. Employees will be responsible for their own actions and consequences of their actions. If the employee needs assistance with transportation, they must contact any available City representative who may arrange alternative transportation.

7. Mandatory Reporting of Arrests and Convictions

Employees must notify their immediate supervisor and the department director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction. An employee who is convicted for a drug or alcohol related offense is subject to Corrective action up to and including termination, even for a first offense.

8. Supervisor and Director Responsibility

Supervisors and directors are responsible for consistent enforcement of this policy. A supervisor/manager/director who knowingly permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of the policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him/her to report for or continue on duty, shall be subject to severe Corrective action, up to and including termination.

9. On Call/Emergency Call Back

Employees who are in an on call status are prohibited from consuming alcoholic beverages or using drugs that may impair performance if called back to work.

The City recognizes that employees who are not designated as "on-call" may be asked to report for emergency or unexpected duty. Before reporting for duty, employees shall disclose to their supervisor whether they have used alcohol or other substances, including prescribed or over the counter medicine that might affect their ability to work and/or perform. Employees subject to continuous emergency call back are required to declare to their supervisors that use of alcohol or controlled substances including prescribed medication that might affect their ability to perform under the emergency. The supervisor will advise those employees not to report to work. Employees shall decline such calls for emergency duty without being subject to Corrective action. In

no event shall employees reporting for emergency duty by under the influence of alcohol or other substances that cause impairment.

10. <u>Rehabilitation/Treatment</u>

a. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it jeopardizes his/her employment.

b. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of termination 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 termination.)

It is the City's sole discretion to determine if a leave of absence may be granted. Factors considered by the City in deciding whether to grant leave include: the employee's prior work and Corrective 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 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. **<u>Note</u>:** Under certain conditions, treatment for substance abuse may be covered under the City's Family Medical Leave Act Policy.

c. 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.

d. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. The employee is subject to the provisions relating to ***Leave Without Pay – Section4.06.***

e. If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her 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:

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

2. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
3. 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;
4. 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 (2) years following the employee's return to work following treatment;
5. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.
6. This policy will be administered in accordance with the City's Family Medical Leave Act policy when applicable and will be enforced consistent with the City's obligations under the ADA/ADAAA.

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

B. Testing

Types of Tests

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

1. Pre-Employment Testing of Applicants

The City will not knowingly hire applicants under the influence of drugs and/or alcohol. All applicants to whom a conditional offer of employment has been made will be requires 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. Department directors shall not allow an applicant to begin work until they have received confirmation from the Human Resources Department that the prospective employee has tested negative for drugs.

Current employees who promote to a safety-sensitive position are required to pass a drug test. ***See Appendix C for a list of safety-sensitive positions***

2. Post-Accident and Post Injury Testing

Employees including full time, part time, seasonal, and temporary are subject to post accident and post injury testing. Immediately following an accident the employee is required to submit to alcohol and drug testing as directed by department director. Any accident in a City vehicle will require substance abuse testing of the driver. Adherence to post accident guidelines are a condition of continued employment.

For the purpose of this policy an ***accident*** refers to:

- ***a.*** An on the job accident or incident where any person who suffered injury which is reasonably expected to require medical attention, orwho contributes to the injury of another person;
- ***b.*** Employees who discharge a firearm in violation of any department, federal, state, municipal or local rule or regulation, and/or that result in bodily injury or property damage will be tested for drugs and alcohol within the time frames set forth in this policy.
- ***c.*** Any damage to City or privately owned vehicle, equipment, property, or premises, while in operation of a City vehicle or City equipment.

If the employee is not subject to Department of Transportation (DOT) regulations, the supervisor will administer drug/alcohol test, or send the employee to Human Resources for drug/alcohol test. If drug/alcohol test is non-negative, the employee will be sent to a City approved medical facility for a follow up test.

If the employee is subject to DOT regulations, the supervisor, director, or designee shall drive the employee to a City-approved medical facility and wait for testing to be completed. If a trained supervisor suspects possible impairment, the supervisor shall ensure that the employee is taken home. If the employee refuses transportation and insists on driving, law enforcement may be notified.

The employee, regardless of DOT status, shall be placed on restricted, non-driving/operating equipment duty until the drug test results have been returned. HR will notify the employee's supervisor when the employee is able to return to his/her normal work duties.

Nothing in this policy should be construed to require the delay of necessary medical attention for an injured employee following an accident/injury. An employee may leave the scene of an accident for the period necessary to obtain medical assistance or obtain necessary emergency care. If immediate medical attention or hospitalization is needed, the supervisor responsible will request that drug/alcohol tests are done along with necessary treatments.

3. <u>Reasonable Suspicion</u>

A referral for reasonable suspicion testing will be based on specific, contemporaneous observations concerning the appearance, behavior, speech, or body odors of the employees.

Reasonable Suspicion Testing Process:

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion Indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take appropriate action will be subject to Corrective action up to and including termination. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor, department director, or Human Resources Department.

Reasonable Suspicion Indicators (including but not limited to):

- ***a.*** Observable behavior such as direct observation of drug or alcohol use, possession or physical symptoms of being under the influence of drugs or alcohol;
- ***b.*** Possession of drug paraphernalia;
- ***c.*** Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- ***d.*** Smell of alcohol or marijuana on person or breath;
- ***e.*** Appearing to be intoxicated, confused, disoriented, or difficulty in concentrating;
- ***f.*** Identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking;
- ***g.*** Abnormally dilated or constricted pupils, glazed stare;
- ***h.*** Bloodshot or watery eyes;
- ***i.*** Flushed face;
- ***j.*** Change of normal speech pattern, i.e. faster or slower;
- ***k.*** Constant sniffing or redness under nose;
- ***l.*** Sudden weight loss;
- ***m.*** Needle marks;
- ***n.*** Exhibiting change in personality, i.e. paranoia, anger, etc.;
- ***o.*** Forgetfulness;
- ***p.*** Change in performance level;
- ***q.*** Borrowing money from co-workers or other unusual display of need for money;
- ***r.*** Constant fatigue or hyperactivity;
- ***s.*** Excessive, unexplained absences;
- ***t.*** Dulled mental processes, sleepy, or stuporous condition;
- ***u.*** Slowed reaction rate;
- ***v.*** Slurred speech;
- ***w.*** Physical or verbal altercation;
- ***x.*** Lack of coordination, difficulty walking, inability to walk straight.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a supervisor, the employee will be questioned and observed by a Department Director or Human Resources employee.

The supervisor and department director shall document in writing observed behavior on a ***Supervisor's Report of Reasonable Suspicion*** **(Appendix E, Form 19).** The department director shall contact Human Resources for reasonable suspicion authorization. In the event that the Human Resources Department is unavailable, the department director shall contact the City Manager's Office.

Right to Search Property: Upon reasonable suspicion, the City may search city owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it, when possible. If the lock isn't removed, the City shall cut the lock off.

STEP 2

If the evidence indicates that the employee may be under the influence and the department director has received authorization from Human Resources or the City

Manager's Office, the supervisor, director, or designee shall drive the employee to the medical facility and wait for testing to be completed. If the employee is not subject to Department of Transportation (DOT) regulations, an oral drug/alcohol screen test may be administered by the supervisor or Human Resources Manager. If the results are non-negative, the employee will be taken by the supervisor or designee to a city medical facility for a follow up test.

Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management will result in termination.

STEP 3

The employee will be provided transportation home to await the test results. If the employee refuses and demands to drive their vehicle, the employer shall notify law enforcement. If the test results are negative, the employee may return to work.

Information obtained through this testing will be treated with strict confidentiality.

Fire and Police Department Reasonable Suspicion

The Fire or Police Chief may direct any employees of their respective departments to submit to a drug and/or alcohol test immediately. The Human Resources Manager shall be notified as soon as possible, but no later than 24 hours after the employee was tested.

4. Random Testing Selection

Random, unannounced alcohol and drug testing is a proven deterrent to the use or presence of illegal drugs or unauthorized controlled substances. Employees will be selected solely on a random basis by a computerized random selection program. ***Random*** means that all covered employees have an equal chance of being selected each time and could mean that the same employee is selected more than once or not atoll.

The frequency of random drug test and percent of the work force tested during the year will be determined by management. The City shall maintain two random pools as indicated below, which shall be maintained and reported independently:

- Employees in Positions Subject to DOT Regulations, including those requiring operation of commercial motor vehicles and possession of a commercial driver's license **(Appendix B)**.
- Employee in City designated ***Safety Sensitive Positions.*** **(Appendix C)**

Drug and alcohol tests will be unannounced and spread throughout the year. The Human Resources Manager or designee is the authorized individual to generate the list of names through the computer program for random testing. The Human Resources Manager or designee shall notify the department director or supervisor of each selected employee. The director of supervisor will retain the name in a confidential manner and ensure that the employee is notified immediately upon reporting for duty and ensure that the employee reports to the Human Resources Department. If a department director or supervisor is found to break this confidentiality or any other part of this policy, they shall be subject to Corrective action up to and including termination.

If the employee is not on duty, he or she is exempt from the current random testing.

C. Consequences

An employee, who tests positive for drugs/alcohol, fails to submit to testing when requested, required, or ordered to take any of the tests listed in this policy, or in any way violates any of the prohibitions listed in this policy shall be terminated immediately, even for a first offense. Failure to report to the collection site in the time allotted (travel time plus 30 minutes) will be considered a refusal to take the required test.

The Stephenville Police Department and other applicable law enforcement agencies shall be notified, as appropriate, where criminal activity is suspected. Suspension without pay for the duration of the investigation may be applied to any employee who is the subject of an alcohol or drug-related inquiry by the City or any other law enforcement agency.

Positive tests will be reviewed by the city manager or designee. The city manager or designee will examine the laboratory results and discuss the results with the person testing positive to determine whether an alternate medical explanation can account for a positive test.

If an employee fails to provide an unaltered, unadulterated urine specimen, refuses to submit to a requested, required or ordered alcohol/drug test, submits a urine specimen other than their own, submits a diluted urine specimen based on specific gravity and creatine levels confirmed by the Medical Review Officer, or in any way tampers or attempts to contaminate or tamper with their specimen or the testing of said specimen, they shall be deemed to have refused to submit.

An employee who fails to provide an adequate volume of a breath or urine for testing, without a valid medical explanation, shall be deemed to have refused to submit. An employee terminated for violation of this policy may not appeal the termination to the Employee Review Board.

An employee who receives a "negative dilute" test result will be immediately sent back to the testing facility for a retest. For low level negative dilutes, the DOT requires immediate recollection under direct observation. The city manager or designee determines which test is necessary.

D. Operators of Commercial Motor Vehicles

The City will comply with the Department of Transportation (DOT) rules requiring drivers whose position requires a commercial driver's license to submit to drug and alcohol testing. The consequences in step C above also apply to DOT employees.

1. Rules Concerning DOT Regulated Employees

DOT rules establish certain conduct that is prohibited by regulated

drivers. Those prohibitions are as follows:

a. No regulated employee shall report for duty or remain on duty while having any alcohol or drugs in the body, or on the body. Employees who are required to hold a Commercial Driver's License (CDL) shall not use alcohol within four (4) hours of reporting for duty or within eight (8) hours before being involved in a vehicle accident while operating a commercial motor vehicle.

b. No regulated employee shall be on duty or operate a commercial motor vehicle in possession of any form of drugs or alcohol, unless the alcohol is manifested and transported as part of a shipment.

c. No regulated employee shall refuse to submit to a required test.

d. No regulated employee shall report to duty or remain on duty which requires driving when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

e. No regulated employee shall report for duty, remain on duty or perform a safety- sensitive function while impaired.

f. If the driver tests positive for drugs or alcohol, he/she is terminated.

2. <u>Conditions Requiring Testing of DOT Regulated Employees</u>

All employees of the City regulated by DOT will be required to undergo breath testing for alcohol and/or urine drug testing under the following conditions:

a. ***Pre-employment Testing***

All final applicants for employment in a position that requires a CDL will be subject to drug/alcohol testing. The employment process will be suspended if evidence of illegal drug use is discovered through drug testing or other means, if an applicant refuses to take the drug test, or if the applicant attempts to substitute or contaminate the drug screen specimen. Employees that transfer to a position that requires a CDL will be subject to pre- employment testing prior to official transfer.

b. ***Post-Accident Testing***

As soon as possible after an accident involving a commercial motor vehicle, the driver is required to submit to drug and alcohol testing. If the alcohol test is not administered within two (2) hours following the accident, the City shall prepare and maintain a record stating the reasons the test was not promptly administered. If the alcohol test cannot be completed within eight (8) hours following the accident, the City will cease attempts to administer the alcohol test and will prepare and maintain the same record. If the drug test is not administered within thirty-two (32) hours following the accident, the City will cease to attempt to administer the drug test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

c. ***Random Testing***

The City will comply with DOT's random testing requirement. These tests will be unannounced and will be spread reasonably throughout the year. The minimum annual percentage rate for random alcohol and drug testing will follow the testing guidelines listed on **<u>https://www.transportation.gov/odapc/random-testing-rates</u>**

The selection of drivers for random drug and alcohol testing will be made by a scientifically valid method. Under the selection process, each driver will have an equal chance of being tested each time selections are made.

Each employee who is selected for testing will proceed to the collection site immediately. If the employee is performing a safety sensitive function at the time they are notified, the City will ensure that the driver ceases to perform the function and proceeds to the testing site as soon as possible. Drug testing may be conducted at any time while the employee is working for the City.

d. ***Reasonable Suspicion Testing***

The City will require a DOT regulated employee to submit to a drug and alcohol test when there is reasonable suspicion that the regulated employee is under the influence of drugs and/or alcohol. Reasonable suspicion testing will be based on specific, contemporaneous observations concerning the regulated employee's speech, appearance, behavior, or body odors and follow the guidelines in ***Chapter 7.06 B(3).***

The required observations will be documented **(Appendix E, Form 19)** by one supervisor and one Department Director who is trained in detecting the signs and symptoms of drug and alcohol use and misuse. The documentation of the employee's conduct under reasonable suspicion will be prepared and signed by the witness(es) within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

The provisions of this section of the policy are in addition to, not in lieu of, the provisions that apply to all employees. Nothing in this section will prohibit the City from testing DOT regulated employees for alcohol or drugs under other provisions of this policy.

Chapter 7: EMPLOYEE CONDUCT

7.07 Harassment & Discrimination

PURPOSE:
To provide guidelines and procedures for defining and preventing inappropriate workplace conduct, including employee harassment, discrimination and retaliation.

POLICY:
It is the policy of the City of Stephenville to prohibit any form of harassment, discrimination or retaliation of employees, applicants or members of the public. The City maintains a strict policy that harassment whether sexual, racial, ethnic or religious in nature or directed toward towards one's age, gender, genetic information, or disability status is not acceptable in the workplace and will not be tolerated. All employees, including managers, supervisors and representatives of the City are expected to refrain from exhibiting any unwelcome behavior or displaying conduct toward any other employee, applicant or members of the public which could be interpreted as harassment.

Equal employment opportunity has been, and will continue to be, a fundamental principle at the City of Stephenville, where employment is based upon personal capabilities and qualifications without regard to race, color, gender (sex), age, national origin, disability, genetic information, or any other protected characteristic established by law. This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions of employment. The City prohibits and will not tolerate any such discrimination, harassment and/or retaliation.

The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment. This policy is not to be construed to prohibit the City from establishing bona fide occupational qualifications that relate to physical or mental capabilities required to perform a job.

Allegations of inappropriate behavior, harassment, discrimination and/or retaliation will be promptly investigated by the Human Resources Director or designee.

A. Definitions of Harassment

1. **<u>Sexual harassment</u>**

   For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle, not so subtle, or overt behaviors and may involve individuals of the same or different gender.

These behaviors may include, but are not limited to:

- **a.** Unwanted sexual advances or requests for sexual favors;
- **b.** Unwelcome, sex-oriented kidding, jokes or innuendo;
- **c.** Use of sexual profanity or other verbal abuse of a sexual nature;
- **d.** Subtle pressure or overt demand for sexual activity;
- **e.** Commentary about an individual's body, sexual prowess, or sexual deficiencies;
- **f.** Insulting or obscene teasing, comments, or gestures;
- **g.** Leering, catcalls, staring at a person's body;
- **h.** Physical contact such as patting, pinching or repeatedly brushing against another's body;
- **i.** Display or circulation in the workplace of sexually suggestive objects, pictures, or calendars featuring persons in sexually suggestive or submissive poses(including transmission and/or receipt of information through email);or
- **j.** Dancers/strippers on City property, and any other physical, verbal, or visual conduct of a sexual nature

2. <u>Harassment of Discrimination on the Basis of a Protected Characteristic</u>

Under this policy, ***harassment*** is verbal, non-verbal or physical conduct that denigrates or shows hostility or aversion toward an individual based on race, gender, color, religion, national origin, age, disability, or any other characteristic protected by law, and that:

- **a.** Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- **b.** Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- **c.** Otherwise adversely affects an individual's employment opportunities.
- **d.** Harassing or discriminatory conduct includes, but is not limited to:
  - **i.** Epithets, slurs, or negative stereotyping;
  - **ii.** Threatening, intimidating, or hostile acts;
  - **iii.** Denigrating jokes, and display or circulation in the workplace of written or graphic material that belittles or shows hostility or aversion toward an individual or group (including transmission or receipt of information through email); or
  - **iv.** Individual or group behavior that excludes and/or disrespects other employees; or behavior that undermines an employee's integrity, credibility, work performance or potential for promotion

B. General Provision

1. <u>Scope</u>

This policy applies to all applicants, employees, elected officials and representatives of the City and prohibits harassment, discrimination, and/or retaliation by fellow employees, supervisor, manager, director and/or representative of the City or by individual(s) not directly connected to the City such as an outside vendor, consultant, or customer.

2. **Prohibited Conduct**

Conduct and behavior described above in the definitions of sexual harassment, gender based harassment, and harassment or discrimination based on a protected characteristic are prohibited in the workplace or in any work-related setting outside the workplace, such as business trips, business meetings, and business-related social events.

3. **Prohibition of Retaliation**

Retaliation is prohibited against any individual who reports inappropriate behavior, discrimination or harassment, or who participates in an investigation of such reports by filing, testifying, assisting or participating in an investigation. Retaliation against an individual is a violation of policy and will be subject to Corrective action up to and including termination.

4. **Prevention**

It will be the ongoing responsibility of the department director and/or his/her representative(s) to maintain a professional, positive and productive work environment for all employees that is free of inappropriate behavior, harassment, discrimination and retaliation. Directors, managers and supervisors must monitor the workplace for any inappropriate sexual displays, comments or behavior and take immediate action. This responsibility includes discussing and enforcing this policy and administrative procedures with all employees, and assuring them that they are not required to endure insulting, degrading or exploitative treatment.

C. Complaint Procedure

1. ***Reporting:*** **Inappropriate behavior, harassment or discrimination:** City employees are to report all incidents of inappropriate behavior, harassment, discrimination, and/or retaliation promptly, regardless of the offender's identity or position. The City has developed a ***Discrimination and/or Harassment Complaint Form*** **(Appendix E, Form 20)** that may be used to file a complaint or the allegations may be provided verbally to the immediate supervisor, department director or the Director of Human Resources or designee. Individuals who believe they have been a recipient of harassment, discrimination or retaliation should immediately report the behavior or incident to their immediate supervisor, department director, or Director of Human Resources or designee. Individuals are not obligated to follow the chain of command and may report allegations or incidents directly to the Director of Human Resources or designee. The Director of Human Resources and the manager or supervisor of the employee are both responsible for notifying each other when an allegation or incident has been reported or a complaint filed. Information disclosure will be limited to those who have a right to know and/or those who are necessary to facilitate review, investigation and/or resolution of the matter. A supervisor's failure to immediately notify Human Resources and/or the Director of the department regarding a harassment, discrimination or retaliation compliant may result in Corrective action.

a. ***Accusation Disclosure:*** If allegations are made to anyone other than the Human Resources Director or designee, the matter must be immediately referred to Human Resources or the appropriate department director. If the Director of Human Resources is initially notified of allegations of inappropriate behavior, harassment, discrimination or retaliation, Human Resources will immediately notify the appropriate Department Director. All reports of inappropriate behavior, harassment, discrimination or retaliation shall be immediately reviewed on an individual basis considering the record as a whole on the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If harassment, discrimination and/or retaliation is determined, prompt corrective action will be taken.

b. ***Employee Responsibility*****:** Any Employee who experiences unwelcome, inappropriate or offensive behavior shall make it clear where possible that such behavior is offensive to them. Avoid letting such behavior pass without comment. Any employee who feels that they are a recipient of inappropriate behavior, harassment, discrimination and/or retaliation has the responsibility to immediately report the facts of the incident (s) to their immediate supervisor, department director or the Director of Human Resources or designee. This includes employees who think that they are direct recipients of the alleged behavior and also those who believe that they have witnessed harassment, discrimination and/or retaliation of another employee or applicant. Employees are not obligated to follow the chain of command and have the option to report the incident (s) directly to the Director of Human Resources or designee. All incidents of harassment, discrimination and/or retaliation are to be promptly reported. Failure to fulfill this obligation could affect the timely internal resolution of an employee's allegations.

c. ***Early Reporting and Intervention*** have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination and/or retaliation. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of concerns or complaints in order that rapid and corrective action can be taken. The City will make every effort to stop inappropriate, harassing, and discriminatory and/or retaliatory behavior before it becomes severe or pervasive however, can only do so with the cooperation of Directors, managers, supervisors and employees. The availability of this reporting procedure does not preclude employees who believe they are subject to inappropriate, harassing, discriminatory and/or retaliatory behavior from promptly advising the offender that his/her or her behavior is offensive/unwelcome and requesting that the offensive behavior be discontinued.

2. **Administrative Review and Investigation**

a. All allegations of inappropriate, harassing, discriminatory and/or retaliatory behavior observed or reported by an employee shall be reviewed immediately by the Director of Human Resources or designee to determine the level of administrative review and/or investigation based on the nature of the behavior and the context in which the alleged incident(s) occurred. The Director of Human Resources or designee shall

inform the employee of his or her findings and/or recommendations.

b. ***Processing****:* Should the Human Resources Director determine from the administrative review that a full investigation of the alleged incident(s) is warranted, the Director of Human Resources or designee shall notify the department director of his/her intent to commence a full investigation. Within five (5) work days after the notification to the department, the recipient and respondent (accused) and any witnesses shall be notified of the pending investigation and its administrative guidelines. The recipient and respondent shall receive a written copy of the allegations or administrative review containing the allegations. If the respondent cannot be reached, the written allegations will be forwarded by certified mail to the most recent personnel address.

c. ***Allegation Response****:* The respondent may respond to the allegations in writing within five (5) work days upon receipt of the written allegations. The respondent may also elect to respond to any other significant new information or allegations that arise during the investigation process.

d. ***Administrative Leave****:* When warranted, the department director may recommend that the respondent and/or recipient be placed on administrative leave during the investigation process. The department director and Director of Human Resources shall mutually agree on such action.

e. ***Allegation Discussion****:* If appropriate, investigators will meet with the respondent's department director to discuss the allegation.

f. ***Determination Filing****:* Within ten (10) work days of the investigation conclusion, the city attorney and the respondent's department director will be provided with a determination as to the validity of the complainant's allegations and whether Corrective action is warranted.

g. ***Complaint Withdrawal****:* The complainant may withdraw complaints at any time. The City may still pursue an investigation, however, and determine whether Corrective action is warranted.

Any reported allegations of harassment, discrimination, or retaliation will be reviewed and/or investigated promptly, thoroughly, and impartially, regardless of when it was reported. The administrative review and/or investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the administrative review and/or investigatory process to the extent consistent with adequate investigation and appropriate corrective action. Employees are required to assist fully in any administrative review or investigation process.

An employee's intentions are not a factor in considering alleged harassment behavior. If the effect of an employee's behavior upon another employee has a hostile, offensive, or intimidating effect upon that employee, there is a possibility that harassment or discrimination may be present.

3. **Correction Action**

   a. ***Corrective Action Decisions:*** Within ten (10) work days of a determination of violation of City policy relative to harassment, discrimination or retaliation, a Corrective action decision will be made by the department director in consultation with Human Resources and the city attorney. Extensions may be approved by the Director of Human Resources or designee. Corrective actions and applicable appeals must be in accordance with established City Corrective Actions. (Note: A transfer of the recipient may be considered only upon the complainant's request and/or approval.)

   b. ***Written Notifications:*** The recipient and the respondent will be provided written notification of the department director's decision. The City Manager and those deemed as appropriate will receive copies of the decision correspondence.

   c. ***Department Director Respondents:*** If the Department Director is the respondent, the appropriate actions will be taken by the City Manager.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to coaching, monitoring of the offender and/or corrective action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay, or termination, as the City deems appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Deputy City Manager or designee. Individuals who have questions or concerns about these policies shall confer directly with their supervisor, department director, or a member of the Human Resources Department.

Finally, this policy and its administrative guidelines shall not, and may not, be used as a basis of excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussion in order to avoid allegations of harassment. The policies of the City prohibit disparate treatment on the basis of gender or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further this policy and its administrative guidelines, not form the basis of an exception to these.

4. **Records**

All records concerning harassment, discrimination or retaliation complaints, administrative review and/or investigations are to be kept in a separate, confidential locked file in Human Resources. Access shall be approved by the Human Resources Manager or designee. Records concerning subsequent corrective or corrective actions shall be kept in the regular personnel files.

Chapter 7: EMPLOYEE CONDUCT

7.08 Minimum Driving Standards

PURPOSE:

To minimize the City of Stephenville's liability, limit the City's financial risk, and maximize the safety of drivers, passengers, and the public by defining minimum motor vehicle standards for employees who operate City vehicles or motorized equipment.

DEFINITIONS:

City Vehicle means any passenger car, van, truck, motorized equipment, or similar type vehicle which is owned, leased, borrowed, rented, or otherwise under the care, custody, or control of the City of Stephenville.

Driving Records include the complete driving history of an employee for the previous three (3) years, as can be discerned from any official records or by self-disclosure during the hiring process.

Motorized Equipment includes, but is not limited to, backhoes, bulldozers, mower tractors, loaders, graders, and similar equipment.

Moving Violation is a violation of any law relating to the operation of a motor vehicle, other than parking. (Example: speeding, running a stop sign or signal, failure to yield.).

Occupational License is a temporary driver's license issued by the Texas Department of Public Safety after the appropriate judge of a court has signed a petition/court order determining essential need of a person to operate a motor vehicle in performance of their occupation or for transportation to and from the place at which a person practices their occupation.

POLICY:

This policy shall apply to: City employees whose position requires the operation of a City vehicle or motorized equipment;

- City employees who must maintain a current and valid Texas Commercial Driver's License (CDL) as a condition of employment; or
- Applicants, including current employees, for positions which require the operation of City vehicles or motorized equipment.

The Human Resources Department shall conduct periodic Motor Vehicle Record (MVR) checks on all employees subject to this policy. Under no circumstances shall an Occupational Driver's License or similar license be deemed appropriate for operating City vehicles or motorized equipment.

Applicants for a position requiring a valid driver's license must possess a valid driver's license at the time of application. An applicant with a Motor Vehicle Record that indicates a pattern of violations may not be considered for employment. After the effective date of this policy, an employee who no longer has a current, valid, and appropriate license, and whose position requires the operation of a City vehicle or motorized equipment, shall be removed from driving status and will be terminated.

A. Consequences

Employees subject to this policy who are convicted of a Driving While Intoxicated (DWI) or Driving Under the Influence of (DUI) will be terminated, although the City may also take corrective action prior to conviction. Corrective action for all other violations that add up to 10 points by the *Motor Vehicle Standard* **(Appendix D)** will be based on evidence of arrest or basis of citation and may disqualify the employee from all driving and/or operation privileges and subject them to corrective action up to and including termination. Removal of driving privileges or corrective action may occur while an employee is waiting for adjudication. Determination for removal of driving privileges and/or corrective action while waiting for adjudication shall be made by the department director in concurrence with the Human Resources Director on a case-by-case basis.

An employee subject to this policy who is involved in an accident in a City vehicle may immediately be subject to drug and alcohol testing as well as a Motor Vehicle Record check. In addition, the City may review and consider an employee's entire driving history at any time, to determine if further corrective action is appropriate based on a pattern of violations/accidents. The City may impose discipline and/or disqualify an employee from all driving and/or operation privileges in situations where an employee has accumulated fewer than 10 points in 3 years. Such decisions will be made jointly by the department director, Human Resources Director, and city manager or designee. Nothing herein shall be construed to limit a department from setting higher standards as needed to meet the particular needs of that department.

Employees hired prior to the effective date of this policy and who would become ineligible to operate City vehicles upon the adoption of this policy may be disqualified from driving privileges. This decision will be made on a case-by-case basis upon the recommendation of the department director, Human Resources Director, and City Manager.

B. Notifications

Employees subject to this policy shall notify their department director by the end of the department's next working day when:

1. They are arrested and charged with DWI, DUI, or any other serious moving violation that would result in a 10 point violation by the *Motor Vehicle Standard* **(Appendix D)**;
2. They have their driver's license suspended, canceled, or revoked;
3. When their license expires without immediate renewal; or
4. When an Occupational Driver's License or similar license has been issued to them.

Failure to report such information by the end of the next working day shall result in corrective action up to and including termination, unless there are extenuating circumstances.

As required by the U.S. Department of Transportation, employees who are required by the City to hold a Commercial Driver's License (CDL) as a condition of employment must notify the City within thirty (30) days of a conviction for any traffic violation (except parking violations), even if the violation did not occur while operating a commercial vehicle. The form titled ***Employer Notification of Traffic Violation (CDL)*** **(Appendix E, Form 21)** must be used for such notification to the City and must be submitted to the department director.

C. Red Light Camera Violation:

If an employee runs a red light while in a City vehicle and receives a red light camera violation, the employee is responsible for paying the fine. Exception: According to state law, fire and police vehicles are considered authorized emergency vehicles and personnel operating these vehicles are not required to pay the fine, but may be subject to correctiveaction.

Chapter 7: EMPLOYEE CONDUCT

7.09 Attendance and Punctuality

PURPOSE:

To ensure punctual and consistent work attendance of City of Stephenville employees.

POLICY:

Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. Employees are expected to report for work promptly and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

An employee must notify their supervisor as far in advance as possible or no later than one (1) hour before the scheduled start time if late or absent or as directed by departmental rules. This policy applies for each day of absence. A record of absenteeism and tardiness shall be kept by the supervisor. Unauthorized or excessive absences or tardiness may result in corrective action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

Employees who are absent from work for two (2) consecutive days, without giving proper notice, will be considered to have abandoned their job. For more information, see ***Policy 2.06, A3, Job Abandonment.***

Chapter 7: EMPLOYEE CONDUCT

7.10 Dress Code and Personal Appearance

PURPOSE:

The purpose of this policy is to establish a dress code that projects a positive and professional image of the City of Stephenville and its employees.

POLICY:

Grooming, appearance, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the City presents to citizens and visitors. A professional, businesslike atmosphere shall be reflected in both conduct and dress. During business hours or when representing the City, the employee is expected to present a clean, neat, and tasteful appearance.

City uniforms or apparel with City and/or department logo will not be worn while engaging in other employment or during off-duty hours, unless attending a City sponsored event. Exceptions may be made on a case by case basis by department directors. Employees wearing uniforms shall not purchase, possess or consume alcoholic beverages or engage in any acts that would not reflect favorably upon the City (gambling, etc.). Employees wearing City uniforms shall not campaign for or against any individual or ballot measure.

No City uniform or apparel with City and/or department logo shall be donated to charity. Before discarding an old uniform, the City logo should be cut off the clothing and shredded to prevent unauthorized use.

A. Dress Code

1. **Appropriate Business Attire**

   All clothing must be neat, clean, in good condition, fit properly and be appropriate for the duties of the position. A shirt, sweater, blouse**,** with the City logo is acceptable where designated by the Department Director**.**

2. **Inappropriate Business Attire**

   Inappropriate business attire includes, but is not limited to:

   a. Athletic shoes, tee shirts and jeans are not acceptable unless in a field environment or approved by the Department Director as appropriate for the work assignment;

   b. Suggestive attire (for example; sheer, low cut, revealing tops; miniskirts (skirt that is more than two inches above the knee). Strapless/backless attire, including: muscle shirts, halter tops, tank tops, sundresses without a cover or jacket;

   c. Overalls, sweat/wind suits (shirts, jackets or pants);

   d. Flip-flops, house shoes, footies;

   e. Tight pants, leggings, or wearing tights in place of pants;

   f. Shorts, unless they are part of an approved uniform and worn with a shirt that identifies the employee as a city employee or as approved by the

department director as special circumstances warrant; or

g. Clothing not properly laundered or not in good condition (e.g. faded, frayed, having tears or holes).

3. Dress Code Exceptions

The Dress Code applies only to those employees who are not required to wear a City uniform. Some departments may have an alternate dress code. Unusual circumstances as approved by the supervisor, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or unusual working hours or situations, may be sufficient reasons to grant an exception to the dress code.

4. Additional Provisions

More traditional business attire may be appropriate for certain meetings and/or presentations either inside or outside City offices. Department directors and supervisors have the responsibility to inform their employees of appropriate attire when meeting the general public or any other time the director may deem it is necessary.

B. Personal Appearance

Without unduly restricting individual tastes, the following personal appearance examples are not permitted:

1. Hairstyles are expected to be professional, neat, properly groomed and in good taste. Long hair, jewelry and clothing should be worn in a manner that does not pose a safety hazard while working. Unnaturally colored hair or extreme hairstyles are not permitted;
2. Offensive body odor and poor personal hygiene;
3. Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during workhours;
4. Offensive and/or distracting tattoos/body art or brands may not be visible through clothing;
5. Intentional body mutilation or piercing that is excessive or eccentric is not permitted. Some examples are a split or forked tongue or foreign objects inserted under the skin to create a design or pattern; or
6. Jewelry that pierces or is clipped to the eyebrow, tongue, nose, scalp, forehead, or other exposed parts of the body, except the ear, may not be worn during workhours.

C. Enforcement

Each department director is responsible for implementing the dress code and communicating it to department employees. Department directors may implement more stringent dress codes. Employees who do not meet dress code or personal appearance standards will 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.

Questions/complaints about proper attire should be directed to the department director of the employee in question. The department director has the final authority to determine the appropriateness of the employee's attire. Questions or concerns relating to reasonable accommodation issues or management interpretation questions may be directed to Human Resources.

Chapter 7: EMPLOYEE CONDUCT

7.11 Political Activity

PURPOSE:
To establish guidelines for employees regarding involvement in political activities.

POLICY:
It is the policy of the City of Stephenville to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities; however, employees are subject to the restrictions contained herein on political activity, except as may be otherwise provided by law.

No employee while in uniform or during work hours, or while on City property shall take an active part in a political campaign for an elective position of the City or other publicly elected office. For purposes of this policy, an employee takes an active part in a political campaign if the employee:

1. Makes a political speech;
2. Distributes a card or other political literature;
3. Writes a letter;
4. Signs a petition;
5. Actively and openly solicits votes;
6. Makes public derogatory remarks about a candidate for an elective position of the City or other publicly elected office; or
7. Solicits or accepts campaign contributions for a candidate or a political action committee.

No employee shall hold any publicly appointed position or office that would conflict with his or her position with the City.

No employee shall use their official City title or position to engage in political activities.

Chapter 8: MISCELLANEOUS

8.01 Media Relations

PURPOSE:

To standardize the City's communication with the media and assure that information about the City and its policies, practices, and programs are communicated properly and reported accurately to the media.

POLICY:

The City of Stephenville seeks to inform its residents, businesses, and visitors by engaging in pro-active communications. The news media and the City both play important roles in keeping the communities they serve informed. The City is committed to maintaining an ongoing positive and dynamic working relationship with the media. The City recognizes the time constraints facing the media and will strive to respond to information requests in an open, helpful, and prompt manner.

A. Types of Media Communication

This policy covers all communication to the news media including: news releases, media advisories, formal statements, interviews, press conferences and briefings, letters to the editor, , technical announcements, and other information or material given to a news media representative, a collective term that includes, but is not limited to reporters, editors, and writers for newspapers, magazines, scientific journals, trade publications, radio or television stations or networks, online news services, and any other electronic or print media related to news distribution that could serve as an information outlet.

B. Media Relations

1. The City Manager's Office will coordinate media relations activities for the City and act as the official news source and principal contact for all communication between the City and media representative.
2. Unless otherwise authorized, the City's spokespersons are:
    - Mayor
    - City Manager and Deputy City Manager
    - Public Relations Manager; as designated by the city manager
3. Media representatives are asked to place their requests through the City Manager's Office in order to expedite a prompt and coordinated response.
4. Department directors or their designee have the authority to communicate with the media within areas of their responsibility and expertise. Other staff should refer media requests to their department director or City Manager's Office without comment.
5. The City Manager's Office must be notified of all potentially sensitive, contentious, or controversial media inquiries with respect to City activities.
   The City Manager's Office will promptly identify the appropriate spokesperson and arrange for an interview or statement.
6. The City will endeavor to provide open and equal access to all news media and will respect the exclusivity of a story initiated by individual media representatives.

C. Responding to Media Inquiries

The City Manager's Office is the City's primary media contact. If employees receive an inquiry from the media, such as reporters, editors, or researchers, for an interview, to provide statistics, or write an article on behalf of the City, employees should get the reporter's name, phone number(s), deadline, and an idea of his/her area of interest. Before responding, the employee should refer the inquiry to the City Manager's Office. This enables the city manager to determine which individual in the City should respond to the inquiry, to make certain that consistent information is being disseminated, to stay abreast of areas of media interest, and to prepare for future inquiries.

D. City Initiated Information

Most proactive media contact is initiated through the City Manager's Office. This includes issuing press releases, media advisories, and personal contacts with reporters and editors for coverage. Departments seeking publicity for events or activities should submit the information to the City Manager's Office no less than 24 hours before distribution or as much in advance as possible to ensure the best media coverage of their activities. Departments should not initiate news media contact before notifying the City Manager's Office.

E. Opinion Pieces and Letters to the Editor

It is recognized that all employees have the right to their personal points of view regarding any issue. However, personal points of view may conflict with the City's official policy. Therefore, City employees who write letters to the editor of any newspaper may not use official City stationary. If an employee chooses to identify himself or herself as a City employee in any personal communication to the editor, he or she must include language which states the views set forth in the letter do not represent the views of the City, but rather, are the employee's personally held opinions. Similar disclaimers must be present even if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program, unless the employee is officially representing the City. Employees who are representing the City in any of the above formats must identify themselves as an official spokesperson for the City.

F. Litigation, Personnel, and Election Issues

Inquiries regarding election and campaign issues, pending litigation, matters involving a significant exposure to litigation, and certain personnel-related information should be referred to the City Manager's Office.

G. Public Safety Issues

The Police and Fire Departments can generate a high volume of media calls, and should have a designated media spokesperson that follows specific guidelines when releasing information. All information released to the media by the Police and Fire Departments must be provided immediately to the City Manager's Office, who should be contacted at the time of major incidents. Media calls to other City staff regarding a Police or Fire issue should immediately be referred to the Police or Fire Department and Public Relations Manager.

H. Crisis or Emergency Issues

Timely release of breaking news and information during crises, such as natural disasters or personnel tragedies, often requires swift publication and/or dissemination of information in support of public confidence. The department director may issue a brief statement or media advisory to the news media in place of a news release. In such cases, the department directors must provide the City Manager's Office with copies of any such release of information concurrent with its release to the news media.

Chapter 8: MISCELLANEOUS

8.02 Solicitation Policy

PURPOSE:

To provide guidelines concerning solicitation.

POLICY:

Solicitation is defined as any act or attempt to advertise, market, take orders, offer to sell, sell any product or service, to seek employee membership in any organization, or to seek contributions for organizations, campaigns, or charitable purposes.

A. Solicitation shall not be permitted of or by City employees during work or business hours, other than for the following exceptions:

1. Solicitation of funds for the purpose of parties, gifts, flowers, cards or events for a City employee shall be permitted of or by City employees during work or business hours. All requests for donations to assist an employee must be approved by the department director, and be initiated by the Department and not the employee in need of assistance.

