



**CITY OF BRADY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
JANUARY 5, 2016 AT 6:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on January 5, 2016, at the City of Brady Service Center, located at 1405 N. Bridge Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Tony Groves  
Mayor

Latricia Doyal  
Mayor Pro Tem

Kathy Gloria  
Council Member

Shelly Perkins  
Council Member

Marilyn Gendusa  
Council Member

Jack Turk  
Council Member

Kim Lenoir  
City Manager

Shannon Kackley  
City Attorney

Tina Keys  
City Secretary

Platinum  
Level



Texas Comptroller  
Leadership Circle

**1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AUDIT BOARD**

**4. APPROVAL OF MINUTES – December 14 and 15, 2015**

**5. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda**

**Please limit individual public comments to three (3) minutes.** In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

**6. PRESENTATIONS AND PUBLIC HEARINGS**

Open Carry Law Update – Chief Steve Thomas

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration and possible action regarding **second and final** reading of Ordinance 1188 Distributed Generation (DG) Ordinance.
- B. Discussion, consideration and possible action regarding Resolution 2016-001 to adopt revisions to City of Brady Personnel Policy.
- C. Discussion, consideration and possible action regarding Resolution 2016-002 to finance capital purchases of a 2016 John Deere Compact Excavator 26G. (Not to exceed \$28,776.72)
- D. Discussion, consideration and possible action regarding Resolution 2016-003 for the City of Brady to convey its 50% ownership interest in the FM Richards Library to McCulloch County in exchange for McCulloch County to convey its ownership interest in Richards Park to the City in order for the City to own 100% of the park.

- E. Discussion, consideration and possible action regarding Resolution 2016-004 to authorize Inter-local Agreement between the City of Brady and McCulloch County.
- F. Discussion, consideration and possible action regarding appointments of Board vacancies to Charter Review Commission, Airport, P&Z, ZBA.

## 8. STAFF REPORTS

- A. Quarterly Reports – CW Project, DW Project, Emergency WWTP Project
- B. Civic Center Groundbreaking Ceremony – Tuesday, January 12, 11:30am
- C. Bagged Leaf Curbside Pick-up Schedule – Monday Service has Jan 6 pick-up; Tuesday – Jan 13; Thurs – Jan 20; Fri – Jan 27
- D. Upcoming Joint Public Hearing for Zoning Change request – Jan 19 at P&Z and City Council
- E. May 7- City Election calendar – Council Positions Place 4 and Place 5
- F. Municipal Court calendar
- G. Annual Event Calendar – 110<sup>th</sup> Anniversary
- H. Possible In-service Training Days – Jan 18 and Feb 15 – City Offices Closed
- I. Possible Work Session for PAWS 6 month review and Animal Control Ordinances changes and issues – Jan 20 or 25
- J. Quarterly BEDC Meeting – January 26, 6pm
- K. Chamber of Commerce Annual Banquet – Thursday, January 28

## 9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include: Expressions of thanks, congratulations, or condolence; An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

## 10. EXECUTIVE SESSION

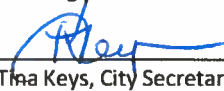
The City Council of the City of Brady will adjourn into Executive Session for the following: Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant (US Cement), retail, and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real property as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person.
- B. Pursuant to Section 551.074 (Personnel Matters) the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager - annual review.
- C. Pursuant to Section 551.071 (Consultation with Attorney) the City Council will conduct a private consultation with its attorney to seek advice about pending or contemplated litigation or a settlement offer concerning Lou Alexander/1019 11<sup>th</sup> Street.

**11. Open Session Action on Any Executive Session Item listed above, if needed.**

**12. ADJOURNMENT**

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on 12-31-15 by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

  
Tina Keys, City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or citysec@bradytx.us.

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development).

**This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.**

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session on Monday, December 14, 2015 at 1:30p.m. at the City of Brady City Hall, 201 E. Main St., Brady, Texas with Mayor Anthony Groves presiding. Council members present were Latricia Doyal, Marilyn Gendusa, Jack Turk and Shelly Perkins. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Police Chief Steve Thomas, Community Services Director Peter Lamont. Others in attendance were Billy Cavin and Lou Alexander.

### 1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 1:37 p.m. Roll was then called for Council and a quorum was certified.

Mayor started session with item E

- A. Discussion regarding revisions to City of Brady Personnel Policy. Council and staff discussed changes to be made to manual.
- B. Discussion regarding Ordinance 1188 Distributed Generation (DG) Ordinance. Council member Perkins requested change to name of ordinance to Customer / distributed generation – and other changes. Staff requested copy of her requested changes.
- C. Discussion regarding finance of capital purchases of ambulance and residential refuse truck. No discussion
- D. Discussion regarding WWTP emergency repairs. There was no discussion
- E. Discussion regarding the City's responsibilities and duties concerning hazardous conditions in its right-of-way. Citizen Lou Alexander commented that limbs were not dead and were not in roadway. City Manager said Gas Company had pictures and said trees were dead and had already fallen on gas lines. Alexander stated that she calculated \$75,800 would be the value of the removed trees. Public Works Director Miller apologized and said the street superintendent made a decision he thought was in the best interest of the City. The City agreed to grind out the stumps. Council Member Doyal apologized and Mayor Groves acknowledged the City did not do what should have been done to reach the homeowner to inform them the trees would be cut down. The City thought the house was abandoned. A policy will be put in place to inform homeowners before City takes action.
- F. Announcement of PAWS Pet Registration Campaign, Tuesday, Dec 15, 3-4pm at City Hall and Saturday, December 19, 10am to 2pm at Tractor Supply. There was no discussion

### 2. ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 4:16 p.m.

---

Mayor Anthony Groves

Attest: \_\_\_\_\_  
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, December 15, 2015 at 6:00p.m. at the City of Brady Service Center located at 1405 N. Bridge Street, Brady, Texas with Mayor Anthony Groves presiding. Council members present were Marilyn Gendusa, Shelly Perkins, and Jack Turk. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Director of Community Services Peter Lamont, Police Chief Steve Thomas, City Attorney Shannon Kackley, Asst Fire Chief William Cox, Andrew Williams and Officer Joah McCaleb. Others in attendance were Dub Smith, Joe Whitehead, Larissa Nandin, Loye Young, Mrs. Loye Young, Lynn Farris, and Jim Kidd.

#### 1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 6:20 p.m. Roll was then called for Council and a quorum was certified.

#### 2. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Gendusa gave the invocation, and the Pledge of Allegiance was recited.

#### 3. APPROVAL OF AUDIT BOARD

Council Member Gendusa moved to approve the audit board. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried 3-0.

#### 4. APPROVAL OF MINUTES for November 30 and December 1, 2015

Council Member Perkins asked about the attest on the minutes and regarding Item G – wants noted about the funding includes no funds for signage & that 8 foot path was chosen to accommodate pedestrian and bike traffic. Council Member Perkins moved to approve the minutes. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried 3-0.

#### 5. PUBLIC COMMENTS

None

#### 6. PRESENTATIONS AND PUBLIC HEARINGS

New Employee – Police Officer Joah McCaleb. Chief Thomas introduced new officer  
Waste Water Treatment Plant Emergency Repairs Status Report and Proposal. Steven Miller and Trooper Smith with Freese & Nichols presented.

#### 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding **second and final** reading of Ordinance 1187 to amend FY 2016 Budget. Kim Lenoir presented to Council. **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble. Mayor called for a motion:** Council Member Gendusa moved to approve second and final reading of Ordinance 1187. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried 3-0.
- B. Discussion, consideration, and possible action regarding Resolution 2015-049 authorizing Freese and Nichols Professional Service Agreement for the WWTP Emergency Repair Specifications. Steven Miller presented to Council. Council Member Gendusa moved to approve Resolution 2015-049. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried 3-0.

- C. Discussion, consideration and possible action regarding second and final reading of Ordinance 1189 that addresses inclusion of properties as if in the city limits for over 20 years. Kim Lenoir presented to Council. **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble. Mayor called for a motion:** Council Member Turk moved to approve **second and final** reading of Ordinance 1189. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried 3-0.
- D. Discussion, consideration, and possible action regarding **second and final** reading of Ordinance 1190 adopting the map of the Brady City Limits. Kim Lenoir presented to Council. Council member Perkins questioned changes after the first reading. Attorney stated it is ok as is because the first reading included correcting the boundary between Richards Park and Jacoby Property. Minutes from previous meeting could be amended. We are not changing, just completing the boundary map. **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble.** Council members Turk moved to approve the second and final reading of Ordinance 1190. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried 3-0.
- E. Discussion, consideration, and possible action regarding **first** reading of Ordinance 1188 Distributed Generation (DG) Ordinance. Kim Lenoir presented to Council. **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble. Mayor called for a motion:** Council Member Gendusa moved to approve **first** reading of Ordinance 1188. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried 3-0.
- F. Discussion, consideration, and possible action regarding Resolution 2015-048 to finance capital purchases of ambulance and residential refuse truck. Lisa Remini presented to Council. Council Member Turk made a motion to approve. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried 3-0.
- G. Discussion, consideration, and possible action regarding Resolution 2015-047 to adopt revisions to the City of Bracy Personnel Policy. Kim Lenoir presented to Council. Loye Young commented about mandatory direct deposit. Jim Kidd commented on pay for hours worked during holiday hours. No action was taken. Staff will continue to amend policy.
- H. Discussion, consideration, and possible action regarding appointment of Municipal Judge (new two year term). Kim Lenoir presented to Council. Mayor Groves moved to appoint Bill Spiller as new Municipal Court Judge for a new 2 year term. All Council members voted "aye" and none "nay". Motion carried 3-0.
- I. Discussion, consideration and possible action regarding appointments of Board vacancies to Charter Review Commission, Airport, P&Z, ZBA. Staff will start advertising for board replacements.

## 8. STAFF REPORTS

- A. Monthly Financial Reports for November
- B. Monthly Activity Reports – Seniors; Golf; BPD; HOT Events
- C. Traffic Incident Management Training, BFD/EMS – 47 attendees
- D. Dec 16, Civic Center Construction contractor authorized to begin
- E. Civic Center construction monthly progress meetings on 2<sup>nd</sup> Tuesdays, 10am, at the Service Center
- F. Civic Center Groundbreaking Ceremony – Tuesday, January 12, 11:30am
- G. Dec 16, 2pm, revised bid opening for Brady Lake Boat Ramps and Marina
- H. Dec 16, 3pm, Employee Christmas Party at Airport Hangar
- I. Dec 17, TXDOT Car Seat Inspection Project to be held at Walmart
- J. Dec 24 & 25 – City Offices closed for Holidays (closes 23<sup>rd</sup> at 3pm)
- K. Holiday Trash Schedule – Wednesday Pick-up for Thurs & Fri Service
- L. Landfill Closed – Dec 24, 25, and 26 – Re-opens Dec 28
- M. January 1 – City Offices/Landfill Closed
- N. Friday, Jan 1 Trash Pickup moves to Thursday, Dec 31

## 9. ANNOUNCEMENTS

No announcements

## 10. EXECUTIVE SESSION

Council closed open session at 8:10 p.m. and went into executive session at 8:23 p.m.

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real property as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person.
- B. Pursuant to Section 551.074 (Personnel Matters) the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager and City Secretary – six month review.

Executive Session adjourned at 9:47 p.m.

## 11. Open Session Action on any Executive Session Item listed above, if needed

Regular Session reconvened at 9:48 p.m. No action was taken during or as a result of executive session.

## 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 9:48 p.m.


---

Mayor Anthony Groves

Attest: \_\_\_\_\_  
Tina Keys, City Secretary



City Council  
City of Brady, Texas  
**Agenda Action Form for Ordinance**

<b>AGENDA DATE:</b>	1-5-2016	<b>AGENDA ITEM</b>	7.A.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding <b>second and final</b> reading of Ordinance 1188 Distributed Generation (DG) Ordinance		
<b>PREPARED BY:</b>	T. Keys/KL	<b>Date Submitted:</b>	12-31-15
<b>EXHIBITS:</b>	Ordinance 1188		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>
<p><b>Amendment to the Municipal Code of Ordinances.</b> The City of Brady's Municipal Code of Ordinances, Chapter 13 (entitled "Utilities") is to be amended by adding Section 13.1012 entitled "Distributed Generation" to regulate non-emergency generators on the City's Electric Distribution Grid.</p> <p>On December 15, City Council approved the first reading.</p>

<b>RECOMMENDED ACTION:</b>
<p><b>Mayor:</b> <u>"Do I have a motion to read the full ordinance?"</u></p> <p><b>If no, Mayor will state:</b> <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u></p> <p><b>Mayor will ask:</b> <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> <b>"Secretary reads preamble"</b></p> <p><b>Mayor calls for a motion:</b> Move to approve second and final reading of Ordinance 1188</p>

**ORDINANCE NO. 1188**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING THE CITY OF BRADY CODE OF ORDINANCES CHAPTER 13 UTILITIES BY ADDING SECTION 13.1012, TITLED CUSTOMER DISTRIBUTED GENERATION PROHIBITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 13 (Utilities) of the City of Brady Code of Ordinances provides for the regulatory control of the City's electric service; and

**WHEREAS**, the City of Brady is the approving authority to distribute and service electricity to customers in a safe and compliant method; and

**WHEREAS**, the provision of such electric service is vital to the safety and well-being of the City's residents, users, employees and customers;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to the Municipal Code of Ordinances.** The City of Brady's Municipal Code of Ordinances, Chapter 13 (entitled "Utilities") is hereby amended by adding Section 13.1012 (entitled "Customer Distributed Generation") to read as follows:

**Sec. 13.1012                      Customer Distributed Generation Prohibition**

(a) The City shall be the sole provider of electric power within the City's designated Certificate of Convenience and Necessity (CCN), as defined by the Public Utility Commission of Texas, with the exception of emergency generators as defined herein.

(1) Prohibition. Interconnections to the City's electric system by a customer distributed generation device, regardless of the size or nature of the device, shall be strictly prohibited. For purposes of this section Customer Distributed Generation shall mean a device that converts a form of energy (typically petrochemical or gas) into electricity, commonly call a generator.

This prohibition shall not apply to emergency generators during periods of outages of the City's electric system, if the use of the customer's emergency generator is used only to power common household appliances connected by extension power cord(s). However, residences or businesses wishing to permanently connect (hard wire) emergency generators to their residence or

business, i.e. through a main breaker box, shall be required to obtain a city inspection and approval, prior to connection.

(2) The City Manager is authorized to develop administrative rules to facilitate the efficient implementation of this section and protect the best interest of the City.

(3) Nothing in this ordinance prohibits Distributed Renewable Generation (solar or wind) as defined by the Public Utility Commission of Texas provided all State and City rules and regulations are met.

**Section 3. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 4. Savings.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed offense, nor shall the repeal prevent a prosecution from being commenced for any violation occurring to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**Section 5. Remedies.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 6. Effective Date.** This Ordinance shall become effective on its second reading.

PASSED AND APPROVED ON FIRST READING on this 15<sup>th</sup> day of DECEMBER 2015.

PASSED AND APPROVED ON SECOND READING on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Anthony Groves, Mayor

ATTEST:

\_\_\_\_\_  
Tina Keys, City Secretary


APPROVED AS TO FORM:

\_\_\_\_\_  
M. Shannon Kackley, Asst. City Attorney  
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, P.C.

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	1-5-2016	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding Resolution 2016-001 to adopt revisions to the City of Brady Personnel Policy Manual		
<b>PREPARED BY:</b>	K Lenoir	<b>Date Submitted:</b>	12-30-15
<b>EXHIBITS:</b>	Draft redline policy – was distributed with Dec 1 agenda Draft redline from Work Session and Council Meeting 12-15-15 Resolution 2016-001		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

#### SUMMARY:

The City of Brady Personnel Policy Manual was dated 2003. Staff and city attorney prepared a draft that was distributed December 1 for your review and comments. City Council requested a work session to review and discuss the policy which was held Monday, December 14. Then the policy was discussed further with the City Council and the City Attorney on December 15. On December 15, two city employees addressed the City Council about their concerns of direct deposit requirements and pay for working on a paid holiday.

Many parts of the personnel policy remain with no changes or minor clarifications. Other areas were updated with required state and federal laws addressing personnel issues. Clarifications were made for attendance and leave requirements with the personnel that work a wide variety of work schedules. Added were items addressing dress code, computer, internet, email, social media and mobile communication policies.

#### RECOMMENDED ACTION:

Move to approve Resolution 2016-001 as the Personnel Policy Manual is revised and adopted.

**RESOLUTION # 2016-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS  
REVISING AND UPDATING THE CITY OF BRADY PERSONNEL POLICY**

**WHEREAS**, the City wishes to update and revise the 2003 Personnel policy; and

**WHEREAS**, the City staff, city attorney, and council members reviewed and updated the personnel policy; and

**WHEREAS**, the City wishes to proceed with the revised personnel policy setting the effective date for changes in payroll and benefits to begin with the first full payroll period of 2016, beginning Tuesday, January 12, 2016.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS**, the City of Brady Personnel Policy is approved and adopted.

