

## CITY COUNCIL PROCEEDINGS

October 13, 2010

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on October 7<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Dana Trowbridge, Council members Gary Kroesing, Bill Scribner, Gary Smith, Bill Yindrick, and Mike Rogers, Attorney Tim Wollmer, City Administrator Jon Holmes, and City Clerk-Treasurer Joan Kovar. Council member Nick Hein was absent.

Also present were: Police Chief Anthony McPhillips, Police Officer Brian Buresh, Mike Hutchinson, Sheriff Mark Hecker, DC Public Superintendent of Schools Jerry Phillips, Janis Cameron, Keith Marvin, Jim Redler, Jan Rudolph, Don Prochaska, Ruby Barlean, Russ Heller, Dorothy Buntgen, Adeline Jakub, Sally McLaughlin, Ruth Nichols, Ramona Muntz, Carolyn Yates, Mary Jo Novak, Alan Zavodny, Steve Gaston, Bill & Lisa Buntgen, Dr. Jack Kaufmann, Bud Comte, Carol Brehm, Rudy Svoboda, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

The minutes of the September 8<sup>th</sup> and September 20, 2010 meetings of the Mayor and City Council were approved upon a motion by Council member Smith and seconded by Council member Rogers. Voting AYE: Council members Scribner, Kroesing, Yindrick, Rogers, and Smith. Voting NAY: None. Council member Hein was absent. The motion carried.

Mayor Trowbridge asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Rogers, Kroesing, Yindrick, and Smith. Voting NAY: None. Council member Hein was absent. The motion carried.

Mayor Trowbridge called for Committee and Officer Reports. Council member Kroesing noted that there have recently been complaints about discolored water. Water Supervisor Gary Janicek had checked the area looking for broken water lines, etc., but determined that the fire department in fact was using the training tower located on west "A" Street and they had pumped an abundance of water. This loosened sediment in the pipes and caused the discolored water.

Council member Kroesing made a motion to approve the Committee and Officer Reports as presented. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Scribner, Rogers, Yindrick, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried.

Council member Kroesing made a motion to pass and approve Resolution No. 14 – 2010 adopting the Lower Platte North Natural Resources District Multi-jurisdictional Hazard Mitigation Plan. Council member Rogers seconded the motion. Voting AYE: Council members Smith, Yindrick, Scribner, Rogers, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried.

**RESOLUTION #14 – 2010**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS**, a Multi-jurisdictional Hazard Mitigation Plan was prepared by Lower Platte North Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes the City of David City.

**WHEREAS**, the purpose of the mitigation plan was to lessen the affects of disasters by increasing the disaster resistance of the District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

**WHEREAS**, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of David City in the form of a resolution and further requesting approval of the plan at the Federal Level; and

**NOW, THEREFORE**, the governing body of the City of David City does herewith adopt the Lower Platte North Natural Resources District Multi-jurisdictional Hazard Mitigation Plan in its entirety and request approval of the plan at the Federal Level.

PASSED AND APPROVED this 13th day of October, 2010.

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Mayor Dana Trowbridge

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City Clerk Joan Kovar

Council member Rogers introduced Ordinance No. 1130 to consider vacating the alley in Block 15 of the Original Town of David City. City Clerk Kovar reported that she had contacted the abutting property owners. All but one property owner signed a consent/waiver form that they did not object to vacating the alley in Block 15. Council member Kroesing made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Kroesing, Rogers, and Smith. Voting NAY: Council member Scribner. Council member Hein was absent.