2. Solicitation of funds for City sponsored functions and events shall be permitted of or by City employees during work or business hours, in accordance with applicable laws. City functions and fundraiser events may include, but are not limited to United Way, Muscular Dystrophy, Library, Big Brothers and Big Sisters, Food Pantry and other charitable purposes that have been approved by the city manager or designee.

3. Solicitation of funds shall be permitted for local, not-for-profit youth sponsored events (*i.e.*, school, band boosters, and scouting). Solicitation of funds for these purposes shall be limited to placing order forms or products in the break room, bulletin boards or common areas accessible to employees to view at their leisure. Exceptions may be made by the department director. Distribution of purchased goods shall not disrupt the work environment.

B. No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his or her employment according to his or her response to a solicitation of funds for City-sponsored functions or events.

C. Employees engaged in non-authorized solicitation efforts shall be instructed to cease such activity and further engagement in such activities may result in corrective action.

APPENDICES

Appendix A: Nepotism Chart
Appendix B: Positions Subject to DOT Regulations
Appendix C: Safety Sensitive Positions
Appendix D: Motor Vehicle Standard
Appendix E: **FORMS**

Form 1 – Request for Outside Employment
Form 2 – Sick Leave Buy Back
Form 3 – Voluntary Resignation/Retirement Notice
Form 4 – Change of Status
Form 5 – Supervisor's Checklist Separated Employee
Form 6 – Application for Degree Plan Approval
Form 7 – Tuition Reimbursement Agreement Course
Form 8 – Pre-Approval Request Reimbursement
Form 9 – Request
Form 10 – Wage Deduction Authorization Agreement
Form 11 – Leave Request Form
Form 12 – FMLA
Form 13 – Alternate/Compressed Scheduled Request
Form 14 – Temporary Restricted Duty Agreement
Form 15 – Travel Request
Form 16 – Request for Check
Form 17 – Performance Correction
Form 18 – Employee Grievance
Form 19 – Supervisor's Report of Reasonable Suspicion
Form 20 – Discrimination and/or Harassment Complaint
Form 21 – Employer Notification of Traffic Violations for CDL
Form 22 – Waiver of Group Health Insurance (Opt Out)
Form 23 – Retiree Notification
Form 24 – Employee Request for ADA Accommodation
Form 25 – Take Home Vehicle Request
Form 26 – Social Media Approval/Agreement
Form 27 – Performance Improvement Plan
Form 28 - City Issued Wireless Device Acknowledgment
Form 29 – Vehicle Accident Report
Form 30 – Bilingual Certification Request
Form 31 – Direct Deposit Authorization
Form 32 – Workers Compensation First Report of Accident/Injury
Form 33 – Incident Workers Compensation Preventable Action Plan
Form 34 – Introductory New Employee Review

Appendix F: Chart

Form 1 – Discipline Options Chart

Appendix A: Nepotism Chart

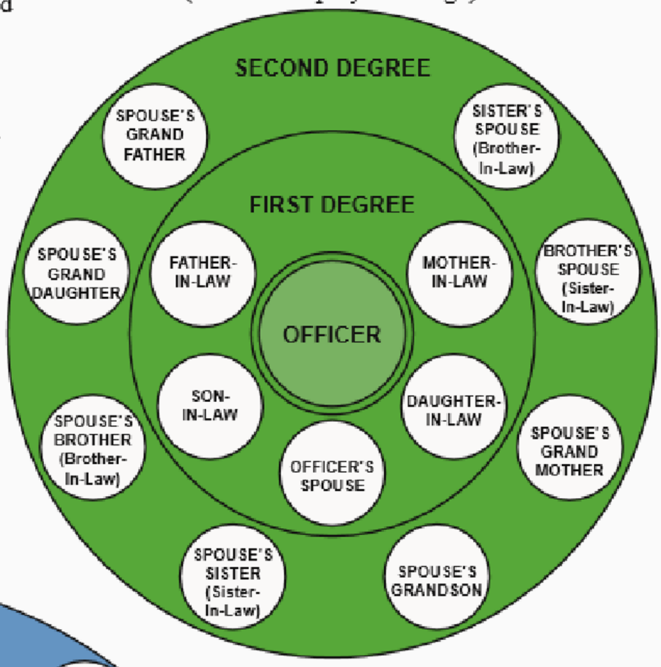
The chart below shows:

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025

Also applicable to Conflict of Interest as outlined in Chapter 171 of the Local Government Code

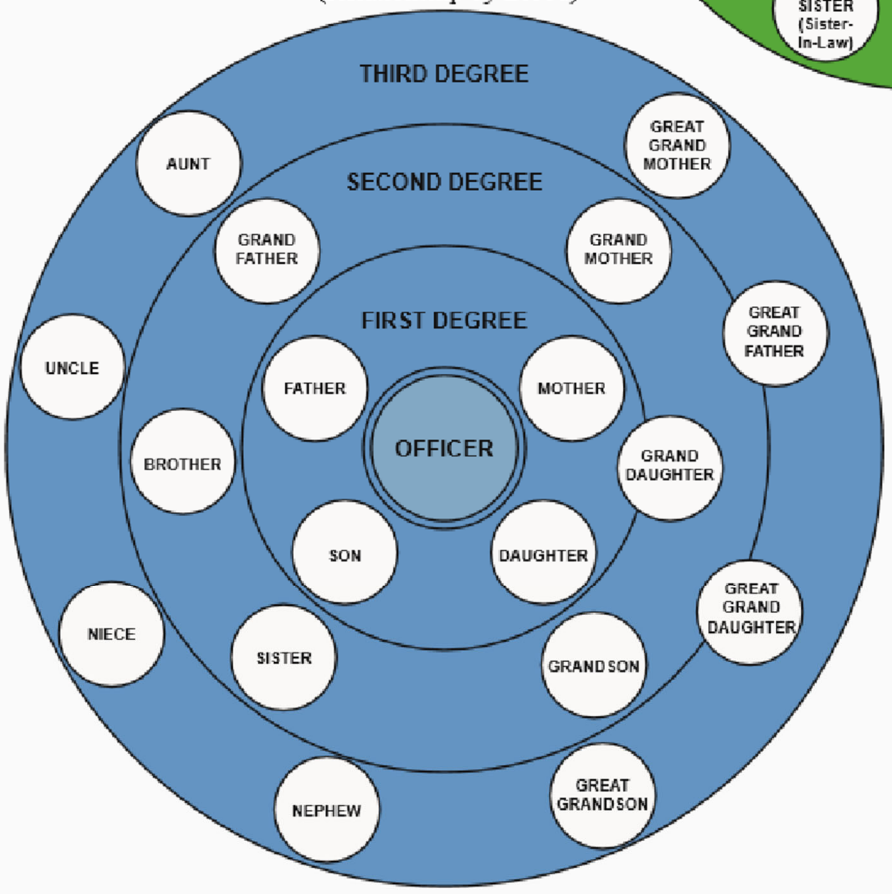
Affinity Kinship

(Relationship by Marriage)



Consanguinity Kinship

(Relationship by Blood)



Appendix B: Positions Subject to DOT Regulations

- Customer Service Supervisor
- Parks Superintendent
- Street Superintendent
- Street Crew Leader
- Street Heavy Equipment Operator
- Street Light Equipment Operator
- Utility Superintendent
- Utility Crew Leader
- Utility Heavy Equipment Operator
- Utility Light Equipment Operator

Appendix C: Safety Sensitive Positions

Animal Service Officer	Street Superintendent
Customer Service Supervisor	Street Crew Leader
Fire Assistant Chief	Street Heavy Equipment Operator
Fire Battalion Chief	Street Light Equipment Operator
Fire Chief	Utility Superintendent
Fire Inspector	Utility Crew Leader
Fire Marshal	Utility Heavy Equipment Operator
Firefighter/Paramedic	Utility Light Equipment Operator
Park Field Maintenance Worker	
Park Superintendent	
Police Chief	
Police Assistant Chief	
Police Administrative Assistant	
Police Administrative Lieutenant	
Police Administrative Sergeant	
Police Criminal Investigation Lieutenant	
Police Detective/Investigator	
Police Dispatch	
Police Patrol Lieutenant	
Police Patrol Sergeant	
Police Professional Standards Lieutenant	
Police Property Crime Scene Technician	
Police Public Information Officer	
Police Public Records Assistant Clerk	
Police Public Records Clerk	
Police School Resource Officer	
Police Sergeant	
Police Special Crimes Lieutenant	
Police Telecommunication Supervisor	

REQUEST FOR OUTSIDE EMPLOYMENT

Name: _____ **Date:** _____

Department: _____ **Title:** _____

As directed by Policy 1.10 Outside Employment, I hereby request approval to engage in outside employment as described below:

Nature of Employment:

_____

_____

_____

Time required for Employment:

_____

_____

I understand that City policy forbids me from engaging in any form of outside employment or business opportunity, for myself or another employer, which would conflict or interfere with my job at the City of Stephenville, while on City time, or using City equipment or materials. I understand that in order to engage in outside employment, I must receive approval from my supervisor and Department Director in advance of performing such outside employment, and that the approval may be withdrawn at any time. I also understand and agree that my outside employment must be suspended if my work status is FMLA leave, sick leave, workers' compensation leave, or restricted duty.

_____ _____

Employee Signature **Date**

_____ _____

Supervisor Signature **Date**

DEPARTMENT DIRECTOR ACTION

Request Approved Request Denied

Comments or Special Conditions:

_____

_____

_____

_____ _____

Department Director Signature **Date**

Forward completed form to the Human Resources Department

Appendix E
Form 1

Payment for Unused Sick Time

The City Council has approved for the city employee to buy back up to forty (40) hours of unused sick time leave one (1) time per year. The buy-back payout will be issued on the first pay period prior to the Thanksgiving holiday.

In order to request payment for unused sick leave, the employee must maintain a minimum balance of eighty (80) hours of sick after the buy-back request. If the employee used more than twenty-four (24) hours of sick time during the year they are not eligible. The employee must make a written request on the appropriate form and submit the form to the Humane Resource Department before the required due date (November 1st of each year).

Sick leave buy back will be paid at the employee's current hourly rate of pay.

Payment of sick leave buy back will be processed on the first pay period prior to the Thanksgiving holiday and will be issued in a separate paycheck. The payment for unused leave will be processed through payroll; therefore, all applicable state and federal taxes, and TMRS will apply. This payment will be included in taxable wages and reported on your W-2 form.

Appendix E
Form 2

Sick Leave Buy Back Form

Employee Name: _____

Current Balance of Sick Leave Available to Sell: _____ hours

PAYMENT WILL BE ISSUED IN THE FORM OF A SEPARATE PAYCHECK

Statement of Declaration

I, _____ wish to receive payment for _____ hours of unused sick leave.

_____ _____

Employee Signature Date

Payment of sick leave buy back will be processed on the first paycheck in November prior to the Thanksgiving holiday. Payments will be issued in a separate paycheck. The payment for unused leave will be processed through payroll; therefore, all applicable state and federal taxes, and TMRS will apply. This payment will be included in taxable wages and reported on your W-2 forms.

Approval by Payroll Department

Request Approved By: _____

Request Denied By: _____

Reason for Denial:

_____

_____

_____

Fund/Dept: _____ Hourly Rate: _____

Appendix E
Form 2

VOLUNTARY RESIGNATION/ RETIREMENT NOTICE

Name: _____ Date:_____

Title: _____ Dept:_____

I hereby give notice of my: ☐Voluntary Resignation **OR** ☐Retirement

My last day of employment with the City of Stephenville will be on_____day of_____, 20___.

Reason for leaving:

_____

_____

_____

If changing residence, plea se write forwarding address below for payroll purposes:

_____

_____

_____

_____ _____

Employee Signature Date

Department Director: Please forward original form to Human Resources

Appendix E
Form 3

CHANGE OF STATUS FORM

City of Stephenville

Name (Last, First, Middle Initial)	Employee #	Date Submitted	

Effective Date	Employee Status (check one)	Dept #	Dept Name
	☐Full Time ☐ Part Time ☐ Seasonal ☐Temporary		

Personnel Action

☐New Hire ☐ Re-Hire ☐ Step Increase ☐ Merit Increase ☐Employee Info Change

☐Leave ☐Remove from Payroll ☐Other (specify) _____

Current Title	New Title (if changed)

Current Wage	Certification/Education Pay	Total Current Wage

New Wage (if changed)	New Cert/Education Pay	Total New Wage

Employee Separation

☐Voluntary Resignation **☐ Termination**

2 Week Notice Given?	Worked Last 2 Weeks?	Last Day of Work	Eligible for Rehire? If no, explain in comments.
☐Yes ☐ No	☐Yes ☐ No		☐Yes ☐ No

Reason for Leave ☐ FMLA ☐ LTD ☐ STD ☐ Suspension w/pay ☐ w/o pay ☐ Other -see comments

Leave Status	Date Beginning	Estimated Return Date	Actual Return Date
☐Begin ☐ Return			

Comments

_____ Department Supervisor

_____ Department Director

_____ Human Resource Manager

_____ Deputy City Manager

_____ City Manager

_____ Payroll Department

_____ Finance Director

Appendix E
Form 4

SUPERVISOR'S CHECKLIST FOR SEPARATED EMPLOYEE

(To be completed by the employee's direct Supervisor and submitted to HR for out processing, along with the Personnel Action Form (PAF})

Employee:_____

Department:_____Title:_____

1. If resigning or retiring, have employee complete *Voluntary Resignation Notice* **(Appendix E, Form 3).** A resignation letter may be substituted for the *Voluntary Resignation Notice.* □ Completed □ N/A

2. Complete Personnel Action Form to remove from payroll and obtain appropriate management signatures. □ Completed □ N/A

3. Send the completed *Voluntary Resignation Notice* (or resignation letter) and Personnel Action Form) to Human Resources. □ Completed □ N/A

4. Collect all City equipment from employee by the last day of work. Examples Include: □ Completed □ N/A

   ☐Procurement/Credit Card(s) ☐Cell Phone ☐Vehicle ☐Tablet
   ☐Laptop Computer ☐Pager ☐Radio(s) ☐Key(s)
   ☐Other ☐Employee ID Card ☐Uniform ☐Tools
   ☐Weapons (Return to HR)

5. If employee had a Procurement Card, notify the Finance Department of employee's separation. Return all purchase cards/credit cards. Turn in final Purchase card and Expense statement with all receipts. □ Completed □ N/A

6. If the employee used a City vehicle, notify Fleet to disable fuel PIN

7. Notify IT of the termination date and if they need to □ Completed □ N/A
   - ☐ Disable computer access
     - i. Class
     - ii. Laserfiche □ Completed □ N/A
     - iii. Email
     - iv. Other:_____
   - ☐If disabled/deleted email account, do emails need to be routed to someone else
   - ☐ Do you need access to their H drive
   - ☐ Disable or delete voicemail

Appendix E

Form 5

8. Cancel attendance in future training classes, seminars, or meetings as appropriate.	□ Completed □ N/A
9. Remove employee's name from Department routing lists.	□ Completed □ **N/A**
10. Other:_____	□ Completed □ **N/A**

Completed by: _____ Date: _____

Supervisor Signature

Appendix E
Form 5

APPLICATION FOR DEGREE PLAN APPROVAL

Step 1: Tuition Reimbursement

PROCEDURE:

1. **EMPLOYEE**: completes form, attaches required documents, and submits form to the Department Director.
2. **DEPARTMENT DIRECTOR:** reviews, makes a recommendation, and submits form to the HR Department.
3. **HR DEPARTMENT:** reviews for completion, fund availability, and forwards form to City Manager's Office.
4. **CITY MANAGER:** reviews, makes a decision, sends original to HR Department, and copy to the employee.

Name:_____ **Date Employed:**_____

Position:_____ **Department:**_____

Name of College or University:_____

Degree Plan Sought: _____

Semester/Year Course(s) to Commence: _____

Please state how the degree sough meets the objectives of the Tuition Reimbursement Program:

_____

_____

_____

A copy of degree plan must be attached to this request

Are you eligible for or will you be receiving any other financial assistance for your education? ◯ **Yes / No** ◯

Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc.) are required to submit reimbursement requests for the balance of the tuition covered by the alternate source.

The City of Stephenville has the right to audit the employee's educational and financial records that may be contained in the employee's records at the institution attended. Any right that the employee may have pursuant to the Family Education Rights and Privacy Act of 1974, or any similar act, are waived by acceptance of tuition reimbursement. By signing this application, I acknowledge that I am familiar with the requirements for tuition reimbursement pursuant to the City's Personnel Policy and agree to abide by those requirements.

Employee Signature:_____ **Date:**_____

****

DEPARTMENT DIRECTOR ACTION

☐ Recommend reimbursement ☐ Do not recommend this application for tuition

Department Director Signature: _____ **Date:** _____

****

CITY MANAGEMENT ACTION

☐ Approved ☐ Disapproved

City Manager Signature:_____

Appendix E
Form 6

TUITION REIMBURSEMENT AGREEMENT
Step 2: TUITION REIMBURSEMENT

Under the terms of the Tuition Reimbursement Policy I hereby acknowledge that an employee who receives tuition reimbursement must remain in service to the City, as a full time employee, for at least two years beyond the date of reimbursement; otherwise, all sums for tuition and books paid by the City over the past two years must be refunded to the City in full.

I understand and agree that if I receive tuition assistance from any source(s) that do not require repayment, (i.e. Veteran's benefits, grants, scholarships, etc) I will submit reimbursement requests only for the balance of the tuition and fees not covered by the alternate source.

I hereby agree that should I be reimbursed for the tuition and/or textbooks under the tuition reimbursement program and I leave the full time employment of the City of Stephenville within a period of two years following reimbursement, I will refund the City of Stephenville the full amount of the tuition and book reimbursement paid to me over the two years preceding voluntary resignation. I agree, consent and hereby authorize the City of Stephenville to withhold from my final paycheck or leave payment of any kind, such amount as may be necessary to satisfy any balance due pursuant to this agreement. If my final paycheck or other leave payments do not fully cover the amount I owe to the City of Stephenville, the City hereby reserves the right to pursue all legal and equitable means at its disposal to collect such balance due.

WITNESS BY MY HAND THIS THE _____ DAY OF _____, _____

_____ _____
Employee Printed Name Employee Signature

_____

SUBSCRIBED AND SWORN TO THIS THE _____ DAY OF _____, _____

Notary Seal

_____
Notary

_____
Commission Expires

Appendix E

Form 7

COURSE PRE-APPROVAL REQUEST
Step 3: TUITION REIMBURSEMENT
*To be completed **BEFORE** semester begins.*

NOTE: To be eligible for tuition and book reimbursement, the employee must have an approved Application for Degree Plan Approval on file with the HR Department. This request form must be completed by the employee and submitted to the Human Resources Director prior to taking a course.

Name: _____

Department: _____ Title: _____

Name of College or University: _____

Semester course(s) to be taken: _____

Course Title(s) and Catalog Number	Number of Semester Hours
1. _____	_____
2. _____	_____
3. _____	_____

Approximate Cost: Tuition $ _____ Books $ _____

Did you receive funds from any other source for payment of tuition/textbooks? **YES** **NO**

Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc) are required to submit reimbursement requests for the balance of the tuition not covered by the alternate source. The City of Stephenville has the right to audit the employee's educational and financial records that may be contained in the employee's records at the institution attended. I agree that any right I may have pursuant to the Family Education Rights and Privacy Act of 1974, or any similar act, is waived by acceptance of tuition reimbursement. I understand that the penalty for fraudulently seeking a tuition reimbursement benefit may include disciplinary action. By signing this application, I acknowledge that I am familiar with the requirements for tuition reimbursement pursuant to the city's personnel policy and agree to abide by those requirements.

_____ _____
Employee Signature Date

HUMAN RESOURCES DEPARTMENT

_____ _____
Human Resources Director Date

Appendix E
Form 8

REIMBURSEMENT REQUEST
Step 4: TUITION REIMBURSEM ENT
*To be completed at **END** of semester.*

> ***NOTE***: To receive tuition and book reimbursement, the employee must attach a **grade report** for a ll course(s) indicated, as well as a **fee receipt for tuition and textbook payment**.

Name: _____

Department:_____ Title:_____

NameofCollegeorUniversity: _____

Semester course(s) taken: _____

	Course Title(s)	Tuition Cost	Textbook Cost
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Approximate Cost: Tuition$_____ Books$_____

Did you receive funds from any other source for payment of tuition/textbooks?

☐**YES** ☐**NO**

Employees receiving tuition assistance from a source that does not require repayment (Veteran's benefits, grants, scholarships, etc.) are *required to submit reimbursement requests for the balance of the tuition not* covered *by the alternate source.*

By signing this request form, I certify that this tuition reimbursement request is a true and accurate statement of my enrollment, course completion, grade, and tuition/ textbook expense. I am hereby requesting reimbursement pursuant the city's personnel policy.

Employee Signature_____Date_____

HUMAN RESOURCES DEPARTM ENT: Reimbursement

Human Resources Director_____Date_____

Appendix E
Form 9

WAGE DEDUCTION AUTHORIZATION AGREEMENT

I understand and agree that my employer, the City of Stephenville, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the City;

2. The balance of Per Diem advances from the City, if there is a balance remaining when I leave;

3. If I receive an overpayment of wages for any reason, repayment of such overpayments to the City;

4. The cost to the City of personal long-distance calls or faxes made on City phones/faxes or on any City accounts;

5. The cost of repairing or replacing City supplies, materials, equipment, uniforms, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the City during my employment (applies to non-exempt employees only);

6. If I take paid vacation, sick, or holiday bank leave in advance of the date I would normally be entitled to it and I separate from the City before accruing time to cover such advance leave, the value of such leave taken in advance that is not covered.

7. If I am an authorized purchaser/cardholder of a City Procurement card and make any personal charges on the card or if I fail to provide necessary documentation that the charge was authorized by the required expense statement date.

I agree that the City may deduct money from my pay under the above circumstances.
I also acknowledge that I understand that the City pays its employees fairly and that all work is compensated and no supervisor may authorize work off the clock.

I acknowledge that I must accurately record time worked and should contact HR, my supervisor or my supervisor's manager with any questions. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

I have read the above agreement and have received Policy 5.04 Overtime.

Employee Name (Printed)	Department
Employee Signature	Date
City Representative	Date

Appendix E
Form 9

LEAVE REQUEST FORM

Name:_____ Date:_____

Department:_____ Title:_____

VACATION LEAVE
Date(s)Requested: From:_____through_____Hours_____

SICK LEAVE
Date(s)Requested: From:_____through_____Hours_____

OTHER LEAVE
Date(s) Requested: From through_____Hours_____

Type of Leave: ☐With Pay ☐Without Pay

Family and Medical Leave Act: ☐Yes ☐No

_____ _____
Employee Signature **Date**

SUPERVISOR ACTION

☐Approved ☐Denied

_____
Supervisor's Signature

_____
Date

Appendix E
Form 11

Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 8/31/2021

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____ _____
Employer Representative

DATE: _____ _____

On _____, you informed us that you needed leave beginning on _____ for:

_____ The birth of a child, or placement of a child with you for adoption or foster care;

_____ Your own serious health condition;

_____ Because you are needed to care for your ____ spouse; _____child; _____ parent due to his/her serious health condition.

_____ Because of a qualifying exigency arising out of the fact that your ____ spouse; _____son or daughter; _____ parent is on covered active duty or call to covered active duty status with the Armed Forces.

_____ Because you are the ____ spouse; _____son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

_____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

_____ Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

_____ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
_____ You have not met the FMLA's hours of service requirement.
_____ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ____**is**/____ **is not** enclosed.

____ Sufficient documentation to establish the required relationship between you and your family member.

____ Other information needed (such as documentation for military family leave): _____

_____

_____

____ No additional information requested

CONTINUED ON NEXT PAGE

If your leave does qualify as FMLA leave you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

____ You will be required to use your available paid _____ **sick,** _____ **vacation**, and/or _____**other leave** during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

____ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We ___**have**/____ **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:

  _____ the calendar year (January – December).

  _____ a fixed leave year based on _____.

  _____ the 12-month period measured forward from the date of your first FMLA leave usage.

  _____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.

- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have ____ **sick,** ____**vacation,** and/or ___ **other leave** run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

  ____For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

  ____Applicable conditions for use of paid leave:_____

  _____

  _____

  _____

  _____

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

_____at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003
Expires: 8/31/2021

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

_____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____)_____ Fax:(_____)_____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Mark below as applicable:
   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission:

   _____

   Date(s) you treated the patient for condition:

   _____

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___ Yes.

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ____No ____Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition: ____ No ____ Yes.

   If so, identify the job functions the employee is unable to perform:

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____

   _____

   _____

   _____

   _____

   _____

   _____

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary?
   ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups?
   ____ No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____

_____

_____

_____

_____

_____

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

Designation Notice (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 8/31/2021

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

_____ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

_____ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

_____ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

_____ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

_____ We are requiring you to substitute or use paid leave during your FMLA leave.

_____ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ___ **is** ___ **is not** attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

_____ **Additional information is needed to determine if your FMLA leave request can be approved:**

_____ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not
(Provide at least seven calendar days)
practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

_____
(Specify information needed to make the certification complete and sufficient)

_____

_____ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

_____ Your FMLA Leave request is Not Approved.
_____ The FMLA does not apply to your leave request.
_____ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Form WH-382 January 2009

ALTERNATE/COMPRESSED SCHEDULED REQUEST

Name:_____ **Date:**_____

Department:_____ **Title:**_____

Proposed Schedule

Day of the Week	Date	Start Hour	Meal Period	End Hour
Sunday			-	
Monday			-	
Tuesday			-	
Wednesday			-	
Thursday			-	
Friday			-	
Saturday			-	

Total number of work hours per work week: _____

ALTERNATE/COMPRESSED SCHEDULE AGREEMENT

I have read and acknowledge all provisions in *Policy 5.05 Flextime* & Compressed *Work Week Schedule* and agree to work the approved alternate work schedule from _____, 20____ to _____, 20___.

Employee Signature_____ Date_____

Please Note:

- The Fair Labor Standards Act (FLSA) requires that overtime compensation be paid at one and one-half time the regular hourly rate for each hour worked over 40hours during the non-exempt employee's designated workweek.
- Averaging work hours over different workweeks is not permitted.

DEPARTMENT DIRECTOR ACTION

□ Request Recommended: From _____, 20___ To _____, 20_____

□ Request Denied- Comments:_____

Department Director_____ Date_____

Appendix E
Form 13

TEMPORARY RESTRICTED DUTY AGREEMENT

I,_____(print name), am employed with the City of Stephenville with the following job title:

I have read and understand the City's Temporary Restricted Duty Policy and agree to abide by its requirements. I am aware of the work restrictions given by my treating physician and agree to abide by those restrictions. I understand that restricted duty may not exceed 90 working days in one year.

I understand and agree that this restricted duty assignment is temporary and my eligibility will be re-evaluated in 30 days. I understand that restricted duty assignments are not intended to create regular full or part time positions and my restricted duty assignment may be eliminated at the City's sole discretion. Should I fail to adhere to the City's policy or my physician's work restriction, I am aware that I may be subject to disciplinary action, up to and including termination. I understand that this Restricted Duty Agreement is not an employment contract, does not alter my at-will employment status, and that the City or I may terminate my employment at any time, for any reason, or no reason at all.

_____ _____

Employee Signature Date

HUMAN RESOURCES ACTION

Temporary Restricted Duty Assignment commencement date: _____

Department assigned: _____

Temporary Restricted Duty Assignment extension date: _____

Additional Comments: _____

_____

HR Representative: _____ Date: _____

Appendix E

Form 14

City Of Stephenville TEXAS

Travel Request Form

PART I - TRAVEL REQUEST		
1) Name	**2) Department/Division**	**3) Date**
4) Purpose of Trip (name of meeting, reason for travel, job relation)		**5) Account Number(s)**
6) Destination		**7) Dates** From: To:
8) Method of Travel ____ City Vehicle ____ Private Auto ____ Air ____ Other	**9) Total Estimated Cost of Trip** 0.00 **10) Advance Pay Requested** ____ Yes ____ No If yes, complete below	**11) Approval** Department Head Date / Finance- Funds Approval Date / City Administrator Date

PART II - EXPENSE REPORT	Pre Event		Post Event			
(Prior to trip, list actual expenses each day- Attach receipts/prepaid expenses from above- list on first day)						
(If any expense below is paid for by City credit card- show on this report and add amount(s) to Amount Prepaid total on bottom of page)						
12) Dates						**Total**
13) Lodging	$	$	$	$	$	$ 0.00
14) Garage/Parking	$	$	$	$	$	$ 0.00
15) Taxis/Car Rental	$	$	$	$	$	$ 0.00
16) Transportation	$	$	$	$	$	$ 0.00
17) Registration Fee	$	$	$	$	$	$ 0.00
18) Meals (see per diem schedule)	$	$	$	$	$	$ 0.00
19) Misc (Specify)	$	$	$	$	$	$ 0.00
*** (Tips cannot exceed 15% of total meal costs)**						
20) Mileage(private auto) ____ # miles .58 Per mile	$	$	$	$	$	$ 0.00

21) Total	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

25) I certify that the foregoing expenses were incurred in the conduct of business and for payment of such are available in the current budget.

22) Amount to be prepaid to employee	$ **0.00**		
** Date Needed			
23) Amount Prepaid (including Credit Card)	$ 0.00	**Employee**	**Date**
24) Reimburse expense to employee	$		
		Department Head	**Date**

Please see the City of Stephenville Personnel Manual for full details of the travel and reimbursement policy

THINGS TO REMEMBER:

Travel Per Diem Rates: $50 per day

Travel Per Diem Rate for Partial Days:

Breakfast	**$10.00**	*The employee must be away before 7:00 a.m. or after 6:00 p.m. to receive*
Lunch	**$15.00**	*the respective breakfast or dinner portion of the per diem.*
Dinner	**$25.00**	

Meals that are provided as part of a conference, training, etc. are not covered by per diem and should be subtracted from a per diem request according to the schedule above

*****All receipts for purchases over $5.00 is required with the exception of tips which must be 15% and under*****

Online map calculations that show distances may be used for mileage logs.

REQUEST FOR CHECK

Date of Request: Amount Requested: $

Date needed:

Make Check Payable to:

Name:

Address:

_____

Reason for Issue:

Explanation & Instructions for Check Dispersal:

Requested by Approved By _____

Charge-Account Name/No. Amount

Check No. _____ Dated _____ Approved By _____

PERFORMANCE CORRECTION NOTICE

Employee Name:_____ **Date:** _____

Department:_____ **Supervisor:** _____

Corrective Level:

- □ Verbal Correction
- □ Written Reprimand
- □ Delay of Step Increase
- □ Corrective Probation (End date:_____)
- □ Suspension (Date:_____)
- □ Demotion
- □ Termination

Occurrence: ***(one sentence summary of incident)***

- □ Performance
- □ Conduct
- □ Attendance

Prior Notifications:

Level of Discipline	**Subject**
□ Verbal	_____
□ Written	_____

Incident Description and Supporting Details: Include the following information:
Description of Incident, Date of Occurrence, Persons Present as well as Organizational **Impact**. Attach additional **pages**. *(if necessary)*

_____
_____
_____
_____
_____

Appendix E
Form 17

PERFORMANCE CORRECTION PLAN

Immediate and sustained improvement is expected.

1. **Measurable/Tangible Correction Goals:**

   Targeted completion date: _____

2. **Training or Special Direction Provided:**

3. **Interim Performance Evaluation Date *(if necessary)*:** _____

4. In addition, I recognize that you may have certain ideas to improve your performance. I encourage you to provide your own **Personal Correction Plan Input and Suggestions.** (Attach additional sheets if needed.)

OUTCOMES and CONSEQUENCES

Positive: If you meet your Correction goals, no further corrective action will be taken regarding this issue.

Negative: (Describe the consequence should the incident occur again) Future policy violations or failure to perform job duties in an acceptable manner will result in additional corrective action up to and including termination.

Scheduled Review Date (if applicable): _____

Employee Comments and/or Rebuttal (Attach Additional Sheets, if needed)

_____
Employee Signature

Appendix E
Form 17

Employee Acknowledgment

I understand that the City of Stephenville is an "at-will" employer, meaning that my employment has no specified term and that the employment relationship may be terminated any time at the will of either party. I also realize that the City of Stephenville is opting to provide me with corrective action measures, and can terminate such corrective measures at any time, solely at its own discretion, and that the use of progressive discipline will not change my at-will employment status.

I have read the Performance Correction Notice and understand it. It has been discussed with me, and I have been advised to take time to consider it before I sign it. Signing this, I commit to follow the city's standards of performance, conduct and attendance.

Employee Signature	Date	Supervisor's Signature	Date

Witness: (if employee refuses to sign)

Name	Date

A copy of this document will be placed in your file.

Appendix E
Form 17

EMPLOYEE GRIEVANCE FORM

Grievant Name: _____ Date: _____

Title: _____ Department: _____

EMPLOYEE GRIEVANCE

HISTORY AND FACTS OF GRIEVANCE:

Provide as much specific information as possible, including all pertinent names, dates, and places. Indicate specifically which section of the Personnel Policies you believe was violated (if applicable). Attach additional sheets if necessary.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

REMEDY SOUGHT:

State specifically what action(s) you are requesting to resolve the complaint.

_____

_____

_____

_____

_____

_____ _____

Grievant Signature Date Signed

APPENDIX E
Form 18

STEP I

IMMEDIATE SUPERVISOR RESPONSE

Grievance response must be returned to the aggrieved employee within ten (10) working days or receipt. Attach additional sheets and documentation if necessary.

Supervisor's Signature

Date of Signature

GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE:

I accept the resolution to Step I: ☐YES ☐NO

If answer is no, grievance must be submitted to Step II within five (5) working days of receipt of Step I response. Give specific reasons why the Step I response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

Grievant Signature

Date Signed

Appendix E
Form 18

STEP II

DEPARTMENT DIRECTOR RESPONSE *(if Required):*

The Department Director may schedule a meeting with the employee or provide a written response. The written response shall be provided to the employee within ten (10) working days of receiving the grievance request.

Department Director Signature _____ Date _____

GRIEVANT'S ANSWER TO SUPERVISOR RESPONSE *(if required)*:

I accept the resolution to Step II: ☐YES ☐NO

If answer is no, grievance must be submitted to Step III within five (5) working days of receipt of Step II response. Give specific reasons why the Step II response is unsatisfactory, and what further action(s) you are requesting to resolve the complaint.

Grievant Signature _____ Date _____

Appendix E
Form 18

STEP III

CITY MANAGER RESPONSE *(if required)*:

At a mutually agreeable time, the City Manager may elect to have a meeting with the employee informally or to convene a hearing. Once the meeting or hearing has been held, the City Manager shall respond to the grievance within ten (10) days. As per the Policy 7.03 Grievance, the decision of the City Manager is final and is not eligible for further appeal.

City Manager Signature

Date

APPENDIX E
FORM 18

SUPERVISOR'S REPORT OF REASONABLE SUSPICION
-Confidential-

Name:_____ **Date**: _____
Department:_____ **Title:** _____

PROCEDURE

This form is to be completed whenever there is reasonable suspicion that an employee is under the influence of alcohol and/or prohibited drug substance. A supervisor and a Department Director shall note all pertinent behavior and physical signs which led them to believe that the employee is under the influence of alcohol and/or a prohibited drug substance. The Department Director shall contact Human Resources for reasonable suspicion testing authorization. In the event that Human Resources in unavailable, the Department Director shall contact the City Manager's office. Upon authorization, the employee will be required to undergo drug and/or alcohol testing.

PERSONS OBSERVING BEHAVIOR *(At least one Department Director required.)*

Name/Title:_____
Name/Title:_____
Date of Observation:_____ **Time:**_____
Location: _____

Circumstances which existed to warrant the testing for reasonable suspicion were as follows:	**Yes**	**No**
Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.		
Observable phenomena while at work, such as direct observation of drug use of the physical symptoms or manifestations of being under the influence of a drug or alcohol.		
Abnormal conduct or erratic behavior while at work or a significant deterioration work performance.		

WRITTEN SUMMARY

Summarize the facts and circumstances of the accident or incident, employee response, supervisor actions, and any other pertinent information not previously noted on this form. Attach additional sheets as needed.

_____
_____
_____
_____
_____
_____

Appendix E
Form 19

OBSERVATIONS *(Both observers INITIAL their observations below.)*

ABILITY TO WALK ☐Normal ☐Falling ☐Grasping for Support ☐Moved in Circles ☐On Hands and Knees ☐Staggering ☐Swaying ☐Unable to Walk

APPEARANCE ☐Normal ☐Disheveled ☐Dirty ☐Odor

ACTIONS ☐Crying ☐Profanity ☐Punching ☐Resisting ☐Sleepy ☐Threatening

ABILITY TO STAND ☐Normal ☐Need Support ☐Rigid ☐Sagging Knees ☐Swaying ☐Unable to Stand

EYES ☐Normal ☐Constricted ☐Contacts/Glasses ☐Dilated ☐Droopy Lids ☐Bloodshot ☐Watery

FACE ☐Flushed ☐Pale

MOVEMENT OF HANDS ☐Trembling ☐Uncoordinated

BREATHING ☐Normal ☐Deep ☐Gasping ☐Laboring ☐Rapid ☐Shallow ☐Slow

SPEECH ☐Normal ☐Abusive ☐Boisterous ☐Confused ☐Crying ☐Hoarse ☐Incoherent ☐Rambling ☐Rapid ☐Shouting ☐Silent ☐Slobbering ☐Slow ☐Slurred ☐Stuttering ☐Whispering

ORDER OF ALCOHOL/DRUG ☐Yes ☐No

OTHER:

_____

_____

SIGNATURES

Supervisor: Based on my observations noted on this checklist, I **recommend/do not recommend** *(circle one)* that an alcohol/drug test be administered.

Supervisor Signature:_____ Date: _____

Department Director: Based on my observations noted on this checklist, I **recommend/do not recommend** *(circle one)* that an alcohol/drug test be administered.

Department Director:_____ Date: _____

Contact the Human Resources Department immediately after completion of this checklist to proceed.

HUMAN RESOURCES DIRECTOR (OR DESIGNEE) ACTION

Employee underwent: ☐alcohol test ☐drug test

Date: _____ **Time:** _____

Location: _____

Employee *refused* testing: ☐Yes ☐No

Comments:

_____

_____

_____

_____

_____ _____

Human Resources Director (or designee) Date

Appendix E
Form 19

DISCREMINATION AND/OR HARASSMENT COMPLAINT FORM

NAME: _____ **DATE:** _____

TITLE: _____

DEPARTMENT: _____ **SUPERVISOR:** _____

Reason(s) for Unlawful Treatment:

☐Race ☐National Origin ☐Age ☐Religion ☐Sex ☐Disability
☐Color ☐Retaliation ☐Other (Please List): _____

Briefly Describe the Nature of the Complaint. Please explain why you believe discrimination and/or harassment has affected your employment with the City of Stephenville. Where possible, specify the date(s) of the incident(s) and name(s) involved. If additional space is needed, please attach additional pages.

The City of Stephenville will not tolerate employment discrimination or harassment based upon an employee's or applicant's race, color, national origin, sex, religion, disability, or age, according to *Policy 7.06 Harassment & Discrimination.*

_____ _____
Employee Signature Date

Appendix E
Form 20

EMPLOYER NOTIFICATION OF TRAFFIC VIOLATION
FOR COMMERCIAL DRIVER'S LICENSE (CDL)
(Not necessary for parking violations)

NAME: _____ **DATE:** _____

DEPARTMENT: _____ **TITLE:** _____

DRIVER'S LICENSE #: _____ **STATE:** _____

DATE TICKETED: _____ **CITATION NO:** _____

TYPE OF TRAFFIC VIOLATION: _____

RESOLUTION OF CITATION: _____

VEHICLE OPERATED *(check one):* ☐Personal ☐City ☐Other

WAS VEHICLE A COMMERCIAL MOTOR VEHICLE? ☐Yes ☐No

LOCATION OF OFFENSE (CITY/COUNTY): _____ **STATE:** _____

ISSUING AGENCY: _____

DID VIOLATION RESULT IN LOSS OF DRIVING PRIVILEGES? ☐Yes ☐No

IF YES, PLEASE EXPLAIN:

_____

_____

_____

_____ _____

Employee Signature Date

Supervisor: *Send to the Human Resources Department within 24 hours of receipt.*

APPENDIX E
FORM 21

CITY OF STEPHENVILLE
WAIVER OF GROUP HEALTH INSURANCE

Employee's Names: ***(Last) (First) (Middle)*** _____ **Employee Number** _____

Home Mailing Address: _____

City, _____ **State** **Zip** _____ **Date of Birth** _____

I hereby certify that I have been given an opportunity to request health insurance under the group medical insurance policy offered by the City of Stephenville, and after careful consideration, I have decided to waive coverage for:

_____ MYSELF or _____MYSELF & MY DEPENDENTS

Dependents who are waiving:

Name of Dependent	Relationship	Birth Date
_____	_____	___/___/___
_____	_____	___/___/___
_____	_____	___/___/___
_____	_____	___/___/___

NOTE: Attach copy of ID card for alternate plan to this form.