**PASSED** and **APPROVED** this the 5th day of January, 2016.

\_\_\_\_\_  
Anthony Groves, Mayor

\_\_\_\_\_  
Tina Keys, City Secretary

# City of Brady

## PERSONNEL POLICY MANUAL

*Draft includes redline of changes discussed  
from City Council Work Session 12-14-15  
and City Council Meeting 12-15-15*

Adopted 2003, Revised 2016

Adopted by City Council Resolution 2016-001

## TABLE OF CONTENTS

<b>CHAPTER 1, PURPOSE.....</b>	<b>1</b>
Section 1. Basic Objectives.....	1
Section 2. Applicability.....	1
<b>CHAPTER 2, GENERAL PROVISIONS.....</b>	<b>2</b>
1. Code of Ethics.....	2
2. Political Activity.....	2
3. Disclosure of Religious Affiliations.....	3
4. Nepotism.....	3
5. At-Will Employment.....	3
6. Financial Responsibility of Employees.....	4
7. Outside Employment and “Moonlighting”.....	4
8. City-Owned Vehicles.....	5
9. Driver Insurability.....	5
10. Employment Conditions.....	5
11. Equal Employment Opportunity Policy.....	6
12. Fitness Requirements.....	6
13. Gifts.....	6
14. City Property.....	6
15. Amendment and Revision of Rules.....	7
16. Personal Appearance and Dress Code (CITY DRESS CODE POLICY).....	7
17. City Computers and Software Policy.....	8
18. Internet/Intranet.....	9
19. E-Mail and Similar Person-to-Person Electronic Communication.....	11
20. Digital Media and Social Networking.....	13
A. Generally.....	13
B. Types of Digital Media.....	14
C. Standards & Guidelines for the Use of Digital Media.....	15
21. Mobile Communications Devices and Cell Phones.....	16
<b>CHAPTER 3, ORGANIZATION AND ADMINISTRATION.....</b>	<b>18</b>
1. Organization of Personnel.....	18
(a) The City Council.....	18
(b) City Manager.....	18
(c) Directors.....	18
(d) Department Heads.....	18
<b>CHAPTER 4, CONDITIONS OF EMPLOYMENT.....</b>	<b>19</b>
1. Basis of Employment.....	19
2. Recruitment.....	19
3. Request for Personnel.....	19
4. Applicant Preference.....	19
5. Residence.....	19
6. Announcements.....	20
7. Application and Selection Procedures.....	20
8. Appointments.....	20
9. Physical Standards.....	20
(a) Medical Examinations.....	20



(b) Exceptions.....	20
10. Age Requirements.....	21
11. Types of Positions (Defined).....	21
(a) Regular Full-Time Employee.....	21
(b) Part-Time Employee.....	21
(c) Temporary Employee.....	21
(d) Seasonal Employee.....	21
12. Disqualification for Employment.....	21
13. Training of New Hire.....	22
<b>CHAPTER 5, ATTENDANCE AND LEAVES.....</b>	<b>23</b>
1. Vacation Leave.....	23
2. Hours of Work.....	23
3. Work Week.....	23
4. Overtime.....	24
5. Standby Pay.....	24
6. Holidays.....	24
7. Sick Leave.....	25
Definition and Accrual Rates.....	25
Proper Use of Sick Leave.....	25
(a) Reporting Sick Leave Absences.....	25
(b) Contributing Unused Sick Leave to Another Employee.....	26
(c) Unused Sick Leave.....	26
8. Military Leave.....	26
9. Maternity and Emergency Leave.....	27
(a) Maternity Leave.....	27
(b) Emergency Leave.....	27
10. Injuries.....	27
(a) General.....	27
(b) Injury on the Job (Leave and Compensation).....	27
(c) Accidents Involving Motorized Equipment.....	28
(d) Special Assignments with Pay.....	29
11. Tuition Cost.....	29
12. Leave to Attend Voting, Jury Duty, Court Subpoenas.....	29
13. Leave of Absence.....	30
14. Absence Without Leave.....	30
15. Physical Incapacity to Perform Assigned Work.....	30
16. Family and Medical Leave.....	31
(a) Definitions.....	31
(b) Eligibility.....	31
(c) Spouses Employed by the City.....	32
(d) Foreseeable Leave – Obligations of Employee.....	32
(e) Reduced Schedule Leave.....	32
(f) Certification of Necessity for Medical Leave.....	32
(g) Interpretation and Application of this Section.....	33
<b>CHAPTER 6, WAGE AND SALARY ADMINISTRATION.....</b>	<b>34</b>
1. Application of Rates.....	34
2. Pay Rates for New Employees.....	34

3. Performance Based Pay Increases.....	34
4. Total Rate of Pay.....	34
5. Part-Time, Temporary, and Seasonal Rates.....	34
6. Pay Rates for New Positions.....	35
7. Termination Pay.....	35
8. Performance Appraisal System.....	35
<b>CHAPTER 7, RESIGNATION AND EMPLOYMENT VERIFICATION.....</b>	<b>36</b>
1. Resignation.....	36
2. Termination Interview.....	36
3. Requests for Employment Verification.....	36
<b>CHAPTER 8, ADVERSE ACTION.....</b>	<b>37</b>
1. Adverse Actions.....	37
(a) General.....	37
(b) Specific Factors.....	37
(1) Prior Employment.....	37
(2) Improper Conduct.....	37
(3) Misleading Information.....	38
(4) Abuse of Drug or Alcohol.....	38
(5) Statutory.....	38
(6) Unsatisfactory Attendance.....	38
(7) Incompetence.....	38
(8) Indifference Toward Work.....	38
(9) Insubordination.....	38
(10) Violation of Safety Rules.....	38
(11) Misuse of City Equipment or Services.....	39
(12) Conduct.....	39
(13) Weapons.....	39
(c) Verbal Warning.....	39
(d) Written Reprimand.....	39
(e) Demotion.....	39
(f) Suspension Without Pay.....	39
(g) Suspension With Pay.....	39
(h) Notice.....	39
2. Layoff.....	40
3. Notice Provisions.....	40
<b>CHAPTER 9, GRIEVANCE PROCEDURE.....</b>	<b>41</b>
1. General Guidelines.....	41
2. Procedural Steps.....	41
<b>CHAPTER 10, BENEFITS.....</b>	<b>43</b>
1. Retirement.....	43
2. Uniforms.....	43
3. Social Security.....	43
4. Insurance.....	43
<b>CHAPTER 11, SAFETY.....</b>	<b>44</b>
1. General.....	44
2. Accident Review.....	44
3. Training.....	44

<b>CHAPTER 12, SEXUAL HARASSMENT.....</b>	<b>45</b>
1. Harassment Prohibited.....	45
2. Harassment Defined.....	45
3. Harassment is Punishable.....	45
4. Reporting Required.....	45
5. Investigation without Retaliation.....	46
6. Training Required.....	46
<b>CHAPTER 13, SMOKING POLICY.....</b>	<b>47</b>
1. Smoking Defined.....	47
2. Smoking Prohibited.....	47
<b>CHAPTER 14, DRUG ABUSE POLICY.....</b>	<b>48</b>
1. Statement of Purpose.....	48
2. Prohibitions.....	48
3. Testing Overview.....	49
(a) General.....	49
(b) Random Testing.....	49
(c) Periodic Testing.....	49
4. Required Testing.....	50
(a) Pre-Employment.....	50
(b) Random.....	50
(c) Reasonable Cause.....	50
(d) Post-Accident.....	51
(e) Biennial Testing.....	51
5. Discipline.....	51
(a) Violations.....	51
(b) Failure to Test.....	51
(c) Optional.....	52
6. Supervisory Training.....	52
(a) Performance.....	52
(b) Behavior.....	52
(c) Procedures.....	52
7. Medical Review Officer.....	52
8. Confidentiality and Record Keeping.....	53
(a) Collection Process.....	54
(b) Positive Test Results.....	54
(c) Negative Test Results.....	54
(d) Number Tested.....	54
(e) Supervisor Training.....	54
(f) Employee Training Information.....	54
9. Contractors.....	54
10. No Implied Limitations.....	54
<b>SCHEDULE 1, EXAMPLES OF SAFETY SENSITIVE POSITIONS.....</b>	<b>55</b>
<b>SCHEDULE 2, TESTING PROTOCOL.....</b>	<b>56</b>
<b>SCHEDULE 3, (Incident Defined).....</b>	<b>57</b>
<b>SCHEDULE 4, EMPLOYEE ASSISTANCE PROGRAM PROVIDERS.....</b>	<b>58</b>
<b>Acknowledgement Form.....</b>	<b>59</b>

## **CHAPTER 1 PURPOSE**

### **Section 1. Basic Objectives**

The basic objectives of these rules are to facilitate efficient and economic service to the public and to provide for a fair and equitable system of personnel management. While these rules constitute a precise statement of policies and procedures, they are not intended to cover every conceivable personnel situation that may arise. These rules are subject to the City Charter and will be supplemented with administrative regulations in addition to these policies. Amendments and revisions effecting personnel policies will be addressed from time to time as necessary and desirable at the discretion of the City Council.

### **Section 2. Applicability**

These rules shall apply to and govern all employees of the City of Brady. They are in no way intended to conflict with State or Federal Law. Words used in the singular shall include the plural, and words used in the masculine or feminine gender shall include both genders.

## CHAPTER 2 GENERAL PROVISIONS

### 1. Code of Ethics

All employees shall strive to uphold the Constitution, the laws of the United States, the State of Texas, and the Charter and Ordinances of the City of Brady. They shall strive to be:

- (a) Honest and trustworthy in what they say and write and in all professional relationships;
- (b) Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- (c) Fair and considerate in the treatment of fellow employees and citizens, and addressing concerns and needs with equity, granting no special favors;
- (d) Committed to accomplishing all tasks in a superior way and abstaining from all behavior that may tarnish the image of the City or City services;
- (e) Aware and recognize that public and political policy decisions are ultimately the responsibility of the City Council; and
- (f) Dedicated to service to improve the quality of life in the City of Brady.

This Code of Ethics requires hard work, courage, and difficult choices. To do what is right, over what is expedient, should be a common goal for all employees.

### 2. Political Activity

When on duty or in City uniform, an employee of the City may not engage in any political activity relating to a campaign for any elective public office. No employee of the City, while on duty or in uniform, shall make, solicit, or receive any contribution to the campaign funds of any party, interest group or candidate for use in any City election.

To avoid undue influence of the City employees on the outcome of City Council elections and to avoid undue influence of City Council Members or candidates on City employees, the following restrictions are imposed:

- (a) No employee of the City shall circulate petitions for City Council candidates, although he may sign such petition;
- (b) No employee of the City shall contribute, directly or indirectly or through an organization or association to such a campaign nor solicit or receive contributions for a City Council candidate;
- (c) No employee of the City shall wear City Council campaign buttons nor distribute campaign literature at work or in a City uniform or in the offices or buildings of the City<sup>[SK1]</sup>; and

(d) No employee of the City shall be required to campaign on behalf of, or contribute to, a City Council Member or a City Council candidate.

Notwithstanding any conflict with Subsections (a), (b), and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by law.

~~(a) No employee of the City shall circulate petitions for City Council candidates, although he may sign such petition;~~

~~(b) No employee of the City shall contribute, directly or indirectly or through an organization or association to such a campaign nor solicit or receive contributions for a City Council candidate; and~~

~~(c) No employee of the City shall wear City Council campaign buttons nor distribute campaign literature at work or in a City uniform or in the offices or buildings of the City.~~

When not on duty and not in a uniform of the City, an employee may engage in political activity respect to governments and entities. An employee may not, under any circumstance, use the fact of City employment to solicit campaign contributions for a candidate other than from members of an employee organization to which that person belongs.

An employee who is considering becoming a candidate for any public office should be aware that election to such office would constitute a resignation from the City service on the day of the election. An employee should advise the City Manager in writing prior to announcing for public office and should consult with the City Manager with respect to the City's position in the event of any such announcement.

### **3. Disclosure of Religious Affiliations**

No question in any text in application form or in personnel proceeding, or of any appointing authority, is intended to or shall be so framed as to attempt to elicit information concerning religious affiliations of any applicant or employee. No appointment to, or removal from, a position with the City shall be effected or influenced in any manner by any religious opinion or affiliation. Employees may decline to respond to any inquiry regarding religious affiliation.

### **4. Nepotism**

(a) No person related within the second degree of affinity (marriage), or within the third degree of consanguinity (blood) (collectively "relatives"), to the Mayor or any member of the City Council or the City Manager shall be employed or appointed to any office, position, clerkship, or other paid service to the City. This prohibition shall not apply, however, to any person who was appointed prior to the time of election or appointment of the official related to the prohibited degree.

(b) Relatives shall not be appointed to serve in positions in the same department, or in position where one supervises the other, unless specific written approval has been obtained from the City Manager. It is an exception to this prohibition if such an appointment is justified. Department Heads may request an exception by presenting the

needs of the department and justification of the appointment to the City Manager. If the City Manager approves the appointment, the approval shall be in writing. All written exceptions are final.

(b)

## **5. At-Will Employment**

All employees are hired for an indefinite period of time, and either the employee or the City is free to terminate the employment relationship at-will, with or without cause.

## **6. Financial Responsibility of Employees**

Employees of the City are expected to maintain a good credit standing in the community and to pay their obligations promptly. The City shall in no way serve as a collecting agency or arbitrator. Employees will promptly pay all debts to the City, including utility bills and taxes and should not expect preferential treatment. Unpaid debts to the City must be discharged in full at the time of severance of employment. The City may deduct certain authorized expenses from final payroll checks and retirement payments may be held pending final settlement pursuant to written reimbursement agreements between the employee and the City. Upon severance of employment with the City, an accounting of amounts owed to the City and inventory of City equipment will be completed. The City may deduct from the final paycheck the balance owed to the City or the fair market value of any missing or unreasonably damaged City equipment.

## **7. Outside Employment and "Moonlighting"**

Outside employment will be allowed only with the prior approval of the employee's immediate Supervisor, the Department Head and City Manager. Department Heads engaged in outside employment shall secure the prior approval of the City Manager. Outside employment approvals are authorized for each calendar year and must be renewed annually. Work requirements, including overtime, will take precedence over any outside employment. Use of City resources and equipment and conducting outside employment activities during City working hours is prohibited. For outside employment, the following guidelines will apply:

- A full-time, regular employee will consider their job with the City as the primary job.
- Prior approval will not be granted for employment with an organization or other governmental entity that is in competition with or presents a potential conflict of interest with the City.
- If it is believed that the employee's work standards or performance suffers because of outside employment, prior approval to work at the outside job may be rescinded, or the employee may be subject to termination.
- The City will not pay workers' compensation for injuries or illnesses suffered as a result of outside employment.

- The City accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a City employee.
- The City employee will notify Supervisor immediately of any change in outside employment status.
- A copy of the authorized request for outside employment will be retained in the employee's personnel file.
- Police officers are governed by specific regulations regarding both off-duty and extra-duty employment. These regulations are dictated in the Brady Police Department Manuals as approved by the Chief of Police.

## **8. City-Owned Vehicles**

All employees who drive City owned vehicles in the performance of their duties are responsible for the proper operation of the vehicles. No City vehicle, equipment or emergency vehicle, housed at an employee's home is to be used for personal business. Police vehicles assigned to officers are covered under a separate City Council Resolution. No City employee may operate a City vehicle without a valid Texas Driver's License appropriate for that vehicle. Any employee required to operate any motor vehicle as part of his duties shall immediately notify the City Manager, in writing, in the event his driver's license status changes. The City, at any time, may request employees who operate City vehicles to provide the City with a copy of their Texas Driver's License to ensure compliance with this Section. In compliance with IRS regulations, only employees that are on-call or required working supervisors are allowed to take City vehicles to their residence.

## **9. Driver Insurability**

Employees whose positions require the operation of a motor vehicle are expected to obey all traffic laws and maintain a clear driving record. Failure to maintain a satisfactory driving record that could affect the insurability to drive City vehicles shall be grounds for disciplinary action and possible dismissal. Conviction for driving under the influence of alcohol, drugs, or inhalants shall be grounds for employment review and disciplinary action.

## **10. Employment Conditions**

Subject to Section 5 above, budgetary decisions by the City Council, and the discretion of the City Manager, continued employment with the City shall be governed according to the provisions of this Policy, as may be amended. Within sixty (60) days after the adoption of these rules and at the time of employment of each new employee, a copy of these rules shall be furnished to each employee. New hire and re-hire employees will be on a probationary status for six (6) months from the date of hire.



## **11. Equal Employment Opportunity Policy**

Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, separation, or any other aspect of personnel administration, because of political or religious opinions or affiliations or because of race, color, national origin, age, sex, or marital status is prohibited. In all instances, hiring will be based on occupational qualifications and appropriate individual qualifications for the specific positions as designated in individual job descriptions. Qualifiers such as age, physical abilities, or mental abilities must be pertinent, proven considerations. Any employee who feels he has been discriminated against may process a grievance in accordance with Chapter 9.

## **12. Fitness Requirements**

It shall be the responsibility of the employee to maintain minimum standard of fitness required for performing the job.

The Department Head may require an employee to submit to an examination by a City-approved physician, when it appears that the physical or mental condition of an employee may prohibit him from adequately performing assigned job duties, or may constitute or result in hazard to the employee, fellow employees, citizens, or property. The employee will be required, as a condition of continued employment, to authorize the physician to disclose the results of the examination to the City. The exam shall be conducted without expense to the employee and shall be for the sole purpose determining his condition relative to the requirements of his job. The examining physician shall make a recommendation as to whether the employee should be allowed to continue employment, be considered for leave time in which to improve job condition, be transferred, or otherwise removed from the employee's present position. The Department Head and the City Manager are required to approve a recommendation that an employee be required to submit to a physical or mental examination, at the expense of the City.

## **13. Gifts**

An employee shall not accept any gift, gratuity, or benefit from any contractor, vendor, or other person doing business with, seeking to do business with, or that has done business with the City. This section shall not be interpreted to prohibit the acceptance of any inexpensive item, such as pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

## **14. City Property**

No employee may take, acquire or purchase any property of the City, of any nature or kind whatsoever, for himself or any other person. This section shall not prohibit an employee from bidding on and purchasing surplus City property at a properly noticed public auction authorized by the City Manager or the City Council.

## **15. Amendment and Revision of Rules**

Recommendations for amendment and revision of these rules may be made by the City Manager to the City Council for their approval. These rules and any subsequent amendments may be amended from time to time at the discretion of the City Council. No such amendment shall be effective until approved by the City Council.

#### **16. Personal Appearance and Dress Code**

The City is a rural community that provides services to a variety of people, including the City's citizens, business owners, guests, and customers of the City's utilities. Quality professionalism in a friendly manner is the City's customer service goal. It is the City's desire to attain this goal through appropriate dress as well as employee actions.

As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. A neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the City's workforce. Employees, who appear for work inappropriately dressed, as determined by their respective Department Head or Supervisor, will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

Personal appearance impacts an employee's performance of duties, for it usually influences the amount of respect and cooperation the employee receives from co-workers and the public.