The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1130 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Kroesing, Rogers, and Smith. Voting NAY: Council member Scriber. Scriber stated he wanted to give the opposing property owner a chance to address the council. Council member Hein was absent. The motion carried and Ordinance No. 1130 was passed and adopted as follows:

**ORDINANCE NO. 1130**

AN ORDINANCE VACATING THE ALLEY IN BLOCK 15 OF THE ORIGINAL TOWN OF DAVID CITY, BUTLER COUNTY, NEBRASKA; PROVIDING FOR THE FILING OF CLAIMS AND ASCERTAINMENT OF ALL DAMAGES SUSTAINED BY THE CITIZENS OF SAID CITY OR BY THE OWNERS OF PROPERTY THEREIN; PROVIDING FOR THE RETENTION OF ANY UTILITY EASEMENTS; PROVIDING FOR AN EFFECTIVE DATE THEREOF, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. The David City Public School has purchased Lots 1, 4, 5, 8, 9, and 12, of Block 15 of the Original Town.

SECTION 2. The David City Public School has requested that the alley in Block 15, Original Town of David City be vacated.

SECTION 3. Vacating the alley in Block 15, Original Town of David City, is expedient for the public good.

SECTION 4. The Alley in Block 15, Original Town of David City, Nebraska, is hereby vacated.

SECTION 5. The City of David City, Nebraska, shall reserve in said alley utility easements for installing and/or maintaining all utilities in the alley herein vacated.

SECTION 6. That any citizen of the City or any owner of property therein may file a claim with the City Clerk of said City on or before the 10<sup>th</sup> day of November, 2010, for any and all damages sustained by the vacation aforesaid.

SECTION 7. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

SECTION 8. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 13<sup>th</sup> day of October, 2010.

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Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Police Chief McPhillips stated, "The police department prior was a five man department with two part-time officers; it had a sergeant and a chief. The sergeant is a supervisory position according to statute in the Nebraska Law Enforcement Training Center that limits that person's ability to go to supervision school. We are now a four man department, we have no part-time so the supervision part of it is not needed as much as an administrative partner so I have drafted the job description for the position of Lieutenant which equals assistant chief for the police department. I submitted that to the City Administrator and to the Mayor, they looked that over and they said that's probably a good idea, that way we have somebody in a position to take over when you're out of town, you can't be contacted, or you're at training; we have somebody who's responsible for the police department, and that's what the position is. Not only that but because it's an administrative position it is a salaried position; therefore it cuts down on overtime, it cuts down on the expense to the taxpayers. I actively recruited somebody that I thought would be a benefit to the citizens of David City. He has a very, very, good record in law enforcement, he was an investigator for the Keith County Sheriff's Office for over nine years, Chief of Police in Mitchell, Nebraska for two years so he's familiar with the administrative side of it, he has all of the training, certifications, and requirements that we would need for David City, so I actually went out and recruited this individual." Police Chief McPhillips then introduced Mike Hutchinson. Mike Hutchinson stated that he moved to David City on October 1, 2010, and helped out where he could. He has been in law enforcement for 22 years and has been told that he is rather tenacious and sometimes overbearing due to the things that he does.

Council member Rogers stated, "I would completely want to pay Mike back to October 1<sup>st</sup>. I have watched him work he is very good and well worth the money. I think we should start his salary as of October 1<sup>st</sup>."

Mayor Trowbridge stated, "I will ask the Council the question, I would ask your consideration of my appointment of Mike Hutchinson as a full-time police officer, particularly the lieutenant's position."

Council member Kroesing made a motion to accept Mayor Trowbridge's appointment of Mike Hutchinson as a full time police lieutenant effective October 1, 2010. Council member Scribner seconded the motion. This will be a salaried position with the salary set at \$37,523.00/yr. Voting AYE: Council members Yindrick, Smith, Rogers, Scribner, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried.

Council member Kroesing introduced Ordinance No. 1131 amending Chapter 1, Article 2, of the City of David City, Nebraska, Municipal Code Book, to mirror Nebraska Revised Statute 17-107; removing the annual appointment process of appointed officials, clarifying the employment status of appointed officials; clarifying that the Chief of Police is to be included as a police officer; removing the appeal process for appointed officials except for police officers; clarifying the park superintendent's responsibilities; providing an effective date; and providing for publication of the ordinance in pamphlet form.