WAIVER OF COVERAGE

I do NOT elect the medical coverage offered by the City of Stephenville through the current enrollment period due to the fact that I have employer sponsored group health insurance coverage through _____. I understand that by waiving medical coverage, I am not entitled to prescription coverage. I understand that by signing this Waiver I am waiving coverage not only for myself, but for my Spouse and Dependents, if applicable. I hereby decline the health insurance benefits provided by the employee medical insurance plan through the City. The benefits of the plan have been explained to me and I do not desire to participate in the plan.

I understand that this is a binding election until revoked during a future annual enrollment period or by the occurrence of a qualified change in my family status as defined by the Regulations issued by the Internal Revenue Service. Notwithstanding the foregoing, however, I understand that if the alternate health insurance coverage I am currently receiving should cease as a result of loss of eligibility or termination of employer contributions (or if it is COBRA coverage which ceases because the coverage period has exhausted), I must notify the City of the termination of the alternate health insurance coverage and request enrollment in the city medical plan within 31 days of the termination of coverage in order to become covered under the City's plan. I understand that if I do not request enrollment within 31 days of termination of coverage, I will not be eligible to enroll for any City health coverage until the following annual enrollment which shall be effective the first day of the following plan year.

_____ _____

Employee Signature Date

APPENDIX E
FORM 22

RETIREE NOTIFCATION FORM
Group Health Coverage

NAME: _____

ADDRESS: _____
(**Street Number**) (**Street Name**) (**City**) (**State**) (**Zip**)

DEPARTMENT: _____ **TITLE:** _____
PHONE # _____ **RETIREMENT DATE:** _____

☐ Yes ☐ No Are you retiring under the Texas Municipal Retirement System?

☐ Yes ☐ No Have you been continually employed with the City of Stephenville for the last five years?

☐ Yes ☐ No Do you have other group health insurance available to you?

☐ Yes ☐ No Does your spouse or covered dependents have other group health insurance available to them?

☐ Yes ☐ No Do you agree to inform the City of Stephenville if you or a covered member of your family become covered under another group health plan or entitled to Medicare?

☐ Yes ☐ No Do you understand that premium amounts will change from year to year?

☐ Yes ☐ No Do you understand that you are responsible for remitting the full amount of the premium by a specific date, and if you fail to remit the required amount coverage will terminate for you and your dependents?

DECLINATION

_____ (initial) I understand that I am eligible for group health coverage continuation: however, I hereby decline retiree health coverage. I understand that this is the only opportunity I will have to continue the City's group health coverage.

I understand that I also have the right to continue coverage subject to COBRA provisions for up to 18 months, and this declination will not jeopardize those rights under COBRA.

I certify by signature below that I have read the retirement provisions described in the Stephenville Policy manual.

Employee Signature: _____ Date: _____

APPENDIX E
FORM 23

Employee Request for Accommodation Form
-Confidential-

Applicant or Employee Name: _____ **Date:** _____

Position or Title: _____

Department/Supervisor: _____

Applicant or Employee – Please complete this section, and return the completed form to the Human Resources department. Request is confidential and will only be shared with those who have a right to know.

Identify your condition(s) and indicate how you believe each condition affects your ability to perform the essential duties of the position:

_____
_____
_____
_____

State the requested accommodation(s) and any alternatives.

_____
_____
_____
_____

Human Resources Use Only

Date Received: _____ **Date(s) reviewed:** _____

Accommodation approved or denied: _____

Summary of outcome (attach any supporting documents)

Request for Appeal: ☐Yes ☐No

Date Received: _____ **Date Reviewed:** _____

Summary of outcome (attach any supporting documents)

Signature of ADA Coordinator or designee: _____ **Date** _____

APPENDIX E
FORM 24

I N S T R U C T I O N S
ASSIGNMENT OF CITY VEHICLES FOR TAKE-HOME PURPOSES

Prior to allowing any employee to take a City-owned or City-leased vehicle home, an assignment form must be completed in accordance with the following instructions.

1. **Department Head must complete first two sections of assignment form including signature and date. S/he must then have employee sign and date the last section and submit the form to the City Administrator for approval.**

2. **The City Administrator will approve or deny the requested assignment, sign and date the form and return it to the Human Resources Director.**

3. **The Human Resources Director will return one fully executed copy to the employee and another to the department head.**

4. **The department head is responsible for notifying the Human Resources Director (in writing) of any change in the vehicle assigned to a particular employee.**

Note: In cases where a vehicle is being assigned to a department head, s/he should complete and sign both the request section (department head) and the acknowledgment section (employee).

Appendix E
Form 25

ASSIGNMENT OF CITY VEHICLE FOR TAKE-HOME PURPOSES

EMPLOYEE: DEPARTMENT: _____

ADDRESS VEHICLE WILL BE HOUSED AT: (If address changes you must notify Department Head immediately and complete new form)

_____ _____

Street ***City/Zip Code/County***

THIS ADDRESS IS: ☐ ***Inside City Limits*** ☐ ***Outside City Limits/County***

Number of miles driven to this address one way: _____

VEHICLE DESCRIPTION:
Year: _____ ***Make:*** _____ ***Model:*** _____

VIN: _____ ***City Asset Number:*** _____

If you are assigned a different vehicle for any reason, you are to complete a new form and submit to Human Resources immediately.

Approval is requested for the above-named employee to be assigned the described vehicle for take-home purposes as follows:

- ☐ overnight and/or on weekends on a regular basis
- ☐ overnight and/or on weekends only when on call
- ☐ other: (Click here to enter text.)

Justification for Request: Click here to enter text.

I understand that it is my responsibility to notify the Human Resources Director immediately if any of this information changes, including assignment of a different vehicle to this employee.

_____ _____

Signature of Department Head **Date**

The above assignment is:

☐ Approved
☐ Denied

_____ _____

Signature of City Manager **Date**

I hereby acknowledge that I have been assigned the primary responsibility for the vehicle described above. I further acknowledge that I have received a copy of the City's policy regarding the use of City vehicles and that I understand and will comply with the provisions of that policy.

_____ _____

Signature of Employee **Date**

If employee is subject to the On-Call Policy and receiving On-Call Pay, please complete the On-Call Form.

USE OF CITY VEHICLES

If you are assigned the use of City automobiles, trucks or equipment, you are expected to drive them with due care especially observing all laws and rules of the road. All assigned vehicles/equipment must be maintained in a clean and sanitary condition at all times by the operator of such vehicles/equipment. Any vehicle operating problems must be reported to your supervisor or department head for immediate corrective action. The City stresses preventive maintenance, and every operator of City vehicles/equipment is expected to cooperate by adhering to the maintenance schedule and reporting vehicle deficiencies without delay.

Only City employees with the appropriate type of valid Texas driver's license may operate a City-owned or City-leased vehicle. Employees may operate City vehicles during normal working hours or shift assignments based upon authorization of their department head for City-related use only. It is the department heads duty to ascertain that an operator assigned to drive a vehicle, even if on a temporary basis, holds a valid driver's license and is in sound condition to operate the vehicle. The employee is required to have his driver's license in his possession at all times while operating a City vehicle. Employees operating City vehicles are not to drive such vehicles outside the Erath County area unless prior authorization is received from their department head.

If you are assigned a City-owned or City-leased vehicle on a regular basis, you have the responsibility of seeing that it is adequately serviced (gas, oil, filters, lubrication, tire pressure and replacement, maintenance for safety, etc.). Items of a repair and replacement nature should normally be carried out by the City's Fleet Service Center; however, in cases where your assigned vehicle cannot be repaired or serviced in a timely manner by Fleet Services due to that departments priorities, you must report the need for repairs or maintenance to your department head who will make arrangements for alternative maintenance or repair service.

If you are on call or are expected to act on behalf of the City during other than normal working hours or shift assignments, you may be assigned the use of a City-owned or City-leased vehicle for take-home purposes. To be eligible to use a City-owned or City-leased vehicle for take-home purposes, an employee must live within Erath County and within ten miles of the city limits. (City vehicles may not be taken home unless an assignment form has been completed and approved by the City Manager.) City-owned or City-leased vehicles taken home may be used only by the employee for City-related business. Members of the employee's family, neighbors or others are not to either drive or be transported in the vehicle unless such actions are related to City work or result from a life-threatening emergency or serious health problem. When an employee assigned the use of a vehicle for take-home purposes knows in advance that s/he will be unable to work or be on call for a period of more than two (2) consecutive days (illness, vacation, travel, etc.), the employee should arrange for the City vehicle to be returned to his/her department during such absence.

Nothing in this policy is intended to prohibit any authorized employee from using a City vehicle as transportation for purposes directly related to the performance of City duties during work assignments or on a call out. Employees are not prohibited from being in a City vehicle while taking reasonable breaks for lunch, coffee, etc. during working hours or in route to work or on a call; however, in no instance should an employee purchase alcoholic beverages or frequent taverns, clubs or other drinking establishments while using a City-owned or City-leased vehicle.

Some supervisory-level employees may be given permission to transport members of their family, other City officials or their families and others for out-of-town travel to functions related to the municipal service such as special hearings, training programs, conventions, seminars, etc. This policy does not prohibit transporting non-City employees such as vendors, consultants, inspectors, official guests, citizens, government officials, prisoners, and persons involved in police investigations or other activities, etc. as a part of routine work assignments or public safetyactivities.

Failure to comply with the provisions of this policy will result in appropriate disciplinary action.

SOCIAL MEDIA APPROVAL/AGREEMENT FORM

NAME: _____

POSITION/TITLE: _____

DEPARTMENT: _____

NAME OF SOCIAL MEDIA SITE: _____

APPROVAL OF DEPT. MANAGER: _____ **DATE:** _____
Signature

City Manager (or designee) Approval: _____ Date: _____
Signature

I agree to use City-approved Social Media Sites for City business as appropriate and in compliance with this Policy. I understand that I must have approval from my Department Manager and the City Manager to create or participate in a Social Media Site on behalf of the City. I also understand that I am responsible for all postings for all postings made by me on City Social Media Sties, including those made in the comments sections. I further understand that this policy also applies to City-related postings made by me on personal (non-City) Social Media Sites, and I agree to adhere to the guidelines in this policy when so doing.

I acknowledge that all City-approved Social Media Sites are considered to be City property and may be monitored by officials of the City. I understand that employees do not have privacy rights in the use of City Social Media Sites and the postings, data, access to or distribution of such materials is subject to Texas Public Information Act, Federal e-discovery rules, and the City's records retention schedules.

I agree to abide by all City security policies and procedures before accessing or posting to any Social Media Site. I acknowledge that any abuse of Social Media Sites, including violation of the rules and guidelines set forth in this Policy or in any current or future modified City Personnel Policy can be grounds for disciplinary action, up to and including termination of my employment.

Printed Name_____ Date _____

Employee Signature _____

APPENDIX E
FORM 26

Performance Improvement Plan (PIP)

Confidential

Employee:
Supervisor:
Department:
Date:

The purpose of this Performance Improvement Plan (PIP) is to define serious areas of concern, gaps in your work performance, reiterate City of Stephenville expectations, and allow you the opportunity to demonstrate improvement and commitment.

Areas of Concern: (List specific areas where the employee failed to meet expectations)

Observations, Previous Discussions, or Additional Training Provided: (List any previous times the issues have been addressed, the context, and the outcome of discussions or training)

Step 1 - Improvement Goals: These are the goals related to areas of concern to be improved and addressed:

1.	
2.	
3.	

.

Appendix E
Form 27

Step 2 - Activity Goals: Listed below are activities that will help you reach each goal:

Goal #	Activity	How to Accomplish	Start Date	Projected Completion Date

Step 3 - Resources: Listed below are resources available to you to complete your Improvement activities (may include other people's time or expertise, management support, training materials and activities, or time away from usual responsibilities.)

1.	
2.	
3.	

Step 4 - Expectations: The following performance standards must be accomplished to demonstrate progress towards achievement of each Improvement goal:

1.	
2.	
3.	
4.	
5.	

Step 5 - Progress Checkpoints: The following schedule will be used to evaluate your progress in meeting your Improvement activities.

Goal #	Activity	Checkpoint Date	Type of Follow-up (memo/call/meeting)	Progress Expected	Notes

Follow-up Updates: You will receive feedback on your progress according to the following schedule:

Date Scheduled	Activity	Conducted By	Completion Date
	30-day Review	[Supervisor]	
	45-day [or 60-day] Review	[Supervisor]	
	60-day [or 90 – Day] Review	[Supervisor]	

Timeline for Improvement, Consequences & Expectations:

Effective immediately, you are placed on a ___30 ___60 ___90 day PIP. During this time you will be expected to make regular progress on the plan outlined above. Failure to meet or exceed these expectations, or any display of gross misconduct will result in further corrective action, up to and including termination. In addition, if there is no significant improvement to indicate that the expectations and goals will be met within the time line indicated in this PIP, your employment may be terminated prior to the end of this PIP. Furthermore, failure to maintain performance expectations after the completion of the PIP may result in additional corrective action up to and including termination.

The PIP does not alter the employment-at-will relationship. Additionally, the contents of this PIP are to remain confidential. Should you have questions or concerns regarding the content, you will be expected to follow up directly with your supervisor.

We will meet again on as noted above to discuss your Performance Improvement Plan.
Please schedule accordingly.

Signatures:

Print Employee Name: _____

Employee Signature: _____

Date: _____

Print Supervisor Name: _____

Supervisor Signature: _____

Date: _____

CITY ISSUED WIRELESS DEVICE ACKNOWLEDGEMENT FORM

Department/Division: _____ **Date:** _____

Employee's Name: _____ **Position:** _____

Wireless Equipment Description: _____

Reason wireless device is necessary *(check all that apply)*:

☐ Employee must conduct City business while in the field

☐ Employee has a critical need to maintain accessibility with other departments in order to insure uninterrupted customer service

☐ Employee is in a public safety position that requires immediate and direct communication

Requested by:
Department Director Signature: _____ Date _____

Approved by:
City Manager Signature: _____ Date _____

THE CITY ISSUED WIRELESS DEVICE ACKNOWLEDGEMENT FORM MUST BE REVIEWED ANNUALLY BY THE DEPARTMENT DIRECTOR TO DETERMINE IF THE ASSIGNMENT CONTINUES TO BE JUSTIFIED.

I have received a copy of Policy 6.03 – Telephone & City Issued Wireless Telephone Devices. I understand and agree it is my responsibility to read and abide by the policy, and that I should consult my supervisor or the Human Resources Department if I have questions.

I agree to use the communication systems for City business as appropriate and in compliance with the policy. I understand that while minimal personal usage will be allowed, it must not interfere with my productivity. I know that accessing or distributing any material that is inappropriate, offensive and/or sexually explicit will not be tolerated by the City. All information accessed, communicated or distributed must be in compliance with all City and departmental policies.

I acknowledge that all City communication systems are considered to be City property and may be accessed at the time by authorized officials of the City. Employees do not have privacy rights in the use of City communication equipment and the messages, data, access to or distribution of such material is subject to Open Records.

I acknowledge that any violation of this policy can be grounds for disciplinary action, up to and including termination of my employment.

Employee's Printed Name	Signature	Date

VEHICLE ACCIDENT REPORT

Vehicle and Equipment Accident/Damages

This form, or an approved alternate form, must be completed for all accidents involving any City vehicle, equipment (any item attached to a City Vehicle) or property damage caused by a City vehicle or equipment. Please report any incident immediately and complete all related sections of this report and provide a copy of Fleet Maintenance within one (1) business day for processing (pictures of the damages will be required at the time of incident)

Employee Injuries

Supervisors must be notified immediately by the employee and the incident should be reported to Human Resources immediately or within one (1) business day of the incident.

Note

This form must be signed by the employee involved and the employee's supervisor however, if signatures cannot be obtained within one (1) business day, the form should be forwarded to Fleet Maintenance as soon as possible.

SECTION A – GENERAL INFORMATION

Employee Name:_____ **Home Phone #:** _____

Home Address: _____

Street Number Street Name City State Zip Country

Job Title:_____**Department:** _____

Date of Occurrence:_____**Time of Occurrence:**_____ ☐am ☐pm **Date reported:** _____

Address/Location of Occurrence: _____

Briefly describe accident and how or why it occurred:

_____

_____

_____

Witness' Name *(include address if not a city employee)*:

_____

_____

Was drug test given? ☐Yes ☐No If not, state reason: _____

APPENDIX E
FORM 29

SECTION B – CITY VEHICLE ACCIDENT OR DAMAGE

City Vehicle #: _____ **City Vehicle License #:** _____
Was City Vehicle Damaged? ☐Yes ☐No
Make and Model: _____ **Year:** _____ **VIN#:** _____
Was there a Police investigation? ☐Yes ☐No If yes, list investigating agency: _____
If yes, report number: _____
Weather Conditions: _____ **Road Conditions:** _____
Description of Damage:

_____
_____
_____

List all passengers in vehicle *(attach additional pages, if necessary)*:

Name (First and Last)	**Age**
_____	_____
_____	_____
_____	_____

SECTION C – OTHER VEHICLE ACCIDENT OR DAMAGE

Was other vehicle damaged? ☐Yes ☐No
License Number: _____ **Year:** _____ **Make and Model:** _____
Vehicle Identification Number: _____
Driver's Name: _____
Address: _____
Street Number Street Name City State Zip Country
Phone Number: _____
Insurance Company: _____
Policy Number: _____ **Insurance Agent's Phone Number:** _____
Weather Conditions: _____ **Road Conditions:** _____

Description of Damage:

_____
_____
_____

List all passengers in vehicle *(attach additional pages, if necessary)*:

Name (First and Last)	**Age**
_____	_____
_____	_____
_____	_____

APPENDIX E
FORM 29

SECTION D – DAMAGE TO PROPERTY

Type of Property Damaged: _____ **City Owned?** ☐Yes ☐No
Owner's Name: _____ **Phone Number:** _____
Address: _____
Street Number *Street Name* *City* *State* *Zip* *Country*
Description of Damage:

_____
_____
_____

SECTION E – INJURY TO MEMBER OF THE PUBLIC

Name of Injured: _____
Address: _____
Street Number *Street Name* *City* *State* *Zip* *Country*
Phone Number: _____
Nature of and Part of Body Injured: _____
Ambulance Needed? ☐Yes ☐No **Hospital:** _____ **Doctor:** _____

SECTION F – PREVENTABLE AND/OR VIOLATION OF POLICY

Preventable – was the accident preventable? ☐Yes ☐No

Policy Violation – was a City or Departmental Policy violated? ☐Yes ☐No

COMMENTS

_____
_____
_____
_____

SIGNATURES

Employee Printed Name: _____ **Date:** _____

Employee's Signature: _____

Supervisor's Printed Name: _____ **Date:** _____

Supervisor's Signature: _____

Appendix E
Form 29

BILINGUAL CERTIFICATION REQUEST
FOR TESTING AND PAY

EMPLOYEE NAME: _____ **DATE:** _____

DEPARTMENT: _____

How frequently and in what capacity is this employee's contact with citizens and others speaking this language?

_____

_____

How does this employee's language skills assist the department in the performance of duties and/or department's delivery of service?

_____

_____

Will the employee be reasonably available to assist other departments with Bilingual language related needs?
☐Yes ☐No

_____ _____
Department Director Signature Date

_____ _____
Director of Human Resources Signature Date

TO BE COMPLETED BY HUMAN RESOURCES:

Date Test Scheduled: _____ Did Employee Pass? ☐Yes ☐No

APPENDIX E
FORM 30

DIRECT DEPOSIT AUTHORIZATION AGREEMENT

Social Security Number:____ -_____- ____ **Employee #** _____

Employee Name: _____

Funds may be deposited into one account or split between several accounts as a set percentage or dollar amount. Please include a voided check, savings account information, or a bank direct deposit agreement – **not a deposit slip** for each new account listed for verification of account and routing number(s). Please note account additions will result in a paper check for funds immediately following the submission of this direct deposit form. **All forms must be submitted to the Human Resource Manager at least three (3) days prior to pay day**.

☐ **New Direct Deposit Form** ☐ **Revised Direct Deposit Form** (list the new amounts or percentages for allaccounts)

Account #1 Account Type: ☐Checking ☐Savings
Action: ☐Add ☐Change ☐Delete Account

Bank Name: _____
Account Number: _____
Routing/Transit Number: _____
Deposit Amount: Dollar Amount $_____ Percentage:_____ Entire: _____

Account #2 Account Type: ☐Checking ☐Savings
Action: ☐Add ☐Change ☐Delete Account

Bank Name: _____
Account Number: _____
Routing/Transit Number: _____
Deposit Amount: Dollar Amount $_____ Percentage:_____ Entire: _____

Account #3 Account Type: ☐Checking ☐Savings
Action: ☐Add ☐Change ☐Delete Account

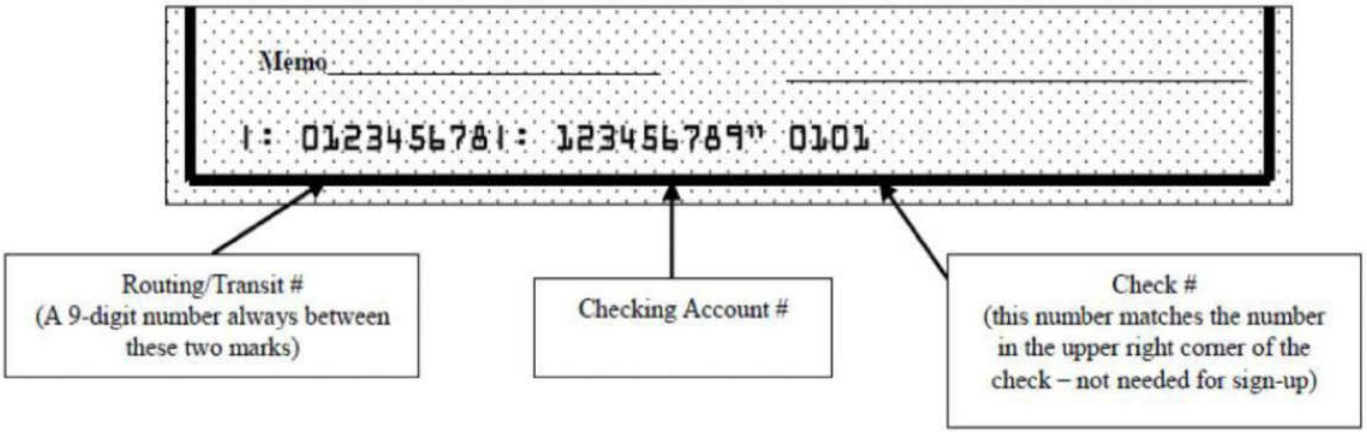
Bank Name: _____
Account Number: _____
Routing/Transit Number: _____
Deposit Amount: Dollar Amount $_____ Percentage:_____ Balance:_____

ATTACH A VOIDED CHECK OR BANK DEPOST AGREEMENT FOR EACH NEW ACCOUNT TO THIS FORM
-SEE NEXT PAGE-

APPENDIX E
FORM 31

I hereby authorize the City of Stephenville to initiate credit entries and to initiate, if necessary, debit entries and adjustments for any credit entries or errors to my checking and/or savings account(s) indicated above the depository named above, to credit and/or debit the same to such account. This authorization is to remain in full force and effect until the City has received written notification from me or at termination and in such manner as to afford the City and the depository a reasonable opportunity to act on it.

Below is a sample check MICR line, detailing where the banking information can be found from your check stock. (for checking accounts only!)



_____

Signature – Account Holder Date

APPENDIX E
FORM 31

Employee's Report of Injury Form

Instructions: Employees shall use this form to report all work related injuries, illnesses, or "near miss" events (which could have caused an injury or illness) – *no matter how minor*. This helps us to identify and correct hazards before they cause serious injuries. This form shall be completed by employees as soon as possible and given to a supervisor for further action.

I am reporting a work related: ☐Injury ☐Illness ☐Near miss	
Your Name:	
Job title:	
Supervisor:	
Have you told your supervisor about this injury/near miss? ☐Yes ☐No	
Date of injury/near miss:	Time of injury/near miss:
Names of witnesses (if any):	
Where, exactly, did it happen?	
What were you doing at the time?	
Describe step by step what led up to the injury/near miss. (continue on the back if necessary):	
What could have been done to prevent this injury/near miss?	
What parts of your body were injured? If a near miss, how could you have been hurt?	
Did you see a doctor about this injury/illness? ☐Yes ☐No	
If yes, whom did you see?	Doctor's phone number:
Date:	Time:
Has this part of your body been injured before? ☐Yes ☐No	
If yes, when?	Supervisor:
Your signature:	Date:

Supervisor's Accident Investigation Form

Name of Injured Person _____

Date of Birth_____Telephone Number _____

Address _____

City_____ State_____ Zip _____

(Circle one) Male Female

What part of the body was injured? Describe in detail. _____

_____

What was the nature of the injury? Describe in detail. _____

_____

_____

Describe fully how the accident happened? What was employee doing prior to the event? What equipment, tools being using? _____

_____

_____

Names of all witnesses:

_____ _____

_____ _____

Date of Event_____ Time of Event _____

Exact location of event: _____

What caused the event? _____

_____

_____

Were safety regulations in place and used? If not, what was wrong? _____

_____

Employee went to doctor/hospital? Doctor's Name _____

Hospital Name _____

Recommended preventive action to take in the future to prevent reoccurrence.

_____

_____

_____

_____ _____

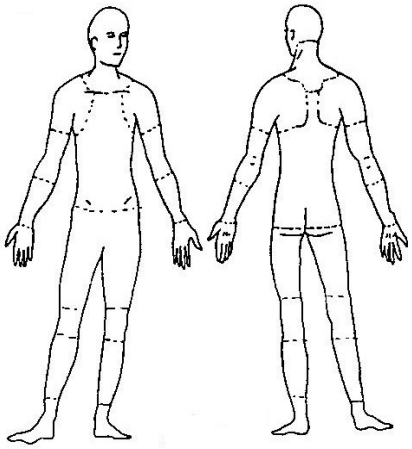
Supervisor Signature Date

Incident Investigation Report

Instructions: Complete this form as soon as possible after an incident that results in serious injury or illness.
(Optional: Use to investigate a minor injury or near miss that *could have resulted in a serious injury or illness*.)

This is a report of a: ☐Death ☐Lost Time ☐Dr. Visit Only ☐First Aid Only ☐Near Miss	
Date of incident:	This report is made by: ☐Employee ☐Supervisor ☐Team ☐Other_____

Step 1: Injured employee (complete this part for each injured employee)

Name:	Sex: D Male D Female	Age:
Department:	Job title at time of incident:	
Part of body affected: (shade all that apply) 	Nature of injury: (most serious one) ☐Abrasion, scrapes ☐Amputation ☐Broken bone ☐Bruise ☐Burn (heat) ☐Burn (chemical) ☐Concussion (to the head) ☐Crushing Injury ☐Cut, laceration, puncture ☐Hernia ☐Illness ☐Sprain, strain ☐Damage to a body system: ☐Other _____	This employee works: ☐Regular full time ☐Regular part time ☐Seasonal ☐Temporary Months with this employer Months doing this job:

Step 2: Describe the incident

Exact location of the incident:	Exact time:
What part of employee's workday? ☐Entering or leaving work ☐Doing normal work activities ☐Duringmeal period ☐During break ☐Working overtime ☐Other_____	
Names of witnesses (if any):	

Appendix E
Form 32
3

Number of attachments:	Written witness statements:	Photographs:	Maps / drawings:

What personal protective equipment was being used (if any)?

Describe, step-by-step the events that led up to the injury. Include names of any machines, parts, objects, tools, materials and other important details.

Description continued on attached sheets: ☐

Step 3: Why did the incident happen?

Unsafe workplace conditions: (Check all that apply)
☐Inadequate guard
☐Unguarded hazard
☐Safety device is defective
☐Tool or equipment defective
☐Workstation layout is hazardous
☐Unsafe lighting
☐Unsafe ventilation
☐Lack of needed personal protective equipment
☐Lack of appropriate equipment / tools
☐Unsafe clothing
☐No training or insufficient training
☐Other: _____

Unsafe acts by people: (Check all that apply)
☐Operating without permission
☐Operating at unsafe speed
☐Servicing equipment that has power to it
☐Making a safety device inoperative
☐Using defective equipment
☐Using equipment in an unapproved way
☐Unsafe lifting
☐Taking an unsafe position or posture
☐Distraction, teasing, horseplay
☐Failure to wear personal protective equipment
☐Failure to use the available equipment / tools
☐Other: _____

Why did the unsafe conditions exist?

Why did the unsafe acts occur?

Is there a reward (such as "the job can be done more quickly", or "the product is less likely to be damaged") that may have encouraged the unsafe conditions or acts? ☐Yes ☐No
If yes, describe:

Were the unsafe acts or conditions reported prior to the incident? ☐Yes ☐No

Have there been similar incidents or near misses prior to this one? ☐Yes ☐No

Step 4: How can future incidents be prevented?
What changes do you suggest to prevent this incident/near miss from happening again? ☐Stop this activity ☐Guard the hazard ☐Train the employee(s) ☐Train the supervisor(s) ☐Redesign task steps ☐Redesign work station ☐Write a new policy/rule ☐Enforce existing policy ☐Routinely inspect for the hazard ☐Personal Protective Equipment D Other: _____
What should be (or has been) done to carry out the suggestion(s) checked above? Description continued on attached sheets: ☐

Step 5: Who completed and reviewed this form? (Please Print)	
Written by: Department:	Title: Date:
Names of investigation team members:	
Reviewed by:	Title: Date:

PREVENTATIVE ACTION PLAN

The Preventative Action Plus is intended to assist Departments in delivering and assigning specific measures to prevent recurrence of similar accidents. One or more of the following may develop the Plan:

- Immediate supervisor of injured employee
- Other management personnel within the same division
- Operations Manager/Safety Coordinator

The completed Preventive Action Plan must be submitted to Human Resources no later than fifteen (15) days from injury notification.

Review and mark all realistic areas for Preventative Action (by Management) as well as Action (by Worker) to prevent recurrence.

IMPROVE OR MODIFY:	**TRAIN OR COUNSEL WORKERS TO:**
☐ Work procedures, Safe work place	☐ Follow established work procedures, Safe practices
☐ Job hazard analysis	☐ Follow training program instructions
☐ Training, orientation	☐ Wear required personal protective equipment
☐ Personal protective equipment	☐ Wear required clothing
☐ Tools, equipment, machinery	☐ Use guards, safety devices properly
☐ Guarding, safety devices	☐ Operate tools, equipment, machinery properly
☐ Facilities, lighting, ventilation	☐ Secure, shut off, disconnect systems
☐ Maintenance	☐ Stop unauthorized work, activity
☐ Housekeeping	☐ Stop recklessness, inattentiveness
☐ Level of supervision	☐ Stop horseplay with others
☐ Working conditions-hours	☐ Recognize and report hazards
	☐ Use better judgment, increase awareness

Based on the preventative action list above, the Supervisor's investigation of the accident, and any ideas received from Department or Safety personnel develop a specific task that can prevent recurrence of similar accidents in the future. *(Attach sheet if necessary)*

Task #1	Assigned to:	Assignment Date:
Task #2	Assigned to:	Assignment Date:

If no action is planned, state why: _____

Preventative Action Plan submitted by: _____

Title: _____ Date Submitted: _____

Appendix E
Form 33

Introductory New Employee Review Form

Employee's Name: _____ Date of Hire: _____

Supervisor's Name: _____ Date of Evaluation: _____

Department:

---

1. Employee strengths:

_____

_____

_____

2. Areas for further development:

_____

_____

_____

3. Other comments/recommendations:

_____

_____

_____

Supervisor: Please check one

☐ Performance during the 45-day introductory period is acceptable.

☐ Performance during the 45-day introductory period is unacceptable.

☐ Performance during the 90-day introductory period is acceptable.

☐ Performance during the 90-day introductory period is unacceptable.

☐ Performance during the 120-day introductory period is acceptable.

☐ I recommend that the introductory period be extended (up to 90 days) until _____ (Date) to allow for further evaluation for the reasons stated in item 3 above.

☐ Performance during the 120-day introductory period is unacceptable.

_____ _____

Supervisor's Signature Date

Please return this form five (5) days before each review period expiration date to the Human Resource Director

Appendix E
Form 34

CHAPTER 155. SUBDIVISIONS[1]

SECTION 1. GENERAL PROVISIONS

Sec. 155.1.01. Title.

This Ordinance and subsequent regulations of the City of Stephenville, Texas shall be known as, and may be cited and referred to as, the "Subdivision Ordinance."

Sec. 155.1.02. Authority.

This Subdivision Ordinance and subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapter 212 of the Texas Local Government Code. All property subdivided into lots, blocks, or streets, or property to be re-subdivided, within the City Limits or within its Extraterritorial Jurisdiction (ETJ)) shall hereafter be laid out subject to the approval of the City as outlined within this Subdivision Ordinance.

Sec. 155.1.03. Purpose.

These regulations shall be administered so as to achieve the following specific purposes:

A. Specific Purposes of the Subdivision Ordinance.

1. Provide for the orderly, safe and healthful development of the area within the City and its Extraterritorial Jurisdiction (ETJ) and provide for adequate public facilities;
2. Promote the health, safety and general welfare of the community;
3. Establish orderly policies and procedures to guide development of the City;
4. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
5. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
6. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
7. Provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to furnish adequate sites, convenient to schools, parks, playgrounds, and

[1]Editor's note(s)—Ord. 2018-O-06, adopted January 2, 2018, repealed the existing subdivision ordinance and enacted a new subdivision ordinance as set out herein. The former subdivision ordinance was derived from Ord. 1991-12, adopted June 4, 1991; Ord. 1998-3, adopted February 3, 1998; and Ord. 2008-14, adopted July 1, 2008.

other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;

8. Coordinate new development realistically and harmoniously with existing development;
9. Protect and conserve the value of land throughout the City;
10. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
11. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
12. Ensure proper legal descriptions and documentation of subdivided land;
13. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
14. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community;
15. Preserve the topography of the City and ensure appropriate development with regard to natural features;
16. Ensure that new development adequately and fairly participates in the dedication and construction of Public Improvements and infrastructure that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible; and
17. Address other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

Sec. 155.1.04. Applicability.

A. *General.* It is hereby declared to be the policy of the City to consider the subdivision and development of land, as subject to the control of the City, in order to carry out the purpose of the Comprehensive Plan, and to promote the orderly, planned, efficient and economical development of the City.

B. *Subdivision and Development of Land Policies.*

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly designed in accordance with the Comprehensive Plan of the City.
3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the Zoning Ordinance and building codes adopted by the City.

C. *Requirement to Plat.* Platting is required for the following purposes:

1. To create a building site on a single lot or tract;
2. To construct or enlarge any exterior dimension of any building, structure, or improvement on land without an existing Plat;
3. To subdivide land to divide a lot or tract into two or more parcels for development of the parcels;

4. To combine lots or tracts;

5. To amend a Plat; or

6. To correct errors on an approved and recorded Plat.

D. *Plat Required.*

1. Subdivision Plats Required per LGC 212 Subchapter A (i.e., All plats except Development Plats).

a. In accordance with Texas Local Government Code (LGC) Section 212.004, the owner of a tract of land located within the city limits or in the Extraterritorial Jurisdiction (ETJ) who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat of the subdivision prepared.

b. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

c. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access and no Public Improvement is being dedicated.

2. Development Plats Required per LGC 212 Subchapter B.

a. Any person who proposes the development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement) of a tract of land located within the limits or in the Extraterritorial Jurisdiction (ETJ) of the City shall have a Development Plat of the tract prepared in accordance with LGC 212 Subchapter B and this Subdivision Ordinance. (See Section 4.11 Development Plat of this Ordinance for requirements for Development Plats.)

b. Whenever a property owner proposes to divide land within the City or its Extraterritorial Jurisdiction (ETJ) into two (2) or more tracts, and claims exemption from LGC 212 Subchapter A for the purposes of development, that results in parcels or lots all greater than five (5) acres in size, a Development Plat shall be required.

c. In the event that development of any tract of land is intended, and where no Public Improvement is proposed to be dedicated, the Applicant shall first obtain approval of a Development Plat.

d. No Development Plat is required when the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat.

E. *Exemptions to the Requirement to Plat.* The following are exemptions to the platting requirements in 1.04.C:

1. Use of existing cemeteries complying with all State and local laws and regulations;

2. Dedication of an easement or Right-of-Way by a separate document recordable in the county records if approved by the City; and

3. Divisions of land created by order of a court of competent jurisdiction.

Sec. 155.1.05. Documents comprising subdivision regulations.

The requirements of this Subdivision Ordinance and the technical design and construction standards contained in the Engineering Standards Manual.

Sec. 155.1.06. Compliance required.

Compliance with all City ordinances pertaining to the subdivision and development of land, and the Comprehensive Plan (where applicable), shall be required prior to approval of any Application pursuant to this Subdivision Ordinance. All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of this Subdivision Ordinance.

A. *Applicable City Codes, Ordinances, and Plans.* Applicable City codes, ordinances, and plans with which all Applications must comply include, but are not limited to, the following. All of the documents shall be the latest version, as amended.

1. Comprehensive Plan (including all associated maps and plans);
2. Zoning Ordinance;
3. Parks or Trails Master Plans and dedication requirements;
4. Building Codes;
5. Drainage System Design Requirements;
6. International Fire Code;
7. Storm Water Quality and Land Disturbance Requirements;
8. Thoroughfare Plan;
9. Other applicable portions of the Code of Ordinances; and
10. Applicable State and Federal regulations

Sec. 155.1.07. Public improvements required.

A. *Requirements.* The subdivider shall furnish, install and/or construct the Public Improvements (e.g., water and wastewater systems and the street and drainage facilities, including any offsite Public Improvements or private improvements) necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the City's Engineering Standards Manual, Section 1001.407 Construction of Certain Public Works of the Texas Occupation Code, and any other standards, specifications, and drawings as may be hereafter adopted, approved by the City Council and placed on file in the office of the City Secretary.

B. *Facilities Sizing.* Where considered necessary by the City Administrator, and/or as recommended by the Planning and Zoning Commission or shown on the Comprehensive Plan, the facilities shall be sized in excess of that dictated by this Subdivision Ordinance or the Engineering Standards Manual to provide for future growth and expansion.

1. The City Council shall establish policies whereby the City may participate in the difference in cost of the facility as sized in the Comprehensive Plan and the cost of the facility as sized per the requirements of this Subdivision Ordinance or the Engineering Standards Manual.
2. See Section 7 for rough proportionality and fair share requirements.

C. *Development Agreement.*

1. Cases that Require a Development Agreement.

a. The Subdivider shall be required to enter into a Development Agreement with the City that shall govern the Subdivision if there are any public improvements, pro rata payments, escrow deposits or other future considerations, or variances are granted to this Subdivision Ordinance, or if the City participates in the cost of any public improvements, or if there are nonstandard development regulations.

b. This Development Agreement shall be based upon the requirements of this Subdivision Ordinance, and shall provide the City with specific authority to complete the improvements required in the Development Agreement in the event of failure by the developer, and to recover the full costs of such measures.