#### **CITY DRESS CODE POLICY**

The City wishes to provide a work environment that is free of safety hazards and that does not contribute to offensive behavior or harassment of any kind. The need for proper appearance from all employees is necessary. Therefore, the following dress code guidelines are expected from all employees:

- a) Mondays through Thursdays. "Casual Professional" attire is required for workdays  
Monday through Thursday. "Casual Professional" attire includes:
  - i. Pant Suits
  - ii. Dresses
  - iii. Skirts with Coordinating Blouse
  - iv. Pants with Coordinating Shirt/Blouse
  - v. Pants with City Logo Shirts
  - vi. Tailored Capris with Dress Shirt/Blouse
- b) Fridays. On Fridays, employees may wear "Casual Professional" or "Friday Only" attire.  
"Friday Only" attire includes:
  - i. Casual Jeans or Capri Pants
- c) Not Permitted. The following office attire is not allowed.
  - i. Sweat Suits
  - ii. Yoga Pants
  - iii. Shorts

- iv. Spaghetti Strap Sun Dresses (unless it is worn under a blouse or sweater)
  - v. Caps
  - vi. Short Skirts
  - vii. Short Shirts
- d) Field Personnel. The following attire is required for field personnel:
- i. City Provided Shirt shall be worn every day at all times. Shirts shall be pressed and tucked into pants.
  - ii. Jeans/Pants. Jeans/Pants shall not have holes or rips.
  - iii. Proper Shoes, such as Boots and Closed-Toe Tennis Shoes.

**Note: When not conducting City business or activities, employees shall refrain from wearing any and all City Logos.**

- e) Shoes and Footwear. Shoes and footwear should provide sufficient design and support so as not to interfere with an employee's work. Conservative walking shoes, dress shoes, oxfords, loafers, boots, flats, dress heels, dress sandals, and open-toe shoes are acceptable for work. Athletic shoes are not permitted to be worn in the office; however, athletic shoes are acceptable to wear on Friday and for active services workers. Flip-flop sandals, Crocs, and slippers are not allowed.

## 17. City Computers and Software Policy

It is the policy of the City to respect all computer software copyrights and adhere to the terms of all software licenses to which the City is a party. Software piracy is both a crime and a violation of the City's policies. Employees are to use software strictly in accordance with its license agreement. Unless otherwise provided in the license, the duplication of copyrighted software (except for backup and archival purposes by designated personnel) is a violation of copyright law. In addition, unauthorized duplication of software is contrary to the City's standards of employee conduct.

To ensure compliance with software license agreements and the City's policies, employees must adhere to the following:

- a) Employees must use software in accordance with the manufacturer's license agreements and the City's policies. The City licenses the use of computer software from a variety of outside companies. The City does not own the copyright to software licensed from other companies. Employees acknowledge they do not own software or its related documentation. Employees may not make additional copies of software, unless expressly authorized by the software publisher. The only exception will be a single copy, as authorized by the designated personnel, for backup or archival purposes.
- b) Employees illegally reproducing software may be subject to civil and criminal penalties including fines and imprisonment. Unauthorized reproduction of software is a Federal offense under US and Canadian copyright law. In the United States, violators may be subject to civil damages in amounts up to \$150,000 per title copied. Criminal penalties include fines as high as \$250,000 per software title copied and imprisonment of up to 5 years.
- c) Any employee who knowingly makes, acquires, or uses unauthorized copies of computer

- software licensed to the City, or who places or uses unauthorized software on the City's premises or equipment shall be subject to disciplinary action, up to and including termination.
- d) The City does not condone and prohibits the unauthorized duplication of software.
  - e) Employees are not permitted to knowingly install their personal software onto the City's computer system. Employees are not permitted to copy software from the City's computer system for installation on home or other computers without prior authorization.
  - f) In cases that require an employee to use software at home, the City will purchase an additional copy or license. Employee acknowledges that any additional copies or licenses purchased for home use are the property of the City. Employees who are required to use software at home should consult with the designated personnel to determine if appropriate licenses allow for home use.
  - g) Employees are prohibited from giving software or fonts to clients, customers, vendors, and other persons not in the employ of the City. Under no circumstances will the City use software from an unauthorized source, including, but not limited to, the Internet, home, friends and colleagues.
  - h) Employees who suspect or become aware of software misuse are required to notify their Supervisor.
  - i) All software used on City-owned computers will be purchased through appropriate procedures.
  - j) Free-ware and open source software may be downloaded with the approval of the employee's Department Head. Department Heads are encouraged to consult with information technology personnel prior to authorizing.

## **18. Internet/Intranet**

By accepting an account password, related information, and accessing the City's network or Internet system, an employee agrees to adhere to the City policies regarding their use. The employee also agrees to report any misuse or policy violations to his/her Supervisor.

Use of the Network and the Internet is a privilege, not a right. Use of Network and Internet access extends throughout an employee's term of employment, providing the employee does not violate the City's policies regarding Network, Internet or Intranet use.

The City reserves the right to suspend access at any time, without notice, for technical reasons, possible policy violations, security or other concerns.

The City, at its sole discretion, will determine what materials, files information, software, communications and other content/activity will be permitted or prohibited.

Network and Internet access is provided as a tool for our organization's business. The City reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the Network and the Internet, as well as any and all materials, files, information, software, communications, and other content transmitted, received or stored in connection with this usage.

All such information, content and files are the property of the City. An employee should have no expectation of privacy regarding them. Network administrators may review files or intercept communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistently with this policy.

The use of the City's information systems are subject to City policies applicable to traditional forms of communication. These include, but are not limited to, policies prohibiting discrimination, sexual harassment, solicitation, and use of City property and resources, disclosure of confidential information, misconduct and profanity.

The electronic mail (e-mail) system is provided by the City to facilitate business activities within the organization. The hardware of the e-mail system is considered to be City property. All messages written, sent, or received remain City property and are not considered to be private property of any employee.

The information systems should not be used to upload (send) or download (receive) any trade secrets, proprietary information, copyrighted information, or any similar materials without prior authorization of Department Heads.

The City's Internet/intranet and e-mail systems must not be used to create disruptive or offensive messages. These may include but are not limited to racial slurs, sexually implicative messages, or offensive comments about someone's age, disability, political or religious belief, sexual orientation or national origin.

Accessing files, utilizing codes or retrieving stored information is prohibited unless an employee has received prior authorization from management to conduct any such activity.

The City reserves the right, with the City Manager's approval, to monitor all Internet activity at any time, with or without notice to employees. The use of a system logon or password should not convey any expectation of privacy to the employee.

To maintain the security of the system, each user shall be required to logout of the system if they will not be in physical control of the computer and if they know that they will be away from that computer longer than 30 minutes. If a user fails to observe the logout procedure, other non-authorized users could possibly access the Internet and access unauthorized sites that will be registered to the original user's login.

No employee shall attempt any unauthorized access to the system. Incidental and occasional personal use of the Internet will be permitted within the City, as long as it does not interfere

with City business. This activity will be monitored in the same manner as any work-related use of the Internet.

No employee with authorized access to the Internet shall allow an unauthorized person, employed or not employed by the City, to use the system for any reason. The transfer of information via the Internet is not secure. Resources of any kind for which there is a fee must not be accessed or downloaded without prior written approval from a Department Head and the City Manager.

#### **19. E-Mail and Similar Person-to-Person Electronic Communication**

The City's e-mail system and other person-to-person electronic communication systems (e.g., chat, texting, etc.) are designed to improve service to our customers, enhance internal communications, and reduce paperwork. Employees using the City's e-mail and person-to-person electronic communications systems must adhere to the following policies and procedures:

- a) The City's e-mail system, network, and Internet/Intranet access are intended for business use only. Employees may access e-mail and the Internet for incidental, occasional, and infrequent personal use –provided productivity and work is not negatively affected. Incidental and occasional personal messages will be permitted within the City, but these messages will be treated the same as all other messages. No employee shall use e-mail for mass distribution of personal or non-business information. Examples include, but are not limited to: personal advertisements, personal opinions, or personal requests.
- b) Access to electronic communication is a privilege and shall not be abused. Authorized users will be given a logon name that allows access to the network. The user will provide a personalized password. Any communications via e-mail will be attributed to the logon name of the originating user. No user shall divulge his/her network password. Any person with knowledge of any password not his/her own shall report it to his/her Supervisor immediately. The Supervisor will see that appropriate actions are taken to secure the system.
- c) All information created, sent or received via the City's electronic systems, including all e-mail messages, Internet histories and electronic files is the property of the City. Employees should have no expectation of privacy regarding this information. The City reserves the right to access, read, review, monitor, and copy all messages and files on its computer system at any time and without notice. When deemed necessary, the City reserves the right to disclose text or images to law enforcement agencies or other third parties without the employee's consent.
- d) Use extreme caution to ensure that the correct e-mail address is used for the intended recipient(s).
- e) Any message or file sent via e-mail must have the employee's name attached. Personal e-mail accounts shall not be used for City business unless expressly authorized in advance by Department Heads. Alternate Internet Service Provider connections to the City's internal

network are not permitted unless expressly authorized by Department Heads and properly protected by a firewall or other appropriate security.

- f) Local Government Records created or received by an official or employee in his official capacity is declared to be the City's public property pursuant to Texas law. No City official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or unauthorized use of such records is prohibited. These rules apply even if Information is sent or received on personal electronic devices not owned by the City, if the information is sent or received in your official capacity or in the transaction of governmental business.
- g) An official or employee of a the City who possesses information defined as Public Information pursuant to the Texas Public Information Act or information defined as a Local Government Record, as defined by the Texas Local Government Records Act, not otherwise in the custody of, or accessible to the governing body, shall deliver custody of the record or information to the governing body within 72 hours of creation or receipt, or immediately upon demand by a Records Custodian of the governing body.
- h) By adopting this policy, the City Council, in accordance with the Texas Local Government Records Act, exercises its authority pursuant to Texas Local Government Code §201-205 to collect its records and authorizes the City Manager to take whatever legal action necessary to collect any City records in its possession.
- i) Care shall be taken in sending confidential information via e-mail. This includes the transmission of customer financial information, Social Security numbers, employee health records, or other confidential material.
- j) Only the City Manager or his/her designee is authorized access into another person's City e-mail without the consent of the employee, official, or volunteer. Department Heads are delegated the authority to access City e-mail accounts of other employees under their supervision as needed for the effective and efficient operation of the City, and to avoid interruption of City operations if the employee is unavailable.
- k) Employees must exercise sound judgment when distributing messages. City-business related messages should be carefully guarded and protected. Employees must also abide by copyright laws, ethics rules, and other applicable laws.
- l) E-mail message must contain professional and appropriate language at all times. Employees are prohibited from sending abusive, harassing, intimidating, threatening, discriminatory, or otherwise offensive messages. Doing so will result in disciplinary action up to and including termination.
- m) E-mail usage must conform to the City's harassment and discrimination policies.
- n) Use of the City's e-mail system to solicit for any purpose, personal, or otherwise, without

the consent of the City is strictly prohibited. Chain messages and executable graphics and/or programs should be deleted. Any employee engaging in the transmission of inappropriate e-mails, as determined by management, will be subject to discipline, up to and including termination.

- o) Employees should archive messages to prevent them from being automatically deleted. All messages archived in the City's computer system shall be deemed City property, as is all information on the City's systems. Employees are responsible for knowing the City's e-mail retention policies. Guidelines should be reviewed with City Manager when in question.
- p) Messages contained on City electronics and computers, or generated using City resources, or generated for City purposes are subject to the Public Information Act.
- q) Misuse and/or abuse of electronic access, including but not limited to, excessive personal use during working hours (as determined by management), copying or downloading copyrighted materials, visiting pornographic sites, sending abusive e-mail messages or visiting sites that would violate any other provision of this policy will result in disciplinary action, up to and including termination.

**Violation of any of these policies will subject an employee to disciplinary action, up to and including termination.**

## **20. Digital Media and Social Networking**

### **A. Generally**

Digital and computer technology continues to expand rapidly around the world. Improved technology applications can enhance our everyday lives, improve overall quality of life, and provide useful tools for businesses and government. It can be a great tool to reach citizens and further develop positive perceptions of employees and City. Likewise, it can improve personal communication and relationships. However, this technology is a double-edged sword that must be used by personnel on and/or off-duty in a manner that preserves and promotes the image, efficiency, and effectiveness of the City, the individual employee, and the community itself.

The City recognizes the right of employees to use blogs as a medium of self-expression. Should you identify yourself as an employee of City to discuss business related matters on your personal weblog or site, some readers may view you as a City representative or spokesperson. Communications made in digital media and social networking may also be regulated by Section 19 above.

Digital media and technology for the purposes of this policy is defined as all photographs, audio, and video recordings of any type and format.

The purpose of this policy is to provide employees with clear guidelines when



participating on personal social networking websites, web pages or other types of social media. It is not the City's intent to deter or prohibit employees from participating, accessing or posting to these sites, but to make sure an employee's personal activities do not infringe upon the integrity, effectiveness, or security of the City's operations, other employees or the citizens, and otherwise preserves and protects the professional interests of the City. Employees must remember that their conduct both on and off duty is held to a higher standard and that we are often viewed as "ambassadors of the City" even when outside the workplace; this includes their conduct in relation to social media and networking sites. Many of the standards provided below simply restate other policies found elsewhere in this Policy, only applied in the context of social media and social networking.

The City supports employees' rights to engage in personal interest based activities but reminds employees to exercise good judgment by safeguarding themselves accordingly by not participating in any conduct that is likely to have an adverse effect on their integrity as an employee of the City or the reputation of the City. Therefore, employees are responsible for all content posted on or to any social networking site or media, including that of another employee once they become aware of it.

1. Social media network sites, weblogs and similar media are considered public and can be entered into evidence and used against employees in court.
2. Any material considered in violation of this policy that is located on any employee's personal social networking site or posted by an employee to any social media should be removed promptly.
3. Any employee becoming aware of or having knowledge of any violation of this policy shall notify their Supervisor immediately for follow-up action.

Violations of this policy are subject to disciplinary action up to and including termination.

#### **B. Types of Digital Media**

Weblogs or blogs are publicly accessible diaries that focus on specific persons or topics.

Social media includes a variety of Internet sources that allow people to communicate, share information, share photos, videos, audio and exchange text or other multimedia files (e.g., YouTube videos). A social networking site can be defined as Internet-based services that allow individuals to:

- Construct a public or semi-public profile within a bounded system.
- Articulate a list of other users with whom they share a connection.
- View and traverse their list of connections and those made by others within the

system.

- A site that provides a virtual community for people interested in a particular subject or just to “hang out” together.
- Create their own personal online profile with biographical data, pictures, likes, dislikes and any other information they choose to post.
- -Communicate with each other by voice, chat, instant message, videoconference and blogs.

The service typically provides a way for members to contact friends of other members. The nature and nomenclature of these connections may vary from site to site. Examples of social networking sites include, but are not limited to Facebook, Twitter, Flickr, Instagram, MySpace, and others.

#### **C. Standards & Guidelines for the Use of Digital Media:**

Employees are prohibited from posting, placing, or having posted or placed any information relating to their duties or any information they have learned as a result of their duties as an employee of the City that is not otherwise readily available to citizens.

Employees of the City are held to high ethical standards and serve as “ambassadors of the City” both on and off duty. An employee’s conduct, both on and off duty, is the means by which the employee and the City’s reputation are measured. Employees must maintain high standards of professional and personal conduct at all times. Employees utilizing, posting pictures, audio, video, commenting or creating a social networking site(s), blogs, and comment oriented websites must conduct themselves at all times in a manner so as to not bring into disrepute the employee or City. Additionally, there should never be any acts or content disseminated that could bring about doubt as to their credibility as a City employee. Employees should also refrain from posting images depicting themselves inebriated or nude, nor anything suggesting involvement in gang-related and/or illegal conduct as this is also considered damaging to both the City’s and employee’s credibility. Employees should always ask themselves if something that they are posting could be interpreted in a negative way or manner by any other individual viewing the posting or image(s) and whether it could adversely impact the integrity, effectiveness, and efficiency of the City.

Employees of the City, while on or off duty, shall never utilize digital technology, blogs, or social networking sites to harass, belittle, or criticize an employee or another person in any manner. The posting of any pictures, videos, audio, comments, discussion or other digital technology media to a social networking site or forwarding or sending an e-mail(s) that criticizes, ridicules, or otherwise may potentially embarrass or disgrace another employee or person is prohibited. This shall also include the altering or editing of digital technology that harasses, belittles, or criticizes an employee in any manner.

In addition to the above, the following guidelines are to be followed by employees engaged in these activities:

- Ensure that readers understand that the views expressed are entirely your own and that these views do not necessarily reflect the views of the City. Please include a disclaimer that is easily visible to all visitors to the site. Employees should not identify themselves as an employee of the City on personal weblogs or digital media sites if such weblogs or sites discuss City-related matters.
- All postings by employees to blogs, social media and similar website commenting formats should reveal their identity and should not use a pseudonym to post views.
- Do not disclose any sensitive, financial, proprietary or confidential City information.
- The City expects that employees will be respectful to the City, fellow employees, our customers, and residents when participating in digital media. Freedom of speech is not necessarily a freedom to say whatever one wants without consequence. Employees must not post materials that violate the privacy or publicity rights of another individual or entity.
- Digital media activity should not interfere with work requirements at any given time.
- Activity shall not violate any policy of the City, including this Policy.
- Copyrights and laws regulating what can be written must be respected at all times. Digital media activity should not be used to make statements that are libelous, defamatory, profane, harassing, or obscene.
- The City reserves the right to suspend activities temporarily if it has any concerns about compliance with securities regulations or other laws.
- Employees should ask Supervisors for guidance if uncertain whether digital media activity will conflict with the City's policy.