2. The Development Agreement shall be a legally binding agreement between the City and the Subdivider and shall specify the individual and joint responsibilities of both the City and the Subdivider.

3. The Development Agreement shall contain:

a. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits or other payments for future facilities, variances granted to this chapter, and other particular aspects of the proposed Subdivision;

b. Authority for the City to withhold building permits, put a hold on construction and inspections in the event of breach by the Subdivider;

c. Provisions for financial security (see 5.05.D Security for Completion of Improvements);

i. Insurance requirements in accordance with the City's requirements for public works projects; and

ii. An indemnification clause by which the Subdivider shall agree to hold the City harmless against any claim arising out of the proposed Subdivision or any actions taken therein.

4. The City may provide a standard-form Development Agreement that may be approved by the City Administrator. In the event that either party desires not to enter into the standard-form Development Agreement, then a Subdivision-specific Development Agreement will be negotiated and will be subject to City Council approval before execution.

Sec. 155.1.08. Special provisions for enforcement.

A. *Provisions.*

1. *Plat Filing Requirement.*

a. A Subdivision Plat shall not be filed or recorded until it has been approved by the City and all Public Improvements have been accepted by the City, and any such actual recording shall be void unless such approval shall be endorsed on the face of the Plat as hereinafter provided.

b. The above paragraph 1.08.A.1.a shall not apply to a Minor Plat or an Amending Plat.

c. No lot shall be sold or transferred until a Plat is approved or recorded.

2. *Water and Wastewater (Sanitary Sewer) System Requirement.* No building permit shall be issued by the City for any structure on any lot without connection to the City's existing or proposed wastewater facilities or without a City approved water source. See sections 6.12 and 6.14 for exemptions.

3. *Final Plat or Development Plat Required for Building Permits.* No building permit shall be issued by the City for any structure on a lot in a Subdivision for which a Final Plat or Development Plat has not been approved and filed for record, nor for any structure on a lot within a Subdivision that the standards contained herein or referred to herein have not been complied with in full.

4. *Compliance with Standards Required.* The City shall not authorize any other person to nor shall the City itself repair, maintain, install or provide any streets or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.

5. *Dedications.*

    a. Refusal or denial of a Plat by the City Council shall be deemed a refusal by the City to accept the offered dedications shown thereon.

    b. Approval of a Plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by final acceptance.

    c. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.

6. *Services Prohibited to Subdivision.* The City shall not authorize any other person to, nor shall the City itself sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a Subdivision for which a Final Plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

7. *Action in a Court.* On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Subdivision Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Subdivision Ordinance.

8. *Abutting Owner or Lessee Action.* In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Subdivision Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

9. *Non-Compliant Subdivision or Subdivision without a Final Plat.* If any Subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been fully complied with, the City Council shall pass a resolution reciting the facts of such non-compliance and failure to secure Final Plat approval, and reciting the fact that the provisions of this Section will apply to the Subdivision and the lots therein.

    a. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed of Records of the County.

    b. If full compliance and Final Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument, in the Deed of Records of the County stating that the provisions of this section no longer apply.

Sec. 155.1.09. Reserved.

Ord. No. 2021-O-40, § 1, adopted November 2, 2021, repealed § 155.1.09 which pertained to extraterritorial jurisdiction (ETJ).

Sec. 155.1.10. Violations and fines.

A. *Subdivision Violations.* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Subdivision Ordinance shall be

fined not more than five-hundred dollars ($500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

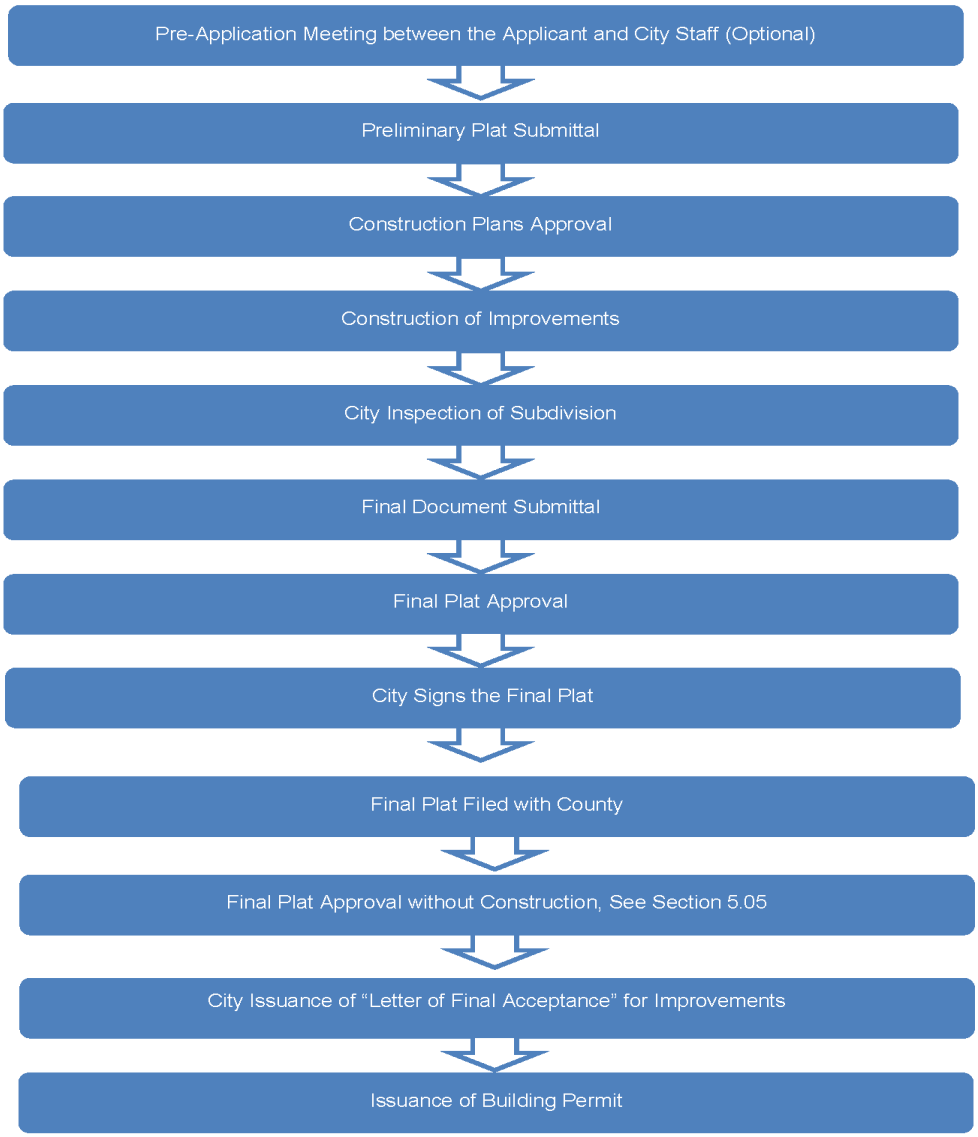
Sec. 155.1.11. Summary of general subdivision procedure.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extra-territorial Jurisdiction (ETJ) who wishes to subdivide such land shall conform to the following procedure.

A. *General Overview of the Platting Process.*

1. Pre-Application Meeting between the Applicant and City Staff (Optional).
2. Preliminary Plat Submittal.
3. Construction Plans Approval.
4. Construction of Improvements.
5. City Inspection of Subdivision.
6. Final Document Submittal.
7. Final Plat Approval.
8. City Signs the Final Plat.
9. Final Plat Filed with County.
10. Final Plat Approval without Construction, See Section 5.05.
11. City Issuance of "Letter of Final Acceptance" for Improvements (if improvements fail to meet City standards, then the City will enforce the developer's guarantees).
12. Issuance of Building Permit.

B. *Detailed Steps.* The detailed steps within each phase of the Subdivision development procedure are covered in Section 3, Section 4, and Section 5.



SECTION 2. DECISION-MAKER AUTHORITY

Sec. 155.2.01. City council.

A. *Establishment.* The City's Code of Ordinances establishes the standards governing the City Council within the charter.

B. *Responsibilities.* Table 1 is a summary of the City Council's responsibilities within the Subdivision Ordinance.

Table 1: City Council Responsibilities	
4.05.J.4.b	Approving/Denying an Appeal of the Commission's Decision on a Preliminary Plat Extension
4.06.O.4.b	Approving/Denying an Appeal of the Commission's Decision on a Final Plat Extension
4.10.E	Approving/Denying a Plat Vacation
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision

7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.4	Approving/Denying a Decision by City Council on a Subdivision Vested Rights Petition
7.03.F.5	Approving/Denying an Appeal to the Council of a Decision on Subdivision Vested Rights Petition

Sec. 155.2.02. Planning and zoning commission.

A. *Establishment.* The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission within charter.

B. *Responsibilities.* Table 2 is a summary of the Planning and Zoning Commission's responsibilities within the Subdivision Ordinance.

Table 2: Planning and Zoning Commission Responsibilities	
4.05.F	Approving/Denying a Preliminary Plat
4.05.J.4.a	Approving/Denying an Appeal of the City Administrator's Decision on a Preliminary Plat Extension
4.06.O.4.a	Approving/Denying an Appeal of the City Administrator's Decision on a Final Plat Extension
4.06.H	Approving/Denying a Final Plat
4.07.H.1.	Approving/Denying a Deferral to the Commission of a Minor Plat Decision
4.08.G	Approving/Denying a Replat
4.12	Approving/Denying a Conveyance Plat
4.08.G.2.b.i	Approving/Denying a Deferral to the Commission of a Minor Replat Decision
4.09.G.1	Approving/Denying a Deferral to the Commission of an Amending Plat Decision
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.3	Approving/Denying a Decision by Commission on a Subdivision Vested Rights Petition

Sec. 155.2.03. City administrator/responsible official.

A. *Establishment.* City Administrator/Responsible Official shall consist of the City Administrator, Assistant City Manager, City Secretary, City's Engineering Official, City's Planning Official, City Engineer or other City Staff as designated by the City Administrator.

B. *Responsibilities.* Table 3 is a summary of the City Administrator/Responsible Official's responsibilities within the Subdivision Ordinance.

Table 3: City Administrator Responsibilities	
4.05.F	Reviewing a Preliminary Plat
4.06.G	Reviewing a Final Plat
4.07.G	Approving a Minor Plat
4.08.G	Reviewing a Replat
4.08.G.2.b	Approving a Minor Replat
4.09.F	Approving an Amending Plat
4.10.D	Recommending a Plat Vacation
4.11.I	Reviewing a Development Plat

5.01	Approving Construction Plans
5.01	Approving an Extension of Construction Plans beyond Expiration Date
5.02	Attending a Pre-Construction Meeting
5.03	Approving a Construction Release
5.05.C	Recommending Development Agreements and Security for Completion
5.06.A	Scheduling and Approving Inspection of Public Improvements
7.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
7.02	Reviewing a Subdivision Proportionality Appeal
7.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition

(Ord. No. 2020-O-38, § 1, 11-16-2020)

SECTION 3. APPLICATION SUBMITTAL, PROCESSING AND PROCEDURES

Sec. 155.3.01. General application processing.

A. *Initiation of Application.*

1. Initiation by Owner or Owner's Agent.

   a. Unless provided by this Subdivision Ordinance, any petition or Application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

   b. If the Applicant is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.

   c. The Responsible Official may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

2. Initiation by City Administrator. The City Administrator can initiate any Application authorized under this Subdivision Ordinance.

B. *Waiver of Application Information.* The Responsible Official may initially waive the submission of any information in the Application and accompanying materials that are not necessary due to the scope and nature of the proposed activity.

C. *Universal Application Contents.*

1. *Application Forms Generally.* The City is hereby authorized to prepare Application Forms that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with City codes.

2. *Information for All Applications.* All Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

   a. Identification of property owner and authorized agent;

   b. Description of the property including state plane correlated data and the nature of the development that is the subject of the application;

   c. Identification of all zoning classifications (inside the City only) for the property;

d. Identification of all pending legislative applications for the property;

e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;

f. Identification of all accompanying Applications;

g. Identification of all pending or accompanying requests for relief;

h. Demonstration of compliance with prior approved permits; and

i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.

3. All Application Forms are available at City Offices or on City's official website.

D. *Development Application Handbook.* The City Administrator may create, manage, and update a Development Application Handbook, which shall be a collection of Application Forms that the City Administrator has created per 3.01.C.1.

E. *Universal Application Fees.*

1. Every Application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

2. The prescribed fee shall not be refundable, except when the City Council waives the Application fee for resubmission of an approval that was denied.

3. The Fee Schedule may be amended from time to time per procedures established by the City Council.

F. *Payment of all Indebtedness Attributable to the Subject Property.*

1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.

2. It shall be the Applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

G. *Modification of Applications.* The Applicant may modify any complete Application following its Official Vesting Date and prior to the expiration of the period, if any, during which the City is required to act on the Application.

1. *Modifications Requested by the City.* If the modification is for revisions requested by the City, and the modification is received at least five (5) business days prior to the time scheduled for decision on the Application, then the Application shall be decided within the period for decision prescribed by this Subdivision Ordinance.

2. *Modifications not Requested by the City.*

a. In all other instances (e.g., when the Applicant chooses to submit a revised Application of his/her own accord because of a change in development decisions), submittal of a modified Application shall extend the time for deciding the Application for a period equal to the time specified in this Subdivision Ordinance to decide the original Application.

b. The extension of the time for deciding the Application shall commence on the date the modified Application is submitted.

i. For Plat Applications, a modified Application shall be accompanied by a properly executed Waiver of Right to 30-Day Action.

H. *Action by Responsible Official.*

1. *Circulate and Compile Comments.* After the determination of completeness has been established, the Responsible Official shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.

2. *Decision Rendered, If Applicable.* The Responsible Official shall render a decision in the time prescribed for the applicable Application, if the official is the Decision-Maker for the Application.

3. *Forward Application and Provide Notification.*

   a. In cases where the Responsible Official is not the Decision-Maker, the Responsible Official shall forward the Application for review to any advisory board/commission and the final Decision-Maker, and shall prepare a report to such board or commission, or to the City Council, including the compilation of any comments and recommendations by other administrative officials.

   b. The Responsible Official also shall prepare required notices and schedule the Application for decision within the time and in the manner required by this Subdivision Ordinance.

I. *Action by the Decision-Maker.*

1. The Decision-Maker for the Application shall approve, approve with conditions or deny the Application within the time prescribed by this Subdivision Ordinance.

2. Unless otherwise prescribed by law or City Charter, where the Decision-Maker is a board, commission or the City Council, the Application shall be decided by majority vote of a quorum of the members of the board, commission or the City Council.

J. *Conditions.* The initial or final Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this Subdivision Ordinance.

Sec. 155.3.02. Official submission date and official vesting date.

A. *Official Submission Date.*

1. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212 (if applicable) shall be published by the City thirty (30) calendar days prior to the beginning of each calendar year or within six (6) months after the adoption of this Subdivision Ordinance.

2. This calendar shall specify one "official submittal date" for each month.

3. All Applications delivered to the City on a date other than a scheduled date shall be dated received on the next Official Submission Date.

B. *Official Vesting Date.*

1. Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.

2. A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.

3. Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application.

Sec. 155.3.03. Application filing and determination of completeness.

A. *Applicability.* The following procedures shall apply to any subdivision related plan or Application that is required by the City and is submitted in accordance with this Subdivision Ordinance.

B. *Determination of Completeness for Subdivision Related Applications.* Every required Application shall be subject to a determination of completeness by the Responsible Official for processing the Application.

1. *Acceptance Standards.* The Application shall only be accepted by the Responsible Official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Subdivision Ordinance and required items stated on the Application Form. A typographical error shall not, by itself, constitute an incomplete Application.

2. *Acceptance Procedures.* A determination of completeness of an Application shall be conducted in accordance with the following procedures:

a. A determination of completeness shall be made by the Responsible Official not later than the tenth (10th) business day, unless otherwise specified, after the Official Vesting Date.

b. If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.

i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the Application.

ii. The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire (see 3.03.E Expiration of a Subdivision Related Application—Before Approval Decision) if the documents or other information are not provided to the City.

c. An Application shall be deemed complete on the eleventh (11th) business day after the Application has been received if notice is not served in accordance with 3.03.B.2.b.

d. If the Application is determined to be complete, the Application shall be processed as prescribed by this Subdivision Ordinance.

3. *Acceptance shall not Constitute Compliance.* A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.

4. *Acceptance shall not Guarantee Approval.* There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with this Subdivision Ordinance.

C. *Re-Submittal after Notification of Incompleteness.*

1. If the Application is re-submitted after a notification of incompleteness, the Application shall be processed upon receipt of the re-submittal.

2. The statutory 30-day time frame for Plat approvals shall begin on the date of the re-submittal.

3. To the extent that the information or documents submitted is not sufficient to enable the Decision-Maker to apply the criteria for approval, the Application may be denied on such grounds.

D. *Waiver of Right to 30-Day Action.* The City Administrator shall be the Responsible Official to approve a Waiver of Right to 30-Day Action.

1. *Request.* An Applicant may submit in writing a Waiver of Right to 30-Day Action.

2. *Received.*

a. If the Applicant is requesting a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the City Administrator on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the Application.

b. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.

3. *Requirements Maintained.*

a. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of an Application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.

b. A waiver from requirements herein is a separate and distinct process (see 7.01 Petition for Subdivision Waiver).

E. *Expiration of a Subdivision Related Application—Before Approval Decision.* Pursuant to Texas Local Government Code Chapter 245, a subdivision related Application shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the Application's Official Vesting Date, if:

1. The Applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit Application;

2. The City provides to the Applicant, not later than the tenth (10th) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and

3. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the Application within the time provided in the notification.

F. *Vesting Begins on the Official Vesting Date.* An Application shall be vested into the standards of the Subdivision Ordinance in effect at the time of the Application's Official Vesting Date.

G. *Right to 30-Day Action for Plats Applications Begins on the Official Submission Date.* The statutory 30-day time frame for Plat approvals, established by TLGC 212, shall commence on the Official Submission Date.

Sec. 155.3.04. Processing, action, and notification of application decision.

A. *Action by the Responsible Official.*

1. The Responsible Official for an Application shall initiate internal (i.e., City Staff) review and assessment of the Application following the City's development review procedures.

2. The Responsible Official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the Application into compliance with City regulations in preparation for consideration by the appropriate Decision-Maker.

B. *Decision.* The Decision-Maker for the Application shall approve, approve with conditions, or deny the Application within the time period prescribed by this Subdivision Ordinance.

C. *Conditions Attached.* The Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance, in which case the Application is considered denied until the conditions are satisfied.

D. *Notification of Decision.* The City shall send written notice within fourteen (14) calendar days following the date of a decision on an Application.

E. *Notification of Appeal.* Whenever appeal is taken from a final decision on an Application following a public hearing, or whenever the City is to consider revocation of an Application that was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

Sec. 155.3.05. Public hearings for replat and plat vacation applications.

A. *Setting the Hearing.*

1. When the Responsible Official determines that an Application is complete and that a public hearing is required by this Subdivision Ordinance (see 4.08.B [Replat] and 4.10.C [Plat Vacation]) or by State law, the official shall cause notice of such hearing to be prepared and made in accordance with State law.

2. The time set for the public hearing shall conform to the time periods required by Sections 4.08.B (Replat) and 4.10.C (Plat Vacation) in this Subdivision Ordinance and by State law.

B. *Conduct of the Hearing.*

1. The public hearing shall be conducted in accordance with State law.

2. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization.

3. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization or Applicant, state the name of the organization or Applicant for the record.

C. *Record of Proceedings.* The board/commission conducting the hearing shall record the proceedings using standard municipal record-keeping procedures.

D. *Notice Requirements for Replats.*

1. *Published Notice for Replats.*

a. Whenever published notice of a public hearing for a Replat approval before the Council and/or Commission is required under State law, or this Subdivision Ordinance, the Responsible Official shall cause notice to be published in a newspaper of general circulation in the City before the fifteenth (15th) calendar day before the date set for the required hearing.

b. The notice shall set forth the date, time, place and purpose of the hearing, and identification of the subject property, where the decision concerns an individual tract or parcel of land.

2. *Personal Notice for Replats.*

a. *Notification by Mail.* Whenever personal notice of a Replat public hearing before the Council and/or Commission, is required by State law or this Subdivision Ordinance, the City Administrator shall cause notice to be sent by regular mail before the tenth (10th) calendar day before the hearing date to the following:

i. Each owner of real property located within the original subdivision and within two hundred feet (200') of the exterior boundary of the property in question, and

ii. The Applicant and/or property owner.

b. *Notification Details.* The notice shall set forth the name of the Applicant, the time, place and purpose of the hearing, identification of the subject property.

i. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the City limits, and, when required by State law, on the most recently approved County tax roll for land in the extraterritorial jurisdiction. For recently annexed

land that is not included on the most recently approved City or County tax roll, notice may be given by publication.

ii. Notice shall be considered served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.

E. *Notice Requirements for Plat Vacations.*

1. Published notice of the public hearing on the Plat Vacation Application shall be given in accordance with 3.05 Public Hearings for Replat and Plat Vacation Applications and State law.

2. The hearing shall be conducted by the City Council.

Sec. 155.3.06. Amendments and expiration to approved subdivision applications.

A. *Amendments/Revisions to an Approved Subdivision Application.* Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved Application shall be considered a new Application, which must be decided in accordance with the procedures governing the original Application and the standards in effect at the time such new Application is filed with the City.

B. *Expiration of an Approved Subdivision Application.*

1. *Subdivision Application Expiration—Two (2) Years.* Unless otherwise expressly provided by this Subdivision Ordinance, an approved Application shall automatically expire two (2) years following the approval date of the Application (see 5.01.G Expiration Date for Construction Plans for expiration of Construction Plans), and shall become null and void, and all activities under the Application thereafter shall be deemed in violation of this Subdivision Ordinance, if:

a. The Applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the Application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or

b. The Applicant fails to submit a subsequent complete Application required by this Subdivision Ordinance within the time so required; or

c. A Development Agreement (5.05 Development Agreements and Security for Completion) is not approved for the development.

2. *Applications with No Time Limit.* If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.

3. *Applications with Vested Right.* Unless a different date is determined pursuant to and upon review of a vested rights petition, an Application approved prior to the effective date of this Subdivision Ordinance shall expire in accordance with the terms of the regulations in effect at the time the Application was filed.

C. *Effect of Expiration.*

1. Upon the expiration of an approved Application, all previously approved Applications for the same land shall also expire on the expiration date if the filing of an Application was required to avoid expiration for the previously approved Application(s).

2. Thereafter, a new Application must be submitted for consideration and approval subject to regulations in effect at the time the new Application is filed.

SECTION 4. PLATS AND PLATTING PROCEDURES

Sec. 155.4.01. Subdivision procedure summary.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extraterritorial jurisdiction who wishes to subdivide such land shall conform to the following general procedures.

A. *General Procedures.*

1. Pre-Application Conference (Optional).
2. Preliminary Plat.
3. Construction Plans.
4. Construction of improvements.
5. City acceptance of improvements.
6. Final Plat.

Sec. 155.4.02. General plat requirements.

A. *Development Application.* All submittals shall conform to the appropriate Application Form Requirements.

B. *Application Fees.* All Application fees shall be paid according to the Fee Schedule.

C. *Phased Development.*

1. All subdivisions shall be designed in accordance with Municipal Master Utility Plans.
2. The City may establish size limits and requirements for phased development.
3. A concept development plan for the entire site shall be prepared and shall accompany all submittals for a Preliminary Plat and Final Plat.
4. Phased Developments shall coordinate with the surrounding land use plan and existing developments.
5. Each phase shall submit a Preliminary Plat and Final Plat.

D. *Drainage.* If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the Plat shall include separate instruments for (public or private easements) off-site drainage needs and shall include appropriate notes and descriptions providing the City the appropriate permissions and approvals needed for access and for maintaining and improving the public drainage system.

Sec. 155.4.03. General subdivision and platting procedures.

A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.

B. *Replats and Amending Plats.*

1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.

C. *Zoning.*

1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.

2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.

    a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).

    b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.

3. *Zoning Ordinance Site Plan Approval.* Where Site Plan approval is required by the Zoning Ordinance prior to development, no Application for a Final Plat approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

Sec. 155.4.04. Pre-application conference (optional).

A. *Purpose.*

1. The Pre-Application Conference is optional but intended to allow for the exchange of non-binding information between the Applicant and City Staff to ensure that the Applicant is informed of pertinent City development regulations and processes.

2. The Pre-Application Conference provides an opportunity for the Applicant and City Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.

3. This exchange of information is intended to promote an efficient and orderly review process.

B. *Pre-Application Conference before the Submission of Plans and Applications.*

1. Prior to formal submittal of any required plan or Application, the Applicant is encouraged to consult with the City Staff in order for the Applicant to become familiar with the City's development regulations and the development process.

2. At the Pre-Application Conference, the Applicant may be represented by their land planner, engineer, surveyor, or other qualified professional.

3. Pre-application meetings do not vest a permit, application or other type of development approval, pursuant to Chapter 245, LGC.

Sec. 155.4.05. Preliminary plat.

A. *Purpose.* The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.

B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.

C. *Exceptions.*

1. A Preliminary Plat is not required when a Minor Plat is submitted (refer to 4.07).
2. A Final Plat in accordance with Section 4.06 may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the Application.

D. *Accompanying Applications.*

1. *Preliminary and Other Types of Plans.* An Application for a Preliminary Plat shall be accompanied by the following:
    a. Preliminary Drainage Plan;
    b. Preliminary Storm Water Management Plan;
    c. Preliminary Utility Plan; and
    d. Other plans if deemed necessary for thorough review by the Responsible Official, such as a Planned Development Master Plan.

    Approval of each shall be separately included with this application.
2. *Current Title Commitments.* The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

E. *Review by City Administrator/Responsible Official.* The City Administrator shall:

1. Initiate review of the plat and materials submitted.
2. Make available Plats and reports to the Commission for review.
3. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. *Action by the Planning and Zoning Commission.* The Commission shall:

1. Review the Preliminary Plat Application, the findings of the City Administrator and any other information available.
    a. From all such information, the Commission shall determine whether the Preliminary Plat conforms to this Subdivision Ordinance.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
    a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Commission.
3. Take one of the following actions:
    a. Approve the Preliminary Plat;
    b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
    c. Deny the Preliminary Plat.

G. *Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Preliminary Plat is consistent with any approved Development Agreement;
4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
5. The Preliminary Plat has been duly reviewed by applicable City staff;
6. The Preliminary Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual.
7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
9. The Preliminary Plat conforms to the City's subdivision Application checklists.

H. *Effect of Approval.*

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and Final Plat.
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. *Expiration.*

1. *Two-Year Validity.*
   a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat.
   b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. *Relationship to Construction Plans.* A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid (See Section 5.01.G).
3. *Action on Final Plat.* Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Commission within the two (2) year period, the Preliminary Plat shall expire unless an extension is granted.
4. *Void If Not Extended.* If the Preliminary Plat is not extended as provided in J below, it shall expire and shall become null and void.

J. *Preliminary Plat Extension.* A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the City Administrator in writing at least thirty (30) calendar days prior to expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

1. *Decision by the City Administrator.*

a. The City Administrator will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the Official Vesting Date of the request.

b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. *Considerations.* In considering an extension, the City Administrator shall consider whether the following conditions exist:

a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

c. Construction is occurring on the subject property;

d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or

e. If there is a need for a park, school or other public facility or improvement on the property.

3. *Conditions.*

a. In granting an extension, the City Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.

b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

4. *Appeal of Denial for Extension.*

a. Appeal of the City Administrator's Decision on a Preliminary Plat Extension

i. The denial of an extension by the City Administrator may be appealed to the Commission.

ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.

iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.

b. Appeal of the Commission's Decision on a Preliminary Plat Extension

i. The denial of an extension by the Commission may be appealed to the City Council.

ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.

iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning and Development Department.

iv. The decision of the City Council is final.

K. *Amendments to Preliminary Plats Following Approval.*

1. *Minor Amendments to Preliminary Plats.*

a. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an Application for approval of a Final Plat without the necessity of filing a new Application for re-approval of a Preliminary Plat.

b. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:

i. Do not result in creation of additional lots or any non-conforming lots (such as to zoning standards), and

ii. Are consistent with approved prior Applications.

2. *Major Amendments to Preliminary Plats.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new Application for approval of a Preliminary Plat (including new fees, new reviews, new Official Vesting Date, new Official Submission Date, etc.) before approval of Construction Plats and/or a Final Plat.

3. *Determination of Minor or Major Amendment.* The City Administrator shall decide of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Sec. 155.4.06. Final plat.

A. *Purpose.* The purpose of a Final Plat is to ensure:

1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,

2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and

3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.

C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).

D. *Ownership.*

1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.

2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.

E. *Accompanying Applications.*

1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.

2. Approval of each shall be separate and in accordance with Section 5.05.

F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.

G. *Review by City Administrator.* The City Administrator shall:

1. Initiate review of the plat and materials submitted,
2. Make available Plats and reports to the Commission for review, and
3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.

H. *Action by Planning and Zoning Commission.* The Commission shall:

1. Review the Final Plat Application, the findings of the City Administrator, and any other information available.
    a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
    b. All Public Improvements have been installed (For exception, See Section 5.05)
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
    a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Commission.
3. Take one of the following actions:
    a. Approve the Final Plat;
    b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
    c. Deny the Final Plat.
4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
    a. All required fees shall be paid.
    b. All conditions required by ordinances have been reviewed and approved by the City.
    c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
    d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
    e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.

1. *With Prior Approved Preliminary Plat.*
    a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
    b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;

c. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator.

d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the City Administrator;

e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;

f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;

g. The Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual; and

h. A plat prepared by a registered public surveyor conforms to the City Administrator's subdivision Application checklists and Subdivision Ordinance regulations.

2. *Without Prior Approved Preliminary Plat.*

a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;

b. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator;

c. A Development Agreement with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with 5.05;

d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and

e. The Final Plat conforms to the City's subdivision Application checklist and Subdivision Ordinance regulations.

J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the City Administrator the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.

1. *General.*

a. Signatures. After approval of the Final Plat, the City Administrator shall procure the appropriate City signatures on the Final Plat.

b. Recording upon Performance. The Final Plat shall be recorded after:

i. The Final Plat is approved by the City;

ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and

iii. All County filing requirements are met.

2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.

3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.

4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.

K. *Effect of Approval.* The approval of a Final Plat:

1. Supersedes any prior approved Preliminary Plat for the same land.

2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).

3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.

L. *Revisions Following Recording/Recordation.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

M. *Signature Blocks.* Unless otherwise modified by the City Administrator, the following signature blocks shall be used in conjunction with the Final Plat.

1. Certificate of Surveyor.

2. Owner's Statement for Fire Lane Easement.

3. Owner's Acknowledgement and Dedication.

4. Lienholder's Ratification of Plat Dedication.

5. Certificate of Final Plat Approval.

6. Certificate of Completion and Authorization to File.

7. County Authorization (If Applicable).

N. *Expiration of Approved but not Filed Plat.*

1. *Two-Year Validity.*

a. The approval of a Final Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.

b. If Construction Plans have not been approved within the two (2) year period, the Final Plat shall expire.

2. *Relationship to Construction Plans.* A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid (5.01.G Expiration Date for Construction Plans).

3. *Void If Not Extended.* If the Final Plat is not extended as provided in 4.06.O Final Plat Extension for Approved but not Filed Plat, it shall expire and shall become null and void.

4. *Approved Final Plat that have been Filed (Recorded with the County).* Approved plats that have been filed with the County shall not expire.

O. *Final Plat Extension for Approved but not Filed Plat.* A Final Plat may be extended for a period not to exceed one (1) year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the City Administrator in writing at least thirty (30) calendar days prior to expiration of the Final Plat, and shall include reasons why the Final Plat should be extended.

1. *Decision by the City Administrator.*

    a. The City Administrator will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.

    b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. *Considerations.* In considering an extension, the City Administrator shall consider whether the following conditions exist:

    a. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;

    b. Construction, including the installation of public improvements, is occurring on the property;

    c. The Final Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or

    d. If there is a need for a park, school or other public facility or improvement on the property.

3. *Conditions.*

    a. In granting an extension, the City Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.

    b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

4. *Appeal of the Denial of a Final Plat Approval Extension.*

    a. Appeal of the City Administrator's Decision on a Final Plat Extension.

        i. The denial of an extension by the City Administrator may be appealed to the Commission.

        ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.

        iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.

    b. Appeal of the Commission's Decision on a Final Plat Extension.

        i. The denial of an extension by the Commission may be appealed to the City Council.

        ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.

        iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.

        iv. The decision of the City Council is final.

Sec. 155.4.07. Minor plat.

A. *Purpose.* The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in Texas Local Government Code Section 212.0065.

B. *Applicability.* An Application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:

1. The proposed division results in four (4) or fewer lots;

2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and

3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the Subdivision.

C. *Application Requirements.* The requirements for the submittal of a Minor Plat shall be determined by the City Administrator.

D. *Additional Requirements.* To be considered a Minor Plat it must also meet the following requirements:

1. The proposed Plat shall be for the Subdivision of one lot into four (4) or fewer lots.

2. The person, firm or corporation owning the property shall not have more than one Minor Plat approved during any twelve (12) month period.

3. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.

4. Private wells and private wastewater treatment facilities that meet the current City health standards shall be considered adequate when existing public water and wastewater lines are not within one hundred (100) feet of the proposed Plat.

E. *Minor Plat Criteria for Approval.* The following criteria shall be used to determine whether the Application for a Minor Plat shall be approved, approved with conditions, or denied:

1. The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Development Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the Plat;

2. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;

3. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and

4. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

F. *Review by City Administrator/Responsible Official.* The City Administrator shall:

1. Initiate review of the plat and materials submitted; and

2. Distribute to appropriate City Departments for review.

G. *Action by City Administrator/Responsible Official.* The City Administrator shall:

1. Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.

2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.

a. If no decision is rendered by the City Administrator, or if the City Administrator has not deferred the Application to the Planning and Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.

3. Take one of the following actions:

a. Approve the Minor Plat;

b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.

H. *Deferral of Decision of a Minor Plat Application.*

1. Deferral to the Commission of a Minor Plat Decision. If the City Administrator defers the Minor Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the City Administrator deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

a. Approve the Minor Plat;

b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Deny the Minor Plat.

I. *Procedures for Minor Plat Recordation Following Approval.* The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 4.06.J.

J. *Revisions Following Approval.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

Sec. 155.4.08. Replat.

A. *Purpose and Applicability.*

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:

a. Is signed and acknowledged by only the owners of the property being replatted;

b. Is approved after a public hearing; and

c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

2. A Replat shall be subject to approval by the Commission.

B. *General Notice and Public Hearing Requirements.*

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.

a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.

2. A public hearing shall be conducted by the Commission on all Replat Applications.

C. *Application.* The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

D. *Partial Replat Application.* If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

E. *Criteria for Approval.*

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.

2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

F. *Additional Requirements for "Certain" Replats.*

1. *Applicability of "Certain" Replats.* Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:

a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:

a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and

b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. Protest.

a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.

b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.

c. The area of streets and alleys shall be included in the area computations.

G. *Replat Review and Approval.*

1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05.

2. *Minor Replat.*

a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of

municipal facilities (i.e., a Minor Replat may be approved by the City Administrator in accordance with this Section

b. Prior to taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as including:

i. Deferral to the Commission of a Minor Replat Decision.

H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

Sec. 155.4.09. Amending plat.

A. *Purpose.* The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with provisions of State law.

B. *Applicability.* The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following Purposes:

1. *Error Corrections or Administrative Adjustments.*

a. Correct an error in a course or distance shown on the preceding Plat.

b. Add a course or distance that was omitted on the preceding Plat.

c. Correct an error in a real property description shown on the preceding Plat.

d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.

e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.

f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats.

g. Correct an error in courses and distances of lot lines between two adjacent lots if:

i. Both lot owners join in the Application for amending the Plat;

ii. Neither lot is abolished;

iii. The amendment does not attempt to remove recorded covenants or restrictions; and

iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.

2. *Relocate Lot Lines.*

a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

b. Relocate one or more lot lines between one or more adjacent lots if:

i. The owners of all those lots join in the Application for amending the Plat;

ii. The amendment does not attempt to remove recorded covenants or restrictions; and

iii. The amendment does not increase the number of lots.

3. *Replatting.*

   a. Make necessary changes to the preceding Plat to create six (6) or fewer lots in the Subdivision or a part of the Subdivision covered by the preceding Plat if:

      i. The changes do not affect applicable zoning and other regulations of the municipality;

      ii. The changes do not attempt to amend or remove any covenants or restrictions; and

      iii. The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area (per State law, TLGC 212.016).

   b. Replat one or more lots fronting on an existing street if:

      i. The owners of all those lots join in the Application for amending the Plat;

      ii. The amendment does not attempt to remove recorded covenants or restrictions;

      iii. The amendment does not increase the number of lots; and

      iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. *Certificates of Correction.* Certificates of Correction are prohibited.

D. *Notice Not Required.* The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.

E. *Review by City Administrator.* The City Administrator shall:

1. Review the plat and materials submitted.

F. *Action by City Administrator.* The City Administrator shall:

1. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.

2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.

3. Take one of the following actions:

   a. Approve the Amending Plat;

   b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

   c. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.

G. *Deferral of Decision on an Amending Plat Application.*

1. Deferral to the Commission of an Amending Plat Decision. If the City Administrator defers the Amending Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the City Administrator deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

   a. Approve the Amending Plat;

   b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Deny the Amending Plat.

Sec. 155.4.10. Plat vacation.

A. *Purpose.* The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.

B. *Initiation of a Plat Vacation.*

1. *By Property Owner.* The property owner of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold.

2. *By All Lot Owners.* If lots in the Plat have been sold, an Application to vacate the plat must be submitted by all the owners of lots in the Plat.

3. *City Council.* If the City Council, on its own motion, determines that the Plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:

a. No lots within the approved Plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

b. The property owner has breached a Development Agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or

c. The Plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the Subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

C. *Notice.* Published notice of the public hearing shall be given in accordance with Section 3.05.

D. *Review and Recommendation by the City Administrator.* The City Administrator shall:

1. Initiate review of the Plat Vacation Application and materials submitted; and

2. Recommend action on Plat Vacation to the City Council.

E. *Action by the City Council.* The City Administrator shall:

1. Review the Plat Vacation Application, the findings of the City Administrator, and any other information available. From all such information, the City Administrator shall make a finding as to whether the plat should be vacated.

2. Take one of the following actions:

a. Approve the Plat Vacation;

b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Deny the Plat Vacation.

3. The City Council's decision on a Plat Vacation shall be final.

F. *Procedures for Recordation Following Approval.*

1. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.

2. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

G. *Effect.*

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.

   a. Regardless of the City Council's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.

2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.

3. The City Council, at its discretion, shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the City Council shall consider Plat Vacation upon satisfactory conveyance of easements and/or Right-of-Way in a separate legal document using forms provided by the City Attorney's office.

Sec. 155.4.11. Development plat.

A. *Purpose.* The purpose of a Development Plat is to ensure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Subdivision Ordinance.

B. *Authority.* This Section is adopted pursuant to the Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.

C. *Applicability.*

1. *To Whom Development Plat Regulations Apply.* Any person who proposes the development of a tract of land located within the limits or in the Extraterritorial Jurisdiction (ETJ) of the City must have a Development Plat of the tract prepared in accordance with 1.04.D.2 of this Subdivision Ordinance, unless a Development Plat is not required in accordance with Section 1.04.D.

2. *The Term "Development."* For purposes of this Section, "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

3. *Cases Where Development Plat Regulations Apply.* Development Plat regulations shall apply to any land lying within the City or within its Extraterritorial Jurisdiction (ETJ) in the following circumstances:

   a. The development of any tract of land that has not been platted or replatted prior to the effective date of this Subdivision Ordinance, unless expressly exempted herein; or

   b. The development of any tract of land for which the property owner claims an exemption from the City's subdivision requirements, including requirements to replat, which exemption is not expressly provided for in Section 1.04.E; or

   c. The development of any tract of land for which the only access is a private easement or street; or

   d. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.

D. *Exceptions.* A Development Plat is not required:

1. When the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat; or

2. For bona fide agricultural activities; or

3. For construction of agricultural accessory structures and related development activities.

E. *Prohibition on Development.* No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued for any development or land division subject to this Section until a Development Plat has been approved by the Planning and Zoning Commission and submitted to the City for filing at the County. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's Extraterritorial Jurisdiction (ETJ) in relation to any Development Plat required by this Subdivision Ordinance.

F. *Required Information for all Development Plat Applicants.* All Applications shall be submitted with the required information as stated on the Application Form. Information required shall be the same as required for a Final Plat. In addition to this information, a Development Plat shall:

1. Be prepared by a Registered Professional Land Surveyor as a boundary survey;

2. Clearly show the boundary of the Development Plat;

3. Clearly show each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;

4. Clearly show each easement and right-of-way within or abutting the boundary of the surveyed property;

5. Clearly show the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and

6. Be accompanied by the required number of copies of the Development Plat, a completed Application Form, the required submission fee (per the City's current Fee Schedule), and a certificate or some other form of verification from the County appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

G. *Accompanying Applications.* An Application for a Development Plat may be accompanied by an application for rezoning approval. The rezoning Application shall be decided first. The applicant must execute a Waiver of Right to 30-Day Action that is mandated by the State for general approval of Plats, including Development Plat approval.

H. *Development Plat Criteria for Approval.* The following criteria shall be used to determine whether the application for a Development Plat shall be approved, approved with conditions, or denied.

1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;

2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and this Subdivision Ordinance;

3. The proposed development is adequately served by public facilities and services, in conformance with City regulations;

4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

5. The proposed development conforms to the design and improvement standards contained in this Subdivision Ordinance, Engineering Standards Manual, and any other applicable codes or ordinances of the City that are related to development of a land parcel.

I. *Development Plat Review and Approval.* The review and approval procedure for a Development Plat shall be the same as the review and approval processes for a Final Plat.

J. *Effect.* Upon approval, the Development Plat shall be filed at the County by the City in the same manner as prescribed for a Final Plat.

Sec. 155.4.12. Conveyance plat.

A. *Purpose.*

1. The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it.

2. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property.

B. *Applicability.* A Conveyance Plat may be used in lieu of a Final Plat to record only the subdivision of property in the following instances:

1. *Remainder Tract.*

a. To record the remainder of a tract that is created by a Final Plat, provided that the remainder is not intended for immediate development; and

b. The remainder of a tract that was involved in a Final Plat must be larger than five (5) acres.

2. *Inheritance or Holding Tract.* To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required Public Improvements exist to the City's current standards prior to approval and minimum frontage requirements are met.

a. All public Right-of-Way must be dedicated, contingent that alignments have been determined.

b. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated to allow subdivided lot within the conveyance plat access to public infrastructure and/or drainage ways from the parent tract, if applicable.

C. *Review and Consideration.* Unless otherwise specified within this Section 4.12 Conveyance Plat for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat, refer to Section 4.06 Final Plat.

D. *Concurrent or Prior Filing of a Final Plat.* No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.

E. *Conveyance Plat Requirements.*

a. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.

b. Notwithstanding the above, the Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service.

c. A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of these regulations.

2. Require a Preliminary Site Plan or Sketch Plan per the request of the City to ensure all Conveyance Plat tracts and remainder tracts have adequate access to public utilities and infrastructure.

F. *Standards for Approval.*

1. *Access.*

    a. All lots created by a Conveyance Plat must have frontage and access to an existing or proposed public street, defined in the Comprehensive Plan, or an existing standard street meeting City construction standards and accessing the existing City street system.

    b. All lots created by a Conveyance Plat must provide points of access as required by this Subdivision Ordinance.

2. *Dedication of Right-of-Way.* Dedication of Right-of-Way shall be required in accordance with the City requirements.

G. *Effect of Approval.*

1. *Development on the Property Prohibited.* The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereon, but does not authorize any type of development on the property.

2. *Future Development Requires Compliance.* The Applicant and future owner(s) of the property remain obligated to comply with all provisions in this Subdivision Ordinance upon future development of the property including, but not limited to, all requirements for platting, required Public Improvements, utility extensions, street improvements or assessments, Right-of-Way and easement dedications, and all other requirements in these regulations.

SECTION 5. CONSTRUCTION PLANS AND PROCEDURES

Sec. 155.5.01. Construction plans.

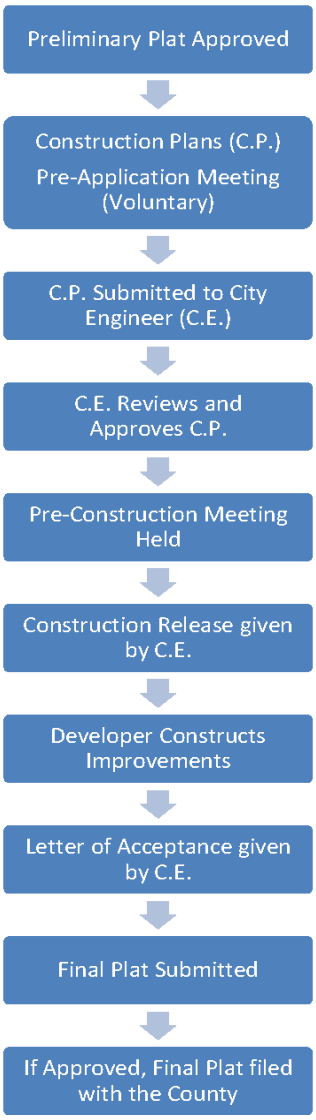


Figure 2: Construction Plan Process

A. *Purpose.* To require that Public Improvements be installed to serve a development in accordance with all Subdivision Regulations.

B. *Submitting Plans.*

1. Plans shall be submitted in accordance with the City Administrator's requirements, as required in the City's Application Form. Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant. All Construction Plans shall be prepared by a licensed professional engineer registered with the State of Texas.

2. In addition to the requisite number of hard copies, Construction Plans shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), Grid North, NAD 83, at an elevation datum based on NAVD 88. Electronic copies shall be submitted in PDF, AutoCAD, GIS or other City approved formats.

C. *Responsible Official and Decision Authority for Construction Plans.*

1. *Review and Approval Action.* The City Administrator shall be the Responsible Official for review and approval of Construction Plans.

2. *Outside Review.* If an outside consultant is contracted to review Plats, Construction Plans or other submittals, then the Applicant shall reimburse the City for all review fees after the second review.

3. *Decision-Maker Options.* In this capacity, therefore, the City Administrator shall approve, approve subject to modifications, or deny the Construction Plans.

D. *Approval Required and Timing of Construction.* Construction Plans must be approved in accordance with this Section 5 Construction Plans and Procedures prior to the approval and/or recordation of the Final Plat, unless otherwise stated within this Subdivision Ordinance.

E. *Criteria for Approval.* The City Administrator shall approve Construction Plans if:

1. The Construction Plans are consistent with the approved Preliminary Plat, or the proposed Final Plat; and

2. The Construction Plans conform to the subject property's zoning (if the property is within the City Limits) and any planned development (PD) standards, and to the technical Engineering Standards Manual (ESM) for adequate public facilities, contained in this Subdivision Ordinance and all other applicable City codes and plans.

F. *Effect.* Approval of Construction Plans authorizes the Applicant to:

1. Schedule a Pre-Construction Meeting (5.02); and

2. Apply for Construction Release (5.03).

G. *Expiration Date for Construction Plans.* The approval of Construction Plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with Section 5.01.H Extension of Construction Plans beyond Expiration Date.

H. *Extension of Construction Plans beyond Expiration Date.*

1. *General.*

a. Construction Plans may be extended for a period of six (6) additional months beyond the expiration date.

b. A request must be made in writing to the City Administrator for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

2. *Decision by the City Administrator.*

a. The City Administrator will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date of the extension request.

b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

3. *Consideration.* The City Administrator shall extend Construction Plans approval for a period of six (6) additional months beyond the expiration date if:

    a. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Construction Plans;

    b. The Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the City;

    c. Demonstrable forward progress has been made to proceed with construction or required improvements; and

    d. A Development Agreement (Section 5.05 Development Agreements and Security for Completion), if applicable, is still valid and in full effect.

4. *Conditions.* In granting an extension, the City Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

5. *Total Extension.* A second six (6) month extension may be requested using the same process outlined above.

Sec. 155.5.02. Pre-construction meeting.

A. *Requirement.*

1. The Applicant(s) shall attend a Pre-Construction Meeting with the City Administrator following the approval of Construction Plans and prior to commencement of any construction on the property.

2. The City Administrator shall require three (3) business days to schedule a Pre-Construction Meeting.

B. *Purpose.*

1. *Discussion of Procedures.* The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction prior to Construction Release or issuance of a Building Permit.

2. *Review of Criteria.* A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.

C. *Notice.* The Applicant shall receive written notice from the City Administrator that Construction Plans have been approved and that the project is eligible for a Pre-Construction Meeting.

D. *Effect.*

1. Following the Pre-Construction Meeting and upon approval of the Construction Plans and full compliance with all pre-construction requirements, the City Administrator shall authorize Construction Release, allowing the Applicant to commence with construction of the project.

2. The Applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit Application has been submitted and approved and all other Building Permit requirements have also been met.

Sec. 155.5.03. Construction release.

1. *Requirements for a Construction Release.*

a. Upon approval of the Preliminary Plat and/or the Construction Plans, receipt of all documentation (e.g., insurance information, bonds, etc.) and fees, and after the Pre-Construction Meeting with City staff and a franchise utility representative, the City Administrator shall release the plans for construction if all City requirements pertaining to construction have been met. All construction of public works, including but not limited to water works, sewers, drainage, highways, and streets shall be supervised by a licensed professional engineer.

b. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated.

2. *Construction Release Expiration and Extension.* Expiration, and possible extension, of the Construction Release shall be the same as for the Construction Plans (see Sections 5.01.G and 5.01.H).

Sec. 155.5.04. Timing of public improvements.

A. *Completion Prior to Final Plat Approval and Recordation.*

1. Completion of all required Public Improvements, in accordance with the approved Preliminary Plat and the approved Construction Plans, shall occur prior to Final Plat approval and recordation.

2. A Final Plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of such improvements except as provided in Section 5.04.B.

B. *Completion after Final Plat Approval and Recordation.*

1. The City Administrator, upon written request by the Applicant, may allow construction of Public Improvements after Final Plat approval and recordation.

2. Postponement of Public Improvements shall be conditioned on execution of a Development Agreement and provision of security, in accordance with Section 5.05 Development Agreements and Security for Completion.

3. It shall be at the City Administrator's discretion to determine whether postponing construction of Public Improvements until after Final Plat approval and recordation is appropriate, and therefore, whether financial guarantee is acceptable through a Development Agreement.

4. All construction of the required Public Improvements shall be completed within two (2) years of construction release; an extension may be granted by the city council for up to one (1) year.

C. *Deferral of Obligation.* The City Administrator may defer the Developer's obligation to construct Public Improvements to serve a new development upon execution of a Development Agreement and upon provision of adequate security (see Section 5.05 Development Agreements and Security for Completion).

D. *Phased Development.* If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

E. *Easements for Utility Providers.*

1. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.

2. The Applicant's engineer shall provide the City Administrator with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.

F. *Off-Site Easements.*

1. All necessary public and/or private off-site easements required for installation of required off-site improvements to serve the development shall be acquired by the Applicant prior to the Pre-Construction Meeting (see Section 5.02 Pre-Construction Meeting), or prior to approval and recordation of the Final Plat, whichever occurs first. Any off-site private improvements shall be designed by a professional engineer licensed in the State of Texas.
2. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the City.
3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the City. The Applicant shall provide the City with easement or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may secure the services of a Right-of-Way agent, at the developer's cost. The City may secure easements through eminent domain proceedings, should the City deem it appropriate.
5. The Applicant shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney's fees and costs.

Sec. 155.5.05. Development agreements and security for completion.

A. *Development Agreements.* When any of the required Public Improvements (i.e., water, wastewater, streets, drainage, park improvements etc.) will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a Development Agreement of standardized format approved by the City by which the

1. *Applicant:*
    a. Will complete the improvements;
    b. Warrants the improvements for a period of two (2) years following final and formal acceptance by the City;
    c. Provides a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period to ensure the repair and replacement of all defects due to faulty materials and workmanship that appear within the two (2) year period following date of acceptance;
    d. Provides provisions (e.g., performance and payment bonds) for securing the obligations of the agreement consistent with Section 5.05.D Security for Completion of Improvements; and
    e. Outlines other terms and conditions as are agreed to by the Applicant and the City, or as may be required by this Subdivision Ordinance, including insurance requirements and covenants to comply with other ordinances of the City.
2. *Exception:*
    a. If escrow is provided in agreement with Section 5.05.E (Escrow Policies and Procedures), then the requirement for a Development Agreement may be waived by the City Administrator.

B. *Development Agreements to Run with the Land.*

1. The Development Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the Applicant.

2. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. *Development Agreement Decision by the City Council.*

1. The City Administrator shall review all Development Agreements.

2. The City Administrator shall recommend an action to the City Council for all Development Agreements.

3. The Development Agreement shall require the approval of the City Council. The City Council may approve, approve with conditions, or deny a Development Agreement.

a. The City Council may authorize the City Administrator to approve specific Development Agreements on behalf of the City Council. In the event of a disagreement between the City staff and the Subdivider concerning stipulations of the Development Agreement, the Subdivider may request City Council approval of alternative provisions.

D. *Security for Completion of Improvements.*

1. *Type of Security.*

a. When any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with this Subdivision Ordinance, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.

b. The performance and payment bonds shall be approved as to form by the City Administrator.

c. In lieu of security, the City may accept a developer agreement drafted in a form suitable to the City Attorney.

2. *Estimated Cost and Security Approval.*

a. Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required Public Improvements to the City's standards as estimated by the Applicant's professional engineer licensed in the State of Texas, and as approved by the City Administrator.

b. Security shall be subject to the review and approval of the City Administrator.

c. The Applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

E. *Escrow Policies and Procedures.*

1. *Request for Escrow.*

a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed $15,000 for a period of two (2) years from acceptance of the project. An example may include a timing issue due to pending street improvements by another agency such as TxDOT.

b. The City Administrator may require studies and other information to support the Developer's request to escrow.

2. *Escrow Deposit with the City.*

a. When the City Administrator requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be approved by the City, an amount

equal to one hundred and ten percent (110%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.

b. The City Administrator shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.

3. *City Usage of Escrowed Funds.* The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the Public Improvement(s).

4. *Termination of Escrow.*

a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.

b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).

5. *Refund.* If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Public Improvement. The City shall require thirty (30) days from the request to process the refund.

6. *Interest on Escrowed Funds.* When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.

7. *Escrow Fee Agreement.* The City Administrator, at his/her discretion, may require an escrow fee agreement be executed.

F. *Reserved.*

G. *City Infrastructure Participation.*

1. The City may participate with the subdivider on major items of construction such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The City shall participate in the street construction within and adjacent to new subdivisions on the following basis:

a. All streets not exceeding forty-five (45) feet from curb back to curb back shall be paid for and constructed by the subdivider.

b. If the subdivider's property abuts only one side of a street right-of-way, the subdivider shall provide not less than twenty-four (24) feet of paved width.

c. Streets in excess of forty-five (45) feet in width shall be provided by the subdivider in accordance with the City's transportation plan, or on request of the City Council, but the City shall pay the cost of developing the width of the street in excess of forty-five (45) feet, excluding the cost of curbs or turning lanes.

2. The construction of certain facilities required by the provisions of this ordinance may not be possible or practical at the time the subdivider prepares their plans for public improvements. Such deletion or delay of improvements may be specified in a facilities agreement, together with provisions for escrow deposits or future payments by the city and/or subdivider. The City shall not be responsible for payment until the street is extended into or through property other than that being subdivided, and/or until funds are available, unless otherwise provided in the facilities agreement for the subdivision.

(Ord. No. 2018-O-24, passed July 3, 2018; Am. Ord. 2024-O-21, passed 8-6-2024)

Sec. 155.5.06. Inspection, maintenance, and acceptance of public improvements.

A. *Inspection of Public Improvements.*

1. *Timing and Contact.*

a. The City Administrator shall inspect the construction of improvements while in progress, as well as upon completion.

b. The Applicant, or Applicant's contractor, shall maintain contact with the City Administrator during construction of improvements.

2. *Conformance with Construction Plans.*

a. Construction shall be in accordance with the approved Construction Plans.

b. Any significant change in design required during construction shall be made and documented by the Applicant's engineer, and shall be subject to approval by the City Administrator.

3. *Corrections to Improvements.* If the City Administrator finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.

4. No building permit shall be issued until completion of all improvements within the subdivision and acceptance by the city. The authorized city representative shall have the authority, after reviewing the improvements, to release parts of the subdivision for building permits. The engineer responsible for the design of the proposed improvements shall submit testing reports performed by the engineer of an independent testing laboratory with a verification statement to the authorized city representative that the improvements have been constructed in accordance with the plans and specifications as approved by the City Council and in accordance with any other provisions of any other ordinance of the city applicable thereto.

B. *Public Works Inspection Fees.*

1. A public works inspection fee of two percent (2%) of the actual contract costs of city-maintained improvements shall be established. The fee shall be based on a percentage of the estimated cost of public improvements including, but not limited to water, sanitary sewer, storm sewer, drainage structures, bridges, culverts, paving, screening walls, etc. The fee shall be due and payable at the time of the preconstruction meeting for residential developments and at the time of the building permit issuance for industrial and commercial developments.

2. Fee Standards.

a. The subdivider is required to retain a professional engineer to supervise the construction of all public improvements as required in Title 6 of the Texas Occupation Code, §1001.407. The supervision of the construction shall include, but not be limited to construction inspection and verifying the compliance with the construction plans and specifications.

b. If the subdivider does not retain a professional engineer to supervise the construction, then 5.06.B.1 shall apply.

c. Inspections shall be conducted during normal business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday.

3. Exceptions.

a. Where excavations are made by a public utility company operating under a franchise agreement issued by City or under the direct supervision of the Director of Public Works, a permit may be granted without making the advance permit payment, or waived if the franchise agreement permits waiver and approved by the Director of Public Works.

4. Cost for Construction.

a. The Developer shall submit to the City a cost for construction of the public infrastructure to be dedicated to the City and upon which the maintenance bond and inspection fees will be based.

b. The cost of construction shall be reviewed and approved by the City Administrator.

5. Inspection During Non-Business Hours.

a. Public works inspections may be conducted at times other than normal working hours with prior approval.

b. A minimum forty-eight (48) hour notice must be given to the City by the Developer for any work that, in the City's sole opinion, requires inspection and occurs during non-business hours, and the Developer shall reimburse the City a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.

C. *Maintenance during Construction.* The Applicant shall maintain all required Public Improvements during construction of the development.

D. *Engineer's Certification and Submission of Record Drawings.*

1. Upon completion of the construction of all improvements, a certificate shall be provided, signed by the subdivision's professional engineer, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans

2. The City shall not accept dedication of required Public Improvements until the Applicant's engineer has certified to the City Administrator, through submission of detailed Record Drawings, which have been approved by the City, of the project and filed copies of any off-site easements that the Public Improvements have been built in accordance with the approved Construction Plans.

3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the City Administrator.

4. Digital files of all the Record Drawings shall be submitted by the Applicant in a format acceptable by the City and received by the City.

E. *Acceptance or Rejection of Improvements by the City Administrator.*

1. *Responsible Official.* The City Administrator shall be responsible for inspecting all required Public Improvements shown in the Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.

2. *Final Inspection.* After completion of all improvements, franchise utilities, grading, and erosion control, the City Administrator and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements via a Letter of Final Acceptance.

3. *Letter of Final Acceptance.* If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with Subdivision Ordinance regulations and with the City's design standards and all inspection fees have been paid, then the City Administrator shall issue a Letter of Final Acceptance to the Applicant, thereby notifying the Applicant of the City's approval of improvements and acceptance or future acceptance subject to approval of a Final Plat.

a. In cases where a Final Plat has not been approved, the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements will occur concurrently with the approval of a Final Plat.

b. In cases where a Final Plat has already been approved with a Development Agreement, then the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements.

4. *Meaning of Acceptance.* Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.

5. *Rejection.* The City Administrator shall reject those Improvements that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).

F. *Disclaimer.*

1. Approval of a Preliminary Plat or Final Plat by the Commission, or Construction Plans by the City Administrator, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.

2. No Public Improvements shall be accepted for dedication by the City except in accordance with this Section.

G. *Maintenance Bond.*

1. Per requirements established and maintained by the City Administrator, the Developer shall furnish maintenance bonds to the City for Public Improvements for a period of two (2) years from the date of acceptance by the City (see 5.06.E.3 Letter of Final Acceptance for acceptance dates).

2. The maintenance bond shall be a good and sufficient bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their maintenance for two (2) years from the date of Final Plat approval.

3. The maintenance bond shall be for a full period of two years from the date of final approval of the contractual project and shall be in the amount of 20% of the contract price for the first year and in the amount of 10% of the contract price for the second year.

4. A licensed professional engineer shall write and seal an itemized letter verifying the accuracy of the maintenance of the items that were constructed.

SECTION 6. SUBDIVISION DESIGN STANDARDS

Sec. 155.6.01. Minimum standards.

A. *Basis for Standards.* The standards established within this Subdivision Ordinance for dedication and construction of public facilities and infrastructure are based upon accepted engineering practices and historical usages and demands by different categories of development.

B. *Minimum Level of Service Necessary.* This Subdivision Ordinance identifies certain minimum standard requirements and sizes for utilities, roadways, parks, and other facilities that have been determined by the City Council to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the citizens.

1. It is the intent of this Subdivision Ordinance that no development occur until, and unless, these minimum standard levels of service are met.

2. Therefore, each Subdivision in the City and its ETJ shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

3. Additional requirements may be necessary for compliance with the Comprehensive Plan. Where specific topographic or other conditions make special requirements, in addition to the minimum standards, necessary in order to achieve the best overall design, these standards may be modified by the Director of Public Works and/or City Engineer.

Sec. 155.6.02. Adequate public facilities.

A. *Services Required.* Land proposed for development in the City and in the City's extraterritorial jurisdiction (ETJ) must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, and drainage facilities designed by a professional engineer.

B. *Approval Timing.* Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

C. *Rough Proportionality and Fair Share Statement.*

1. The City desires that a new development project contribute its fair and proportional share of such costs.

2. There is a direct correlation between the increased demand on public facilities that is created by a new development, and the City's requirements to dedicate right-of-way and Easements and to construct a fair and proportional share of public improvements that are necessary to offset such impacts such that new development does not negatively affect the City as a whole.

3. A fair and proportional share shall be determined as the level or standard of service that is required to adequately serve a new development.

4. Standards relating to the dedication or construction requirements shall be roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system.

5. See 7.02 Subdivision Proportionality Appeal for proportionality approval procedures.

Sec. 155.6.03. Conformance to plans and codes.

A. *Public Improvements Conform to Plan and Codes.*

1. Design and construction of Public Improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

a. The Thoroughfare Plan;

b. Engineering Standards Manual (ESM);

c. The Standard Construction Details;

d. The Texas Manual on Uniform Traffic Control Devices;

e. Generally accepted Standard Specifications for Construction of Public Works;

f. American Association of State Highway Transportation Officials; Geometric Design of Highways and Streets;

g. Texas Health Code;

h. Texas Water Code;

i. The Drainage Design Manual;

j. Master Drainage Plans;

k. Floodplain Ordinance;

l. Erosion Control Ordinance;

m. Stormwater Management Plan; and

n. All other codes and ordinances of the City

2. If the construction of Public Improvements is not completed within one (1) year from the Preliminary Plat approval date, then the infrastructure must be redesigned using the most current criteria.

Sec. 155.6.04. Streets.

A. *Adequate Streets.*

1. The property owner shall ensure that the Subdivision is served by adequate streets and shall be responsible for the costs of Right-of-Way and street improvements, in accordance with the following policies and standards.

2. Additional Right-of-Way may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

B. *Design and Construction.* Design and construction shall conform to specifications included within these Subdivision Ordinance regulations as well as those included within the Engineering Standards Manual.

1. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the general plan of the community, and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

2. Where such is not shown in the Thoroughfare Plan for the community, the arrangements of streets in a Subdivision shall:

a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;

b. Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and

c. Be laid out so that they shall intersect, as nearly as possible, at right angles.

3. Residential streets shall be laid out so that their use by through traffic shall be discouraged.

4. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be prohibited.

5. Street grades shall be established regarding topography, proposed land-use, and the facilities in the area surrounding the land to be subdivided as stated in the Engineering Standards Manual.

6. Street name markers shall be installed in accordance with the prescribed type currently in use by the Manual on Uniform Traffic Control Devices.

a. Street markers and the erection thereof shall be at the expense of the Subdivider.

7. Residential lots less than one (1) acre shall not face Major Arterial/Thoroughfare Streets.

8. Driveways or alley pavement cuts shall not be permitted on Major Arterial/Thoroughfare Streets.

9. Streets shall be installed by the subdivider in accordance with the City's Engineering Standards Manual.

C. *Street Right-of-Way Dedication.*

1. Any Subdivider laying out and constructing new streets or whose Subdivision includes any portion of or is adjacent to an existing street shall dedicate sufficient Right-of-Way in accordance with the following conditions:

a. *General Dedication Requirements.*

i. All street Right-of-Way dedications shall in the aggregate provide the Right-of-Way widths required according to street classifications in City Ordinances and be consistent with the City's Comprehensive Plan or Thoroughfare Plan.

ii. The required alignment of the Right-of-Way shall be determined with respect to property boundaries, safety, design, topography, and traffic management consideration.

(a) Concerns for safety, sound design principles and orderly development will prevail.

(b) Principles of efficient traffic management will be applied in accordance with the City's goals and objectives as expressed in the current Comprehensive Plan or Thoroughfare Plan.

iii. The appropriate alignment of any street Right-of-Way can only be determined by examining the property and topographical conditions along the entire length of the street.

(a) In order to provide adequate information to establish an appropriate Right-of-Way alignment the Developer shall provide property information and topographical information for a minimum distance of 200 feet in every direction that the street extends off of the property.

(b) Additional information may be required if, in the opinion of the City, the information provided indicates conditions that may require additional Right-of-Way consideration.

b. *New Streets.* New streets shall be provided where there is not an existing street, roadway or passage.

i. *Internal Streets.* Internal streets shall be designed and provided in accordance with the current City Ordinances and Engineering/Construction Criteria and be consistent with the City's Comprehensive Plan or Thoroughfare Plans. Streets including curb and gutter shall be constructed in accordance with the Engineering Standards Manual.

ii. *Perimeter Streets:*

(a) When a proposed residential or nonresidential Subdivision is developed abutting an existing or planned Major Arterial/Thoroughfare Street or Collector Street, the Developer shall dedicate sufficient Right-of-Way within the Subdivision in accordance with the Thoroughfare Plan.

(b) The Developer shall construct their proportional share of the abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the City's design standards for that type of street.

(c) The Developer's proportional share of the street construction shall be one-half (1/2) of the required street improvements for all pavement widths equal to or less than forty four (44) feet. For roadways greater than forty four (44) feet, the developer, subdivider shall construct or provide in escrow the cost of twenty two (22) feet of roadway.

(d) If the Developer disagrees with the City Administrator's determination of rough proportionality, then the Developer may file a Subdivision Proportionality Appeal.

c. *Existing Streets.* Streets may currently exist by reasons of Plat, metes and bounds description, general description or by prescription. If the existing geometrical configuration does not accommodate the current Comprehensive Plan/Thoroughfare Plan, the City may require the dedication of additional Right-of-Way to address safety, design, topography, and traffic management considerations.

i. *Adjacent to a platted Subdivision:* The Right-of-Way dedication shall be based upon the distance from the platted Subdivision boundary. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.

ii. *Along a Right-of-Way described by a metes and bounds or a general written description:* The Right-of-Way dedication shall be based upon the geometric centerline of the Right-of-Way as described. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations. All existing Right-of-Way dedication within the Subdivision shall be converted from "separate instrument" to a platted Right-of-Way by being a part of the Final Plat.

iii. *Along a prescriptive Right-of-Way:* The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations. The Developer shall indicate on the Preliminary Plat and Final Plat property lines and features which identify prescriptive Right-of-Way. These features may include fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, etc. All existing prescriptive Right-of-Way dedications within the Subdivision shall be converted from prescriptive to a platted Right-of-Way by being a part of the Final Plat.

D. *Street Classification Descriptions.*

1. *Local Street.*

a. Distributes traffic to and from residences.

b. Short in length, non-continuous to discourage through traffic.

c. Low-density residential/single family.

2. *Collector Street.*

a. Carries traffic from local streets to Major Arterial/Thoroughfare Streets.

b. Uses served would include medium and high density residential, limited commercial facilities, some small offices and as direct access within industrial parks.

3. *Major Arterial/Thoroughfare Street.*

a. Carries traffic from one urban area to another and serves the major activity centers of urbanized areas.

b. Used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

E. *General Requirements.*

1. Streets must be designed in relation to the Comprehensive Plan/Thoroughfare Plan, existing and proposed streets, the terrain, streams, and other physical conditions.

   a. The arrangement of streets must provide for the continuation of streets between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.

   b. The arrangement, character, extent, pavement width, Right-of-Way width, grade and location of each street shall be considered in its relationship to the Comprehensive Plan, to existing and planned streets, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such street.

2. Whenever a tract to be subdivided abuts any part of any street so designated on the Comprehensive Plan, or where a street designated on the Comprehensive Plan crosses any part of the tract to be subdivided, such part of the proposed public street shall be platted, the Right-of-Way shall be dedicated, and the street shall be constructed by the Developer, consistent with the location as indicated on the Comprehensive Plan, and to a width consistent with the Comprehensive Plan and the requirements contained within these regulations.

3. All streets shall be designed to coordinate with existing streets in adjoining Subdivisions.

   a. Centerline offsets, where unavoidable, shall be at least one hundred twenty-five (125) feet.

   b. Greater centerline offsets as may be required by the City Administrator shall be planned where necessary for traffic safety.

4. Streets shall be named to provide continuity with existing streets.

5. Names of new streets shall not duplicate or cause confusion with the names of existing streets.

6. Where adjoining areas are not subdivided, the arrangement of streets in the Subdivision shall make provision for the proper projection of streets into such unsubdivided area.

7. Streets should be platted to allow two tiers of lots between streets when possible.

8. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the Subdivision shall be prohibited.

9. Half streets shall be prohibited, except where essential to the reasonable development of the Subdivision in conformity with the other requirements of these regulations, and where the City finds it will be reasonable to require the dedication of the other half when the adjoining land is subdivided. The other half of the street shall be platted within the adjacent tract at the time it is platted.

10. Median openings shall have a minimum offset of at least 125 feet from the centerline of an intersecting street or alley.

11. To ensure adequate access to each Subdivision, there should be at least two (2) planned points of ingress and egress, except that cul-de-sacs shall be permitted in conformity with Section 6.04.F Cul-de-Sacs and Dead-End Streets (below).

   a. The City Council may require that more than two access points be constructed if the configuration, number of lots, or other consideration creates the need for additional access points.

b. Requirement 6.04.E.11.a will apply to subdivisions with more than 50 lots.

F. *Cul-de-Sacs and Dead-End Streets.*

1. *Cul-de-sacs.*

a. A cul-de-sac or dead-end street shall not exceed six hundred (600) feet in length.

b. A cul-de-sac street shall be platted and constructed with a concrete paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred (100) feet and a minimum street Right-of-Way diameter of at least one hundred-twenty (120) feet. (See 6.08.B.4 for supplemental information.)

2. *Dead-End Streets.*

a. Dead-end streets are prohibited unless the street design meets the requirements of paragraph (1) above or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature.

b. If a temporary dead-end street is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in Paragraph 6.04.F.1 Cul-de-sacs (above) and a temporary turnaround easement meeting the dimensions listed for the Right-of-Way in Paragraph 6.04.F.1 shall be provided on the Plat.

i. The portion of the temporary turnaround easement lying outside of the street Right-of-Way shall be shown as a dotted line on the Final Plat which shall denote a temporary easement.

c. In the event that the temporary dead-end street (as approved and shown on the Final Plat) is extended in the future, the portions of the temporary turnaround easement shall revert back to the lot(s) abutting the temporary turnaround easement.

3. *Drainage Improvements.* Provisions shall be made for adequate storm drainage at the ends of dead-end streets.

4. *Barricades.*

a. Barricades and other traffic controls shall be installed by the Developer at dead-ends in accordance with Engineering Standards Manual.

b. Barricades and other traffic controls shall be maintained by the Developer or Homeowners' or Property Owners' Association.

G. *Street Class Requirements.*

1. Street layout shall provide for continuation of Collector Streets in areas between Major Thoroughfares.

2. Local streets shall be extended through the tract to the tract boundary to provide future connection with adjoining unplatted lands at intervals necessary to facilitate internal vehicular circulation with adjoining unplatted lands.

3. Where single family uses abut an existing or proposed Major Arterial/Thoroughfare Streets, the Plat or dedication instrument will provide:

a. Lots to side onto the arterial with a non-access restriction on the arterial side, or

b. Reverse frontage with screening and containing a non-access restriction along the rear property line, or

c. Lots with screened rear alleys, or

d. Other treatment as may be necessary or required for adequate protection of adjoining properties, after taking into consideration the proposed method of off-street parking and maneuvering which will prevent the necessity of backing into the Major Arterial/Thoroughfare Streets.

H. *Street Design Criteria.* All dedicated streets shall conform to the Comprehensive Plan/Thoroughfare Plan and the following Table 4: Minimum Street Design Criteria.

Table 4: Minimum Street Design Criteria

Street Classification	Minimum Right-of-Way	Pavement Width	Number of Lanes	Parking	Number of Parkways and Width	Median Width	Sidewalk/Shared Use Path Width
4-Lane Major Arterial	120'	Two @ 28'	4	Prohibited	Two @ 24'	16'	6'/10'
6-Lane Major Arterial	130'	Two @ 38'	6	Prohibited	Two @ 19'	16'	10'/10'
Rural Arterial	100'—120'	48'	3	Prohibited	26'	None	10'/10''
Minor Arterial	100'	Two @ 27'	4	Prohibited	Two @ 16'	14'	6'/10'
Collector	70'	44'	2	Limited	Two @ 13'	None	6'/NA
Local	50'	31'	2	Permitted	Two @ 9.5'	None	5'

Notes:
1. Depending upon the nature and impact of the proposed development, additional Right-of-Way will be required at most intersections and may be required at high-volume driveways to provide left and right turn lanes to maintain traffic volume capacities through the intersections. Also, additional utility easements may be required beyond the Right-of-Way.
2. If provided, the minimum width of a median adjacent to a left turn lane shall be five feet (5').
3. Collector Streets: Existing rights-of-way (R.O.W.) fifty-five feet (55') in width or greater may be used for Collector Streets. New R.O.W dedicated for Collector Streets must be a minimum of seventy feet (70').
4. Sidewalk width requirements may be wider when adjacent to curbs, shrubs, fences, walls, or other structures.

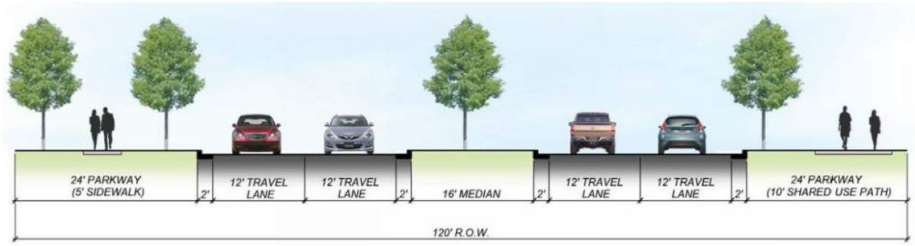


Figure 3: 4-Lane Major Arterial Section

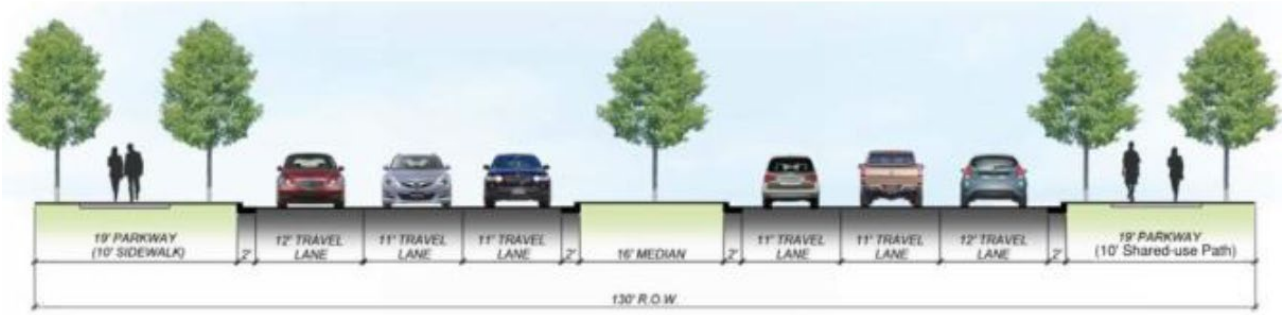


Figure 4: 6-Lane Major Arterial Section

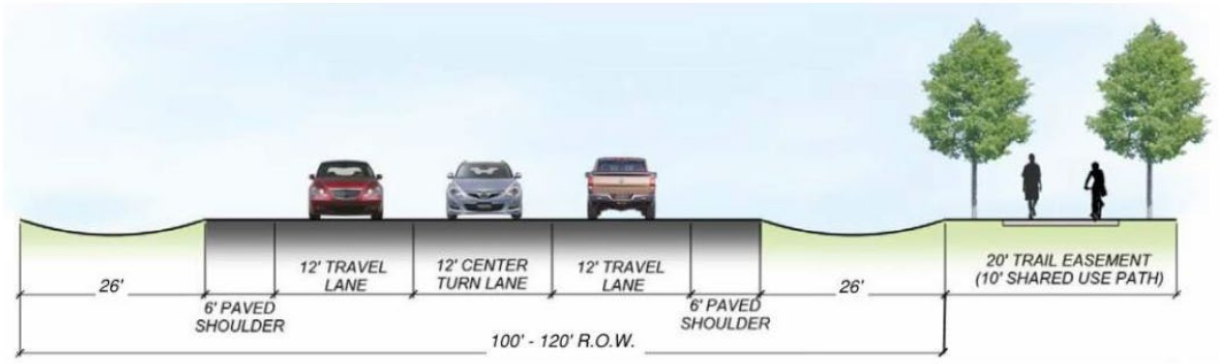


Figure 5: Rural Arterial Section, with adjacent trail easement

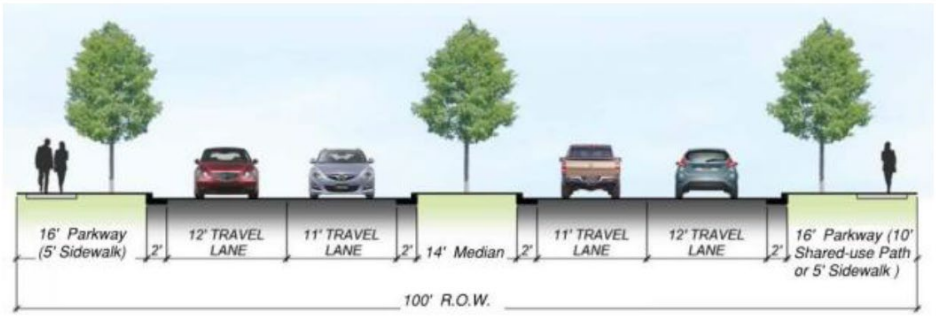


Figure 6: Minor Arterial Section

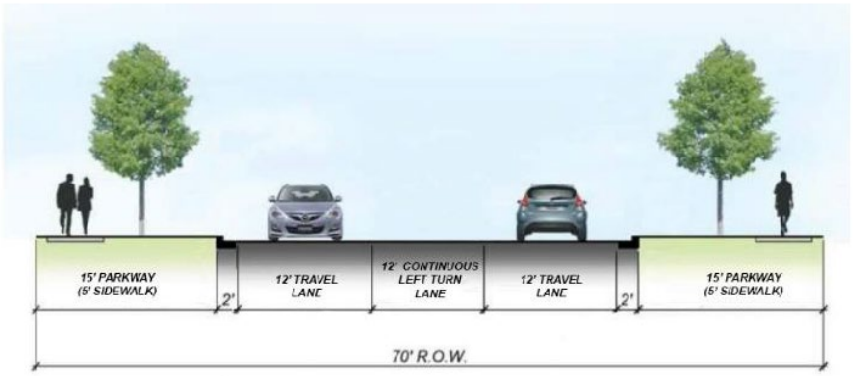


Figure 7: Collector Section

I. *Street Intersection Design.* No street or intersection shall vary from a 90 degree angle of intersection by more than five (5) degrees.