## **21. Mobile Communications Devices and Cell Phones**

The City provides mobile communications devices to employees for business use when the use of such telephones will increase the level of service provided to the citizens of Brady, increase the level of safety for the City employee and/or satisfy legal requirements. The City may purchase or provide under a lease contract cell mobile communications devices for City staff as deemed necessary. Alternatively, the City may provide a stipend to employees as deemed necessary for such employees to maintain their own service, subject to City standards of service and

accessibility. Stipend amounts shall be established separately by the City Manager, along with standards for service and technology due to ever-changing technologies. If an employee is receiving a stipend or City- owned/leased mobile communications devices, the employee is expected to be responsive and answer.

The following policies apply to City-provided mobile communication equipment and service. It is the responsibility of the employee to properly use, maintain, and secure their cellular telephone. All incidents of mobile communication device damage or loss must be reported immediately to the employee's Supervisor. A City mobile communication device may be used for appropriate business purposes. Such use is appropriate when an employee must make use to continue City operations, does not have access to a regular City equipment, and the use cannot or should not wait until the employee returns to his/her office. Use of devices in connection with working extended hours is considered business-related. The City will not reimburse business use placed on personal mobile devices. Some circumstances may warrant personal use of the City mobile device which, in some instances, may be preferable to the employee departing the work area to make the use. It is the responsibility of the employee to exercise best business practices when placing such use.

The Texas Public Information Act defines public information subject to the Act to include "electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business, including any e-mail, internet posting, text message, instant message, [or] other electronic communication." (Tex. Gov't Code 551.006.) Employees should be mindful of all communications regarding City business, even those made via mobile devices. Employees should also keep in mind that all use of City-issued equipment is subject to open records requests and audit by the City. See Section 19 above.

## **22. Personal Electronic Recording Equipment**

The City prohibits the use in the workplace of any type of smart phone, cell phone camera, digital camera, video camera, or other form of image- or voice-recording device for recording purposes without the express permission of the City by policy or by a Department Head. This provision does not apply to designated City personnel who must use such devices in connection with their positions of employment, when recording is being done as part of employment duties.

Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment, depending upon the severity and repeat nature of the offense. In addition, the employee may face both civil and criminal liability from the City, from law enforcement officials, or from individuals whose rights are harmed by the violation.

## CHAPTER 3 ORGANIZATION AND ADMINISTRATION

### 1. Organization of Personnel

- (a) **The City Council** – The compensation of all appointive officers and employees is approved by the City Council through the budget process as stipulated in the City Charter. City Council members are not employees of the City.
- (b) **City Manager** – The City Manager will advise the City Council on personnel matters, and recommend changes in the personnel policies, rules and regulations. The City Manager will be responsible for recommending salary structures of appointive officers and other City employees and any other changes that he may deem necessary or expedient. The City Manager is responsible for the administration of the personnel program of the City, and may appoint an employee to assist in the administration of these programs to include personnel files, salary schedules, insurance programs, liability and health programs, and other administrative duties as assigned.
- (c) **Directors** – The Directors are assigned to supervise several department divisions and Department Heads (Managers, Superintendents, Supervisors, and Coordinators). Directors are expected to effectively supervise their employees and to maintain proper working relationships. To that end, Directors may adopt and enforce departmental regulations consistent with these rules and regulations. Director shall report on the efficiency of their subordinates and notify the City Manager of changes in the duties of employees, maintain updated job descriptions, and recommend merit increase for employees as applicable. The appointment of new employees by Director will be made from eligible applicants, with approval of the City Manager.
- (d) **Department Heads** – Department Heads are expected to effectively supervise their employees and to maintain proper working relationships. To that end, Department Heads may adopt and enforce departmental regulations consistent with these rules and regulations. Department Heads shall report on the efficiency of their subordinates and notify the City Manager of changes in the duties of employees, maintain updated job descriptions, and recommend merit increase for employees as applicable. The appointment of new employees by Department Heads will be made from eligible applicants, with approval of the Director and City Manager.

## **CHAPTER 4 CONDITIONS OF EMPLOYMENT**

### **1. Basis of Employment**

All initial employment with the City shall be based on job related qualifications, including but not limited to, knowledge, skills, ability, physical fitness and required licenses, as determined under authority of the City Manager, based upon:

- (a) Education, training and work experience as reflected by certification, registration, and licenses;
- (b) Job related written and/or performance test;
- (c) Job related physical examination and drug screening test;
- (d) Background check for conviction of crimes involving moral turpitude and (in connection with jobs involving the operation of motor vehicles), driving history; and
- (e) Personal references as required in applications.

### **2. Recruitment**

The City Manager is responsible for recruitment of all regular full-time, part-time, and seasonal employees, and maintenance of all applications. Recruitment occurs through personal contact, through employment agencies, and/or by way of advertising. The City Manager or his designee will conduct the initial recruiting. All applications will be referred to the appropriate Department Head for screening interviews and possible employment.

### **3. Request for Personnel**

The Department Heads will submit a request to the City Manager for persons to fill vacancies. Each request will include the title of the position to be filled, contemplated initial salary or wages, desired training and/or qualifications as stated in the job description. Requests for personnel should be made a reasonable period of time in advance of actual need whenever possible.

### **4. Applicant Preference**

Other qualifications being equal among applicants, departments will give hiring preference to persons currently employed by the City.

### **5. Residence**

All employees serving in positions for which standby pay is budgeted must reside within ten (10) miles of the McCulloch County Courthouse; provided that written exceptions may be granted by the City Manager.

## **6. Announcements**

All positions will be open first to current City employees and shall be posted for a period of three (3) calendar days. If no current employee applies for the position or does not qualify, the position will be posted on the public bulletin board and City website. Applications will be accepted from applicants outside off the City organization. If a shorter publication period is required due to an emergency, written justification should be included with the requisition and must be approved by the City Manager.

## **7. Application and Selection Procedures**

All persons seeking initial employment or re-employment will be required to complete, sign, and file an application with the City Manager's office. Application forms will be secured from and returned to City Hall prior to the posted deadline. Suitable and eligible candidates will be selected according to the requirements of the job description, which will include education, skills, experience, and duties, etc. Candidates may be required to complete typing, data entry, aptitude physical and/or psychological testing, as applicable. Interviewers must complete and return interview forms after the interview. No formal job offers are made at the time of the interview. If the interviewers determine that a candidate is acceptable, references, driving records, and other credentials will be checked and subject to such information being found satisfactory, extend a conditional job offer and schedule the candidate for a pre-employment physician examination and drug screening.

## **8. Appointments**

After an applicant has passed the required tests, and passed all screening processes, the selection will be reported to the City Manager for final approval. An appointment will be scheduled with the preferred candidate for enrollment and orientation. If no candidate possessing the minimum qualifications is located or approved by the interview board, the position may be re-advertised, or the position may be filled by a lesser-qualified person at a lower job classification, at the City Manager's discretion.

## **9. Physical Standards**

- (a) Medical Examinations** - All new and former employees will undergo a prescribed medical and physical examination to be made by a physician designated by the City. The purpose of the examination will be the determination of the physical fitness and ability to perform the duties of the position to which appointment is being considered. These examinations are to be made as near the effective date of employment as possible. The City Manager's Office has the responsibility of making appointments and arrangements for obtaining the examination.
- (b) Exceptions** – Physical standards and requirements will vary somewhat in accordance with the duties and working conditions in the specifications for various positions and also as to anticipated length of employment. The City Manager's office will advise the examining physician regarding any special or unusual requirements of the position. The opinion and

recommendation of the examining medical officer will determine the acceptability of any person for employment. The examining medical officer will complete and forward to the City Manager the prescribed form indicating findings. All applicable Americans with Disabilities Act (ADA) guidelines will apply.

#### **10. Age Requirements**

Within statutory limits and the restrictions of state or federal law, persons less than eighteen (18) years of age may be considered for employment in positions of a non-hazardous nature. In all instances, the parents of such minors shall be required to execute a waiver and release form provided by the City Manager's Office. The employment of any person less than eighteen (18) years of age, in a full-time position, shall require the review and approval of the City Manager.

#### **11. Types of Positions**

- (a) Regular Full-Time Employee (FTE)** - A regular full-time employee is an employee serving in a position budgeted for forty (40) or more hours per week for fifty-two (52) weeks per year. A FTE may work 8, 10, 12, and /or 24 hour shifts depending on job position.
- (b) Part-Time Employee** - A part-time employee is an employee serving in a position that is budgeted for or regularly scheduled to work less than thirty (30) hours per week, fifty-two (52) weeks per year, not to exceed 1,000 hours per year. Part-time employees are not eligible for benefits.
- (c) Temporary Employee** - A temporary employee is a part-time or full-time employee that is appointed for a specific period of time with an anticipated date of termination indicated at time of appointment. Temporary employees are not eligible for benefits.
- (d) Seasonal Employee** - A seasonal employee is a part-time or full-time employee that is appointed for a specific period of time with an anticipated date of termination indicated at time of appointment, no more than 7 months and cannot exceed 1,000 hours per year. Seasonal employees are not eligible for benefits.

Part-time, temporary, and seasonal employees shall not be eligible for vacation leave, sick leave, holidays, or be able to participate in any benefit program, including group medical coverage, and other special benefit programs, unless specifically provided for in these policies, or required by state or federal law. Regular, full-time employees shall be eligible to participate in group medical coverage programs and be paid for holidays, and accrue vacation and sick leave.

#### **12. Disqualification for Employment**

The City Manager or the Department Head of applicable departments may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position if:



- (a) the applicant does not meet the experience and/or education requirements of the job description for the position to which he or she seeks appointment;
- (b) the applicant appears to have intentionally made false statements in the application or in the examination or appears to have practiced or attempted to practice deception or fraud in connection with such application;
- (c) the position is one requiring more than twenty (20) hours per week and the applicant is receiving pension benefits under existing retirement plan of the City;
- (d) the applicant refuses to participate in a retirement system, group medical coverage, or social security program required by this policy; or
- (e) for any other grounds set forth in these policies, rules, and regulations.

### **13. Training of New Hire**

When a new employee first reports for work, the employee shall be notified of the fact that he will be in training for six (6) months. During this time, the supervisor shall observe his work with particular care. The supervisor shall train and advise the employee in the performance of their duties and let him know if he is progressing satisfactorily. All new hires will receive Safety Orientation to address the hazards of their positions. This will include a review of all safety rules, policies/procedures, and equipment that are applicable to the new employees area of assignment. Safety orientation will be accomplished the first day of employment.

## **CHAPTER 5 ATTENDANCE AND LEAVES**

### **1. Vacation Leave**

Regular full-time employees earn vacation leave. Temporary, seasonal, or part-time employees will earn no vacation or other annual leave.

- (a) Regular, full-time employees shall be eligible for five days of vacation leave after the completion of six months of employment. Vacation leave shall therefore accrue as follows:
  - 1 – 4 years of service – 10 days per year (3.08 hours biweekly)
  - 5 – 9 years of service – 12 days per year (3.70 hours biweekly)
  - 10 + years of service – 15 days per year (4.62 hours biweekly)
- (b) Each Police and Fire/EMS shift employee shall accrue a combined vacation/holiday pay at a rate of 9 hours for 24-hour shift or 7 hours per 12-hour shift for 26 pay periods per year. When added to accrued vacation time such time shall be subject to a 200 hour maximum for vacation time.
- (c) It shall be the duty of the respective Department Head or supervisor to monitor vacation schedules to ensure that an adequate work force is available. All requests for vacation will be made a minimum of 10 days in advance, except in case of emergency, by the employee completing and delivering the Leave Form to his Department Head, who will sign the Leave Form if the leave is approved. If the Leave Form is not complete, is not submitted in a timely manner or the employee does not have the requested time, the Leave Form will be returned to the supervisor who will notify the employee.
- (d) Employees will not accrue any vacation leave above 150 hours in any one fiscal year, except 12 or 24 hour shift employees maximum equals 200 hours per year.
- (e) In the event that an employee resigns, dies, or is terminated, providing he has been employed for at least six (6) months, all accrued vacation time up to a maximum of 150 hours will be paid to the employee or his designated survivor.

### **2. Hours of Work**

All offices of the City of Brady, except those for which special regulations are required, shall be open continuously from 8:00 am until 5:00 pm, Monday through Friday, except on the designated holidays noted in Chapter 5, Section 6, or in cases of emergencies, or inclement weather conditions.

### **3. Work Week**

- (a) All regular full-time employees will work 40 hours per week, except in circumstances where a different schedule is required, and regular full-time employees shall accrue all employee benefits as described herein. The City Manager, Directors and Department Heads will be subject to 24-hour call, unless on approved leave.
- (b) All offices and departments of the City will be closed on Saturday and Sunday, except the Police Department, Fire/EMS Department, and portions of the Golf Course, Airport, Lake, Sanitation, Public Property Maintenance (PPM), Water, Electric, Gas, and Waste Water Departments. Department Heads will assign employees necessary to operate departments not closed on Saturday and Sunday.
- (c) Part-time employees will only receive pay for the time they actually work. Time must be verified by the appropriate Department Head. Part-time employees are not eligible for vacation, sick leave, retirement, group medical coverage, insurance, or holiday pay.
- (d) No compensatory time will be allowed for any City of Brady employees. Flex-time of hour per hour is available, as approved and authorized by the employee's supervisor.

### **4. Overtime**

When necessary, in order to maintain the proper City services, employees may be required to work overtime. Prior to performing any overtime, it must be approved by the Department Head. All employees required to work overtime, in accordance with federal law for all worked hours over 40 hours, shall be compensated at one and a half times their regular rate of pay. Overtime is reported to the Payroll Department on required forms at the end of each pay period. The overtime reports are signed by the employee, the Department Head, and the Director before paychecks are distributed. Employees must work over forty (40) hours per week to be compensated at the overtime rate. Vacation, holiday or sick leave do not count toward overtime.

### **5. Standby Pay**

An employee serving in a position eligible for standby pay must reside within a ten (10) mile radius of the McCulloch County Courthouse and have an activated telephone in his residence. Employees will be paid the approved standby pay set by the City Council.

### **6. Holidays**

- (a) Regular full-time employees of the City, except employees outlined in 1.(b) above Police and Fire/EMS shift employees, will observe the following 10 holidays:

New Year's Day	Friday before Easter	Labor Day
Memorial Day	4 <sup>th</sup> of July	Thanksgiving Day
Friday after Thanksgiving	Veterans Day – 11-11	Christmas Day
		Floating December Holiday

- (b) In the event any regular full-time employee (not including 12 and 24 hour shift personnel) of the City is required to work on a City holiday, such employee shall receive compensation at time and half (1.5) of their regular rate of pay for worked hours, in addition to the 8-hour holiday pay.
- (c) If a holiday falls on Sunday, the holiday will be observed the following Monday. If a holiday falls on a Saturday, the holiday will be observed on the preceding Friday.
- (d) Temporary and part-time employees may be given holidays off without pay at the discretion of the Department Head.

## 7. Sick Leave

**Definition and accrual rates** – Sick leave is defined as a fully compensated absence from work arising from any illness, sickness, off-the-job accidental injury, or on-the-job injury as defined or allowed by Section 11 of this Chapter. All regular full-time employees shall accrue 3.08 hours of sick leave each pay period. Unused sick leave time may be accumulated up to a maximum of 500 hours.

**Proper use of Sick Leave** – Sick leave shall not be considered as a right, which each employee may use at his discretion. It shall be allowed only in cases of necessity and actual sickness or disability of the employee, the employee's spouse or child, or the mother or father of the employee or spouse.

Employees who are absent for more than three (3) days may be required to provide a medical release before returning to duty. Failure to present this release if requested by the Department Head may result in such absence being recorded as leave without pay, and may subject the employee to disciplinary action under these policies. Minor ailments, which would not affect the safety, or health of the employee or other persons or property while performing job duties, do not qualify an employee for leave chargeable as sick leave.

- (a) **Reporting Sick Leave Absences** – In order to receive compensation while on sick leave, an employee shall notify his immediate supervisor within the hour prior to the time set for the employee to begin his daily duties. Those employees working shift work, who relieve other personnel, should notify the supervisor as soon as possible so that a replacement can be located. If the employee is unable to contact his supervisor, the employee shall notify the supervisor's designee. Failure to give such notification, except in emergency or unusual circumstances, may cause an employee's absence to be charged to leave without pay, and subject the employee to disciplinary action up to and including dismissal.
- (b) **Contributing Unused Sick Leave to Another Employee** – In the event of any major health care situation in which an employee has insufficient accrued sick leave or vacation to cover the period he is unable to work, and he has been employed by the City for at least one (1) year, the City Manager may authorize special sick leave donation arrangement. Other employees may be permitted to contribute unused sick leave from their individual accounts to the effected employee on a non-refundable basis.

In such event:

- (1) The affected employee's department supervisor will dispense contributed sick leave to the employee on an "as needed" basis;
  - (2) Should the affected employee be able to resume work before all contributed sick days have been used, the balance of the unused leave donations will be returned to the contributors on a prorated basis; and
  - (3) The amount of sick leave an employee may donate to another employee meeting these requirements is limited to one-half (1/2) of the donating employee's current balance, but no more than forty (40) hours of sick leave per year.
- (c) **Unused Sick Leave** – No cash payment for unused sick leave shall be made upon termination of employment, retirement, or death of an employee. No employee shall be permitted to donate sick leave to any other employee during the last two weeks of any such employee's employment.

## **8. Military Leave**

- (a) The City of Brady complies with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). 38 U.S.C.A. 4301 et seq. USERRA is a federal statute that protects employees who engage in military duty in the uniformed services. The exception to the "at-will" doctrine contained in USERRA applies only to this section of the personnel manual regarding military leave.
- (b) Military leave shall be approved leave for regular, full-time employees of the City who are members of the state military forces or members of the reserve components of the Armed Forces of the United States. This leave shall be approved for leave of absence from an employee's duties without loss of any benefit of employment on all days during which the employee is engaged in authorized training or duty ordered by proper authority for a time not to exceed fifteen (15) working days in a fiscal year.
- (c) The paid military leave period is measured as the fiscal year October 1<sup>st</sup> through September 30<sup>th</sup>.
- (d) Employees returning from military leave may be restored to employment subject to the provisions of the law upon release from active duty unless released with a dishonorable or bad conduct discharge or under other than honorable conditions as characterized by federal regulations. The employee, within ninety (90) days after release from duty, must give written or actual notice of intent or return to employment without intervening employment.
- (e) All requests for leave should be accompanied by a copy of the order, directive, notice, or other documents requiring absence from scheduled work.

## **9. Maternity and Emergency Leave**

- (a) **Maternity Leave** – An employee shall be entitled to non-compensated maternity leave. An employee may be required to begin maternity leave at any point during the period of pregnancy if her physical condition unreasonably impairs her ability to perform the essential duties of her position. Such employee will be entitled to resume work following the termination of pregnancy when she is able to perform her job duties and has obtained a physician's release to return to duty. This policy does not exclude an employee from receiving paid leave as outlined in Section 1 (i) Vacation Leave, Section 7 (ii) Sick Leave, or (iii) leave as provided for in the Family Medical Leave Act (See Chapter 5, Section 16) during a period of pregnancy recuperation or care.
- (b) **Emergency Leave** – All full-time employees may be granted emergency leave with pay for a period not to exceed three (3) days unless a longer period of time (not to exceed an additional two (2) days) is approved by the City Manager in case of the death of a husband, wife, father, mother, son, daughter, brother, sister, or grandparent of the employee or employee's spouse. Leave up to one-half (1/2) day may be granted to an employee by his immediate supervisor to attend funerals for persons other than relatives listed above, if the supervisor feels the leave is justified. This leave shall not be charged against sick leave or vacation. Part-time, seasonal, and temporary employees may be granted leave of absence without pay in the situations mentioned above.

## **10. Injuries**

- (a) **General** – Leave resulting from any cause, to include injury and/or illness, shall not exceed 180 consecutive calendar days. Leave for more than 180 consecutive calendar days constitutes an unreasonable hardship on the City and may result in termination of employment. The City will reserve the right to follow normal procedures for filling a vacancy created by an employee who is absent from work for more than 180 days.
- (b) **Injury on the Job (Leave and Compensation)** – Injury Leave is defined as work which is to be paid time arising from on the job accidental injury. When an employee is injured on the job, such injuries will be immediately reported to his supervisor. The supervisor will immediately take steps to secure medical treatment for the employee, notify the Department Head, and initiate an investigation. The Department Head will ensure that the supervisor's report included the employee's statement of details of the injury, and is turned in to the City Manager's office within twenty-four (24) hours of the accident.

An employee injured on the job will be granted injury leave, without pay except as listed below, for the period of time he is disabled and unable to perform his duties. A doctor's statement that the employee is unable to return to work shall be required for an employee to receive injury leave. The continuation of any such injury leave granted will be at the discretion of the City and subject to these policies and applicable law.

Any employee injured on the job shall be covered by, and entitled to the benefits provided under the Texas Workers' Compensation Act. Such employee's fitness and duty to return

to work shall be determined under the provisions of the Workers' Compensation Act. During the period of such injury leave, the employee's compensation will be made from (1) the weekly benefits payable under the Act, and (2) the disability benefits, if any, payable under the City group health coverage, and accident insurance program. An employee shall forfeit all rights to injury leave, as distinguished from his rights under the Workers' Compensation Act, if the employee:

- (1) is found to be working on a self-employed basis or for any other employer, either full or part-time, for financial gain;
- (2) resigns from City employment;
- (3) is discharged;
- (4) retires or dies;
- (5) fails or refuses to comply with or follow, or disregards, or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury;
- (6) refuses to perform light, partial, or part-time duty when offered by the Department Head, and which does not require him to perform activities which are restricted by his treating physician;
- (7) falsifies or misrepresents his physical condition or capacity; or
- (8) refuses to return to duty on the working day he/she has been released to duty by the treating physician's statement when requested by his supervisor. A written release from the treating physician shall be allowed to return to work for either light duty or regular duties.

**(c) Accidents Involving Motorized Equipment**

If an employee is injured while operating motorized City equipment or if the accident in which the employee is injured occurs while the employee is on duty, a motor vehicle accident report shall be completed by the City Police Department. The Department Head shall immediately be notified and will respond to the scene. When an injury occurs or damage to City or private property occurs, the City Manager will also be notified. A copy of the Police report will be forwarded to the City Manager's office along with an accident report to be completed by the employee and the Department Head within 24 hours.

**(d) Special Assignments with Pay**

Department Heads may pay employees who are attending professional conferences, conventions, training seminars, or visiting other cities in the interest of the City. Such special assignments will be approved by the City Manager, who will determine whether or

not an employee will use a City vehicle, or be reimbursed for mileage for use of a personal vehicle.

Employees on special assignments will furnish receipts for all costs incurred. A travel expense form will be completed detailing meal, lodging, and registration expenses. Whenever possible, advance registration will be made through the City Finance Department. City credit cards will be utilized when possible.

#### **11. Tuition Cost**

Employees requesting the City pay tuition and books for continuing education classes and college classes must do so in writing to their respective Department Head and the City Manager. Classes must be judged to benefit the employee's job performance. This decision rests solely with the City Manager. The employee shall reimburse the City for the cost of any class or course which the employee does not complete or fails to meet the following criteria:

- (a) A passing grade of "C" or better; or
- (b) A numerical average of 70 or higher; or
- (c) A "pass" designation for pass/fail class work; or
- (d) Incomplete due to emergency.

#### **12. Leave to Attend Voting, Jury Duty, Court Subpoenas**

All employees will be allowed time off with pay to attend the civic duties of voting in elections, serving as members of jury panels, or appearing before any tribunal by virtue of subpoena or summons resulting from their City employment. All employees receiving a call to jury duty must promptly notify their supervisor. Regular full-time employees on jury duty shall be excused from regular City duty without loss of pay. Should jury duty fall within a scheduled vacation period, the vacation period may be extended by a corresponding number of days, or the employee may schedule that number of days off at another time. All jury duty money received by a regular full-time employee shall be paid to the City as partial reimbursement of their salary. All employees who are requested to testify by the City, or who are subpoenaed as witnesses for the City or as a result of their employment with the City, shall be excused from regular duty for the amount of time necessary to appear in court, without loss of regular pay. Employees appearing in any matter unrelated to their City employment, or appearing voluntarily as an adversary witness against the City, shall not receive wages for answering a subpoena or testifying in court. Employees attending any administrative or judicial proceeding for personal business may use any vacation accrued to their credit for such purpose, and may take leave without pay.



### **13. Leave of Absence**

Department Heads may grant leaves of absence without pay to an employee, with the approval of the City Manager, not to exceed thirty (30) days in duration. Requests for such leave shall be in writing and submitted well in advance of the date the employee will commence such leave. Leaves of absence without pay may be granted for any legitimate purpose. Employees will be obligated to show that the granting of such leaves of absence without pay will not materially affect productivity of the Department. Leaves of absence without pay will not exceed thirty (30) days in any case, except as allowed under the Family Medical Leave Act or similar federal or state laws.

### **14. Absence without Leave**

No employee may be absent from duty for a single day or any part of a day without the permission of his Department Head. Any such absence will be without pay and may subject the employee to disciplinary action up to and including termination.

### **15. Physical Incapacity to Perform Assigned Work**

- (a) Once it is determined by the Department Head or his designee, based on the assessment of a licensed medical doctor, that an employee is not able to perform the required physical duties or tasks of his present position (regardless of whether the incapacity is due to the job injuries, off the job injuries, or illness), then that employee will not be returned to his full duty with the City until a medical doctor states in writing that the employee is able to perform all the physical tasks or duties of the position. Whenever possible, the City may provide light or modified duty to an employee who has been released by a physician to return to work in a limited capacity.
- (b) Under this policy, light duty is construed to mean a temporary modification of the employee's regular duties on a full or part-time basis, or assignment within the Department or within another Department to a funded position that is compatible with the employee's current physical capabilities, as determined by the employee's treating physician. The Department Head may identify and determine the availability of light duty positions within his department.
- (c) Once an employee has exhausted all his sick leave, vacation leave, or injury leave granted under the previous sections of this chapter, additional leave shall be addressed under the Family Medical Leave Act. If an employee refuses to return to work after FMLA leave is exhausted, his employment may be terminated, but the employee will be able to retain the City's health benefits if he notifies the City Manager's office and pays the rate as established by the City as required by the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Such coverage shall be limited to the minimum lengths of time established by COBRA.

## 16. Family and Medical Leave

**(a) Definitions** – For the purpose of this policy, the following definitions will apply:

- (1) “Health Care Provider” – a doctor of medicine or osteopathy who is authorized to practice medicine or surgery, as appropriate, by the state in which the doctor practices; or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.
- (2) “Parent” – the biological parent of an employee, or an individual who stood in *loco parentis* to an employee when the employee was a son or daughter.
- (3) “Reduced schedule leave” – a leave of absence schedule whereby an employee’s hours per work week or hours per work day are reduced below the employee’s usual number of hours per work week or work day.
- (4) “Serious health condition” – an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential care facility; or (2) continuing treatment by a health care provider.
- (5) “Son or daughter” – a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in *loco parentis* who is (a) under eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

**(b) Eligibility** – In order to be entitled to family or medical leave under this policy, an employee must have worked for the City, as of the day leave commences, for a total of at least one year, and must have worked at least 1,250 hours during the twelve (12) weeks preceding the leave.

Providing the eligibility requirements set forth above are met, an employee will be entitled to unpaid leave, up to a maximum of twelve (12) weeks of leave during any twelve (12) month period, for one or more of the following:

- (1) Because of the birth of a son or daughter to the employee and in order to care for such son or daughter;
- (2) Because of the placement of a son or daughter with the employee for adoption or foster care;
- (3) In order to care for the spouse, son, daughter, or parent of the employee if such spouse, son, daughter, or parent has a serious health condition; or
- (4) Because of the employee’s own serious health condition that makes the employee unable to perform the functions of his or her position.

Entitlement to leave for the birth of a child or for the placement of a child with the employee for adoption or foster care expires twelve (12) months after such birth or placement with the employee.

**(c) Spouses Employed by the City** – If both husband and wife are employed by the City and both are otherwise eligible for leave under this policy, the husband and wife will be restricted to a combined total of twelve (12) weeks of leave during any twelve (12) month period as to leaves taken for the care of a new son or daughter (whether through birth, adoption, or placement in foster care), or for the care of a parent with a serious health condition. Leave entitlement for spouses who are both employed by the City is not aggregated, however for leaves necessitated by the serious health condition of a spouse, son, or daughter, or for the employee's own serious health condition.

**(d) Foreseeable Leave – Obligations of Employee** – Where the necessity for leave is foreseeable due to the expected birth or placement of a son or daughter, the employee must provide the City with no less than thirty days advance notice of the intent to leave unless approved by the City Manager in exceptional circumstances.

As to leaves due to a serious health condition of the employee or the employee's spouse, son, daughter, or parent, where the necessity for leave is foreseeable based on planned medical treatment, the employee must:

- (1) Make a reasonable effort to schedule the treatment so as not to unduly disrupt Department operations (subject to approval of the health care provider); and
- (2) Must provide no less than thirty (30) days advance notice of the intent of take leave, except where the date of treatment requires that the leave be within less than thirty days, in which case the employee must provide as much advance notice as possible.

**(e) Reduced Schedule Leave** – If determined to be medically necessary by the health care provider, a full-time employee may work less than forty (40) hours due to the serious health condition of the employee, spouse, son, daughter, or parent. In the event an employee is placed on a reduced schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, at equivalent pay and benefits, which will accommodate recurring periods of leave better than the employee's regular position. Leave for the birth or placement of a son or daughter, however, cannot be taken intermittently or on a reduced schedule basis without the specific agreement of both the employee and the City.

**(f) Certification of Necessity for Medical Leave** – In order to obtain a leave necessitated by a serious health condition, the employee must provide the City, in a timely manner, with written certification from the health care provider which states:

- (1) the date on which the serious health condition commenced;
- (2) the probable duration of the condition; and

- (3) the appropriate medical facts known to the health care provider regarding the condition.
- (g) **Interpretation and Application of this Section** – This Chapter and Section shall be interpreted and applied by the City in a manner consistent with the Family and Medical Leave Act, 42 USCA S§ 2601 et. seq. In the event of a conflict between any provision of this section and such Act, the terms and provisions of the Act shall govern and control.

## **CHAPTER 6**

### **WAGE AND SALARY ADMINISTRATION**

#### **1. Application of Rates**

All employees occupying a position in the salaried or overtime exempt status shall be paid a biweekly wage within the range currently set for that position's class under the pay plan as approved by the City Council. If an employee begins service in the middle of a pay period, he will be paid at the equivalent hourly rate for the total hours worked during the pay period. The City ~~pays encourages~~ all employees ~~to be paid~~ by direct deposit.

#### **2. Pay Rates for New Employees**

Pay rates for new employees will normally be at the minimum hourly, biweekly, step in the salary range established for the position that the employee is occupying. Department Heads, with the approval of the City Manager, may pay a new employee a beginning rate above the minimum established in that range if the new employee's abilities, experience, and training justify such action. At the end of the six (6) month probation period, the employee shall be evaluated and may be awarded a pay increase by his supervisor with approval of the City Manager.

#### **3. Performance Based Pay Increases**

Pay increases for employees shall not be automatic but shall be based on performance, and to reward employees for ability and efficiency in performing their duties. Length of service is not considered a valid basis for requesting performance based pay increases. Performance based pay increases may be granted only by the City Manager on recommendation of the Department Head.

#### **4. Total Rate of Pay**

No employee shall be paid, nor shall a salary advancement be made that would compensate an employee at a higher rate than the maximum or highest step in the salary range to which that employee's position has been assigned unless approved by the City Manager. However, any employee receiving a salary rate in excess of his minimum step in his salary range on the effective date of the adoption of these rules shall continue to receive that rate unless such rate is reduced as otherwise provided in these rules.

#### **5. Part-time, Temporary, and Seasonal Rates**

An employee who works regularly at less than the established workday or workweek shall be paid by the hour or at a salary proportional to the amount of time worked. The hourly, biweekly rates for part-time, temporary, or seasonal employees shall be established by the City Manager after giving due consideration to the ranges and pay rates in effect for similar positions in the current plan.

**6. Pay Rates for New Positions**

Whenever a new position is created, the Department Head shall study the duties and responsibilities of the new position and in light of the existing positions and pay rates in the Performance Based Compensation Plan, submit to the City Manager a recommendation for a proper hourly and biweekly pay range for the new position.

**7. Termination Pay**

All employees who leave the service of the City employment shall receive all pay that may be due, with the following qualifications:

- (a) Regular full-time employees who have completed at least six (6) months or more service computed from the date of their regular full-time employment shall be paid for all unused vacation leave up to a maximum of 150 hours.
- (b) If any employee terminates before the end of a pay period, he will be paid for the total hour actually worked through his termination date at his calculated hourly rate.

**8. Performance Appraisal System**

- (a) The purpose of the system is to improve employee productivity, to provide better communications between supervisors and those they supervise, to identify needs for training or other remedial actions among the workers, to provide the cultivation of skills and abilities, and to further the City service as a good place to work. They shall be used as aides in recommending employees for performance pay increases, in considering dismissal and/or other disciplinary actions based on job performance, in attempting to avoid any influence of personal bias or prejudice in offering promotions to employees and other personnel matters.
- (b) An evaluation of all employees shall be completed at least once a year. An evaluation of an employee may also be conducted at any other time at the option of his or her supervisor. Such specific evaluations are appropriate if the employee is being considered for promotion, is in need of remedial action, or is to be warned of, or subjected to, possible disciplinary action.
- (c) The immediate supervisor shall perform evaluations, but the evaluations may be reviewed and revised by the Department Heads before becoming final. Evaluations of supervisory employees shall take into account the skill and judgement shown by such supervisors in the rating of those responsible to them. If an employee believes that a performance evaluation is erroneous, unfair, or prejudiced, he may appeal the evaluation in the same way as for any other grievance.

## **CHAPTER 7 RESIGNATION AND EMPLOYMENT VERIFICATION**

### **1. Resignation**

To the extent reasonably possible, an employee who wishes to leave the employment of the City is requested to give at least two (2) weeks-notice to his supervisor before the effective date of the resignation. Such notice shall be in writing and shall state the reasons for such resignation. The Department Head shall immediately notify the City Manager of such resignation and indicate the reasons therefore, and whether the employee's services have been satisfactory. In no case shall an employee be allowed to take vacation leave during the last two (2) weeks of employment unless approved by the City Manager and the Department Head. Vacation hours taken during the last two weeks of employment will be deducted from the employee's accrued vacation hours and the 150 hours maximum allowed for payment at the time of resignation or termination.

### **2. Termination Interview**

The employee's termination interview and final paycheck will be received from the City Manager or his designee. Retirement benefits, insurance, and medical coverage continuation (COBRA), and other final matters will be handled at the time.

### **3. Requests for Employment Verification**

Information regarding the employment of all current and former City employees shall be verified upon written request made to the City Manager's office. In the absence of a written request signed by the current or former employee, only the following information will be released:

- (a) The date the employee began employment of the City;
- (b) The date the employee ended employment with the City;
- (c) The employee's salary when beginning employment with the City and such salary when employment with the City ended;
- (d) The position held while employed by the City; and
- (e) The department(s) to which the employee was assigned while employed by the City.

No person other than the City Manager or his designee shall be authorized to act on behalf of the City with respect to the verification of employment information.

## CHAPTER 8 ADVERSE ACTION

### 1. Adverse Actions

The City may deny or reject any application, appointment, or promotion, or suspend, demote or remove any employee at any time for any reason or no reason. The following examples of unacceptable behavior that may lead to disciplinary action are offered for illustrative purposes only, and shall not limit or modify the City's at-will employment policy.

**(a) General** – In determining whether its action with respect to any applicant or employee will promote the efficiency of service, the City shall consider the following:

- (1) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance in the position applied for or employed in; or
- (2) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance by the employing department of its duties and responsibilities.