J. *Construction Responsibilities.* The Developer shall, at the Developer's own cost and expense, pay for constructing all roadways within the Developer's Subdivision.

K. *Street and Alley Requirements.*

1. *General Requirements.*

a. As a minimum, a street must be designated to safely provide two-way traffic for passenger, delivery, emergency, utility, and maintenance vehicles.

i. The minimum size street which can safely accommodate a development is a local street with two 15-foot lanes of traffic.

ii. In addition, a five foot (5') wide sidewalk is required on the developing side of the street to provide pedestrian safety and to meet the requirements of the Americans with Disabilities Act (ADA).

b. If the City determines that streets greater than the minimum standard are required, the City's engineer will conduct investigations, studies, and calculations to determine the infrastructure requirements.

i. If the Developer proposes to construct no greater than the minimum standard of infrastructure, it will be the responsibility of the Applicant to submit to the City engineering investigations, studies, and calculations in support of constructing the minimum standard.

2. *Local Streets, Collector Streets, and Alleys.*

a. Local street paving shall be in conformance with the City's Engineering Standards Manual.

b. Collector Street paving shall be in conformance with Table 4: Minimum Street Design Criteria.

c. Alley paving shall be twelve feet (12') wide in residential areas and sixteen feet (16') wide in commercial and industrial areas.

i. Alley turnouts shall be paved to the property line and shall be at least two feet (2') wider than the alley paving at that point.

ii. Paving radius where alleys intersect residential and Collector Streets shall be ten feet (10') and where alleys intersect Major Arterial/Thoroughfare Streets the radius shall be sixteen feet (16').

d. For additional alley requirements, please see 6.06 Alleys.

3. *Street Returns.*

a. The minimum radius for all street returns shall be twenty-five feet (25').

b. Returns for driveways on local streets shall be five feet (5'). Commercial and industrial driveway returns shall be a minimum of ten feet (10') and a maximum of twenty feet (20') in special cases.

L. *Street Signs.*

1. Street signs shall be furnished and installed by the Developer for all intersections within or abutting the Subdivision.

2. Such signs shall be of a type approved by the City and include the block number.

3. Street signs shall be installed in accordance with the prescribed type currently in use by the Manual on Uniform Traffic Control Devices.

M. *Curb and Gutter Options.*

1. A six (6) inch standard curb shall be constructed on both sides of all streets except as allowed in 2 and 3 below.

2. On residential local streets and any subdivision where all lots are one (1) acre or large, a "lay down" or "roll down" curb shall be permitted if designed in accordance with Engineering Standards Manual.

3. On subdivision where all lots are one acre or larger, a "ribbon curb" shall be permitted if designed in Engineering Standards Manual.

Sec. 155.6.05. Access management.

A. *Intent of Access Management.* It is the intent of this section to:

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;

2. Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents; and

3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

B. *Applicability.*

1. A person commits an offense if the person constructs, reconstructs, relocates or in any way alters the design or operation of any driveway without first obtaining a building permit issued by the Building Official.

2. No driveway shall be allowed or permitted if, in the determination of the City Administrator, it is detrimental to the public health, safety and welfare.

C. *Street Section Classifications.* Street section classifications shall be defined in accordance with the Transportation element of the City's Comprehensive Plan.

D. *Traffic Impact Analysis.*

1. A Traffic Impact Analysis (TIA) may be required at the time of Preliminary Plat submittal for all site developments. For phased developments, the TIA shall include an analysis for each phase of the development and the threshold for the TIA shall be for the entire development.

    a. Threshold for a Traffic Impact Analysis:

        i. Residentially zoned Subdivisions that are projected to generate more than 1,000 new average daily trips (ADT) shall require a TIA.

        ii. Office zoned Subdivisions that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA.

        iii. Nonresidential zoned Subdivisions that are projected to generate more than 2,500 new average daily trips (ADT) shall require a TIA.

        iv. Industrial zoned Subdivisions that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA.

    b. Calculation of the ADT for Subdivisions:

        i. For calculating the ADT for residential zoned Subdivisions, a housing unit shall be considered to generate 10 vehicle trips a day.

        ii. For calculating the ADT for office zoned Subdivisions, a 50,000 square foot building shall be considered to generate 500 ADT. In order to anticipated if a 50,000 square foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.

        iii. For calculating the ADT for retail zoned Subdivisions, a 60,000 square foot building shall be considered to generate 2,500 ADT. In order to anticipated if a 60,000 square foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.

        iv. For calculating the ADT for industrial zoned Subdivisions, a 75,000 square foot building shall be considered to generate 500 ADT. In order to anticipated if a 75,000 square foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.

    c. The TIA impact study area shall include the site and area within one-half (½) mile from the boundary of the site.

    d. A capacity analysis shall be conducted for all public street intersections and junctions of major driveways with public streets which are significantly impacted within the TIA impact study area. The capacity analysis will follow the principles established in the Transportation Research Board's (TRB) Highway Capacity Manual (HCM).

2. A Minor Subdivision Waiver may be granted by the City Administrator if the roadway is fully built.

E. *Common Access.*

1. Lots with sufficient frontage to safely meet the design requirements below may be permitted their own driveways.

2. A Common Access Easement may be required between adjacent lots fronting on any street section in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.

3. Common Access Easement.

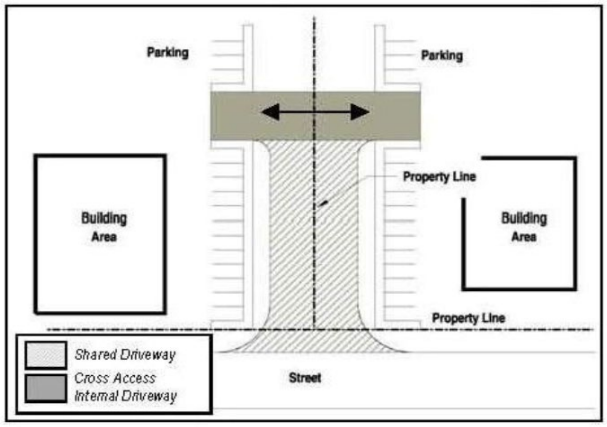


Figure 8: Example of Common Driveway (for illustrative purposes only)

a. The use of common driveways shall require the dedication of a joint-use private access easement on each affected property.

b. Said dedication shall be provided on the Final Plat of the subject properties, or be filed by separate instrument approved by the City Attorney with the County with a copy forwarded to the City.

c. The Plat shall state that the easement shall be maintained by the property owner.

d. The Common Access Easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

F. *Driveway Design for State Maintained Roadways Criteria.* The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on State maintained roadways.

1. *Driveway Dimensions and Spacing.* The following Table 5: Dimensions for Driveways along State Maintained Roadways indicates the minimum dimensional values required for driveways along State-maintained roadways.

Table 5: Dimensions for Driveways along State Maintained Roadways		
Criteria	Commercial & Multi-Family Driveway	Service Driveway
Driveway Throat Width	24-40 Feet	30-48 Feet
Driveway Curb Radius	20-30 Feet	25-40 Feet
Minimum Distance to Intersection Along Roadway	300 Feet	300 Feet
Minimum Driveway Spacing Along Roadway	300 Feet	300 Feet
Notes:		
1. The requirements for *Driveway Throat Width* and *Driveway Curb Radius* are for standard undivided two-way operation and may be varied by the City Administrator if traffic volumes, truck usage, common driveways, and other factors warrant such. 2. Distance measured from the proposed driveway face of curb to the face of the nearest curb of the nearest driveway. Minimum spacing does not implicitly determine the number of driveways allowed. See 6.05.F.2 (below) for additional restrictions on driveway locations along State-maintained roadways. 3. Distance measured from the intersection street nearest face of curb to the face of the curb of the proposed driveway. See 6.05.F.2 (below) for additional restrictions on driveway locations along State-maintained roadways. 4. Service driveway spacing may be reduced to 150 feet if the ingress/egress volume is less than 50 vehicles per day and if the service		

driveway is a secondary driveway ancillary to a commercial driveway within the same development. See 6.05.F.2 (below) below for additional restrictions on driveway locations along State-maintained roadways.
5. Driveway spacing may be reduced to 250 feet if the driveway is right-in/right-out only. Appropriate signage, pavement markings, and traffic control devices must be provided to limit turning movements to right-in/right-out.

2. *Additional Design Requirements.*

   a. Plans for all work within State Right-of-Way shall be submitted to the City Administrator.

   b. A driveway permit from TXDOT shall be acquired prior to Preliminary Plat approval. Driveways shall be in accordance with TXDOT standards.

   c. Deceleration Lane.

      i. When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on highways with a posted speed of 40 mph or less.

      ii. When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on highways with a posted speed of 45 mph or greater.

G. *Driveway Design for City Maintained Roadways.* The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on City streets.

1. Driveway Dimensions and Spacing (City Maintained Roadways). The following Table 6: Dimensions for Driveways along City Maintained Roadways indicates the minimum dimensional values required for driveways along City maintained roadways (local streets, collectors, Major Arterial/Thoroughfare Streets).

Table 6: Dimensions for Driveways along City Maintained Roadways			
Criteria	Street Classification	Commercial & Multi-Family Driveway	Service Driveway
Driveway Throat Width	Major Arterial/Thoroughfare Street	24-60 Feet	30-48 Feet
	Collectors	24-40 Feet	30-48 Feet
	Minor/Local Streets	24-40 Feet	24-36 Feet
Driveway Curb Radius	Major Arterial/Thoroughfare Street	30-35 Feet	25-30 Feet
	Collectors	25 Feet	10-20 Feet
	Minor/Local Streets	25 Feet	10-20 Feet
Minimum Distance to Intersection Along Roadway	Major Arterial/Thoroughfare Street	150 Feet	200 Feet
	Collectors	120 Feet	150 Feet
	Minor/Local Streets	100 Feet	100 Feet

Minimum Centerline Driveway Spacing Along Roadway	Major Arterial/Thoroughfare Street	230 Feet	250 Feet
	Collectors	120 Feet	150 Feet
	Minor/Local Streets	70 Feet	100 Feet

Notes:
1. The requirements for *Driveway Throat Width* and *Driveway Curb* Radius are for standard undivided two-way operation and may be varied by the City Administrator if traffic volumes, truck usage, common driveways, and other factors warrant such.
2. Minimum centerline spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the City Administrator.
3. Distance measured from the intersection Right-of-Way line to the centerline of the proposed driveway.
4. Refer to 6.05.G.2 (below). Commercial, multi-family and service driveways may not be permitted on local streets.

2. Additional Design Requirements (City Maintained Roadways).

   a. Driveways Prohibited.

      i. Nonresidential, multi-family and service driveways shall not be permitted on local streets unless the tract or lot has no other public access.

      ii. In the event there is no other access to a public street, commercial, multi-family and service driveways shall be permitted on local streets provided that they meet the design standards in Table 5: Dimensions for Driveways along State Maintained Roadways.

   b. Deceleration Lanes for Driveways on Major Arterial/Thoroughfare Streets Required

   c. The driveway dimensions and spacing for residential driveways are provided in the Engineering Standards Manual.

      i. When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on Major Arterial/Thoroughfare Streets with a posted speed of 40 mph to 45 mph.

      ii. When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on Major Arterial/Thoroughfare Streets with a posted speed greater than 45 mph.

H. *Required Internal Storage (Minimum throat Length/Stacking).*

1. *Minimum Throat Length.* The driveway for any multi-family or nonresidential property that connects to a highway, Major Arterial/Thoroughfare Street, or collector or local street shall extend onto private property a minimum distance of 15 feet, but not less than the required front landscape edge width, from the Right-of-Way line before intersecting any internal circulation drive.

2. *Internal Storage (Stacking).* Internal storage (stacking) shall be provided on multi-family, commercial or industrial properties for corresponding driveways in accordance with Table 7: Required Internal Storage for driveways that provide ingress/egress to parking areas of 20 or greater spaces.

Table 7: Required Internal Storage		
Average Number of Parking Spaces per Driveway*	Total Number of Parking Spaces**	Minimum Storage length
20-49	20-49	Landscape edge width +20'
	50-199	50'
	200+	75'
50-199	50-199	75'

	200+	100'
200+	200+	100'
Notes: 1. The average number of parking spaces per driveway is calculated by dividing the total number of parking spaces by the number of commercial and multi-family driveways. (Service driveways are not included in the calculation.)		

I. *Adequate Sight Distance.*

1. Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
2. Sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."
3. If a field inspection indicates that driveway sight distance may be insufficient, the Applicant will be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Administrator that verifies adequate sight distance is available for the proposed driveway location.
4. For sight triangle requirements, (i.e., visibility triangles), please refer to 6.08.C. Triangular Sight Visibility Easements (see also Figure 9: Visibility Triangles).

Sec. 155.6.06. Alleys.

A. *Applicability.* If alleys are constructed, the requirements outlined in this section 6.06 shall apply.

B. *Use of Alleys.* During the Preliminary Plat approval process, the Planning and Zoning Commission shall have the authority to permit the use of any proposed alley. Additionally, the Planning and Zoning Commission may approve changes to the alignment or location of any proposed alley during the Final Plat approval process. The Planning and Zoning Commission shall base its decision on providing reasonable compatibility with surrounding development, providing safe and efficient traffic movement, and providing areas for infrastructure and city services, such as sanitation services.

C. *Standards for Commercial and Industrial Alleys.* Alleys in retail, commercial, and industrial districts shall be a minimum of 24 feet in width and be constructed in accordance with the Engineering Standards Manual (ESM).

D. *Standards for Residential Alleys.*

1. Dedicated public access alleys are not permitted in residential districts.
2. Shall be independent easements or lots with shared access easements to be privately owned and maintained by an HOA or similar governing body.
3. Shall have a minimum shared access easement width of 20 feet and a minimum pavement width of 15 feet, unless the easement will be utilized for emergency access, in which case the minimum pavement width shall be 20 feet.
4. Shall be designed to meet all Engineering Standards Manual (ESM) for pavement design. Alley paving shall be structural concrete.
5. In new subdivisions, alleys shall connect to and/or be aligned with alleys in adjacent subdivisions.

E. *Alley Right-of-Way Width and Design.*

1. The minimum Right-of-Way width of an alley serving industrial and commercial areas shall be 25 feet.

2. Alley turn-outs shall be paved to the property line and shall be at least two (2) feet wider than the alley paving.

3. A uniform transition in alley pavement widths shall be made in a distance of not less than 20 feet.

4. Alleys may be required along the rear lot lines when adjacent to Major Arterial/Thoroughfare Streets for rear entrance.

5. See section 6.04.K Street and Alley Requirements for additional requirements.

F. *Maximum Alley Length.*

1. Maximum alley length between access points to a street shall be 600 feet.

2. A length of more than 600 feet without access to a public street or approved access easement may be approved by Minor Subdivision Waiver.

G. *Alley/Street Intersection—Right Angles.* Alleys shall intersect streets at right angles or radially to curved streets.

H. *Alley/Street Intersection—Prohibition.* Alleys shall not intersect streets that are designated in the Comprehensive Plan as Major Arterial/Thoroughfare Streets.

I. *Alley/Street Intersection—Separation.* The minimum distance between an alley/street intersection and a street/street intersection shall be the width of at least one (1) lot.

J. *Alleys Intersections or Alley Sharp Angle.* In cases where two alleys intersect or turn at a sharp angle, lot corners shall be platted so that a triangular area of 25' x 25' or greater, is dedicated as part of the alley for the purpose of providing a minimum radius of 30 feet to the inside edge of the alley paving. For sight visibility safety, no utilities taller than three (3) feet shall be placed in the triangular area.

K. *Alleys—Utilities.*

1. *Water.* Private alleys shall not contain water meters, which must be set in a publicly maintained and accessible location.

2. *Overhead Utility Lines.* May be considered when a distribution line is necessary to serve the development and only when approved by the City Administrator.

L. *Radii of the Turn-Outs.* The radii of the turn-outs for alleys intersecting Major Arterial/Thoroughfare Streets shall be a minimum of 16 feet and shall be a minimum 10 feet at intersections with all other streets.

M. *Alley Fences.* Where driveways connect to alleys in commercial, or industrial areas, fences may be constructed along the rear lot line of any lot to a point within five (5) feet of a point where the driveway would intersect the alley pavement at 90 degrees. Fences are optional. No fences shall be placed over water and/or sewer easements. Fences allowing the pass through of stormwater without the collection of debris may be considered.

N. *Dead-End Alleys.* Dead-end alleys shall be provided with adequate turn-around facilities.

Sec. 155.6.07. Blocks.

A. *Block Length Measurement.* The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the Block Face:

1. Of greatest dimension, or

2. On which the greatest number of lots face.

B. *Block Width Measurements.* The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:

1. Of least dimension, or
2. On which the fewest number of lots face.

C. *Block Measurement Factors.* The length, width and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Zoning requirements as to lot sizes and dimensions;
3. Needs for convenient access, circulation, control and safety of street traffic;
4. Limitations of topography; and
5. Compatibility with efficient development of public facilities as established by surrounding developments.

D. *Block Design.*

1. Intersecting streets shall be provided at such intervals as to serve traffic adequately and to meet existing streets.
2. Where no existing subdivision controls, the block lengths shall not exceed 1,200 feet.
3. Where no existing subdivision controls, the blocks should not be less than 500 feet in length. However, in cases where physical barriers, property ownership, or individual usage creates conditions where it is appropriate that these standards be varied then, upon approval by the City Administrator, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

E. *Exceptions.*

1. These limits shall be exceeded only upon approval of a Subdivision Waiver.
2. Blocks longer than 600 feet shall be avoided in commercial and industrial districts.

Sec. 155.6.08. Easements and dedications.

Easements and fee simple dedication of all property needed for the construction of streets, Major Arterial/Thoroughfare Street, alleys, private common access easements, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, retaining walls and any other property necessary to serve the Plat and to implement the requirements of the Subdivision Ordinance and Engineering Standards Manual shall be provided on Subdivision Plats and maintained by the property owner.

A. *Utility Easements.*

1. Where not adjacent to a public Right-of-Way, easements at least sixteen (16) feet wide shall be provided for utility construction, service, and maintenance shall be provided where necessary.
2. Easements accommodating both water and wastewater (sewer) facilities and easements accommodating both public utilities and franchise utilities shall be at least twenty (20) feet wide.
    a. More easements or additional easement width may be required by the Planning and Zoning Commission if deemed necessary by the City Administrator.
3. Easements at least sixteen (16) feet wide for utility construction, service, and maintenance shall be provided for lots which have frontage along state highways.

4. Easements of at least eight (8) feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for utilities to ensure a total easement width of sixteen (16) feet.

5. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.

6. The following full statement of restrictions shall be placed in the dedication instrument:

   Easements: Any public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths on any of the easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.

B. *Fire Lane Easement.*

1. Emergency access and fire lane easements shall be provided in locations required by the City and be curbed.

2. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen and a half feet (14'6''). Internal drives within parking lots are not required to be curbed.

3. All turns shall have a minimum inside radius of twenty-six (26) feet and a minimum outside radius of 50'.

4. Any emergency access and fire lane easement more than one hundred and fifty (150') feet in length shall either connect at each end to a dedicated public street or private way or be provided with a cul-de-sac having one hundred and fifty (150') feet diameter of paving with an additional distance of ten (10) feet on all sides clear of permanent structures or other obstructions.

5. These easements shall be maintained by the owner or the Homeowners' or Property Owners' Association and a statement shall appear on the face of the Plat indicating maintenance responsibility.

C. *Triangular Sight Visibility Easements.*

1. Triangular sight visibility easements shall be required as follows for properties whose zoning falls within one of the following categories:

   a. Residential zoning districts (including all single family, multi-family, mobile/modular home zoning districts and planned development districts having a single family, multi-family or mobile/modular home use designation):

      i. 20' x 20' sight visibility easements on corner lots at the intersection of two streets.

   b. Nonresidential zoning districts (including all commercial, industrial and utility districts and planned development districts having a commercial, industrial or utility use designation):

      i. 45' x 45' sight visibility easement on corner lots at the intersection of two streets.

c. Multi-family and nonresidential zoning districts (including all multi-family, commercial, industrial and utility districts and planned development districts having a commercial, industrial or utility use designation):

i. 15' x 15' sight visibility easements at the main driveways.

d. All zoning districts (as noted above):

i. 15' x 15' sight visibility easements on corner lots at the intersection of an alley and a street.

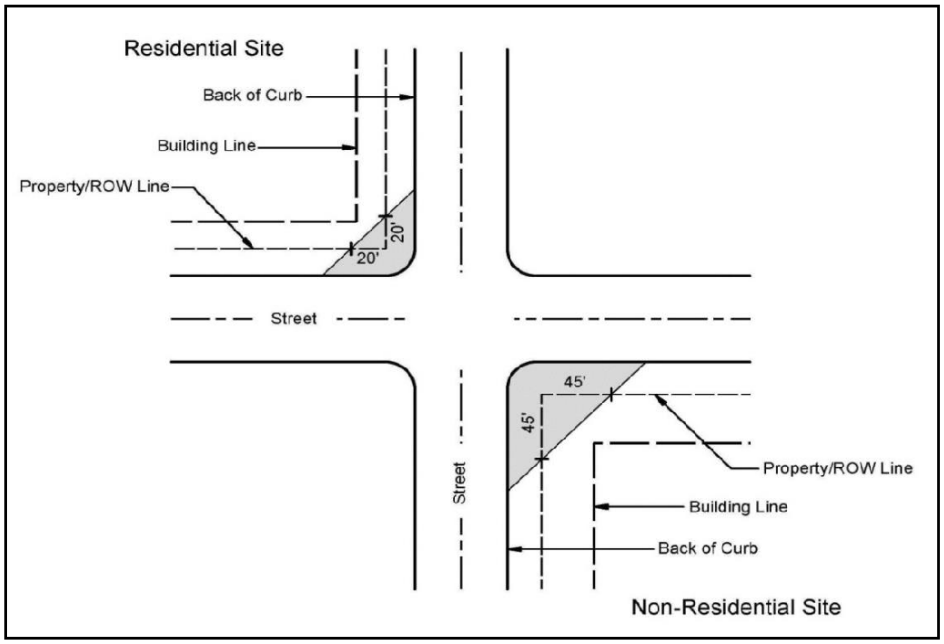


Figure 9: Visibility Triangle

2. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the Plat:

Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the sight visibility easement as shown on the Plat. These sight visibility easements will remain in effect until vacated by ordinance adopted by the City Council and the property replatted.

3. On commercially zoned lots, the preceding triangular sight visibility restrictions may be altered to permit the placement within the easement area of one single pole sign, not to exceed fourteen (14) inches in diameter, with every portion of said sign allowing minimum height clearance between it and the ground of ten (10) feet.

D. *Drainage Easements.*

1. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.

2. Storm drainage easements of sixteen (16) feet minimum width shall be provided for existing and proposed enclosed drainage systems.

a. Easements shall be centered over the systems.

b. Larger easements, where necessary, shall be provided as directed by the City Administrator.

3. Where lot-to-lot drainage occurs, a drainage easement at least ten (10) feet in width shall be provided along the back and down one side of the downstream property. For information regarding applicable drainage standards see 6.15 Drainage and Storm Water, specifically 6.15.C.1. Lot to Lot Drainage Standards.

4. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the City.

5. Where a Subdivision is bounded by a water-course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.

6. As required by the City, drainage easements shall be dedicated up to the full width of easement necessary to construct the ultimate drainage facility (culvert, storm water, channel, etc.) to be constructed within the easement, including provisions for access ingress and egress for maintenance purposes.

E. *Floodplain Easements.*

1. Floodplain easements shall be provided along natural drainage ways, lakes or reservoirs.

2. Floodplain easements shall be provided in accordance with the recommendation of the City Administrator to accommodate the 100 year storm drainage flows or the flow of the flood of record, whichever is greater.

3. Floodplain easements shall encompass all areas beneath the water surface elevation of the Base Flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the City Administrator.

4. The following full statement shall be placed in the dedication instrument of the Plat:

Floodplain Easement Restriction: Construction within the floodplain may only occur with the written approval of the City. A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

a. Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The City will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance, which would result in unsanitary conditions. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur.

b. The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The City shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.

F. *Retaining Wall Easements.*

1. If in the opinion of the City Administrator, the grading plans submitted with the Application for approval of a Final Plat indicate a need for the construction of one or more retaining walls over 6' in height, a private retaining wall easement showing the location of the retaining wall(s) and the no-build zone shall be dedicated and shown on the Preliminary Plat and the Final Plat.

2. The width of the retaining wall easement shall be 10 feet or the width of the retaining wall, whichever is greater, plus the width of the no-building zone, as established by the Applicant's structural engineer and approved by the City Administrator.

3. The retaining wall easement shall include a no-building zone extending from the retaining wall on both sides, within which any additional load from future construction would exceed the design capacity of the retaining wall.

   a. No structure (other than the retaining wall), swimming pool, landscaping, or any other feature which adds load to the retaining wall, shall be constructed within the no-building zone.

4. A retaining wall easement shall be located entirely on one lot and shall not straddle property lines unless the wall is constructed within a retaining wall easement dedicated to the Homeowners' or Property Owners' Association in accordance with 6.08.F.5 (below).

5. The Homeowners' or Property Owners' Association for the subdivision, as applicable, shall be responsible for maintenance of the retaining wall, and a note shall be included to this effect on the Final Plat.

G. *Needs/Benefits Determination.*

1. No dedication otherwise required by this ordinance may be imposed upon a property owner unless the City determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.

2. An Applicant may appeal a staff recommendation that a dedication be required in accordance with the provisions of Section 7 Relief from Subdivision Design Standards.

H. *Maintenance of Easement.*

1. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

2. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

3. The property owner shall be responsible for maintaining the easement.

Sec. 155.6.09. Homeowners' or property owners' associations.

A. *Applicability.* When a Subdivision contains common areas, common property, private parks or other improvements not intended to be dedicated to the City for public use, a Homeowners' or Property Owners' Association shall be created, and the duties and responsibilities shall be established in a declaration consistent with State laws.

B. *Dedication.* The common areas shall be shown on the Final Plat or record Plat along with an adequate form for dedication thereof. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners' or Property Owners' Association; and

2. Express a definite undertaking by the subdivider to convey the common properties to the Homeowners' or Property Owners' Association.

C. *Membership.* A Homeowners' or Property Owners' Association shall be an incorporated nonprofit organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and

2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.

D. *Legal Requirements.* To ensure the establishment of a permanent Homeowners' or Property Owners' Association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the Subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, nonprofit Homeowners' or Property Owners' Association;

2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically will be so placed within a reasonable, definite time;

3. Appropriately limit the uses of the common property;

4. Give each lot owner the right to the use and enjoyment of the common property;

5. Place responsibility for operation and maintenance of the common property in with the Homeowners' or Property Owners' Association;

6. Provide for or place an association charge or assessment on each lot in a manner which will ensure sufficient association funds to maintain the common property or improvements;

7. Give each lot owner voting rights in the association; and

8. Identify the land area within the association's jurisdiction including, but not limited to, the following:

a. The property to be transferred to public agencies;

b. The individual residential lots;

c. The common properties to be transferred by the Developer to the Homeowners' or Property Owners' Association; and

d. Other parcels.

E. *Protective Covenants.* Protective covenants shall be developed which, including, but not limited to, shall make the Homeowners' or Property Owners' Association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. *Procedure.* Prior to filing the Plat, the Subdivider shall:

1. Draft the articles of incorporation of the Homeowners' or Property Owners' Association, its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the City Administrator for approval;
3. After approval (see above), create an incorporated nonprofit corporation;
4. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, give him/her the right to use the common property, and establish his/her voting rights and his/her obligations to pay assessments;
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval; and
6. Pay attorney fees for document review.

G. *Maintenance, Repair or Capital Improvement.* Any maintenance, repair or capital improvement effort made to Homeowners' or Property Owners' Association property or facilities by the City as a result of non-performance or negligence on the part of the Association shall be assessed between the various Association members in proportion to the taxable value of their properties.

Sec. 155.6.10. Lots.

A. *Lot Design.* Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the Subdivision for the type of development and use contemplated, and shall meet the requirements of the Zoning Regulations of the City.

B. *Lot Frontage Requirement.* Every lot shall have at least forty (40') feet frontage, and access to, a public street or other approved public access easement.

C. *Lot Frontage Prohibition for SF Lots on Major Arterial/Thoroughfare Street.* Lots zoned for single family use shall not front upon an Major Arterial/Thoroughfare Street as designated on the Comprehensive Plan/Thoroughfare Plan.

D. *Right Angles for Side Lot Lines.* All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. The City Administrator may grant a Minor Subdivision Waiver, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

E. *Lot Width.* The width of every lot at the building line shall be equal to or greater than that required by the Zoning Regulations.

F. *Scenarios where Additional Lot Depth is Required.* Where a lot in a residential area backs up to a railroad Right-of-Way, drainage easement, a high-pressure gasoline, oil or gas line, electric transmission lines (69kv or higher), water or wastewater transmission lines, an Major Arterial/Thoroughfare Street, an Industrial, Commercial, or other land use that has a significant change in use from the residential use of the property, and where no street or alley is provided at the rear of such lot, additional lot depth will be required per the Zoning Regulations.

G. *Double Frontage and Reverse Frontage Lots.*

1. Double frontage and reverse frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

2. Where lots have double frontage, front building setbacks shall be established in accordance with the Zoning Regulations.

H. *Lots with Septic Tanks.* In a Subdivision where buildings are to be served by septic tanks or other on-site sewer facilities, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the State of Texas, the County or any other governmental unit having appropriate jurisdiction.

I. *Land Subject to a 100-Year Flood.*

1. Any land which, in its natural state, is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site, i.e. Flood Study and FEMA CLOMR (Conditional Letter of Map Revision).

2. Thereafter, the Planning and Zoning Commission may recommend approval of the Plat; however, building construction upon such land shall be prohibited until the specific drainage improvements have been planned, public infrastructure construction completed, and a LOMR (Letter of Map Revision) has been received from FEMA.

Sec. 155.6.11. Sidewalks.

A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*

1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,

2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,

3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and

4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.

B. *Sidewalk Location and Design.*

1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.

2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.

3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.

4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.

5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.

C. *Sidewalk General Construction.*

1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
3. Sidewalks adjacent to screening and retaining walls shall be five (5') feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.

D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

Sec. 155.6.12. Utility policy.

A. *Adequate Utility Systems Required.*

1. Subdivisions within the City shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system shall conform to the Engineering Standards Manual. All systems must be consistent with the Comprehensive Plan Master Plan for Water Distribution and Basin Sanitary Sewer Evaluation Studies.
2. Water and sewer lines must be laid across property lines in every instance. Beginning point and ending point of main line shall be determined by the city and shall simply be at the nearest existing adequate source in the case of water.
3. On a corner lot, utility lines shall be laid to conform to the Comprehensive Plan and the city shall never bear the expense of these extensions except for oversized pipe. The developer will be responsible for the cost of the extension. Where a corner lot can be adequately served from the side, the utility lines must still be laid in front at the expense of the Developer if the Comprehensive Plan so indicates.
4. The city shall be responsible for maintenance, oversize participation, replacement of old inadequate line and the laying of line along frontage owned by the city
5. In case of development along or either side of water or sewer lines, any builder or developer shall be held responsible to pay back to the original developer fifty percent (50%) of the original cost on or either side of the utility line before taps are issued.
6. Water and sewer lines extended to other areas, and having no development immediately adjacent to the line, have no pro rata claim to any reimbursement. Any extension from the end of a water or sewer line will also not require any reimbursement.
7. Wastewater collection systems requiring lift stations shall be avoided. Lift stations shall be privately owned and maintained.

Sec. 155.6.13. Water utility.

A. *General.*

1. All Subdivisions shall provide an approved water distribution system connected to the existing City water system in conformance with all applicable City master plans and Engineering Standards Manual.
2. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code, Chapter 290.
3. The City shall make the final determination of the adequacy of the proposed system.
4. Water Main Construction. All water mains shall be constructed within the street Right-of-Way or easements dedicated to the City.
5. Water Lines Extended to Subdivision Borders.
    a. All water lines installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the distribution system, regardless of whether such extensions are required for service within the Subdivision.
    b. If due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the City Administrator may approve a Minor Subdivision Waiver for this requirement prior to action on the Construction Plans or prior to action on any Plat.
6. Fire Hydrants (Locations and Hose-Lay).
    a. Fire hydrants shall be placed on block corners or near the center of the block to place all of every lot within a radius of five hundred feet (500') in residential areas, but under no circumstances shall a hose-lay for more than five hundred feet (500') be made from the fire hydrant to cover all of every lot within the Subdivision or tract under development.
    b. Fire hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of three hundred feet (300'), but under no circumstances shall a hose-lay of more than three hundred feet (300') be made in order to adequately afford fire protection to the building or buildings.
    c. A fire hydrant shall be placed at the entrance of all cul-de-sacs.
7. All subdividers shall connect to the City's water system if they are within 500' of a municipal water line. The City shall make the final determination of the adequacy of the proposed system.
8. If the development is not within 500' of the water system, the City may grant a waiver. If a water well is used, the city shall require testing of the well in accordance with the Texas Commission of Environmental Quality (TCEQ).

B. *Preliminary Utility Plan.*

1. *General.* A Preliminary Utility Plan is regulated as part of Preliminary Plat approval and shall detail both Section 6.13 Water Utility and 6.14 Wastewater Utility requirements.
2. *Illustrate the Location and Size of Water Utility and Wastewater Utility Mains.*
    a. Concurrent with the submission of a Plat, the Developer shall submit a map or plan showing the location and size of Water Utility and Wastewater Utility mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat.

b. Plans and specifications for fire hydrant systems shall be submitted to the City Administrator for review prior to construction in accordance with Engineering Standards Manual.

3. *Plan Document.* The plan shall be prepared as noted in the City's application requirements.

4. *Coordination with other Utility Providers.*

a. *Preliminary Plat.* When the subdivision is located in an area served by a utility provider other than the City, the Developer must provide a water system analysis, indicating adequate water supply and water quality.

b. *Replat.*

i. When a Subdivision is located in an area served by a utility provider other than the City, the Developer must provide a letter from the utility provider stating that facilities exist in the area to provide adequate domestic service and fire protection.

ii. If the City has reason to believe that there may be water supply or pressure concerns the City may require, a water system analysis, indicating adequate water supply and water quality.

c. *Final Plat.* The Final Plat will not be approved until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

Sec. 155.6.14. Wastewater utility.

A. *General.*

1. *Approved Means of Wastewater Collection and Treatment Required.* All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment in accordance with Engineering Standards Manual.

2. *Determining the Approved Means of Wastewater Collection and Treatment.* The City Administrator shall be responsible for determining the approved means of wastewater collection and treatment in accordance with City master plans and the Engineering Standards Manual.

3. *Possible Phasing of Development Required.*

a. The City Administrator may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

b. Subdivisions either in the ETJ or that have recently been annexed and are not served by the City shall meet the same requirements but be subject to approval by the City Administrator.

4. *Wastewater Collection System Required.*

a. All Subdivisions shall provide an approved wastewater collection system conforming to the current criteria and all applicable City master plans and regulations and the requirements of Texas Administrative Code, Chapter 217, Design Criteria for Domestic Wastewater Systems.

b. All subdividers shall connect to the City's wastewater system if they within 500' of the wastewater line. The City shall make the final determination of the adequacy of the proposed system.

c. If no sanitary sewer service is available beyond the drainage divide line, the City may grant a waiver and allow an on-site sewage disposal system. Such systems shall follow all standards as required by the Texas Commission on Environmental Quality (TCEQ).

5. *Wastewater Lines Extended to Subdivision Borders.*

a. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.

b. If due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the City Administrator may approve a Minor Subdivision Waiver for this requirement prior to action on the Construction Plans or prior to action on any Plat.

B. *Preliminary Utility Plan.* When required by the Subdivision Ordinance, a Preliminary Utility Plan for Wastewater Utility requirements shall be prepared in accordance with 6.13.B Preliminary Utility Plan.

Sec. 155.6.15. Drainage and storm water.

A. *General.*

1. *Components of the Drainage System.* Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.

2. *Management of Storm Water Runoff.* Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through and originating within the Subdivision.

3. *Maintenance Responsibility.*

a. Detention and retention pond maintenance is the responsibility of the property owner or the Homeowners' or Property Owners' Association.

b. It is a violation of this Subdivision Ordinance for the pond not to be maintained according to the City's requirements.

c. It is a violation of the City's Storm Water Management Plan's Best Management Practices for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

4. *Discharge of Storm Water Runoff.* Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

5. *Drainage Facilities.* Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements within this 6.15 Drainage and Storm Water and the City's Engineering Standards Manual.

B. *Planning and Construction.*

1. Plans, profiles, and specifications shall be prepared for storm water improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, channels, manholes, culverts, outlet structures, and other appurtenances.

a. Each sheet of the plans and profiles shall bear the seal and signature of the Professional Engineer licensed in the State of Texas who prepared them.

2. The Developer shall incur the cost of all drainage improvements connected with development of the Subdivision and acceptance of current upstream flows necessary to safely and adequately drain the Subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.

a. The 100-year storm must be contained within the street Right-of-Way and/or the drainage easement boundaries.

b. Any necessary off-site channel or storm sewers which are required to be within easements must have a separate instrument easement filed in the County Real Property Records and a filed copy shall be submitted to the City before Construction Plans will be approved.

C. *Residential Grading and Drainage.*

1. *Lot to Lot Drainage Standards.*

a. Surface runoff from residential lots shall cross no more than one additional lot before being directed toward the street or a dedicated drainage system.

b. When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the street or to a dedicated City drainage system within a privately-maintained easement. Easements shall be acquired and/or provided by the Developer.

c. Furthermore, no more than one lot may drain to a second lot before the flow is directed to the street or to a dedicated City drainage system.

d. Where lot to lot drainage occurs, the lot lines shall be aligned and a minimum of a ten (10') feet wide drainage easement shall be provided.

2. *Detailed Standards.* See the Engineering Standards Manual for requirements for detailed standards and policies.

D. *Nonresidential Grading and Drainage.*

1. *Lot to Lot Grading and Drainage Standards.*

a. Grading and drainage plans shall strive to ensure that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on site system or a dedicated City drainage system.

b. When the flow reaches the third lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated City drainage system within a dedicated easement or street Right-of-Way.

c. No runoff may drain to a fourth lot.

i. The flow must be directed to the street system or to a dedicated City drainage system with a dedicated easement.

d. Concentrations of stormwater shall not be discharged to City Streets through driveways or flumes in a manner that may inundate paved streets with water or ice but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.

e. Specific deviations from these guidelines may be addressed on an individual basis.

2. *Detailed Standards.* See the Engineering Standards Manual for detailed standards and policies.

E. *Design Criteria.*

1. The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the City's adopted drainage design criteria for channel and pipe systems.

2. Side yard swales shall have a minimum slope of one (1) percent to ensure adequacy of flow during and after a rain event.

3. See the Engineering Standards Manual for requirements for detailed standards and policies.

F. *Maintenance.*

1. All grassed swales should be designed and constructed with 3:1 side slopes that will be gentle enough to allow easy mowing.

2. Mowing and maintenance responsibility shall be the responsibility of the property owner or Homeowners' or Property Owners' Association.