**(b) Specific Factors** – Among the factors which may be used in making a determination as to any applicant or employee, in addition to those set forth in paragraph (a) of this section, any of the following may be considered as a basis for adverse action:

**(1) Prior Employment** – Delinquency, misconduct, and poor working relationships in prior working employment or current employment; or

**(2) Improper Conduct** – Criminal, dishonest, infamous, or notoriously disgraceful conduct, specifically including the following, which for purpose of this policy shall be defined thusly:

- A. Dishonesty – Stealing or taking City property or other employees' property without proper authorization; misuse of City funds or employees' funds; cheating; forging or willfully falsifying official City reports, records, or documents; misuse of paid leave of absence; or any other falsifying action detrimental to the City or fellow employees.
- B. Disturbance – Fighting, offensive touching, all forms of bullying; use profane, abusive, or threatening language; horseplay; causing injury to fellow employees through deliberate assault or gross negligence; spreading false reports; or otherwise disrupting harmonious relationships between employees.
- C. Sabotage – Deliberate damage or destruction of City equipment or property; altering, removing, or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in



slowdowns, sit-ins, strikes, or any other concerted effort to limit or restrict employees from working.

D. **Misconduct** – Any criminal offense or other misconduct, including immoral conduct, during or off working hours, which could have an adverse effect on the City government, or on the relationship of the employee and other employees. Repeated convictions during service on misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment will be considered misconduct.

- (3) **Misleading Information** – False statement, deception, or fraud in applications, examinations, or representations made for appointment or promotion.
- (4) **Abuse of Drug or Alcohol** – Reporting to work or being “on call” in an unfit condition; being under the influence of intoxicants, inhalants, or controlled substances, including marijuana, narcotics, or drugs of any kind; or drinking intoxicants or taking into the body of a controlled substance, including marijuana, inhalants, or a dangerous drug, during working hours; or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs, on City property or in City vehicles.
- (5) **Statutory** – Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of his job description.
- (6) **Unsatisfactory Attendance** – Excessive or unauthorized absences and/or tardiness.
- (7) **Incompetence** – Inability or unwillingness to perform assigned work satisfactorily.
- (8) **Indifference Toward Work** – Failure to remain at work; inefficiency, loafing, carelessness; performing personal business during work hours; abuse of eating and/or rest periods, sleeping or being inattentive during working hours; interfering with work of others; mistreatment of the public or other employees; or leaving work without permission.
- (9) **Insubordination** – Willful failure or refusal to perform assigned work or fully comply with instructions or orders as requested by the supervisor or other members of management. If the employee believes the instruction or order is improper, he should obey the order or instruction and file a grievance later. This, however, does not apply to imminently dangerous situations. If the employee believes the instruction or order, if followed, would result in physical injury to himself or damage to City equipment, he should request approval by the next higher level of supervision.
- (10) **Violation of Safety Rules** – Smoking in prohibited areas; improper removal of safety guards, fire extinguishers or other equipment designed to protect employees; failure to use safety equipment or to follow safety rules; or failure to report an on-the-job injury, vehicle accident, or unsafe condition.

- (11) **Misuse of City Equipment or Services** – Using, possessing, taking or providing any City equipment, credentials, or services for other than official City business without proper authority.
- (12) **Conduct** – Conduct subversive to the proper order, discipline, and morale of the Municipal Service.
- (13) **Weapons** – The control of or possession by any employee of a handgun or other concealed weapon in a City vehicle, or on any City property, provided that subsection shall not apply to certified peace officers. Currently, an employee who holds a license to carry a handgun or who otherwise lawfully possesses a firearm and ammunition may keep such items in their locked vehicle while parking in a City-provided parking lot.
- (c) **Verbal Warning** – In cases involving first offences, or occurrences, that are not likely to be repeated, are not of a severe nature, and do not involve damage of City equipment or time, and in which a warning may be in the best interest of the City, and the employee, a verbal warning may be issued.
- (d) **Written Reprimand** – A supervisor or Department Head may elect to issue a written reprimand when in the best interest of the City, morale, and the employee, it is determined that documentation of the incident is required, but that more harsh disciplinary measures are not warranted. The Department Head and the City Manager will approve written reprimands. The employee and supervisor will both sign the warning, which will be placed in the employee's personnel file.
- (e) **Demotion** – If the adverse action is a demotion, it may be within the same salary range or to a position with a lower salary range, but in either case will be accompanied by at least some reduction in pay for the employee involved. No employee may be demoted to a position for which he does not possess the necessary minimum qualifications.
- (f) **Suspension Without Pay** – A suspension shall be without pay and shall not exceed thirty (30) calendar days, except when based upon unusual circumstances or conditions and approved in writing by the employee and City Manager.
- (g) **Suspension With Pay** – In the event of an incident while on duty, the supervisor may send the employee home, with pay, until the Department Head can be contacted to review the incident to determine if further disciplinary action is required.
- (h) **Notice** – A Department Head may decide to demote, suspend, or dismiss an employee. All such actions must have final approval of the City Manager. In such event the Department Head will promptly serve the employee with written notice and inform him of his right to a hearing on the matter before a Grievance Board. If circumstances prevent the prompt presentation of such written notice, the employee will be instructed to appear in the Department Head's office the next work day, or as soon as practicable, to receive the

written notice, and if so desired by the employee, to initiate his appeal procedure. When reasonably possible, any written disciplinary action should set forth:

- (1) A description of the incidents, actions, or failures to act, that resulted in the discipline;
- (2) The suggested discipline to be imposed;
- (3) The effective dates; and
- (4) If the action is not a dismissal, the likely effect if the employee continues to perform, or to fail to perform, in the manner that resulted in the disciplinary action.

The written disciplinary action should be filed with the City Manager and a copy shall be delivered to the employee, or mailed to the employee's last known address by certified mail, return receipt requested. A copy shall be placed in the employee's personnel file.

## **2. Layoff**

A Department Head or supervisor may lay off an employee as a result of changes in duties or organization, or lack of work or funds. Where possible, a two-week written notice of lay off shall be given prior to the effective date of the layoff, and no other notice will be necessary. Seniority may be a factor in deciding those who will be laid off. Other factors such as ability and job performance will also be considered.

## **3. Notice Provisions**

Any notice or decision under the provisions of this Chapter shall be in writing and is to be given to the affected employee, or if said employee cannot be located after exercising reasonable diligence, the notice shall be by delivery of same to the last known address as is reflected and shown in the records of the City Manager. Such notice may be delivered by hand delivery or by deposit in the U.S. Mail addressed to the last known address, and such mailing shall be conclusive evidence of the receipt of such notice by the employee. Such notice shall be effective as of the time of its actual delivery to the employee or deposit in the U.S. Mail.

## **CHAPTER 9 GRIEVANCE PROCEDURE**

### **1. General Guidelines**

It is the City's goal to treat employees fairly in all respects. Employees who feel they have been subjected to unfair treatment or discrimination have the right to present their grievances for consideration through simple and reasonable procedures. A grievance is defined as any complaint or problem concerning an employee's duties or working conditions. Any employee may present grievances under the procedures outlined below and should be free from retaliation or coercion by the City.

### **2. Procedural Steps**

Any employee may file a formal grievance.

- (a) The grievance shall be in legible writing, printing, or typing, and must provide the following information:

- (1) Date, time, place, and detailed description of the alleged action.
- (2) The nature of the grievance.
- (3) Why the action is considered unjust/unfair.

- (b) Steps in the grievance and appeal process shall be as follows:

- (1) The first step is for a grievance by an employee to be presented to the immediate supervisor within five working days of the alleged action. The immediate supervisor will notify the Department Head of the grievance within one (1) working day off the incident(s) giving rise to the grievance. Such immediate supervisor, or in his absence his designee, has one (1) working day from the date of filing to respond. If the immediate supervisor is the Department Head, skip step two and go to step three.
- (2) If the grievance is not resolved between the employee and the immediate supervisor, the second step is for the employee to request a hearing with the Department Head. The request for a Department Head hearing must be filed with the Department Head within two (2) working days. The City Manager will be notified and unless extended by the City Manager in writing, the Department Head will schedule a hearing and respond to the grievance within three (3) working days of the receipt of the request.
- (3) Employees who are not satisfied with the decision of the Department Head may initiate the third step which is to appeal such decision to the City Manager or his designee within two (2) working days of the earlier decision by the Department Head or the expiration of the three (3) days provided in Step Two. The City Manager may elect to

meet informally or convene an administrative hearing within five (5) working days after personal receipt of the appeal.

In the event the City Manager is absent or to be absent from work during the five day period, the informal meeting or the administrative hearing will convene within five (5) working days after the City Manager's return to work, but no later than fifteen (15) days from the date of appeal to the City Manager. At the hearing all concerned parties will be given an opportunity to present their sides of the issue together with such evidence and witnesses presented by the other parties. The City Manager may call for such additional evidence as he deems necessary in the matter.

The City Manager will strive to render a decision within three (3) working days after the hearing or informal meeting, except the decision may be delayed an additional three (3) days by the City Manager at the employee's request or the unforeseen absence off the City Manager.

## **CHAPTER 10 BENEFITS**

### **1. Retirement**

All regular full-time employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. Members contribute six percent (6%) of their gross salary each month toward retirement.

The City matches the employee's TMRS contributions on a 2 to 1 ratio, and the TMRS provide the employee retirement benefits. The City has a 5-year vesting plan with retirement at or after age sixty (60) or at any age after twenty-five (25) years of participation in the TMRS plan. Accidental Death and Disability Benefits are also incorporated into this retirement plan should an employee become disabled prior to retirement. Funds contributed by the employee may be withdrawn only upon retirement or resignation. Only the employee's share plus interest is refunded when an employee resigns. Details of the retirement plan are outlined in the TMRS handbook.

### **2. Uniforms**

The City has the option to provide certain employees with uniforms. These uniforms are provided to assure a neat appearance, to identify the worker as a municipal employee, and to protect the employee's personal clothing while performing his job duties. Employees provided with uniforms must wear full uniform and only while on duty. The City may initiate collection actions against former employees to recover the cost of uniforms not returned upon an employee's separation from employment with the City.

### **3. Social Security**

All employees of the City are covered, as applicable, under the State Unemployment Compensation Program. This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

### **45. Insurance**

Group medical coverage, dental, and life insurance are provided to all regular full-time employees through a group policy. This insurance is provided at no cost to the employee. At the employee's option and expense, dependent insurance coverage is also available. Coverage may be continued with certain limitations upon termination provided the premiums are paid entirely by the former employee. These limitations are consistent with the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

## **CHAPTER 11**

### **SAFETY**

#### **1. General**

These rules and procedures are subject to modifications from time to time at the discretion of the City Council. Modifications will be considered when further opportunities are identified to provide for the safety and health of employees. Amendments will also be considered if state, federal, or local safety laws and regulations change.

#### **2. Accident Review**

The City Manager is to review all accidents involving City Personnel to include traffic accidents, equipment damage and injuries on the job. The City Manager consults with Directors, Department Heads, supervisory personnel, and other employees concerning the removal of hazardous conditions, disciplinary actions, and other improvements to the overall safety program.

#### **3. Training**

Directors and Department Heads are responsible for all safety training needed by their employees. Regular and continuous safety training, safety equipment, and safety inspections are expected. Safety of the employees and the public is expected and required.

## **CHAPTER 12 SEXUAL HARASSMENT**

### **1. Harassment Prohibited**

It is City Policy that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment. Accordingly, no employee shall engage in sexual harassment (i.e., gender-based harassment) of any employee, applicant, or any other individual.

### **2. Harassment Defined**

Sexual harassment is behavior that is motivated in whole or in part by a person's gender, that is not welcome, and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness. Sexual harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, and more subtle advances and pressure inviting sexual activity. Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (c) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, whether or not it is directly linked to the granting or denial of an economic benefit.

### **3. Harassment is Punishable**

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. A finding that any employee has committed any such form of sexual harassment will result in disciplinary action.

### **4. Reporting Required**

Any employee who believes he or she has been subjected to any of the forms of harassment set forth above should report his harassment to: (1) the employee's supervisor; (2) the Department Head; and/or (3) the City Manager. Complaints against the City Manager should be reported to the Mayor or members of the City Council. Every supervisor, Department Head, or officer receiving a report of alleged sexual harassment must notify the City Manager and all persons in the alleged offender's chain of command. Appropriate action must be taken promptly. The first action taken in such event shall include steps calculated to prevent reoccurrence of any such alleged incidents, pending investigation and final resolution of the complaint. Each such report



shall be investigated promptly and appropriate corrective action will be taken with the City Manager's concurrence.

#### **5. Investigation without Retaliation**

All good faith complaints of harassment will be promptly investigated, ensuring confidentiality to the maximum possible extent. Disciplinary action shall be taken against any employee in violation of this policy. Such disciplinary action will be determined by the nature of the wrongful act and may result in immediate dismissal of the offending employee. No employee of the City shall be retaliated against for filing a complaint of harassment in good faith or for participating and cooperating in the good faith reporting or investigation of such claim. However, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action.

#### **6. Training Required**

It will be the responsibility of the City Manager to inform Department Heads and supervisors of the policy concerning non-discrimination, equal employment opportunities, and sexual harassment, as well as the gravity of such behavior and the procedure to be employed in the event an allegation develops. The City Manager shall provide or cause the Department Heads and supervisors to receive training, with respect to recognizing and dealing with sexual harassment.

Each supervisor has a responsibility to communicate to employees that sexual harassment or any form of gender-based discrimination will not be tolerated and to make certain that employees are aware of this policy. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting degrading, or exploitive sexual treatment.

## **CHAPTER 13 SMOKING POLICY**

### **1. Smoking Defined**

Smoking refers to the carrying or holding of a lighted pipe, cigar, e-cig or cigarette of any kind, or any other lighted smoking or vapor equipment or device, or the lighting of, emitting, or exhaling of the smoke of a pipe, cigar, or cigarette of any kind.

### **2. Smoking Prohibited**

City employees may not smoke or use other types of tobacco products in City vehicles, while using City equipment, or in City buildings, except in designated areas. No smoking will be allowed in areas shared with other employees or which are accessible to the general public.

## **CHAPTER 14**

### **DRUG ABUSE POLICY**

#### **1. Statement of Purpose**

The City of Brady, Texas (the “City”) maintains a firm commitment and effort to provide reliable services to its citizens, and a safe and healthy working environment for its employees and the community. While the vast majority of employees are not involved with illegal drugs or substance abuse, those who are involved in use, abuse, or trafficking, on or off the job, may have an adverse impact both on the health, safety, and welfare of our citizens, the workplace, and fellow employees; and may impair the City’s ability and efforts to maintain a safe work environment that is free from the effects of drugs.

#### **2. Prohibitions**

The following conduct by employees of the City is prohibited and will result in appropriate action by the City, up to and including termination of employment:

- (a) The use, possession, manufacture, distribution, dispersion, or sale of illegal drugs or drug paraphernalia on City premises, in City-supplied vehicles, while wearing City uniforms, or during working hours; provided that the prohibition against possession shall not apply to paraphernalia or drugs held as evidence under authority of the Chief of Police;
- (b) Unauthorized use, possession, manufacture, distribution, dispensation, or sale of a controlled substance, alcohol, or inhalants on City premises, or while on City business, in City supplied vehicles, while wearing City uniforms, or during working hours;
- (c) Storing in a locker, desk, automobile, or other repository on City premises or property, any illegal drug, drug paraphernalia, controlled substance, alcohol, or inhalants; provided that such prohibition shall not apply to the storage of any such substance in conjunction with the performance of public duties as authorized by the Chief of Police or the City Manager.
- (d) Having an unauthorized controlled substance, alcohol, inhalant substance, or illegal drug in one’s system while on City premises or City business, in City supplied vehicles, or during working hours;
- (e) Switching or adulterating any urine sample submitted to the City for testing;
- (f) Refusing to report for testing immediately upon notification to do so by any supervisor, or refusing to consent to testing or to submit a urine sample when requested by a supervisor or management;
- (g) Refusing to submit to an inspection when requested by any supervisor or management personnel;

- (h) Failure by an employee to notify the Director of Personnel, the City Manager, or his supervisor of any arrest or conviction of such employee for, or with respect to, the illegal use, possession, control, sale, or manufacture of any controlled substance, drug or alcohol, within five (5) days after the arrest or conviction;
- (i) Failure to report to the supervisor the use of any drug, prescription, non-prescription medication, or alcohol, which may affect the employee's job performance or safety, e.g. alter the employee's behavior or diminish or impair the employee's physical or mental capabilities;
- (j) Refusing to sign a statement agreeing to abide by the City's Drug Abuse Policy;
- (k) Refusal by an employee in a safety sensitive position or other position required to adhere to provisions of this policy, as determined by the City, to sign an acknowledgement that he or she will submit a random, reasonable cause, and post-accident testing for drugs, and so long as the employee remains in the position covered by this policy;
- (l) Refusal to complete a medical questionnaire or consent form prior to testing;
- (m) Refusal to complete the toxicology chain of custody form after submission of a urine specimen.

The City reserves the right to test employees for drug use and/or relieve any employee from his job duties, when, in the opinion of the City, the use of drugs, legal or illegal, inhalants, or alcohol, may be affecting the performance of the employee's job duties.

### **3. Testing Overview**

- (a) General** – The City requires the following drug screening tests be done for all employees:
  - (1) Pre-employment
  - (2) Reasonable Cause
  - (3) Post-Accident
- (b) Random Testing** – Employees who serve in safety sensitive positions will be subject to random drug and alcohol tests.
- (c) Periodic Testing** – Certain drivers will be required to have a biannual testing (every two years) as required by this policy and/or federal statutes and regulations.

The City Manager or his designee is designated as the drug abuse representative and will pre-establish the positions that are subject to random and periodic testing procedures. Employees

serving in a position that subjects them to random and periodic testing will be notified. An example list of those positions is included in Schedule 1.

#### **4. Required Testing**

Prior to the City taking action based on any test result, all applicants and employees who test positive for drugs will have the opportunity to discuss and explain the test results with the medical review officer. A list of the drugs and the cutoff levels for testing purposes are shown in Schedule 2.

- (a) Pre-employment** – The City requires that all newly hired employees be free of drug or alcohol abuse. Each offer of employment shall be conditioned upon the passing of a urine test for drugs. The City will not hire any applicant who refuses to submit to, or fails to pass the pre-employment drug test.
- (b) Random** – A firm or consortium under contract with the City for such purpose, will randomly determine which employees, among those subject to random testing, will be tested and the date on which each such employee will be tested. The representative will keep this information confidential and in a locked receptacle.

The firm or consortium shall ensure that the random selection process provides for the same odds to be tested for every eligible employee. If an employee scheduled to be randomly tested is not available for testing, his name will be returned to the selection pool so that the employee remains subject to random testing according to the same odds as any other employee subject to testing.

On the day on which an employee is to be randomly tested, the designated drug abuse representative will contact the appropriate supervisor as to the employees to be tested. The representative shall ensure that notification time is kept to the minimum possible to facilitate the intent of the testing process. The supervisor shall immediately notify the City Manager if a random testing was delayed or not performed and the reason for the delay or non-performance.

- (c) Reasonable Cause** – Whenever management personnel reasonably suspects that an employee's work performance or on the job behavior is affected any way by drugs or alcohol, the City may require the employee to submit a urine sample for testing. Supervisors will be trained to recognize the effects of drug or alcohol use, and before a reasonable cause test is administered, two supervisors must substantiate and concur in the decision to test. Normally the two supervisors are in the employee's chain of command; however, if two supervisors from the same chain of command are not available, another supervisor may be consulted. At least one of the two supervisors must have received training for detecting drug use. Any supervisor of the employee may substantiate and concur in a decision to test, even though that supervisor has not observed behavior of the employee indicating drug or alcohol use. The two supervisors may concur by phone. A supervisor must drive the employee to the testing site. Provided, however, that upon the recommendation of any supervisor or Department Head of the City, with respect to any

employee, the City Manager may authorize and/or direct that a drug and alcohol screening test be administered under this paragraph.

- (d) Post-Accident** – Any employee whose performance either contributes to an accident or cannot be completely discounted as a contributing factor to an accident may be tested; provided that any employee in a safety sensitive position or other position required by federal regulations to be tested will be tested. An employee to be tested will be tested as soon as possible, but no longer than thirty-two hours after the accident.

If the employee is unable to reach the approved collection facility within the time required, the employee must take the approved collection kit to the nearest hospital or clinic and request that they administer the collection. A supervisor must certify that the employee was unable to utilize the approved collection site. A second specimen may be required as soon as the collection site is available for use.

An “accident” on the gas pipeline as defined in 49 CFR Part 191.3 (see Schedule 3). In the case of a conscious but hospitalized employee, the City will request the hospital/medical facility to obtain the sample if necessary. *See: US Department of Transportation (“DOT”), Drug Testing Requirements.* If an employee is unconscious or otherwise unable to evidence consent to the procedure, the medical facility should collect the sample.

- (e) Biennial Testing** – An employee who is a covered driver, under 49 CFR Part 391, will be tested in accordance with 49 CFR Part 391.05 and Part 40 at least once every two years, commencing with the driver’s first medical examination required after implementation of the drug testing program. Periodic testing may be discontinued if the exceptions in 49 CFR Part 391.05 (C) are met.

## **5. Discipline**

- (a) Violations** – If an employee tests positive for drug use, or violates any prohibition outlined in Subsection 2 above, the employee will be terminated except in extraordinary, mitigating circumstances as approved by the City Manager.
- (b) Failure to Test** – The failure to submit to required testing is prohibited and will result in immediate termination, except in the following circumstances:
  - (1) An employee in a position covered by this policy is randomly selected for testing and is on previously approved leave.
  - (2) A supervisor determines that, due to an existing emergency, it is not feasible for an employee to leave the work site for testing. The designated drug abuse representative must confirm this determination. In such cases, the employee will be required to report for testing as soon as the emergency permits.
  - (3) If the employee is physically unable to provide a urine specimen on demand, he will be retained at the collection site while waiting for the specimen to be provided. If an

employee, after a reasonable period of time, is still unable to provide the sample, he may return to the work location; however, he must be under constant supervision until he is able to be driven back to the collection site and provide the sample. If he continues to be unable to provide the sample, he will be required to see a physician, to determine if the inability to provide a sample is caused by a medical reason. If the employee does have a medical reason which could hinder his ability to provide the sample, his name will be returned to the random pool, if he is in a position covered by this policy. If the employee is not in a position covered by this policy and has been medically certified as unable to provide a specimen on demand, he will not be considered to have refused to submit to testing. If no medical reason exists, the employee will be considered to have refused to submit to testing and will be terminated.

- (c) **Optional** – On a case-by-case basis, referral may be made for treatment of drug or alcohol abuse to a treatment facility.

## **6. Supervisory Training**

The City, in coordination with the Employee Assistance Program, will train its supervisors in:

- (a) **Performance** – Identifying and documenting job performance and on-the-job behavior that might reflect personal problems.
- (b) **Behavior** – Identifying specific, contemporary, physical, behavioral, and performance indicators of on-the-job use of drugs, inhalants, or alcohol, or impairment by drugs, inhalants, or alcohol.
- (c) **Procedures** – Supervisor training shall include training regarding appropriate procedures for:
  - (1) Drug testing and technology;
  - (2) Conducting workplace inspections; and
  - (3) Encouraging voluntary referrals to the Assistance Program (see Schedule 4)

## **7. Medical Review Officer**

- (a) The City has retained the services of a Medical Review Officer. The Medical Review Officer (MRO) is a licensed physician knowledgeable in the medical use of prescription drugs and pharmacology and the toxicology of drug abuse. The MRO has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test results together with such individual's medical history and any other relevant biomedical information.

- (b) The appropriate certified testing laboratory will communicate test results only with the MRO. The MRO shall review and interpret all test results and examine alternate medical explanations for any positive test results. As part of such review, the Medical Review Officer shall notify the employee or applicant receiving positive test results and offer the individual the opportunity for an interview, and the opportunity to submit any medical records, prescription drugs, or other health information that might explain the positive test results.
- (c) The MRO shall determine whether the positive results are scientifically sufficient to establish the presence of the prohibited substance. If the MRO has reason to question the accuracy or validity of a positive test result, the MRO should review the laboratory's quality control data and other pertinent records.
- (d) The Medical Review Officer will report all test results to the designated drug abuse representative. The representative will inform the appropriate supervisor of the results, and appropriate action (if any) will be taken as outlined in this policy.
- (e) The employee who is notified of a positive result by the MRO may make a written request for re-testing within 60 days of receipt of the final test result from the MRO. The original sample will be used for the retest. Re-testing will be done by an N.I.D.A certified laboratory at the expense of the employee, but the City will reimburse him if the retest is negative. The decision and findings of the MRO shall be final and determinative.
- (f) The complete names and addresses of the City's Medical Review Officer and testing laboratory are provided in Schedule 4.

## **8. Confidentiality and Record Keeping**

The results of all urine tests will be treated as confidential. Each applicant or employee will be required to sign a statement at the time of testing to allow release of the results to the City. This information will be known only to the testing laboratory, the Medical Review Officer, the designated drug representative, and other employees with the "need to know" such as appropriate officers, the City Manager, and the employee's immediate supervisor. However, any governmental body may obtain the testing results as part of an accident investigation, without the express written consent of the tested individual, provided the governmental body has legal authorization to secure such results. No drug test results will be released to a subsequent employer without written consent of the employee. Some data related to the test results might be subject to public disclosure pursuant to the Texas Public Information Act.

All records pertaining to the Drug Testing Program will, as specified in 49 CFR Part 199.3, be maintained in a locked receptacle by the designated drug abuse representative.

The list below shows the type of information to be maintained along with the minimum retention times:



(a) **Collection Process – Three years** – Records demonstrating the collection process and its conformance to the 49 CFR Part 199 shall be kept for three (3) years.

~~(b)~~  
(e)(b) **Positive test results – Five years** – Records of employee drug test results that show employees failed a drug test, the type of test failed (e.g. post-accident) will be kept for five (5) years. These records include the following information:

- (1) Functions performed by employee;
- (2) Prohibited drugs for which test results were positive;
- (3) Dispositions (e.g. termination, etc.); and
- (4) Age of employee.

(d)(c) **Negative test results – One year** – Records of employees' drug test results that show employees passed a drug test will be kept for one (1) year.

(e)(d) **Number Tested – Five years** – Records of the number of employees tested by type of test shall be kept for five (5) years.

(f)(e) **Supervisor training – Three years** – Records confirming supervisors have been trained shall be kept for three (3) years.

(g)(f) **Employee training information – Three years** – Records confirming drug use/abuse training information given to all employees.

## 9. **Contractors**

Contractors shall abide by the regulations promulgated in 49 CFR Part 40, and 94 CFR Part 199. The City will require such actions to be part of all contracts and will immediately terminate any contract if the contractor is found to not be in compliance with said regulations.

## 10. **No Implied Limitations**

Nothing in this policy shall limit the City in exercising its functions of management under which the City hires new employees, directs the work force, schedules hours of work, disciplines, suspends, discharges, or requires employees to observe City rules and regulations. The City reserves the right to amend, modify, and delete provisions of this and all other policies of the City. Nothing in this policy alters an employee's employment at-will status.

## **SCHEDULE 1**

### **EXAMPLES OF SAFETY SENSITIVE POSITIONS**

A non-exhaustive list of safety sensitive functions certain employees perform is:

- (1) Performing leakage or electrical surveys;
- (2) Monitoring cathodic protection;
- (3) Welding or radiographing pipeline repairs;
- (4) Inspection and testing pressure limiting devices;
- (5) Classifying notices of leaks as emergencies;
- (6) Notifying fire, police, and other appropriate public officials of pipeline emergencies, and coordinating officials of pipeline emergencies, and coordinating actual responses during emergencies;
- (7) Marking pipelines in response to one-call system notice;
- (8) Monitoring odorization of gas;
- (9) Controlling gas or hazardous liquid flow or pressure in a pipeline;
- (10) Inserting plastic pipe into existing gas pipelines;
- (11) Performing operations, maintenance, and emergency response functions included in operation, maintenance and emergency manuals required by 49 CFR Parts 192, 193, or 195;
- (12) Responding to emergency situations. This includes police officers, firemen, and EMS personnel.
- (13) Working on the electrical distribution or generation systems, either as a lineman, ground men, or operators on mechanics;
- (14) Operating or driving motor vehicles or powered equipment;
- (15) Work in the proximity of motor vehicle powered equipment, machinery, or with potentially hazardous and dangerous tools or materials or areas (at heights or in confined spaces);
- (16) Making decisions or judgements in a managerial or code enforcement position which might impact health, safety, and welfare of City employees;
- (17) And other functions designated by the City to be covered by the drug abuse policy.

## SCHEDULE 2 TESTING PROTOCOL

An immunoassay will be used for the initial test with the following cut-off levels:

<u>SUBSTANCE LEVELS (NG/ML)</u>	<u>INITIAL TEST – CUT OFF</u>
Marijuana Metabolites	50
Cocaine Metabolites	300
Opiate (Metabolites)	2,000
Phencyclidine (PCP)	25
Amphetamines	1,000
Alcohol	.02

25 NG/ML if immunoassay specific for free Morphine.

All initially positive tests will be confirmed by gas chromatography/mass spectrometry GS/MS.

The following cut-off levels apply for confirmation testing:

<u>SUBSTANCE (NG/ML)</u>	<u>CONFIRMATION TEST – CUT OFF LEVELS</u>
Marijuana Metabolites (1)	15
Cocaine Metabolites (2)	150
Opiate (Codeine and Morphine)	2,000
Phencyclidine (PCP)	25
Amphetamines	500
Alcohol	.04
Deta-9 – Tetrahydrocannabinol-9 Carboxylic Acid	
Benzoylgonine	

### **SCHEDULE 3**

“Incident” is defined as any of the following events:

1. With respect to employees to which such plan is applicable, an incident or event as provided for in the Pipeline Alcohol Misuse and Controlled Substance Plan.
2. With respect to employees to which such plan is applicable, an incident or event as provided for in the Motor Carrier Alcohol Misuse and Controlled Substance Plan.
3. An event involving property, electricity, a motor vehicle, powered machinery or equipment, or hazardous substances which results in the following:
  - (a) A death or injury or apparent injury resulting in any person taking time off from work or receiving any medical care or service;
  - (b) Damage to any vehicle or property;
  - (c) Damage to any machinery or equipment;
  - (d) An event that is significant in the judgement of the City Manager, even though it does not meet any of the criteria above.

**SCHEDULE 4**  
**EMPLOYEE ASSISTANCE PROGRAM PROVIDERS**

**CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)**

FIRST ADVANTAGE  
480 QUADRANGLE DR., STE. B  
BOLINGBROOK, IL 60440  
TELEPHONE: (866) 441-5350  
FAX: (866) 887-8275

**MEDICAL REVIEW OFFICER**

Medical review of drug test results will be provided by below listed MRO under contract with  
First Advantage.

FIRST ADVANTAGE  
STUART B. HOFFMAN, MD, FACP  
480 QUADRANGLE DR., STE. A  
BOLINGBROOK, IL 60440  
TELEPHONE: (888) 794-6574  
FAX: (866) 545-0363

**SAMHSA CERTIFIED LABORATORY**

Certified laboratory testing will be provided by the below listed laboratory under contract with  
Employer's C/TPA

QUEST DIAGNOSTICS  
10101 RENNER BLVD.  
LENEXA, KS 66219  
TELEPHONE: (800) 877-3580  
FAX: (877) 222-3580

City of Brady  
Personnel Policy Manual

**Acknowledgement Form**

I, \_\_\_\_\_ (*printed name*),

Social Security Number: \_\_\_\_\_, hereby acknowledge

that I have received a copy of the City of Brady's Personnel Policy Manual. I understand the information that was presented to me. Specifically, I understand the following:

- My employment status is *at-will* and either I or the City of Brady may terminate my employment at any time, with or without reason.
- I do not have a contract or term of office with the City of Brady.
- My supervisor, Department Heads, the Mayor, and individual members of the City Council do not have the authority to enter into a contract with me.
- Harassment, bullying and discrimination are not tolerated in the workplace.
- I share with my fellow employees a duty to prevent and report violations of the policies set forth in the Personnel Policy Manual.
- My employer will promptly and thoroughly investigate all claims and take remedial measures, up to and including termination.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness' Signature


\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	1/5/2016	<b>AGENDA ITEM</b>	7.C
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding Resolution 2016-002 to finance capital purchase of a 2016 John Deere Compact Excavator 26G. (Not to exceed \$28,776.72 )		
<b>PREPARED BY:</b>	Lisa Remini	<b>Date Submitted:</b>	12-30-2015
<b>EXHIBITS:</b>	Resolution # 2016-002 Financing Quote Quote from John Deere thru the Buy Board process		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$32,503.59	
	<b>Amount Budgeted:</b>	\$41,100.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>
<p>Attached is the proposal from John Deere thru the Buy Board process for a 2016 Compact Excavator 26G to be used in the Gas Division. The equipment was approved in the FY 2016 Budget up to a purchase cost of \$34,000. The net sales price to finance is \$28,776.72 for a term of 5 years at 4.104% Total debt service for the FY16 will be \$3,726.87.</p>

<b>RECOMMENDED ACTION:</b>
<p>It is recommended that City Council approve Resolution #2016-002 to purchase and finance a 2016 John Deere Compact Excavator 26G for a total amount not to exceed \$28,776.72 with Government Capital Corporation.</p>

**RESOLUTION # 2016-002**

**A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING  
AN "EXCAVATOR".**

WHEREAS, the City of Brady (the "Issuer") desires to enter into that certain Finance Contract No.7262, by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing an "Excavator". The Issuer desires to designate this Finance Contract as a "qualified tax exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF BRADY:

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing an "Excavator".

Section 2. That the Finance Contract dated as of January 5, 2016, by and between the City of Brady and GCC is designated by the Issuer as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the Issuer will designate Anthony W. Groves, Mayor, as an authorized signer of the Finance Contract dated as of January 5, 2016, by and between the City of Brady and GCC.

PASSED AND APPROVED by the Board of the City of Brady in a meeting held on the 5 day of January, 2016.

**Issuer:** City of Brady

Witness Signature

\_\_\_\_\_  
Anthony W. Groves, Mayor

\_\_\_\_\_  
Tina Keys, City Secretary





December 30, 2015

Mrs. Lisa Remini  
Brady City Hall  
(325) 597-2152  
Finance@bradytx.us

Dear Mrs. Remini,

Thank you for the opportunity to present proposed financing for City of Brady. I am submitting for your review the following proposed structure:

LENDER:	Government Capital Corporation
ISSUER:	City of Brady, TX
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005
EQUIPMENT COST:	\$ 28,776.72
TERM:	60 Monthly Payments
TRUE INTEREST COST:	4.104%
PAYMENT AMOUNT:	\$ 532.41
PAYMENTS BEGINNING:	60 days from signing, monthly thereafter

**Financing for these projects would be simple, fast and easy due to the fact that:**

- ✓ We have an existing relationship with you and have your financial statements on file, expediting the process. Please keep in mind we may also need current year statements.
- ✓ We can provide familiar documentation for your legal counsel.

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

*Drew Whittington*  
Drew Whittington  
Client Services

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.



City of Brady  
1405 N. Bridge St  
Brady TX 76825

December 15, 2015

Quote Number 153827 : Compact Excavator 26G- TX TASB/Buyboard  
Contract 424-13

*All the prices in the detailed sections are Per machine basis.*

**Machine Configuration**

Code	Description	Unit Price
0020FF	26G COMPACT EXCAVATOR	\$37,202.00
8150	ROPS CANOPY STANDARD	In Base
Total		\$37,202.00
Discount (24%)		\$8,928.48
Net Price		\$28,273.52

**Attachments**

Code	Description	Price
AT316553	18"H-DUTY 2.3 CU.FT.BKT (NU)	\$503.20
Total		\$503.20

Quote Summary - Compact Excavator 26G (per unit)	
Item Description	Prices
Machine Net Price	\$28,273.52
Attachments	\$503.20
<b>Price per Machine</b>	<b>\$28,776.72</b>

**Total Net Price (Quantity = 1)** **\$28,776.72**

**Warranty Terms**

26G includes Standard Warranty of 12 months.