3. Periodic cleaning of enclosed systems located within public, dedicated drainage easements shall be the responsibility of the City.

G. *Preliminary Drainage Plan.*

1. *Applicability and Purpose.*

a. A Preliminary Drainage Plan shall be prepared for all developments in accordance with the requirements set forth in the City's application forms.

b. The Preliminary Drainage Plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.

i. The Preliminary Drainage Plan must comply with the standards outlined in this Subdivision Ordinance, Engineering Standards Manual, and the Code of Ordinances.

c. The Preliminary Drainage Plan is a guide for later detailed drainage design.

d. The review of the Preliminary Drainage Plan does not constitute final drainage plan approval or authorize a waiver to the Subdivision Regulations.

i. The design engineer may also submit a sealed letter of No Adverse Impact with supporting documentation and calculations if the Preliminary Drainage Plan indicates there will be no adverse impact to downstream properties.

2. *Plan Required, Previous Plans, and Waivers.*

a. For any property involved in the development process, a Preliminary Drainage Plan shall be provided, at the Developer's expense, for the area proposed for development.

b. For property with a previously accepted Preliminary Drainage Plan, the accepted Preliminary Drainage Plan may be submitted and enforced unless a revised Preliminary Drainage Plan is required by the City due to lot reconfiguration or other conditions created by a new Plat.

c. The City Administrator may waive the requirement for a Preliminary Drainage Plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.

d. If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.

3. *Submittal.*

a. The Preliminary Drainage Plan shall be labeled as "Preliminary" or attached to the Preliminary Plat.

b. The Preliminary Drainage Plan shall be stamped by and dated by the professional engineer.

Sec. 155.6.16. Retaining wall construction.

A. *Applicability.* This section shall apply for retaining walls under private ownership.

B. *Location.*

1. Retaining walls shall be located and constructed on private property only.
2. Retaining walls shall be located within a private retaining wall easement.
3. If a retaining wall is designed to traverse three or more lots within a Subdivision, the wall shall be located within a private retaining wall easement dedicated to the Homeowners' or Property Owners' Association of the Subdivision.
    a. The easement shall be shown on the Final Plat and shall be dedicated to the Homeowners' or Property Owners' Association of the Subdivision to maintain the wall in a safe and orderly condition.

C. *Maintenance.* Retaining walls shall be maintained under private ownership.

D. *Design.* Any retaining wall four (4) feet tall or higher shall be designed by a professional engineer licensed in the State of Texas and plans submitted to the City for review must be signed and sealed by the design engineer.

E. *Building Permit Required.*

1. Any earth terracing method that supports a structure or vehicle load, or that is over four feet (4') in height (as measured from the bottom of footing to top of wall), shall require a building permit and shall meet the requirements of this section.
2. A retaining wall shall not be constructed in excess of four (4') feet in height.
    a. If the wall is to be more than four feet high, the retaining wall system shall be terraced, so as to provide a minimum of four (4) feet of flat ground between the faces of the retaining walls for each four foot section of retaining wall.
    b. The flat terrace shall be sloped to a maximum of two (2) percent to allow drainage.
3. No building permit, other than for a retaining wall, shall be issued for any lot within a Subdivision until all retaining walls are constructed in accordance with a grading plan for the Subdivision.
4. A retaining wall shall be constructed in accordance with the grading plan and shall comply with the requirements of the applicable building code and this ordinance.
5. Any change from the approved grading plan or design for a retaining wall within a Subdivision shall not be permitted unless the Applicant has submitted sealed plans for the entire Subdivision showing the proposed changing in grading and the City Administrator has approved the proposed change(s).

Sec. 155.6.17. Private streets and gated subdivisions.

A. *Private Streets and Gated Subdivisions.*

1. *General Requirements.* Subdivisions with private streets and gated communities shall meet the following requirements:
    a. The general provisions of this Subdivision Ordinance and other City Codes as they relate to development, streets, and utilities will apply.
    b. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup.
    c. All plans concerning private subdivisions are subject to review and approval by the local fire department.

d. The definition of a "subdivision" and "street," as contained in the Subdivision Ordinance, will apply to all subdivisions or streets, whether public or private.

2. *Authority Maintained by City.* All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the City and must be repaired immediately if found to be in a condition of disrepair or inadequate for public access. The City shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Homeowners' or Property Owners' Association.

3. *Owners Responsibility.* The person or corporation in control of the property is responsible for, and liable for, any violations of this private road requirement. This includes, but is not limited to, the developer, property owner, the Homeowners' or Property Owners' Association and its officers, if applicable, or others who may own or exercise control over the property.

4. *Private Street Lot.* Each private street and alley must be constructed within a separate lot owned by the Homeowners' or Property Owners' Association.

   a. Each lot must conform to the City's standards for design of a public street and alley right-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telephone and cable companies, operating within the City.

   b. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

5. *Payment.* The City shall not pay for any portion of the cost of constructing or maintaining a private street.

6. *Plans and Inspections.* An applicant for a proposed subdivision with private streets must submit to the City the same construction plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply. The City may periodically inspect private streets and require repairs necessary to ensure emergency access.

7. *Waiver of Services.* The Final Plat, property deeds and Homeowners' or Property Owners' Association documents shall note that certain City services shall not be provided on private streets. Among the services that will not be provided are the following:

   a. Routine police patrols.

   b. Enforcement of traffic and parking ordinances and preparation of accident reports.

   c. Depending on the characteristics of the proposed development, other services may not be provided.

8. *Signs.* The entrances to all private streets shall be marked with a sign stating that it is a private street. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices.

9. *Indemnification.* The Final Plat shall contain the following language:

   a. Whereby the Homeowners' or Property Owners' Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility:

      i. For damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity of public utility;

ii. For damages and injury (including death) arising from the condition of said private street;

iii. For damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and

iv. For damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public utility.

v. Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries.

b. The indemnifications contained in this above language apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents.

B. *Gates.*

1. Each gate installation in a gated community must conform to the following provisions:

a. Fire Department Approval Required. Each gate installation must be approved by the fire department who will serve the proposed subdivision prior to installation. The installation must be completed and tested prior to the City's acceptance of the subdivision.

b. Gate Openings and Clearances. Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty four feet. If the entrance will incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the fire marshal, but in no case shall any gate or street pavement have a clear opening of less than eighteen feet.

c. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of fourteen feet (14') above the finished road surface.

2. Setback Required. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

3. Gates to Be Per Fire Department Guidelines. An automatic gate installation must conform to the design and performance guidelines established by the fire department.

4. Good Working Order Required. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.

5. Failure to Meet Requirements. Each security gate is subject to a performance test on a regular basis as determined by the fire department. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the fire department.

C. *Property Owners Associations Required.*

1. Homeowners' or Property Owners' Association Required. Subdivisions developed with private streets and alleys must have a mandatory Homeowners' or Property Owners' Association which includes all property to be served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances.

2. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City's attorney to ensure that they conform to this and other applicable City ordinances. The documents shall be filed of

record prior to the approval of the Final Plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the City. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessment therefore may be amended without the written consent of the City.

D. *Construction and Utilities.* Water, sewer, drainage facilities, street lights and signs placed within the private street and alley lot shall be installed to City standards prior to approval of the Final Plat. All City regulations relating to infrastructure financing and developer cost participation shall apply to subdivisions with private streets.

E. *Converting Private Streets to Public Streets.* The property association documents shall allow the association to request the City to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members. The request will be accepted for consideration if it contains the notarized signatures of the owners of at least 75% of the affected lots on the street. However, in no event shall the City be obligated to accept said streets and alleys as public.

1. *City's Acceptance of Streets and Alleys.* Should the City elect to accept the streets and alleys as public, the City may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys. The City will be the sole judge of whether repairs are needed and to the extent they are needed, including any associated drainage and street light repairs.

2. *Initiation.* The property owners' association or abutting property owners with responsibility to maintain the private streets shall submit a formal request to the City Administrator to convert street ownership and an offer of dedication.

3. *Offer of Dedication.* The formal request shall consist of a written evaluation sealed by a professional engineer registered in Texas, qualified in the area of soil mechanics and pavement design, of the pavement construction compared to the City's current public street standards, including an evaluation of the anticipated service life and maintenance costs of the subject street(s). The above shall be based on a sealed report of core samples of the subject street(s) performed by a geotechnical engineering firm. At a minimum, the geotechnical report shall include pavement thickness and type, the presence, size and spacing of reinforcing steel, and the type and density of subgrade material. The geotechnical engineering firm shall submit a plan showing the proposed core locations for City review prior to beginning work.

4. *Approval Procedures.*

a. Once a completed offer of dedication is submitted and reviewed, the request may be submitted to the City Council for consideration. The City Council may consider the request at a regular meeting or conduct a public hearing.

b. The City Council may, at its discretion, approve, conditionally approve, or deny the application. Conditions of approval may include obligations relating to items noted above or any other matter within the City Council's legislative discretion.

c. Upon conditional approval, the applicant must:

i. Hire a city-approved contractor to make all repairs and maintenance noted in the evaluation. The applicant, contractor, and City shall enter into a three-way contract to cover all work to be performed. All work will be inspected by the City. The applicant may be required to cover the cost of the inspection(s). A two year maintenance bond will also be required for the repair work.

ii. Hire a contractor or pay the City the cost for any streetlight work needed, as well as the cost for any street markers and/or sign replacement.

iii. Hire a contractor and obtain necessary building permits for demolition of any gates, guard houses, or any other improvements that must be removed.

iv. Submit a metes and bounds description of the right-of-way to be dedicated to the City or submit a replat of the affected properties.

v. Submit an Easement Use Agreement for any privately maintained improvements that are allowed to remain in the dedicated right-of-way.

vi. Address any other matter required by the City Council.

5. *Recording.* Upon final approval of the request, the right(s)-of-way shall be dedicated to the public through replatting of the affected properties with the right-of-way shown as public and filed for record with the County Clerk.

F. *Access Restrictions.*

1. *General Requirements.* The entrances to all private streets shall be marked with a sign stating that it is a private street. Either a guard house or an access control device such as a gate or cross arm shall be constructed at each entrance. All restricted access entrances shall be manned 24 hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the City and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association.

2. *Restricted Access.* Private streets that have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

a. The street must have a minimum uninterrupted pavement width of 24 feet at the location of the access control device.

b. If an overhead barrier is used, it shall have minimum height above the road surface as required by the local fire department for fire lanes.

c. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the local fire department before installation.

d. The gates, cross arms, and access control devices shall be tested and accepted by the fire department before being put into operation.

e. Gate designs may incorporate one or two gate sections to meet the required minimum width of 24 feet.

f. If the entrance incorporates a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the fire department. This approval shall be contingent upon the subdivision with private streets having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than 15 feet.

3. *Visitor Entrance Design Standards.* At least one entrance to a subdivision with private streets shall be equipped for visitor access. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in an automobile queuing. A turn-around space with a minimum outside radius of 30 feet shall be located between any call or code box and the access control device to allow

vehicles denied access to safely exit onto public streets in a "headout" position. A sign shall be erected next to the edge or such turn around space to prohibit vehicle parking in such space. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

4. *Resident Only Entrance Design Standards.* In addition to meeting the above design standards, an access control device that requires residents to use a key, card, or code to gain access shall setback internally a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement. A sign shall be erected next to any resident entrance that does not meet the 50 foot setback requirement of this paragraph and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.

Sec. 155.6.18. Survey monuments and lot markers.

A. *Temporary Survey Reference Markers.*

1. Before the Preliminary Plat is submitted to the City for consideration, a temporary marker and a guard stake with flagging shall be placed by the surveyor on all of the development's perimeter boundary corners which do not have a "found" monument.

   a. Perimeter boundary corners includes points of intersection (PI), points of curvature (PC), points of compound curvature (PCC), points of tangency (PT) and any other point along the boundary which is necessary to establish the boundary of the development.

   b. A guard stake with flagging shall be placed on all "found" monuments.

   c. The temporary markers shall be within one foot (1') of the surveyed corner and the guard stake shall be within one foot (1') of the temporary marker or the "found" monument.

2. Submission of the Preliminary Plat prepared by the licensed surveyor shall be considered evidence that the temporary markers, guard stakes, and flagging have been set, regardless of whether or not the Final Plat has been sealed and signed.

B. *Permanent Survey Reference Monuments.*

1. Before the Final Plat is submitted to the City for consideration, a concrete monument six inches (6") in diameter and twenty-four inches (24") long, shall be placed by the surveyor on each of the development's perimeter boundary corners which do not have a "found" monument.

   a. An eighteen inch (18") long steel rod, 5/8 inch in diameter and embedded at least twelve inches (12") into the monument, shall be placed at the boundary intersection point on each monument.

   b. These monuments shall be set at such an elevation that they will not be disturbed during construction.

   c. The tops of the monuments shall be at least twelve inches (12") below the finished grade.

2. In addition to the requisite number of hard copies, Final Plats shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), North Central Zone (4202), NAD 83, at an elevation datum based on NAVD 88.

3. Submission of the Final Plat prepared by the licensed surveyor shall be considered evidence that the monuments and benchmarks have been set, regardless of whether or not the Final Plat has been sealed and signed.

C. *Public Right-Of-Way Markers.*

1. Public Rights-of-Way and easements for public streets or approved access easement shall be indicated by monuments placed along their centerlines. Monuments shall be placed at PI, PC, PCC, and PT.
2. Where concrete streets are constructed, the monuments shall be an "X" cut into the concrete pavement.
3. Each leg of the "X" shall be at least six inches (6") long and ¼-inch deep.
4. Where asphalt streets are constructed and in unpaved areas, the monument shall be a 5/8-inch iron bar, eighteen inches (18") long.

D. *Survey Benchmarks.*

1. All survey monuments and lot markers shall adhere to the adopted survey benchmark documents.
2. Each Final Plat is required to have at least one permanent benchmark monument set within its boundary based upon NAVD 88. All portions of the perimeter boundary of the development shall be less than ½ mile from the benchmark, or additional benchmarks shall be set such that all portions of the perimeter boundary of the development are within ½ mile of a benchmark.
3. Benchmark monuments may be similar to permanent boundary corner monuments set flush with the ground, or may be set on top of visible concrete structures such as headwalls or curb inlets by chiseling a 1-1/2 inch square in the concrete ¼ inch deep. The location and elevation of the Benchmark(s) (based on NAVD 88) shall be noted on the Final Plat.

Sec. 155.6.19. Miscellaneous.

A. *Underground Utilities (Optional).*

1. All distribution lines, cables, etc. for utilities shall be installed below ground within the Subdivision in a manner designed to eliminate the necessity for disturbing the street, curb and gutter, sidewalk and other services and structures when making connections.
    a. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the Subdivision being served.
    b. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the City Administrator.
2. The Developer shall provide separate service lines for water and wastewater (sanitary sewerage) to each lot or point of metering.
3. The Developer shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the subdivision and for any costs or refunds of such cost.
4. All Plats for residential and multi-family developments shall require all telephone lines, cable television lines, electric lines, and utility lateral and services lines and wires to be placed underground except as otherwise herein provided.
    a. In special or unique circumstances or to avoid undue hardships a Major Subdivision Waiver may be approved to permit the construction and maintenance of overhead electric utility lateral or services lines and of overhead telephone and cable TV lines and may approve any Plat or Site Plan with such approved exceptions or waivers.
    b. All Final Plats for residential and multi-family Subdivisions submitted for approval by the City must display signature approval by utility companies prior to submittal.

i. All multi-family Plats or Site Plans must display signature approval by utility companies before any building permits are issued.

ii. No Final Plat shall be approved and no building permit will be issued without such approval.

c. Where electrical service is to be placed underground, street or site facilities shall also be placed underground.

d. All electrical, cable TV and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations in Subdivisions shall be pad mounted or placed underground.

e. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities.

i. Each utility whose facilities are subject to the provisions of this Subdivision Ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

f. Unless specifically stated otherwise, temporary construction service may be provided by overhead utility lines and facilities without obtaining a waiver.

g. "Electric Utility Service Lines" shall mean those electric lines which through a transformer connect a lateral line to a customer's service entrance.

5. All installations regulated by the provisions set forth herein shall be in conformance with the intent of this ordinance and shall conform to any regulations and/or specifications that the various public utility companies may have in force from time to time.

6. Nothing in this ordinance shall be construed to require any existing facilities to be placed underground when no development is proposed.

B. *Company Notification to City.* All utility companies will notify the City before digging, boring, drilling, etc.

Sec. 155.6.20. Park land design, dedication, and fees.

A. *Purpose.* This Section Sec. 155.6.20 (Park Land Design, Dedication, and Fees) is intended to ensure that adequate recreational areas in the form of neighborhood and community parks are provided to meet the additional needs created by new residential development.

B. *Scope.* The provisions of this Section shall apply to all new residential development within the City and all residential subdivisions within its extraterritorial jurisdiction after the effective date of this Ordinance for which a Final Plat or Preliminary Plat is required to be submitted to the City for approval

C. *Exemptions.* The provisions of this Section shall not apply to the following:

1. Residential development for property to be located on a lot of record, Final Plat or replat that was approved prior to the effective date of this Ordinance.

2. Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of this Ordinance.

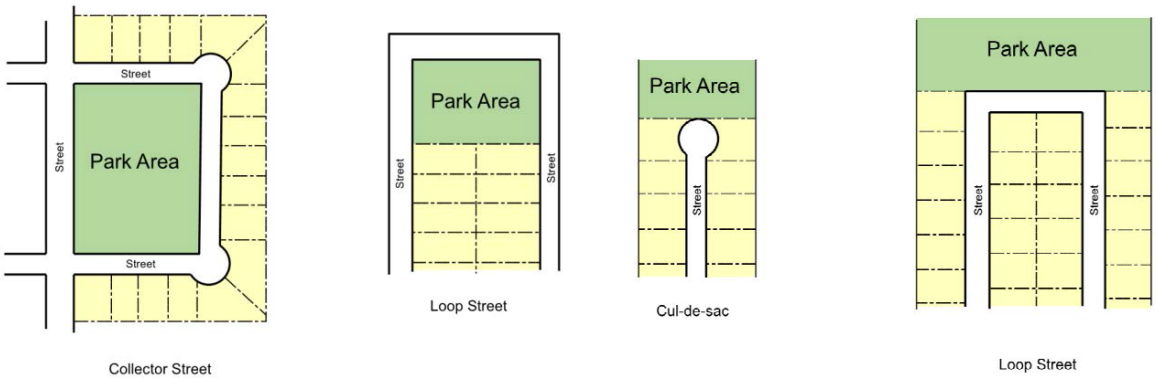
3. Senior living facilities and senior care facilities, including assisted living facilities, senior congregate care facilities, memory care facilities and nursing homes. However, independent living and retirement communities or age-restricted housing developments shall be subject to the provisions of this Section

D. *Park Design Requirements for Neighborhood and Community Parks.* Parks must be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety

and minimize conflict with adjacent land uses. The following standards be used in designing parks and adjacent development:

1. Where physically feasible, parks shall be bounded by streets, or by other public uses (e.g. school, library, recreation center).

2. Where residential lots directly abut a park, lots must be oriented to side and not back to the park. In this instance, cul-de-sac and looped streets must be used to access the lots and park.



3. Residential lots may back to a park only when the site's physical character (e.g. shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g., lots backing to a golf course). Lots backing to a park or open space shall only be allowed upon approval from the City Administrator and the Parks Department.

4. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

5. Where a nonresidential use must directly abut a park, the use shall be oriented such that it sides, and does not back, onto the park if at all possible. The use must also be separated by a screening wall or fence and landscaping approved by the City. Access points to the park may be required by the City if a public benefit is established.

6. Alleys may abut a park provided that the alley does not exceed the residential lot depth by the width of the alley. Alleys should not be designed to encourage their use as a means of vehicular, bike or pedestrian travel to the park.

7. Streets abutting a park shall be built in accordance with the thoroughfare plan, the standards of this Ordinance and all other applicable construction standards and/or ordinances, as they exist or may be amended; however, the City may require any residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.

    a. When park land is acquired, the City shall reserve sufficient land to provide the additional right-of-way required for an abutting collector size street, sixty (60) feet of right-of-way, unless otherwise approved by the City.

    b. The proposed street alignment fronting on City parks is subject to City approval. Land owners shall also provide street access to all Major Creeks and/or Access Dedications.

8. If the City adopts a Recreation or Open Space Master Plan, all park land dedication shall meet the requirements stated therein.

E. *Trail and Park Connections.*

1. Public access to a park shall not be less than fifty (50) feet and shall not be part of a residential lot. The Property Owner shall install a ten (10) foot wide concrete trail from the street to the hike and bike trail/park prior to final acceptance of the subdivision. This trail must be blocked from motor vehicle traffic. However, the Property Owner may request to escrow funds for the contracted amount prior to final acceptance of the subdivision with City approval. The escrow amount will remain in place until the trail has been completed and accepted by the City. The requirements of this section 6.20.E.1 shall only apply if a Hike and Bike Plan is adopted by the City.

2. A twenty-five (25) foot level surface shall be provided for a twelve (12) foot wide public hike and bike trail when required. The twenty-five (25) foot wide level surface can be provided within and/or outside of the Base Flood Plain and/or Access Dedication. The parkway for the public street may count towards the twenty-five (25) foot wide level surface. The proposed hike and bike trail shall be shown on the Preliminary Plat. The Parks Department shall make the final determination of the placement of the public hike and bike trail at the time of the Final Plat. Low water crossings for the hike and bike trail may be permitted with approval from the City Administrator. The hike and bike trail shall be designed so as to minimize visibility blind spots from public streets for public safety purposes. No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage and enjoyment of public trails

3. If the City adopts a Recreation or Open Space Master Plan, all park land dedication shall meet the requirements stated therein.

F. *Dedication Requirements (Land, Payment, or Combination).*

1. Land Conveyance or Payment in Lieu of Land. The owner of any property to be developed for residential purposes shall convey for park purposes land or make a payment of money in lieu of land, or a combination of both, to the City at the time of rezoning or subdivision to provide for the recreational needs created by such development, in accordance with the provisions of this chapter.

2. Proposed Number of Dwelling Units. All plats, lots of record, replats, site plans or proposed improvements of land for new residential development shall indicate the number of proposed dwelling units to be constructed or placed within the development on such plat, lot of record, replat or site plan.

3. Determination Authority. In reviewing any lot of record, plat, site plan or proposed improvements of land for a new residential development, the Planning and Zoning Commission shall make a determination of whether a conveyance of land, payment of money in lieu of land or a combination of both shall be made to meet the requirements of this Section.

4. Factors Considered. In making a determination of which type of dedication, or combination thereof, shall be made, the Director of Community Services shall recommend what would be in the best interest of the City, based upon relevant factors which may include, but not be limited to, the following:

    a. Whether the proposed land to be conveyed for park purposes would be suitable as a neighborhood, linear, community, or City park.

    b. The parks master plan for the area in which the development is located.

    c. The recommendation of the Director of Community Services or the Department of Parks and Recreation.

    d. Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.

    e. Whether there is sufficient existing public or private park land in the area of the proposed development.

f. Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks.

g. Land located adjacent to a greenbelt park.

G. *Dedications: Conveyance of Land Requirements.* Where the Director of Community Services recommends and the Planning and Zoning Commission determine that a conveyance of land shall be required, in whole or in part, to meet the requirements of this Section, the following provisions shall apply:

1. *Amount.* The required conveyance of land shall be one (1) acre of land per thirty-five (35) residential units, or an amount proportionally equal to five percent (5%) of the total tract acreage, whichever is greater.

2. *Manner and Method.* Plats required to be submitted to the City for approval shall show thereon a fee simple conveyance to the City of the land required by this Section for park purposes as a condition to approval of such plat by the Planning and Zoning Commission, and the City may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the City, the Subdivider shall provide the City with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the City.

3. *Credit for Prior Dedications.* Where a dedication of land was made prior to the effective date of this Section 6.20 by the owner of land required to convey land under the provisions of this Section 6.20, the former dedication of land shall be credited on a per-acre basis toward the required conveyance provided by this Section 6.20 when the Planning and Zoning Commission finds that:

a. The dedication was made within five (5) years of the effective date of this Ordinance from which this Section derives;

b. The land dedicated was within one-half (1/2) mile of the new development for which land is required to be conveyed;

c. The land dedicated is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and

d. A credit may be given for on-site improvements that are compatible with long-range development plans for the proposed park.

The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this Section, unless said prior conveyances were included as a part of an executed facilities and/or development agreement with the City and the Developer.

4. *Credit for Private Recreation Facilities.* Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted with a recommendation from the Director of Community Services and approval by the Planning and Zoning Commission. The value of these private recreation facilities shall be determined by the Planning and Zoning Commission, but shall not exceed one hundred percent (100%) credit of conveyance.

5. *Suitability of Land for Neighborhood or Community Parks.* A proposed conveyance of land shall not be considered suitable for neighborhood or community park purposes if it has one or more of the following characteristics:

a. Located within the 100-year floodplain, as shown on the latest flood insurance rate map or floodplain Ordinance adopted by the City on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

b. The proposed park site dedication shall not be less than five (5) acres for a neighborhood park or twenty (20) acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.

c. It has unusual topography or slope that renders it unsuitable for organized recreational activities or passive park needs, depending on the City's intended use for the park.

d. It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

H. *Dedications: Payment in Lieu of Land Provisions.* Where the Planning and Zoning Commission determines that a payment of money in lieu of land shall be made, the following provisions shall apply:

1. *Determining the Amount of Payment.*

a. Any payment of money required to be paid shall be as follows:

i. Eight-hundred (800) dollars per single-family unit.

ii. Four-hundred (400) dollars per multi-family unit.

2. *Time of Payment.* Any payment of money required herein shall be paid as a condition to the approval of any Final Plat or replat. Payment shall be made prior to the signing of the plat unless otherwise stated in an agreement approved by the Planning and Zoning Commission.

3. *Park Development Fund.* All cash payments paid to the City in accordance with this Section 6.20 shall be deposited in a separate park development fund. The City shall account for all such payment with reference to each development for which the payment is made.

4. *Use of Funds.* Any payments made to the park development fund must be used for the acquisition, development, expansion or upgrading of parks located within the same park district or general area where the proposed development for which payment was made is located.

5. *Right to Refund.* If all or part of the payments made for a development are not expended for the purposes authorized herein within three (3) years of the date that 95 percent of all certificates of occupancy have been issued for the completed development of the property for which the payments were made, the person or entity who made such payments may be entitled to a refund on all unexpended funds if a request for a refund in writing has been made within six (6) months of entitlement. If no such timely request is made, the right to a refund of the unexpended funds shall be considered waived.

6. *Compliance.*

a. *Requirements to be Satisfied Prior to Development.* It shall be unlawful for any person who is required to convey land, or make a payment in lieu of land, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development until the required conveyance of land, or payment of money in lieu of land, is made to the City in accordance with this Section 6.20.

b. *Permits and Services to be Withheld.* No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development until the required conveyance of land, or payment of money in lieu of land, is made to the City in accordance with this Section 6.20.

7. *Additional Voluntary Park Improvements.* A developer may request permission to construct, at his or her own expense, additional park improvements. The City may accept or reject voluntary dedications of park land and/or additional park improvements. Such voluntary dedications and/or improvements shall be considered for approval by the Director of Community Services. All improvements in public

parks and open spaces shall be consistent with the design criteria and objectives of the Parks, Recreation & Open Space Master Plan, and shall, upon installation, become the property of the City. Prior to constructing such additional park improvements, the developer shall enter into a Development Agreement with the City that defines, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed by the City (if any), and the timing of such reimbursement (if any). The Director of Community Services shall assess and decide the proposed Development Agreement for park improvements.

8. *Appeals and Variances.*

   a. The Developer may appeal the following decisions of the City Administrator to the City Council:

      i. The applicability of the park fee;

      ii. The amount of the fee due; or

      iii. The amount of refund due, if any.

   b. The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the credit or reimbursement was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The appellant must file a notice of appeal with the City Council within thirty (30) days following the determination by the City Administrator. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park fee due as calculated by the City Administrator, the development application shall be processed. The filing of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.

   c. The City Council may grant a variance from any requirements of this Section, upon written request by a Property Owner subject to this Section, following a public hearing, and only upon a finding that a strict application of such requirement would result in a substantial hardship that is not common to similarly situated Property Owners.

9. *Park Fee as Additional and Supplemental Requirement.* The park fee is additional and supplemental to and not in substitution of any other requirements imposed by the City on the residential development of the land.

SECTION 7. RELIEF FROM SUBDIVISION DESIGN STANDARDS

Sec. 155.7.01. Petition for subdivision waiver.

A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.

B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.

C. *Decision-Maker.*

   1. *Minor Subdivision Waiver.*

      a. *Decision-Maker Authority.*

         i. The City Administrator or Assistant City Manager shall act upon a Minor Subdivision Waiver listed in Table 8.

      b. *Appeal of a Minor Subdivision Waiver Decision.*

i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.

ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator/ Assistant City Manager
1.06.A.8	Thoroughfare Plan	Approve
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

3. *Waiver from the Requirements for Sidewalks, Curbs, and/or Gutters.*

a. The City Manager, Assistant City Manager, and the Director of Development Services are authorized to grant waivers for Sidewalks, Curbs, and/or Gutters under the following conditions:

i. The property was platted prior to March 1, 2021; and

ii. The property is located outside of the City of Stephenville's Sidewalk Improvement Area as defined in Resolution No. 2019-R-05.

b. Waivers requested that do not qualify under the conditions outlined in Section 3.a. above must follow the procedure for a Major Subdivision Waiver.

c. Applicants whose request for waiver is denied by the City Manager, Assistant City Manager, or the Director of Development Services may appeal this decision. Appeals under Section 3 will follow the procedures for appealing a Minor Subdivision Waiver as set forth in Section J.

d. All approved waivers require the payment of a fee equal to 25% of the total improvement cost as determined by the city's current bid contract for such improvements. Fees collected will be dedicated to the City's Sidewalk Cost Share Program.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.

b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.

c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

a. A petition for a Subdivision Waiver shall not be accepted in lieu of:

i. A Subdivision Proportionality Appeal (7.02); or

ii. A Subdivision Vested Rights Petition (7.03).

b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.

b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.

b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.

2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:

a. The nature of the proposed land use involved and existing uses of the land in the vicinity;

b. The number of persons who will reside or work in the proposed development; and

c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:

a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and

b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. *Intent of Subdivision Regulations.*

    a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.

    b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.

5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.

6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. *Falsification of Information.*

    a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

    b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. *Subdivision Waiver Decision.*

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:

    a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or

    b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.

2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny of grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.

3. Decision Process for a Major Subdivision Waiver.

    a. Recommendation of the Planning and Zoning Commission.

        i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.

        ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.

    b. Decision by City Council.

        i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.

ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.

iii. The decision of the City Council is final.

I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.

J. *Minor Subdivision Waiver Appeal.*

1. *Initiation of an Appeal.*

a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.

b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.

2. *Recommendation of the Planning and Zoning Commission.*

a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.

b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.

c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.

b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.

c. The City Council may affirm, modify or reverse the decision by simple majority vote.

d. The decision of the City Council is final.

K. *Effect of Approval.*

1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.

2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.

3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

(Ord. No. 2020-O-38, §§ 2, 3, 11-16-2020; Ord. No. 2021-O-06, § 1, passed 2-2-2021)

Sec. 155.7.02. Subdivision proportionality appeal.

A. *Purpose and Applicability.*

1. *Purpose.* The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by Chapter 395 of the Texas Local Government Code is to ensure that the imposition of uniform dedication, construction, and fee standards to a proposed development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public facilities systems.

2. *Applicability.*

    a. An Applicant may file a petition for relief under this 7.02 Subdivision Proportionality Appeal to contest any requirement to dedicate land or to construct Public Improvements as required by this Subdivision Ordinance, other ordinance, or attached as a condition to approval of the Application.

    b. A petition under this 7.02 Subdivision Proportionality Appeal shall not be used to waive standards on grounds applicable to any Subdivision Waiver Application, as outlined in 7.01 Petition for Subdivision Waiver.

B. *Petition Requirements.*

1. *Form of Petition.* The petition for relief from a dedication, construction, or fee requirement shall allege that Application of the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system or does not reasonably benefit the proposed development.

2. *Study Required.* The Applicant shall provide a study in support of the petition for relief that includes the following information:

    a. *Capacity Utilized.*

        i. Total capacity of the City's water, wastewater, storm drainage, parks or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.

        ii. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

    b. *Capacity Supplied.*

        i. Total capacity to be supplied to the City's water, wastewater, storm drainage, parks or roadway system by the proposed dedication of an interest in land or construction of Public Improvements.

        ii. If the Application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of Public Improvements.

    c. *Capacity Comparison.*

        i. Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of Public Improvements, or payment of a fee.

        ii. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.

    d. *Oversizing.* The effect of any City participation in the costs of oversizing the Public Improvement to be constructed in accordance with the City's requirements.

e. *Other Information.* Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.

3. *Time for Filing Petition and Study.*

a. A petition for relief from a dedication, construction, or fee requirement shall be filed with the City Administrator within fourteen (14) calendar days following the City Council's decision to conditionally approve or deny an Application.

b. The study in support of the petition shall be filed within sixty (60) calendar days following the initial decision, unless the Applicant (petitioner for relief) seeks an extension in writing.

c. The City Administrator may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.

4. *Land in Extraterritorial Jurisdiction (ETJ).* Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the City Administrator only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.

C. *Processing of Subdivision Proportionality Appeal Petitions and Decision.*

1. *Responsible Official.* The City Administrator shall be the Responsible Official for a petition for relief from a dedication or construction requirement.

2. *Review and Recommendation.*

a. The City Administrator shall review the petition and supporting study and shall make a recommendation to:

i. The Commission, and

ii. The City Council.

b. In response to a petition for relief from a dedication or construction requirement pursuant to 7.02 Subdivision Proportionality Appeal and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of Public Improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.

3. *Decision-Maker.* The City Council shall decide the Subdivision Proportionality Appeal petition, after receiving a recommendation from the Planning and Zoning Commission.

4. *Public Hearing Held within 60 Days after Receipt of Study.* The City Council shall conduct a public hearing within sixty (60) calendar days after the study supporting the petition (refer to Section 7.02.B) is filed with the City Administrator.

5. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the Application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the Applicant.

6. *Decision.* The City Council shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:

a. The City Council shall determine whether the Application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on

the City's water, wastewater, storm drainage, parks or roadway system, and whether the Application of the standard or condition reasonably benefits the development.

b. In making such determination, the City Council shall consider the evidence submitted by the Applicant, the report and recommendation of the City Administrator and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.

7. *Action.* Based on the criteria in 7.02.C.6, the City Council shall take one of the following actions:

a. Deny the petition for relief, and impose the dedication or construction requirement as required by this Ordinance; or

b. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality; or

c. Grant the petition for relief, and direct that the City participate in the costs of acquiring land for or constructing the Public Improvement under standard participation policies.

8. *Notification of Decision on Petition.* The City Administrator shall notify the Applicant of the decision on the petition for relief within fourteen (14) calendar days following the City Council's decision.

D. *Expiration or Failure to File Application.* Where an Application was denied based upon the imposition of the standard requiring dedication of land or construction of a required Public Improvement and the City Council's decision is to grant some level of relief, the Applicant shall resubmit the Application within sixty (60) calendar days following the date the petition for relief is granted, in whole or in part, showing conformity with the City Council's decision on the petition.

1. If the Application is not resubmitted within the sixty (60) day period, the relief granted by the City Council on the petition shall expire.

2. If the re-submittal of the Application is modified in any other way, a new petition for relief may be required by the City Administrator.

3. If the Application for which relief was granted is denied on other grounds, a new petition for relief may be required by the City Administrator.

E. *Effect of Relief.*

1. The City Administrator may require the Applicant to submit a modified Application or supporting materials consistent with the relief granted by the City Council on the petition.

2. The relief granted on the petition shall remain in effect for the period the Application is in effect, and shall expire upon expiration of the plat or related Application.

Sec. 155.7.03. Subdivision vested rights petition.

A. *Purpose.* In accordance with the Texas Local Government Code, Chapter 245 or successor statute, the purpose of a Subdivision Vested Rights Petition is to determine whether an Application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.

B. *Applicability of a Subdivision Vested Rights Petition.*

1. *Any Application.* A Subdivision Vested Rights Petition may be submitted for any Application authorized by this Subdivision Ordinance.

2. *Prohibit Joint Submission.* A Subdivision Vested Rights Petition cannot be submitted by an Applicant along with submission of a request for a text amendment to this Subdivision Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.

C. *Petition Submission.*

1. *Filing.* A Subdivision Vested Rights Petition shall be submitted to the City's Responsible Official and shall be in accordance with the Texas Local Government Code, Chapter 245 or successor statute.

2. *Automatic Waiver.* Submission of a Subdivision Vested Rights Petition shall require a Waiver of Right to 30-Day Action (See Section 3.03.D).

3. *Stay of Further Proceedings*. Submission of a Subdivision Vested Rights Petition shall stay further proceedings on the related Application until a final decision is reached on the Subdivision Vested Rights Petition.

D. *Time for Filing a Petition and Application.*

1. A Subdivision Vested Rights Petition shall be filed jointly with an Application for which a vested right is claimed.

2. A Subdivision Vested Rights Petition may be filed without a joint Application if the petition is filed pursuant to Section 7.03.K Dormant Projects.

3. Where more than one Application is authorized to be filed simultaneously by this Subdivision Ordinance, the petition may be filed simultaneously for each Application.

E. *Petition Requirements.* The Subdivision Vested Rights Petition shall allege in writing that the Applicant has a vested right for some or all of the land subject to the Application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute or other applicable law, that requires the City to review and decide the Application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. The name, mailing address, phone number and fax number of the property owner (or the property owner's duly authorized agent).

2. Identification of the property for which the person claims a vested right.

3. Identification of the project, as that term is defined in Local Government Code Section 245.001(3), and the permit application, permit, or plan for development giving rise to the project.

4. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;

5. A copy of each approved or pending Application which is the basis for the contention that the City may not apply current standards to the Application which is the subject of the petition;

6. The Official Vesting Date of the Application;

7. The date the subdivision for which the Application was submitted was commenced;

8. Identification of all standards otherwise applicable to the Application from which relief is sought;

9. Identification of any current standards which Applicant agrees can be applied to the Application at issue;

10. A narrative description of how the Application of current standards affect proposed landscaping, Usable Open Space or park dedication, shown on the Application for which the petition is filed;

11. A copy of any prior vested rights determination involving the same land; and

12. Whenever the Applicant alleges that an Application subject to expiration should not be terminated, a description of the events constituting Progress Towards Completion of the subdivision for which the application was approved.

F. *Decision of a Subdivision Vested Rights Petition.*

1. Reviewing a Subdivision Vested Rights Petition.

    a. The Responsible Official for a Subdivision Vested Rights Petition is the same as that for reviewing the Application with which the petition is associated.

    b. Where multiple Applications are submitted, and there is more than one Responsible Official, the decision of each Responsible Official shall be coordinated with that of any other Responsible Official on the Subdivision Vested Rights Petition.

    c. The City Attorney shall also be notified of the Subdivision Vested Rights Petition following its filing and acceptance for processing.

    d. The Applicant shall reimburse the City for all related legal costs for review of a Subdivision Vested Rights Petition. This reimbursement shall be paid in full prior to filing of the Final Plat.

2. Decision by the Responsible Official on a Subdivision Vested Rights Petition.

    a. If the City Administrator or Responsible Official is the Decision-Maker on the original related Application, that official shall determine whether the relief requested in the Subdivision Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the Decision-Maker's reasoning and recommendation.

    b. The Applicant shall be notified of the decision within fourteen (14) calendar days following the date the Subdivision Vested Rights Petition was filed at the City.

    c. The City Administrator or Responsible Official may defer making a decision on the Subdivision Vested Rights Petition and instead forward the petition to the Commission for a decision, in accordance with the process outlined in 7.03.F.3.

3. Decision by Commission on a Subdivision Vested Rights Petition.

    a. If the original related Application is to be decided by the Commission, or if the City Administrator or Responsible Official defers making a decision on a Subdivision Vested Rights Petition pursuant to 7.03.F.2.c, the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the Commission.

    b. The Commission shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City or deferred by the City Administrator or Responsible Official.

    c. The Commission's decision on a petition shall be upon a simple majority vote of the full Commission's voting members.