**Remarks:**


*Please note that this quote is valid for 30 days.*

Contact- Nick Hanson; Phone: 309-765-0295; Fax: 309-765-3358; Email:  
HansonNicholasA2@JohnDeere.com --PO must be made out to: John Deere Shared Services;  
1515 Fifth Avenue; Moline, IL 61265; DUNS #142124762; Tax ID #36-3387700

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	1-5-2016	<b>AGENDA ITEM</b>	7.D.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding Resolution 2016-003 for the City of Brady to convey its 50% ownership interest in the FM Richards Library to McCulloch County in exchange for McCulloch County to convey its ownership interest in Richards Park to the City in order for the City to own 100% of the park.		
<b>PREPARED BY:</b>	K Lenoir	<b>Date Submitted:</b>	12-31-15
<b>EXHIBITS:</b>	Resolution 2016-003		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>	<p>Due to expansion needs for the Library and renovation needs for Richards Park, the City of Brady wishes to convey its 50% ownership interest in the FM Richards Library to McCulloch County in exchange for McCulloch County to convey its ownership interest in Richards Park. The City will then own 100% of the park and McCulloch County will own 100% of the Library. Dual ownership in the park and library creates burdens on both entities when working with grants and outside funding to expand or renovate facilities.</p> <p>The County Commissioners approved this action on December 28, 2015.</p>
-----------------	---

<b>RECOMMENDED ACTION:</b>	Move to approve Resolution 2016-003
----------------------------	-------------------------------------

**RESOLUTION # 2016-003**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS  
CONVEYING THE CITY OF BRADY'S INTEREST IN FM RICHARDS LIBRARY TO MCCULLOCH COUNTY AND  
ACCEPTING MCCULLOCH COUNTY'S INTEREST IN RICHARDS PARK**

**WHEREAS**, the City of Brady wishes to convey its 50% ownership interest in the FM Richards Library to McCulloch County; and

**WHEREAS**, in exchange for the City of Brady's conveyance, McCulloch County wishes to convey its ownership interest in Richards Park to the City in order for the City to own 100% of the park.

**WHEREAS**, the City wishes to own 100% interest in Richard Park; and

**WHEREAS**, McCulloch County wishes to own 100% interest in FM Richards Library; and

**WHEREAS**, the City Council authorizes the Mayor to sign all of the required documents to convey the City's interest in FM Richards Library to McCulloch County and to sign all of the required documents for the City to accept McCulloch County's interest in Richard Park; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS**, that the City of Brady conveys its interest in FM Richards Library to McCulloch County in exchange for McCulloch County conveying its ownership in Richards Park to the City of Brady.

**IT IS FURTHER RESOLVED** that the Mayor is authorized to sign all documents necessary to convey the City's interest in FM Richards Library to McCulloch County and to sign all documents necessary for the City to accept McCulloch County's interest in Richard Park.

**PASSED and APPROVED** this the 5th day of January, 2016.


\_\_\_\_\_  
Anthony Groves, Mayor

\_\_\_\_\_  
Tina Keys, City Secretary

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	1-5-2016	<b>AGENDA ITEM</b>	7.E.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding Resolution 2016-004 to authorize Inter-local Agreement between the City of Brady and McCulloch County.		
<b>PREPARED BY:</b>	K Lenoir	<b>Date Submitted:</b>	12-31-15
<b>EXHIBITS:</b>	Resolution 2016-004 Interlocal Agreement		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>	<p>Due to types of equipment and manpower available and owned by the two governmental entities, the County and the City typically enter into inter-local agreements to assist one another with a variety of public projects and work on public facilities. Examples of assistance includes grading work at G Rollie White Complex, patching/grading road work, and emergency assistance.</p> <p>The County Commissioners approved this action on December 28, 2015.</p>
-----------------	---

<b>RECOMMENDED ACTION:</b>	<p>Move to approve Resolution 2016-004</p>
----------------------------	--

**RESOLUTION # 2016-004**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS  
TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MCCULLOCH COUNTY**

**WHEREAS**, the City of Brady wishes to cooperate and work jointly with McCulloch County to make the highest and best use of taxpayer's dollars; and

**WHEREAS**, in exchange for the City of Brady's assistance, McCulloch County wishes to cooperate and work jointly with the City of Brady; and

**WHEREAS**, the City wishes to enter into an Interlocal Agreement with the County; and

**WHEREAS**, McCulloch County wishes to enter into an Interlocal Agreement with the City; and

**WHEREAS**, the City Council authorizes the City Manager to sign the Interlocal Agreement; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS**, that the City of Brady and McCulloch County will enter into an Interlocal Agreement

**IT IS FURTHER RESOLVED** that the City Manager is authorized to sign all documents necessary to enter into the Interlocal Agreement with McCulloch County.

**PASSED and APPROVED** this the 5th day of January, 2016.

---

Anthony Groves, Mayor

---

Tina Keys, City Secretary

## MCCULLOCH COUNTY

### APPROVAL FOR INTERLOCAL AGREEMENT

On Monday December 28, 2015 the McCulloch County Commissioners reviewed the attached Interlocal Agreement pursuant to the Interlocal Cooperation Act: Chapter 791 of the Texas Government Code.

*The proposed Agreement provided for the following services and the location(s) described herein:*

#### *Services to be Performed*

McCulloch County may provide equipment and labor as needed on City of Brady owned public property and infrastructure projects to better serve the residents of the County.

#### *Compensation and Terms of Payment*

The parties agree that in exchange for the Services described above, McCulloch County may receive City of Brady services including the use of equipment and labor to address paved roads maintenance and other infrastructure issues to better serve the residents of the County.

#### *Services and Supervision*

Any work or service performed will be supervised by the McCulloch County Commissioner from the precinct that is providing the labor and equipment or his Designee from the City of Brady.

After consideration of the attached Interlocal Agreement, the McCulloch County Commissioners voted to approve the proposed Interlocal Agreement.

  
\_\_\_\_\_  
Danny Neal, McCulloch County Judge

12/28/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Attest

\_\_\_\_\_  
City Manager, Brady TX

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest

## INTERLOCAL AGREEMENT \_\_\_\_\_

This Interlocal Agreement is in compliance with the provisions of the Interlocal Cooperation Act; Chapter 791 of the Texas Government Code and authorizes McCulloch County and the City of Brady to enter into this Agreement for the purpose of achieving the governmental functions and providing the services to be described in this Agreement and increasing the overall efficiency and effectiveness of local governments.

### *Duration*

This Agreement is entered into by and between the contracting parties for the period beginning December 28, 2015 and continuing until either party terminated the Agreement with 30 days written notice but not to extend beyond one year at which time a New Agreement may be considered.

### *Parties*

McCulloch County

And

City of Brady

### *Services to be Performed*

McCulloch County may provide equipment and labor as needed on City of Brady owned public property and infrastructure projects to better served the residents of the County.

### *Compensation and Terms of Payment*

The parties agree that in exchange for the Services described above, McCulloch County may receive City of Brady services including the use of equipment and labor to address paved roads maintenance and other infrastructure issues to better serve the residents of the County.

### *Services and Supervision*

Any work or service performed will be supervised by the McCulloch County Commissioner from the precinct that is providing the labor and equipment or his Designee from the City of Brady.

### *Choice of Law and Venue*

This Agreement shall be construed according the laws of the State of Texas, and all obligations of the Parties under this agreement are performable in McCulloch County, Texas



# CITY OF BRADY

## 2016 Boards & Commissions

PLANNING AND ZONING COMMISSION (3 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Nick Blyshack, Chair	6/18
2	Ronnie Aston, Vice Chair	6/17
3	Amy Greer	6/17
4	Thomas Flanigan	6/16
5	Jo Ann Coffey	6/16
6	Connie Easterwood	6/16
7	Jeff Bedwell	6/18
ALT	Vacant	6/16

CHARTER REVIEW COMMISSION (4 year term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Vacant	2016-2020
2	Vacant	2016-2020
3	Vacant	2016-2020
4	Vacant	2016-2020
5	Vacant	2016-2020
6	Vacant	2016-2020
7	Vacant	2016-2020

Economic Development Corporation - 4A (2 year term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lauren Bedwell	6/16
2	Charlotte Harper	6/16
3	Jon Chase, President	6/17
4	Charles Stokes, VP	6/16
5	Tracy Pitcox	6/17

INVESTMENT COMMITTEE (1 yr term)		
Lisa Remini, Staff Liaison 325/597-2152 ext 204 lremini@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	FY 2016
2	City Manager	FY 2016
3	Kathy Gloria	FY 2016

ZONING BOARD OF ADJUSTMENT (ZBA/BOA)		
Charter & Zoning Ord. Sec. 9.1 (2 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Melanie Franco	6/17
2	Rod Young	6/16
3	Candy Weatherman, Chair	6/16
4	Holly Groves	6/17
5	James Griffin	6/17
Alt 1	Joe Evridge	6/16
Alt 2	vacant, alternate	6/16
Alt 3	vacant, alternate	6/16

CITY COUNCIL (3 yr term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Anthony Groves	5/17
1	Kathy Gloria	5/17
2	Shelly Perkins	5/18
3	Marilyn Gendusa	5/18
4	Jack Turk	5/16
5	Latricia Doyal, Mayor Pro Tem	5/16

Airport Advisory Board (Ord 1149 - 2 yr term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Bob Rice	6/17
2	Rick Morgan, Chair	6/17
3	John Morgan	6/17
4	Joe Whitehead	6/16
5	Kirk Roddie	6/16
6	Vacant	6/16
7	Carey Day	6/16

Municipal Court Judges (2yr term)		
Tina Keys, Staff Liaison 325/597-2152 ext 207 citysec@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
Judge	Bill Spiller	12/17
Alt		
Alt		

McCulloch County Senior Citizen Association Sunset Center Advisory Board (2 year term)		
Rosie Gomez, Staff Liaison 325/597-2946 rgomez@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Wanda Nesbit - President	10/17
2	Marcia Arons - VP	10/17
3	Elbert Boswell - Treasurer	10/17
4	Sheryl Roberts - Secretary	10/17
5	Mary Bradshaw	10/17
6	Rene Avants	10/17
7	Alvin Bolton	10/17
8	Janice Crawford	10/17
9	Mindy Gober	10/17
10	Bill Spiller	10/17
11	Angelita Torrez	10/17
12	Evelyn Pitcox	10/17
13	Daymon McBee	10/17
14	Rosie Gomez	Director
15	Kim Lenoir	City Manager
16	Danny Neal	County Judge
17	Hazel Maner	Lifetime

**CITY OF BRADY**  
**APPLICATION FOR BOARDS / COMMISSIONS**



Name of Applicant: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Alt. Phone Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Are you a citizen of the City of Brady? ☐ Yes ☐ No  
Are you a registered voter? ☐ Yes ☐ No  
Are you currently serving on a City Board? ☐ Yes ☐ No  
Have you ever served on a City Board? ☐ Yes ☐ No  
Are you currently serving on a Board for another governmental Agency? ☐ Yes ☐ No

How long have you lived in Brady? \_\_\_\_\_

Which Board(s) would you like to apply for? ☐ Planning & Zoning Commission (3 year term)  
☐ Economic Development Corporation (2 year term)  
☐ Zoning Board of Adjustment (2 year term)  
☐ Airport Advisory Board (2 year term)  
☐ Charter Review Commission (4 year term)

Employer: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_  
Work Phone #: \_\_\_\_\_

Professional Experience (include professional memberships and previous employment):

Community Experience (civic clubs, volunteer activities, service organizations, etc):

**CITY OF BRADY**  
**APPLICATION FOR BOARDS / COMMISSIONS**

Comments or special qualifications:

Resume (type or copy and paste your resume in the area below or attach as separate page):

Interests & Experiences (please tell us about yourself and why you want to serve)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CITY OF BRADY**

**SEWER TREATMENT DIVISION**

**December 2015**

**Project Status Report, Clean Water State Revolving Fund (CWSRF) Project #73638:** WWTTP Replacement Project

**Project Description:**

The City of Brady is a loan recipient from TWDB under the CWSRF program. The WWTTP is at a critical stage in regard to its viability as it has reached the end of its useful life. The engineering firm of Freese and Nichols, Inc. has been engaged to provide professional engineering services for producing a proper design for the replacement of the WWTTP that will meet the rules and requirements of two (2) State Agencies: TWDB and TCEQ.

**Budget Information:**

TWDB Loans: LF1000019 = \$1,441,990.00 Loan Forgiveness L1000011 = \$1,210,000.00 11 year payback at 2.28% interest

**Budget Activity:**

LOAN FORGIVENESS FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2011-2012	\$1,441,990.00	\$1,441,990.00
2012-2013	(\$331,250.00)	\$1,110,740.00
2013-2014	(\$24,812.00)	\$1,085,928.00
2014-2015	(\$320,115.96)	\$765,812.04
2015-2016	(\$3,435.21)	\$762,376.83

CERTIFICATES OF OBLIGATION FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2011-2012	\$1,210,000.00	\$1,210,000.00
2012-2013	(\$53,125.44)	\$1,156,874.56
2013-2014	\$0.00	\$1,156,874.56
2014-2015	\$0.00	\$1,156,874.56
2015-2016	\$0.00	\$1,156,874.56

**Contract Assignments – Engineer:** Freese and Nichols, Inc., Austin, Texas

Original Contract Commitment = \$381,410.50

Current Contract Commitment = \$339,972.50

**Current Status:**

Interim solids handling improvement design completed and final report delivered. Construction postponed due to unexpected circumstances at the WWTTP. The negotiations for an engineering fee to produce proper plans & specifications is expected to start soon. Probable schedule of job tasks is as follows:

**CITY OF BRADY**

**SEWER TREATMENT DIVISION**

**Timeline:**

*Calendar Year 2016 -*

Negotiate Fee & Start P.E.R., P.E.R. is Preliminary Engineering Report describing in detail the proposed design solution for replacing the city's WWTP. Recently, FNI completed an Engineering Feasibility Report that as part of the loan requirement from TWDB. Concurrently, at the same time begin the permitting application and environment information document for TCEQ approval.

*Calendar Year 2017 -*

by 3<sup>rd</sup> Quarter complete Final Design and submit to TCEQ.

*Calendar Year 2018 -*

by 2<sup>nd</sup> Quarter achieve a bid letting of WWTP Replacement Project.

# CITY OF BRADY

# WATER TREATMENT DIVISION

## December 2015

**Project Status Report, Drinking Water State Revolving Fund (DWSRF) Project #62545:** Radium Reduction Project – Drinking Water

**Project Description:** The City of Brady is a loan recipient from TWDB under the DWSRF and the Economically Distressed Areas Program (EDAP) programs. The city's groundwater supply has been deemed non-compliant due to radionuclides as promulgated by the Safe Drinking Water Act and administered by the USEPA. The engineering firm of Enprotec / Hibbs & Todd (e-HT) of Abilene has been engaged to provide professional engineering services for producing a technical solution to bring the city's groundwater supply into compliance.

### **Budget Information:**

TWDB Funds:	# G1000424	\$1,804,000.00	Grant
	#LF1000116	\$350,000.00	Loan Forgiveness
	# L1000115	\$350,000.00	10 year payback at interest rates ranging .02-2.86%

### **Budget Activity:**

LOAN FORGIVENESS FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2012-2013	\$350,000.00	\$350,000.00
2013-2014	(\$196,246.00)	\$153,754.00
2014-2015	(\$153,754.00)	\$0.00

EDAP GRANT FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2014-2015	\$1,804,000.00	\$1,804,000.00
	(\$129,636.61)	\$1,674,363.39
2015-2016	\$0.00	\$1,674,363.39

CERTIFICATES OF OBLIGATION FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2012-2013	\$350,000.00	\$350,000.00
2013-2014	(\$51,562.41)	\$298,437.59
2014-2015	(\$292,237.59)	\$6,200.00
2015-2016	\$0.00	\$6,200.00

**CITY OF BRADY**

**WATER TREATMENT DIVISION**

**Contract Assignments – Engineer:**

Enprotec / Hibbs & Todd, Abilene, Texas	
Original Contract Commitment:	\$ 612,000.00
Contract Amendment:	\$1,623,000.00

**Current Status:**

The engineer, e-HT, fulfilled the submission requirements of an Engineering Feasibility Report and an Environmental Information Document to TWDB. The City and e-HT are both waiting the release or approval of the EID from TWDB. Concurrently, e-HT has begun the design work commitments for the final plans & specifications of an engineering solution to reducing radionuclides in the city's drinking water supply.

**Timeline:**

Calendar Year 2016 -	Basis of Design Reports -	January	2016
	50% Design Documents -	February	2016
	95% Design Documents -	May	2016
	TWDB & TCEQ Approval Phase by End -	2016	
	Financial EDAP Application (2 <sup>nd</sup> Round) -	2017 (Spring)	
	Bid Construction Target Time -	2018 (New Year!)	

**CITY OF BRADY**

**SEWER TREATMENT DIVISION**

**December 2015**

**Project Status Report:** WWTP Carousel Emergency Replacement Project

**Project Description:**

The carousel structure that operates the aeration basin is failing. The structure bracing struts for the west motor cage failed and just recently the east wall support for the bridge beam crumbled. Due to the convenience of having the engineering firm of Freese and Nichols, Inc. "on hand" the city elected to engage emergency engineering services to the complete replacement of the carousel structures.

**Budget Information:**

Sewer Fund: Budget line item: 20-5-23-551.00 Emergency Repairs = \$521,000.00 (FY2016 Budget Amendment)

**Budget Activity:**

None at the present time.

**Contract Assignments – Engineer:** Freese and Nichols, Inc., Austin, Texas

Contract Commitment = \$49,465.00

**Current Status:**

The emergency engineering services contract was awarded to FNI at the regularly scheduled council meeting of December 15, 2015. The project strategy, due to its emergency condition, is to bid the work directly to preferred general contractors in February 2016.

**Timeline:**

*Calendar Year 2016* -

Design Completion = January 15.

Contractor Site Visit = January 19.

Bid Opening = January 26.