4. Decision by City Council on a Subdivision Vested Rights Petition.

    a. Where the City Council is the final Decision-Maker on the related Application, or for any petition submitted pursuant to Paragraph K. Dormant Projects, the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the City Council.

    b. The City Council shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City.

    c. The City Council's decision on a petition shall be upon a simple majority vote of the full City Council's voting members, and shall be final.

5. Appeal to the Council of a Decision on Subdivision Vested Rights Petition.

a. For an Applicant-Initiated Appeal. The Applicant may appeal the City Administrator or Responsible Official's or Commission's decision on the Subdivision Vested Rights Petition to the City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.

i. A letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the Applicant.

b. For a City Council-Initiated Appeal. No less than four (4) voting members of the City Council may appeal the Responsible Official's or Commission's decision on the Subdivision Vested Rights Petition to the entire City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.

i. The Council shall consider and act on whether it will appeal the decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the date at which the decision was made.

ii. Written notice of the City Council's vote to appeal shall be submitted to the City Administrator within seven (7) calendar days following the City Council's vote to appeal the decision.

c. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City.

d. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the City Council's voting members, and shall be final.

G. *Criteria for Subdivision Vested Rights Petition Approval.*

1. *Factors.* The Decision-Maker shall decide the Subdivision Vested Rights Petition based upon the following factors:

a. The nature and extent of prior Applications filed for the land subject to the petition;

b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;

c. Whether any prior approved Applications for the property have expired or have been terminated in accordance with State law or local ordinances;

d. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed Application;

e. Whether any statutory exception applies to the standards in the current Subdivision Regulations from which the Applicant seeks relief;

f. Whether any prior approved Applications relied upon by the Applicant have expired; and

g. Any other applicable provisions outlined in Chapter 245 or Section 43.002 of the Texas Local Government Code, or successor statutes.

2. *Conditions for a Pending Application.* If the claim of vested rights is based upon a pending Application, subject to standards that have been superseded by current standards of this Subdivision Ordinance, the Decision-Maker may condition any relief granted on the Subdivision Vested Rights Petition on the approval of the pending Application.

H. *Action and Record of Action on the Subdivision Vested Rights Petition.*

1. *Action.* The Decision-Maker may take any of the following actions:

a. Deny the relief requested in the petition, and direct that the Application shall be reviewed and decided under currently applicable standards; or

b. Grant the relief requested in the petition, and direct that the related Application be reviewed and decided in accordance with the standards contained in identified prior regulations; or

c. Grant the relief requested in part, and direct that certain identified current standards be applied to the related Application, while standards contained in identified prior regulations also shall be applied.

2. *Record.* The Responsible Official's report and the decision on the Subdivision Vested Rights Petition shall be recorded in writing in an order identifying the following:

a. The nature of the relief granted, if any;

b. The related Application(s) upon which relief is premised under the petition;

c. Current standards that shall apply to the related Application for which relief is sought, if applicable;

d. Prior standards that shall apply to the related Application for which relief is sought, including any procedural standards, if applicable;

e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and

f. To the extent feasible, subsequent related Applications that are subject to the same relief granted on the petition.

I. *Effect of the Final Petition Decision on Related Applications.*

1. Petition Decision Required Before Proceeding with Application. A final decision on the Subdivision Vested Rights Petition must be achieved prior to further processing, and prior to any consideration of, or decision on, the related Application.

2. Revision Made (if necessary) to Related Application After Petition Decision. Following the City's final decision on a petition, the Applicant shall, if necessary, revise the related Application such that it conforms to the City's decision on the petition.

3. Related Applications with Revisions. After submission of a revised related Application, the Decision-Maker on the related Application shall review and consider the revised Application in accordance with the procedures for deciding that type of Application, as outlined in this Subdivision Ordinance, and in conformity with any relief granted.

4. Related Applications without Revisions. If the relief granted on the petition is consistent with the related Application on file, no revisions shall be necessary, and the related Application shall be deemed submitted at the time of the final decision on the petition.

J. *Expiration and Extension of a Subdivision Vested Rights Petition.*

1. *Expiration.* Relief granted on a Subdivision Vested Rights Petition shall expire on occurrence of one of the following events:

a. The Applicant fails to submit a revised Application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the petition;

b. The Application for which relief was granted on the petition is denied; or

c. The Application for which relief was granted on the petition expires.

2. *Extension.* Extension of the date of expiration for the Application for which relief was granted on a petition shall result in extension of the relief granted on the petition for the same time period.

K. *Dormant Projects.*

1. *Definitions.* For purposes of this Section 7.03.K only:

a. *Dormant Project.* A dormant project shall meet the following criteria:

i. An Initial Permit does not have an expiration date; and

ii. No Progress Towards Completion has been made within the project over 5 years.

b. *Initial Permit.* Initial permit means any of the following types of approvals granted under these Subdivision Regulations, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance:

i. Preliminary Plat,

ii. Construction Plans,

iii. Construction Release,

iv. Subdivision Waivers to any requirement in this Subdivision Ordinance (per 7.01 Petition for Subdivision Waiver), or

v. Any other Application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.

c. *Final Permit.* Final permit means a Final Plat approved under this Subdivision Ordinance, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance.

2. *Expiration Date Established for an Initial Permit.* Any Application for an Initial Permit that was approved or filed two (2) years prior to the adoption date of this Subdivision Ordinance, and was not subject to an expiration date shall expire on the effective date of this Subdivision Ordinance.

3. *Reinstatement of an Expired Initial Permit.*

a. The property owner of the land subject to an Initial Permit that expires under 7.03.K.2 (above) may petition the City Council to reinstate such Initial Permit by filing a written petition within one (1) year following the effective date of this Subdivision Ordinance.

b. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation the following:

i. As of two (2) years prior to the effective date of this Subdivision Ordinance, one of the following events had occurred:

(a) A Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved Initial Permit and was approved by the City, or was filed and was subsequently approved by the City;

(b) An Application for a Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired Initial Permit, but such Application was rejected on grounds of incompleteness (consistent with Texas Local Government Code, Chapter 245.005(c)(2));

(c) Costs for development of the land subject to the Initial Permit, including costs associated with roadway, utility and other infrastructure facilities designed to

serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;

(d) Fiscal security was posted with the City to guarantee performance of obligations required under this Subdivision Ordinance, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved Initial Permit; or

(e) Utility connection fees for all or part of the land subject to the approved Initial Permit were paid to the City.

4. City Council Action on Reinstatement of a Dormant Project's Expired Initial Permit. The City Council may take one of the following actions:

a. Reinstate the expired Initial Permit without an expiration date, if it finds that the Applicant has met any one of the criteria listed in 7.03.K.3.b.i.

b. Reinstate the Initial Permit for all or part of the land subject thereto, if it finds that the Applicant has met any one of the criteria listed in 7.03.K.3.b.i, subject to expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending Final Permit Application will be developed in a timely fashion.

i. In granting relief under this provision, the City Council may require that development of such remaining land is subject to standards enacted after approval of the Initial Permit.

c. Deny the reinstatement petition, if it finds that the Applicant has failed to meet any of the criteria in 7.03.K.3 Reinstatement of an Expired Initial Permit); or

d. Reinstate the permit for only that part of the land subject to a pending Final Permit Application, if it finds that the Applicant has met the criteria in Section 7.03.K.3.b.i and the pending Application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired Initial Permit.

SECTION 8. DEFINITIONS

Sec. 155.8.01. Usage and interpretation.

A. *Usage and Interpretation Rules.* For the purpose of this Subdivision Ordinance certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;

2. The singular includes the plural;

3. The word "person" includes a corporation as well as an individual;

4. The term "shall" is always mandatory;

5. The term "may" is discretionary;

6. The male gender shall include the female and the neutral.

B. *Words and Terms not Expressly Defined.* Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

Sec. 155.8.02. Words and terms defined.

For the purpose of this Subdivision Ordinance, certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the City Council; to wit:

1. *Abutting.* Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
2. *Access.* A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
3. *Alley.* A public Right-of-Way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
4. *Amending Plat.* An Amending Plat applies minor revisions to a recorded plat consistent with provisions of State law, see Section 4.09 Amending Plat.
5. *Applicant.* The person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the property owner. Also see Developer.
6. *Application.* The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.
7. *Application Form.* The written form (as provided by and as may be amended by the City Administrator) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.
8. *Approval.*
    a. Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the Application is in compliance with the minimum provisions of this Subdivision Ordinance.
    b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
9. *Major Arterial/Thoroughfare Street.*
    a. A street designated within the Comprehensive Plan.
    b. A principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.
10. *Base Flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
11. *Block.* A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad Right-of-Way, highway, stream, or corporate boundary lines.
12. *Block Face.* The portion of a Block that abuts a street.
13. *Block Length.* The length of the Block Face between two intersections.

14. *Building.* Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

15. *Building Official.* The Building Official of the City or his or her designee.

16. *Building Permit.* A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the City code.

17. *Building Setback Line.* The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.

18. *Certificate of Occupancy.* An official certificate issued by the City through the enforcement official which indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.

19. *City.* The City of Stephenville, Texas, together with all its governing and operating bodies.

20. *City Administrator.* The officially appointed and authorized City Administrator of the City of Stephenville, Texas, and may include the City Administrator's duly authorized representative or designee, per the City Administrator's discretion.

21. *City Attorney.* The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

22. *City Council.* The duly elected governing body of the City of Stephenville, Texas.

23. *City Engineer.* The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated or contracted as such by the City Administrator.

24. *City Secretary.* The person(s) so designated by the City Administrator to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.

25. *City's Engineering Official.* The person(s) so designated by the City Administrator to provide oversight for and have responsibility of the City's Public Works Department. This term shall also include any designee of the City's Engineering Official or per the City Administrator the City Engineer (which may be a private consulting firm).

26. *City's Planning Official.* The person(s) so designated by the City Administrator to provide oversight for and have responsibility of the City's Planning and Development Department. This term shall also include any designee of the City's Planning Official. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the City Administrator, such as "Director of Planning and Development" or "City Planner."

27. *Collector Street.* A street which is continuous through several residential districts and is intended as a connecting street between residential districts and Major Arterial/Thoroughfare Streets, highways or business districts.

28. *Commission.* The Planning and Zoning Commission of the City.

29. *Comprehensive Plan*

    a. The plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.

    b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.

c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Mobility, Housing, Livability, and Infrastructure.

30. *Construction Details.* A separate and stand-alone document not included within this Subdivision Ordinance that provides technical construction drawings of the City's required Improvements, such as a "Standard Storm Drain Curb Inlet." The Construction Details document is developed and maintained by the City Administrator.

31. *Construction Plans.* A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

32. *Conveyance Plat.* An interim step in the subdivision and development of land, a Conveyance Plat is a plat designed to subdivide land and to provide for recordation for the purpose of conveying (*i.e.*, selling) the property without developing it. A Conveyance Plat does not constitute approval for any type of development on the property.

33. *Council.* See City Council.

34. *County.* Erath County.

35. *Crosswalk Way.* A public Right-of-Way, four (4) feet or more in width between property lines, which provides pedestrian circulation.

36. *Cul-de-Sac.* A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.

37. *Curb Level.*

    a. The level of the established curb in front of the building measured at the center of such front.

    b. Where no curb has been established, the City Administrator shall establish such curb or its equivalent for the purpose of this Subdivision Ordinance.

38. *Date of Adoption.* The date of adoption of this Subdivision Ordinance shall be the date this ordinance becomes effective.

39. *Dead-End Street.* A street, other than a cul-de-sac, with only one outlet.

40. *Decision-Maker.* The City official or group, such as the City Administrator, City Council, or Planning and Zoning Commission, responsible for deciding action on an Application authorized by this Subdivision Ordinance.

41. *Developer.*

    a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this Subdivision Ordinance.

    b. The word Developer is intended to include the terms Subdivider, property owner, and, when submitting platting documents, Applicant.

42. *Development.* Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

43. *Development Agreement.* Agreement between the City and a Subdivider, which includes provisions for construction of Public Improvements, City participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See 5.05 Development Agreements and Security for Completion for details.)

44. *Development Application.* An Application, developed and updated by the City Administrator, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.

45. *Development Application Handbook.* A collection of Application Forms created, updated, and managed by the City Administrator. (See 3.01.D.)

46. *Development Plat.* A Plat required prior to development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement), in accordance with Local Government Code 212, Subchapter B (212.045), in lieu of other Subdivision Plats (established in LGC 212, Subchapter A) required by this Subdivision Ordinance and in accordance with Section 4.11 Development Plat.

47. *Director of Community Services.* The person(s) so designated by the City Administrator to perform and manage tasks related to community services. This term shall also include any designee of the Director of Community Services.

48. *Dwelling, Multi-Family.* Any building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or which is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.

49. *Dwelling, Single Family (attached—duplex).* A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.

50. *Dwelling, Single Family (attached—townhouse).* A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

51. *Dwelling, Single Family (detached).* A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

52. *Dwelling Unit.* One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

53. *Easement.*

    a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

    b. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

    c. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

54. *Easement, Common Access.* An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.

55. *Engineer.* A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.

56. *Engineering Plans.* See Construction Plans.

57. *Engineering Standards Manual.* A separate and stand-alone document or complication of documents not included within this Subdivision Ordinance, the Engineering Standards Manual (ESM) details specific engineering requirements (e.g., drainage criteria) for the construction of Public Improvements. The ESM is developed and maintained by the City Administrator or designated responsible official.

58. *ESM.* ESM is an abbreviation of Engineering Standards Manual.

59. *Extraterritorial Jurisdiction (ETJ).* The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in Chapter 42 of the Texas Local Government Code, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Subdivision Ordinance.

60. *Fee Schedule.* A listing of fees for various City Applications, which is prepared by the City Administrator and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this Subdivision Ordinance.

61. *Final Acceptance.* The acceptance by the City of all infrastructure improvements constructed by the Developer in conjunction with the development of land.

62. *Final Plat.*

    a. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.

    b. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Erath County, Texas.

    c. A Final Plat may also be referenced as a Record Plat or Final Plat.

63. *Flood Plain.* The area subject to be inundated by water from the Base Flood.

64. *Floodway.* A natural drainage area which accommodates the design flood for existing creeks and open drainage ways.

65. *Floor Area.* The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.

66. *Frontage.* All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

67. *Homeowners' or Property Owners' Association.* A formal nonprofit organization operating under recorded land agreements through which:

    a. Each lot and/or property owner in a specific area is automatically a member; and

    b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

    c. The charge if unpaid, becomes a lien against the nonpaying member's property.

68. *Improvement.* Any man-made fixed item which becomes part of or placed upon real property, see also Public Improvement.

69. *Infrastructure.* All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

70. *Land Planner.* A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and who is a member of the American Planning Association.

71. *Letter of Final Acceptance.* Notification to an Applicant from the City Administrator that all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City's design/engineering standards and all improvements are accepted by the City or will be accepted contingent to the approval of a Final Plat.

72. *Lot.* Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Subdivision Ordinance, and having its principal frontage upon a street or officially approved place.

73. *Lot, Corner.*

    a. A lot situated at the junction of two (2) or more streets.

    b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the Planning and Zoning Commission.

74. *Lot, Depth.* The mean horizontal distance from the front street line to the rear line.

75. *Lot, Interior.* A lot, the side line of which does not abut on any street.

76. *Lot, Through.* An interior lot having frontage on two (2) streets. Such through lot shall provide a front yard on each street.

77. *Lot Lines.* The lines bounding a lot as defined herein.

78. *Lot of Record.* A lot which is part of a subdivision, a map of which has been recorded in the office of the County Clerk.

79. *Lot Width.* The mean horizontal distance between side lines measured at right angles to the depth.

80. *Major Subdivision Waiver.* See Waiver, Major Subdivision.

81. *Manual on Uniform Traffic Control Devices.* The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

82. *Minor Plat.* A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 4.07 Minor Plat. Such plat is also considered a Final Plat.

83. *Minor Replat.* Pursuant to Texas Local Government Code 212.0065, a Minor Replat is a Replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. See Section for 4.08.G.2 Minor Replat details.

84. *Minor Subdivision Waiver.* See Waiver, Minor Subdivision.

85. *Official Submission Date.*

a. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212.

b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.

86. *Official Vesting Date.*

a. Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.

b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.

87. *Parkway.* Within the Right-of-Way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See Figure 10: Example of a Parkway for visual depiction of a parkway.

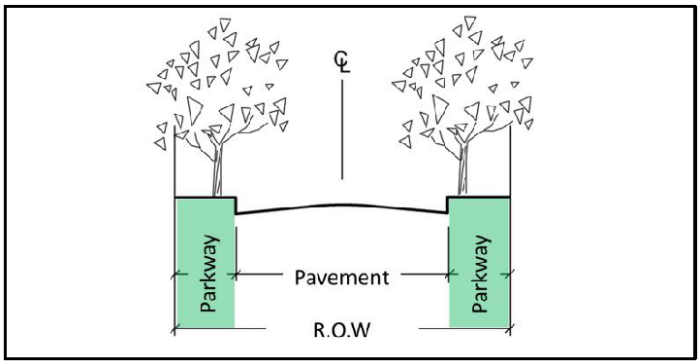


Figure 10: Example of a Parkway

88. *Park, Playground, or Community Center, Public.* An open recreational facility or park owned and operated by a public agency such as the City or the school district, and available to the general public.

89. *Parking Space.* Open space or garage space reserved exclusively for the parking of a vehicle.

90. *Paved Driveways.* Paved driveways are constructed of brick pavers, concrete pavers, hot mix asphaltic concrete, or portland cement concrete.

91. *Pavement Width.* The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the back of the curbs.

92. *Perimeter Street.* A street which abuts a parcel of land to be subdivided on one side.

93. *Person.* Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

94. *Planning and Zoning Commission.* The Planning and Zoning Commission of the City.

95. *Plat.*

a. A map or chart of the subdivision, lot or tract of land.

b. It shall include the term plan, plat or re-plat, in both singular or plural.

96. *Preliminary Drainage Plan.* This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.

97. *Preliminary Plat.*

a. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.

b. The Preliminary Plat shall serve as a means for the City to review and study the proposed division of land and/or improvements.

98. *Preliminary Storm Water Management Plan.* The purpose of the Preliminary SWMP is to identify permanent water quality feature opportunities for Subdivision development.

99. *Preliminary SWMP.* Preliminary SWMP is an abbreviation for the graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.

100. *Preliminary Utility Plan.* A plan detailing both Water Utility and Wastewater Utility requirements.

101. *Premises*referring to a sexually oriented business, premises means the building of the sexually oriented business.

102. *Progress Towards Completion.* Progress towards completion of the project shall include any one of the following:

a. An Application for a Final Plat or plan for development is submitted;

b. A good-faith attempt is made to file with the City or County an Application for a permit necessary to begin or continue towards completion of the project;

c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or

e. Utility connection fees for the project have been paid to a regulatory agency.

103. *Pro-rata.* Pro-rata means a charge made against an existing lot abutting a utility or other city infrastructure that is the average per foot cost of the improvement, multiplied by the front footage of the land, and that is imposed to reimburse the original subdivider their cost of installing or paying for the improvement. The pro-rata must be approved as part of a subdivider agreement.

104. *Public Improvement.* Any Improvement, facility or service together with its associated public site, Right-of-Way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.

105. *Record Drawings.* A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

106. *Record Plat.* See Final Plat.

107. *Replat.* The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section 4.08 Replat of this Subdivision Ordinance. A Replat can function as a Final Plat for a property.

108. *Residential District.* Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the zoning ordinance.

109. *Residential Street.* A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

110. *Residential Use.* Residential use means use of a structure as a residence.

111. *Responsible Official.* The City staff person who has been designated by the City Administrator to accept a type of development Application for filing, to review and make recommendations concerning such Applications, and where authorized, to initially decide such Applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development Applications. Also includes any designee of the designated City staff person.

112. *Retaining Wall.* A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.

113. *Right-of-Way:*

    a. A parcel of land occupied or intended to be occupied by a street or alley.

    b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.

    c. The use of Right-of-Way shall also include parkways and medians outside of pavement.

    d. For platting purposes, the term "Right-of-Way" shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

114. *Setback Line.* A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

115. *Site Plan.* A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the zoning ordinance.

116. *Sketch Plat.* A sketch or informal plan prepared prior to the preparation of the Preliminary Plat describing the proposed design of the subdivision to be reviewed during the pre-application review process.

117. *Street.* A public Right-of-Way that provides vehicular traffic access to adjacent lands.

118. *Street Width.* The shortest distance between the property or easement lines which delineate the Right-of-Way of a street.

119. *Structure.* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

120. *Subdivider.*

a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.

b. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

121. *Subdivision.*

a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.

b. Any other subdivision or re-subdivision of land contemplated by the provisions of Chapter 212, Local Government Code.

122. *Subdivision Ordinance.* The adopted Subdivision Ordinance of the City, as may be amended in the future, and may be referred as "this Ordinance."

123. *Subdivision Plat.* A Plat (e.g., Preliminary Plat, Final Plat, Minor Plat, Replat, or Amending Plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

124. *Subdivision Regulations.* Any regulations and standards contained within the Subdivision Ordinance.

125. *Subdivision Waiver.* Either a Minor Subdivision Waiver or Major Subdivision Waiver, see Section 7.01 Petition for Subdivision Waiver.

126. *Surveyor.* A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

127. *Thoroughfare.* See Major Arterial/Thoroughfare Street.

128. *Thoroughfare Plan.* The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan.

129. *Usable Open Space.* An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:

a. Walks,

b. Rooftops,

c. Buildings, except those portions or any building designed specifically for recreation purposes,

d. Parking areas,

e. Landscaped parking requirements,

f. Driveways,

g. Turnarounds, or

h. Rights-of-Way or easements for streets and alleys.

130. *Utility Easement.* See Easement.

131. *Vested Right.* A right of an Applicant requiring the City to review and decide the Application under standards in effect prior to the effective date of the standards of this Subdivision Ordinance and/or of any subsequent amendments.

132. *Vested Rights Petition.*

    a. A request for relief from any standard or requirement of the Subdivision Regulations based on an assertion that the Applicant (petitioner for relief) has acquired a Vested Right.

    b. Such petition is regulated under Section 7.03 Subdivision Vested Rights Petition.

133. *Vision Clearance.* A space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.

134. *Waiver, Major Subdivision.*

    a. A significant change to both the standards and intent of the Subdivision Regulations, which involves Planning and Zoning Commission and City Council approval.

    b. See Section 7.01 Petition for Subdivision Waiver for details.

135. *Waiver, Minor Subdivision.*

    a. A minor change to the standards, but not the intent, of these Subdivision Regulations, which involves the City Administrator approval unless otherwise noted.

    b. See Section 7.01 Petition for Subdivision Waiver for details.

136. *Water Treatment Facility.* The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

137. *Yard.*

    a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

    b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

138. *Yard, Front.* A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

139. *Yard, Rear.* A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

140. *Yard, Side.* A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

141. *Zoning Ordinance.* The adopted Zoning Ordinance of the City, as may be amended in the future.

AN ACT

relating to the regulation of new HUD-code manufactured housing.

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

SECTION 1. Section 1201.008, Occupations Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1), (g), and (h) to read as follows:

(b) Subject to Subsection (g), on [~~On~~] application, the municipality shall permit the installation of a HUD-code manufactured home for use as a dwelling in any area determined appropriate by the municipality, including a subdivision, planned unit development, single lot, and rental community or park. An application to install a new HUD-code manufactured home for use as a dwelling is considered to be granted unless the municipality in writing denies the application and states the reason for the denial not later than the 45th day after the date the application is received.

(d) Except as approved by the department and subject to Subsection (d-1), a local governmental unit may not require a permit, a fee, a bond, or insurance for the transportation and installation of manufactured housing by a licensed retailer or installer. This subsection does not prohibit the collection of actual costs incurred by a local governmental unit that result from the transportation of a manufactured home.

(d-1) A municipality may not require a specific use permit or other permit that serves a similar purpose to a specific use permit for a new HUD-code manufactured home if:

(1) the home has been constructed in accordance with federal law and this chapter; and

(2) the municipality does not require a specific use permit for other residential property in the same zoning classification.

(g) Except as provided by Subsection (h), a municipality with zoning regulations or zoning district boundaries:

(1) shall permit the installation, by right, of a new HUD-code manufactured home for use as a dwelling within the municipality's boundaries under at least one:

(A) residential zoning classification;

(B) type of residential zoning district; or

(C) dedicated zoning classification for residential HUD-code manufactured homes;

(2) shall ensure at least one of the residential zoning classifications or districts described by Subdivision (1) has been adopted and applies to an area of land within the municipality's boundaries; and

(3) if the municipality has a comprehensive zoning classification map, shall indicate on the map the areas within the municipality's boundaries that comply with Subdivision (2).

(h) Subsection (g) does not:

(1) limit the authority of a municipality to adopt or enforce an ordinance, rule, or other measure to protect historic landmarks or include properties within the boundaries of a local historic district;

(2) affect deed restrictions established before January 2, 2025; or

(3) apply to a municipality:

(A) in which all areas zoned for residential use have deed restrictions on September 1, 2025, prohibiting the placement of manufactured homes; or

(B) that does not have any areas or districts zoned for business or industrial use.

SECTION 2. This Act takes effect September 1, 2026.

_____ _____

President of the Senate Speaker of the House

I hereby certify that S.B. No. 785 passed the Senate on April 10, 2025, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendment on May 30, 2025, by the following vote: Yeas 30, Nays 1.

_____

Secretary of the Senate

I hereby certify that S.B. No. 785 passed the House, with amendment, on May 27, 2025, by the following vote: Yeas 96, Nays 41, two present not voting.

_____

Chief Clerk of the House

Approved:

_____

Date

_____

Governor

STAFF REPORT

SUBJECT: Resolution Of the Stephenville City Council, To Supporting the Use Of Hotel Occupancy Tax (HOT) Funds for the Enhancement and Upgrading of Existing Sports Facilities and Athletic Fields Within the City of Stephenville

DEPARTMENT: Administrative Services

STAFF CONTACT: Daron Trussell, Interim Director of Administrative Services

DESCRIPTION:

Consideration of a resolution supporting legislative changes to allow the use of Hotel Occupancy Tax (HOT) funds for the enhancement, improvement, and upgrading of existing sports facilities and athletic fields within the City of Stephenville when such facilities promote tourism, overnight visitation, and economic development.

BACKGROUND:

Stephenville City Park is a significant tourism and economic development asset for the City, hosting more than 25 select and state-level sports tournaments each year. These events attract thousands of visitors to Stephenville and generate economic activity through hotel stays, restaurants, retail businesses, and other local services.

Adoption of the resolution would formally communicate the City Council's position and demonstrate support for legislation that would provide greater flexibility in the use of HOT funds for sports facility improvements that directly support tourism, tournaments, and local economic development.

FISCAL IMPACT SUMMARY:

There is no immediate fiscal impact associated with the adoption of this resolution. The resolution does not appropriate funds or authorize the expenditure of Hotel Occupancy Tax revenues.

RESOLUTION NO. 2026-R - _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, TO SUPPORTING THE USE OF HOTEL OCCUPANCY TAX (HOT) FUNDS FOR THE ENHANCEMENT AND UPGRADING OF EXISTING SPORTS FACILITIES AND ATHLETIC FIELDS WITHIN THE CITY OF STEPHENVILLE.

WHEREAS, the Stephenville City Park is one of the city's top tourist attraction, hosting over 25 select, regional and state tournaments every year. These events bring thousands of visitors to Stephenville, generating significant local economic impact through hotel stays, dining, and retail shopping; and

WHEREAS, the City of Stephenville is currently unable to utilize Hotel Occupancy Tax (HOT} funds for improvements to existing sports facilities and athletic fields under the current Texas Tax Code; and

WHEREAS, after consultation with our State Representative's office, the City was advised to adopt a formal Resolution expressing the City Council's support for the use of HOT funds for the enhancement, improvement, and upgrading of existing sports-related facilities and fields that promote tourism and overnight visitation; and

WHEREAS, approval of this Resolution would formally demonstrate the City Council's support for pursuing legislative changes that would allow HOT funding to be utilized for qualifying sports facility improvements that support tourism, tournaments, and economic development within the community

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, THAT;

SECTION 1. Staff recommend supporting the use of Hotel Occupancy Tax funds to enhance and upgrade existing sports facilities and athletic fields within the City of Stephenville

SECTION 2. The above statement recommendation is hereby approved and authorized.

SECTION 3. It is hereby officially found and determined the meeting which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the _____ day of _____ of 2026.

_____
Lonn Reisman, Mayor

ATTEST:

_____
Irma G. Parker, Interim City Secretary

_____
Jason King, City Manager
Reviewed

_____
Randy Thomas, City Attorney
Approved as to form and legality

STAFF REPORT

SUBJECT: Consider approval of Historic Main Street Grant Reimbursement Grant

DEPARTMENT: Administrative Services

STAFF CONTACT: Daron Trussell, Interim Director of Administrative Services

DESCRIPTION:

Consideration of the Stephenville Historic Main Street Reimbursement Grant Program, a matching partial reimbursement grant program intended to assist with eligible improvements to commercial properties located within the boundaries of the Downtown Historic District. Grant requests are subject to review and approval by the Main Street Advisory Board and City Council prior to approval.

BACKGROUND:

The City of Stephenville Main Street Reimbursement Grant Program provides financial assistance to encourage the preservation, improvement, and enhancement of commercial properties within the Downtown Historic District. The program is designed to support improvements that contribute to the appearance, functionality, and long-term viability of downtown properties.

Any proposed improvements or additions to properties located within the Downtown Historic District must first receive approval from the Main Street Advisory Board and City Council before a request for reimbursement through the program may be considered.

Grant funding is provided as a matching partial reimbursement for eligible project expenses, subject to the requirements and funding limitations established by the program.

FISCAL IMPACT SUMMARY:

The fiscal impact to the City will depend upon the number and amount of eligible reimbursement requests approved through the program. Any reimbursement awarded will be limited to the amount authorized under the program and available within the approved City budget.

Stephenville Historic Main Street Reimbursement Grant

If you have any questions about the Main Street Reimbursement Grant, please contact the Main Street Department at mainstreet@stephenvilletx.gov or call (254)552-1222. If you have building or sign permit questions, please contact Development Services at (254)918-1222.

Stephenville Historic main Street Reimbursement Grant Details (please read carefully)

The City of Stephenville Main Street Reimbursement Grant program is a matching partial reimbursement grant opportunity for commercial properties located within the limits of the Downtown Historic District. Any proposed improvements or additions to any properties within the District shall first require approval by the Main Street Advisory Board (MSAB) before a request for a program grant can be considered.

New buildings and improvements that are already completed or covered by insurance are not eligible for this program. Properties to be considered for the program shall; not have any delinquent ad valorem taxes, be free of all municipal and county liens, judgements and encumbrances of any kind. The property must remain free of all municipal and county liens, judgements and encumbrances of any kind at the time the project is complete, and reimbursement request is made. The applicant must also be current on all city utilities for the subject property, and the property must not be listed in part or whole in any current litigation.

Qualifying improvements include:

- Roof repair or replacement
- Foundation repair or replacement
- ADA improvements
    - Accessibility structures (interior or exterior), elevators, restroom improvements, widening of doorways, etc.
- Front & rear building façade improvements
- Building and Fire Code improvements
    - Electrical, plumbing, fire exits, fire suppression, HVAC
- Complementary building additions

Maximum Matching Funds – Sliding Scale up to $15,000

Proposed Project Budget	Maximum Reimbursement Match
$0-$24,999	$1:1 or up to $5,000
$25,000-$49,999	$7,500
$50,000-$74,999	$10,000
$75,000-$99,999	$12,250
$100,000 and above	$15,000

Application Program Scoring

Applications will be considered based on the building's historic significance as either contributing or non-contributing to the District, integrity ranking of original architectural elements of the building, type of proposed building improvements, and the estimated project cost. Please contact the Main Street Department to get details of the building's historic significance, contributing / non-contributing status and integrity ranking. A minimum score of 20 points is required to qualify for Program consideration. Applicants will be scored as follows:

A. Contributing / Non-Contributing & Integrity (High/Med/Low)

Contributing Structure / High & Med	10
Contributing Structure / Low	8
Use Texas Historical Commission Design Services	7
Non-Contributing Structure	6
New Structure	4

B. Type of Improvements

Existing Building Facade / Roof / Found	10
Existing Building ADA / Electricity / Plumbing	8
Existing Building Addition	6
New Structure	4

C. Estimated Project Budget

($50,000 and above)	10
($25,000-$49,999)	8
($15,000-$24,999)	6
($0-$14,999)	4

All Program grants are available throughout the City's fiscal year; on first come, first serve basis until total annual budgeted funds are allocated. Applications will be reviewed based on Historic Design Guidelines and approved by the MSAB before any eligible work may begin. If the application is approved, any deviation from the approved project scope may result in the total or partial withdrawal of the grant and will require reapproval from the MSAB.

1. **Determine eligibility:** Discuss project plans with Development Services Department and Main Street Manager during the predevelopment meeting.
2. **Complete and sign application.**
3. **Submit the completed application.** Submit all itemized work estimates, drawings, application of the proposed work no later than {15} days before the second Thursday of each month to be placed on the MSAB agenda. Email to mainstreet@stephenvilletx.gov
    a. The MSAB meets on the second Thursday of the month at 10AM, the applicant or an applicant's representative is required to attend and present their project to the MSAB for review and recommendation.
        i. If applicant plans to use funds for building code updates, the building official or Development Services Director will be present at the meeting to confirm the update.
    b. The MSAB shall consider only applications that have been properly and fully completed and contain all information required in the application or requested by Main Street Manager.
    c. The MSAB will vote on all applications and send them to City Council with their recommendation. The MSAB considers the following: grant amount requested, grant funds available.
    d. Applicants receiving a majority approval by the City Council shall complete the work described in the application one (1) year from approval. If the applicant is unable to complete work within that period, the applicant may submit a written request to the City Manager or Designee for an extension to the completion date provided that the extension request is made thirty (30)

days prior to the one (1) year time limit. The City Manager or designee shall not be obligated to allow extensions. The decision of the City Manager or Designee can be appealed to the Stephenville City Council. If the applicant is not granted an extension, the grant funds will be forfeited.

e. As a condition of the grant and as part of the application process, the applicant consents and shall allow city inspections to determine whether the grant should be awarded.
f. An applicant does not have a right to the grant funds. The Main Street Manager and MSAB shall consider any application within its discretional authority with the use of the scoring to determine what grant amount should be granted.
g. The applicant shall be required to furnish photographs of the project as part of the application and also after the work is completed, as a condition of the final grant reimbursement. Should the work not comply with the application, the applicant will forfeit all grant monies.
h. Commercial properties must be current on all city property taxes and city utility payments prior to any program reimbursement payments, and the applicant is required to obtain all applicable city permits and city approvals before the grant is awarded.
i. An applicant who submits an application that was denied by the MSAB shall not be eligible to re-submit an application for the same project for six (6) months from the date the prior application was denied by the MSAB.
j. Applicant shall not be allowed to submit an application for the same property improvement within three (3) years from the prior date the applicant was awarded grant funds.

4. **Submit Reimbursement Request Form:** When the entire project has been satisfactory completed and reviewed, the applicant or applicant's representative shall present the Director of Administrative Services and Main Street Manager with copies of all paid invoices, including copies of canceled / checks or / credit card receipts, and pictures of the completed work for a single reimbursement payment of the approved funding amount.

DOWNTOWN HISTORIC DISTRICT IMPROVEMENT PROGRAM

CHECKLIST & IMPROVEMENTS

Checklist

Use this form as a Checklist to follow all steps needed to complete the Program Application to receive approval

____Meet with the Main Street Manager and Development Services in a Pre-Development Meeting.

____Verify with municipal and county offices that ad valorem taxes are current.

____Complete application form and sign agreement form. (Also include required attachments MSAB application, project drawings and specification, material selections, photographs of project exterior where work is to be done)

____Return completed application with required attached no later than 15 days prior to the second Thursday of the month to the Main Street Department to be added to the next MSAB meeting agenda.

____Attend and present application to MSAB for recommendation.

____Project work must be completed within 1 year from date from MSAB application approval.

____Upon completing of project, complete and submit the reimbursement request form with required documentation.



Stephenville Main Street Reimbursement Grant Application

If you have questions about the grant, please contact the Main Street Manager at mainstreet@stephenvilletx.gov.

Grant Overview

The Stephenville Main Street Reimbursement Grant is a partial matching grant opportunity for commercial properties located within the Downtown Historic District (map attached). Any work that is already completed is not eligible for this grant.

Qualifying Improvements:

- Roof repair or replacement
- Foundation repair or replacement
- ADA improvements
    - Accessibility structures (interior or exterior), elevators, restroom improvements, widening of doorways, etc.
- Front & rear building façade improvements
- Code compliance updates for electrical, plumbing, HVAC, and fire suppression
- Complementary building additions
- Routine maintenances are not eligible

Maximum Matching Funds

Proposed Project Budget	Maximum Reimbursement Match
$0-$24,999	$1:1 or up to $5,000
$25,000-$49,999	$7,500
$50,000-$74,999	$10,000
$75,000-$99,999	$12,250
$100,000 and above	$15,000

Application (will be an online form)

Applicant Name:

Date:

Mailing Address:

Phone number: Email:

Property Ownership:

Owner phone number: Owner Email:

Property address:

Project Architect:

Project Contractor:

Date Building was constructed:

Estimated Start Date:

Estimated Completion Date:

Is the applicant a tenant? Yes____ No____

- If yes attach a Lease Agreement or written & signed permission from the owner for the work in this application.

Structures Current Use: please attach photos of current state of building where work will be done.

- ☑Vacant
- ☑Commercial
- ☑Residential
- ☑Mixed use
- ☑Other:
    - _____

Project will result in:

- ☑Front or rear façade restoration or renovation
- ☑New commercial space
- ☑New residential units
- ☑Mixed use commercial/residential

- ☑Roof repair or replacement
- ☑Foundation repair
- ☑ Code compliance updates
- ☑ADA improvements
- ☑Building additions

Describe in detail the work to be completed:

Total estimated cost of project: $

- Attach the written bid from contractor.

Applicant Signature: _____

Date: _____

Building Owner Signature: _____

Building owner name: _____

Date: _____

MAIN STREET HISTORIC IMPROVEMENT

AGREEMENT FORM

Agreement Form

____I understand the Program procedures and requirements.

____I confirm that property taxes are current.

____I confirm utility payments are current.

____I confirm there are no municipal liens or litigation affecting the property.

____I understand that changes to the approved project may result in loss of grant funds.

Property Address: _____

Applicant Signature: _____ Date: _____

Approved / Denied [Circle One] Date:_____

MAIN STREET DISTIRCT PROGRAM

REIMBURSMENT REQUEST FORM

Please return the completed form with necessary documentation listed below to the Main Street Manager. If you have any questions regarding this form, please contact mainstreet@stephenvilletx.gov .

Please attach the following documentation:

1. Final bill includes budget sheet which should outline all materials and labor cost associated with the approval project scope.
2. Proof of payment for all construction materials and labor – canceled checks, credit card statements, etc.
3. Pictures illustrating the completion of the project.
4. Provide proof that all work passed a final inspection and approved for a Certificate of Occupancy.
5. Completed W9

The Main Street Manager has the right to deny grant funds if the work has not been completed as approved by the MSAB.

Reimbursement Request Form:

Applicant Name: _____

Applicant Phone: _____ Email: _____

Project address: _____

Original application date: _____

Project completion date: _____

Grant amount awarded: _____

I attest that at the time of my project completion, property to be improved,(1) does not have any delinquent municipal ad valorem taxes, (2) is current on all municipal utility payments on property requesting funds, (3) is not listed in part or in whole in any current litigation; (4) is free of all municipal liens, judgments and encumbrances of any kind, and (5) have not received or will not receive any insurance monies for the work at the time the grant reimbursement request is made.

Applicant Signature: _____

Date: _____