City Administrator Holmes reviewed the changes to Chapter 1. Holmes stated, "Nebraska Revised Statute #17-107 provides for the appointment/removal of police officers it also provides for appointment, approval and removal of city officials; that power is given to the Mayor. One thing in going through this, one thing that has happened in the past by previous city leaders, when the original ordinance was passed, there were sections of this state statute that are specifically for police officers only. What ended up happening was that when this municipal code was written and when referencing that several items out of the section in state statute was

transferred over and given to the appointed officials, such as myself, the parks and recreation superintendent, etc. One of those was the annual appointment process; another was the appeals process, different things. And I go back to what I would call the legislative intent, and the intent of the legislature was not to give all of those things to the appointed positions, those were designed specifically for police officers. Talking with Jim Egr and his counsel what we intended to do was to go back to the legislative intent of what is in the State Statute. Before we were going beyond what was talked about for the appointed officials and in doing so it caused different difficulties. The idea was that we wanted to go back and remove some of those restrictions, give the Mayor the power that is authorized in the State Statute, but we also did modify it in one aspect.”

Citizen Steve Gaston stated, “In removing the appeal process you’re giving the Mayor the authority to terminate city employees at will and yet not allow the city council the opportunity to reverse that decision?”

City Administrator Holmes stated, “That was a topic of concern when we discussed this at subcommittee meetings so we added under section B of §1-201 *“The City Council may, at their discretion, review any termination or removal from service of any appointed officials by the Mayor. The Council may uphold, reverse, or modify the removal or termination from service.”* “These positions have always been “at will” positions at the discretion of the Mayor; the Mayor has always had that power.”

Council member Yindrick stated, “Would it only stand to reason that if an employee had reason for appeal that they could approach their city council members and plead their case. To me that’s what this provides for is for a city council member to bring forward to the rest of the council the concerns of the employee. If they have a concern or an appeal that they feel is necessary they should approach their council and plead their case and have it brought to the floor. It is not prohibiting an appeal process or the ability for the employee to appeal their situation.”

Council member Scribner stated, “It says in §1-201 – These appointments will function on a continual basis until retirement, resignation, or removal by the Mayor. Does the new Mayor get to appoint anybody or is it just whoever is appointed now?”

City Administrator Holmes stated, “When a new Mayor is elected and takes office, my job will continue until which time that I retire, resign, or the Mayor decides to replace me.” It will be the same for all appointed officials. We are doing away with the annual appointments. The Mayor still has the authority to terminate “at will”.

Chapter 8 of the Personnel Manual deals with Employee Discipline, Rules of Conduct, and Employee Grievances. City Administrator Holmes stated, “The process of discipline is not intended as a punishment for an employee, but to assist the employee to overcome performance problems and satisfy job expectations. The process begins with disciplinary actions, verbal reprimand, written reprimand, disciplinary probation status, suspension, demotion or reduction in salary, dismissal or discharge.”

City Administrator Holmes stated that §1-212 Appointed Officials; City Park and Recreation Superintendent changing the areas of responsibility, clarifying language as to the responsibilities, duties, who they answer to, things like that: “The City Park and Recreation Superintendent shall be responsible for the management, care, and use of the municipal auditorium, all City Park areas, the David City Aquatic Center, and other recreation areas under

the oversight of the City of David City". .

City Administrator Holmes stated that he would be available to discuss Ordinance No. 1131 with anyone who had questions or concerns.

Council member Kroesing made a motion to pass Ordinance No. 1131 on the first reading only. Council member Scribner seconded the motion. Voting AYE: Council members Rogers, Smith, Yindrick, Scribner, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried and Ordinance No. 1131 was passed on first reading only as follows:

### **ORDINANCE NO. 1131**

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 2, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK, TO MIRROR NEBRASKA REVISED STATUTE 17-107; REMOVING THE ANNUAL APPOINTMENT PROCESS OF APPOINTED OFFICIALS, CLARIFYING THE EMPLOYMENT STATUS OF APPOINTED OFFICIALS; CLARIFYING THAT THE CHIEF OF POLICE IS TO BE INCLUDED AS A POLICE OFFICER; REMOVING THE APPEAL PROCESS FOR APPOINTED OFFICIALS EXCEPT FOR POLICE OFFICERS; CLARIFYING THE PARK SUPERINTENDENT'S RESPONSIBILITIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. Chapter 1, Article 2, of the David City Municipal Code Book shall be amended to read:

#### **Article 2. Appointed Officials**

§ Section 1. Chapter 1: Administrative of the David City Municipal Code Book be amended to read as follows:

#### **Chapter 1 ADMINISTRATIVE**

#### **Article 1. Elected Officials**

**§1-101 CITY MAYOR; SELECTION AND DUTIES.** The Mayor of the Municipality shall have the general and immediate control over all property, and officials, whether elected, or appointed, of the Municipality. He or she shall preside at all meetings of the City Council, and may vote when his vote shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His or her signature must appear on the City Clerk's minutes of all meetings, and he or she must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; Provided, any ordinance vetoed by the Mayor may be passed over his veto by a two-thirds (2/3) vote by the members of the City Council, but if the Mayor neglects or refuses to sign any ordinance, and returns it to the Council with his or her objections in writing at the next regular Council

meeting, the same shall become a law without his signature. He or she shall from time to time communicate to the Council such information and recommendations as, in his opinion, may improve the Municipality. He or she may require at reasonable intervals any city official to exhibit his or her accounts and make reports to the Council on any subject pertaining to his or her office. He or she shall have the power to remit fines or pardon any offense arising under the ordinances of the Municipality. He or she may remove at any time an appointed police officer of the Municipality. His or her territorial authority shall extend over all places within five (5) miles of the corporate limits of the Municipality for the enforcement of any health ordinance, and one half (1/2) mile in all matters vested in him or her except taxation. He or she shall also have such other duties as the City Council may by resolution confer upon him or her, or in any other matters which the laws of the State of Nebraska repose in him or her. He or she shall be elected at the Municipal Election, and shall serve a four (4) year term of office. The Mayor shall be a resident and registered voter of the city. (Neb. RS 17-107, 17-110 thru 17-117)

**§1-102** **CITY COUNCIL; ACTING PRESIDENT.** The City Council shall elect one (1) of its own body each year who shall be styled the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor, and the President of the Council, the City Council shall elect (1) of its own body to occupy his place temporarily, who shall be styled Acting President of the Council. Both the President of the Council and the Acting President of the Council, when occupying the position of the Mayor, shall have the same privileges as the other members of the City Council, and all acts of the President of the Council, or Acting President of the Council, while so acting, shall be binding upon the City Council, and upon the Municipality as if done by the elected Mayor. (Neb. RS 17-148)

**§1-103** **CITY COUNCIL; SELECTION AND DUTIES.** The members of the City Council shall be elected and serve for a four (4) year term. The City Council shall be the legislative division of the Municipal Government, and shall perform such duties, and have such powers as may be authorized by law. The City Council shall maintain the peace, regulate business, protect the public health and safety, and assess such taxes and fees as are necessary and appropriate in the exercise of these functions. (Neb. RS 17-103, 17-104)

**§1-104** **CITY COUNCIL; ORGANIZATION.** City Council members of this Municipality shall take office, and commence their duties on the first regular meeting in December following their election. The newly elected Council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter prescribed and perfect the reorganization of the City Council as herein provided, and all appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the Municipal Clerk shall report to the City Council the names of all City Council members-elect who have qualified for their respective offices, and this report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the Municipality shall be represented by at least two (2) Council members. No person shall be eligible who is not at the time of his election an actual resident of the ward for which he is qualified and should any City Council member move from the ward from which he was elected, his office shall thereby become vacant. (Neb. RS 17-104)

**§1-105 ELECTED OFFICIALS; VACANCY**

- (A) Every elective office shall be vacant upon the happening of any of the events specified in Neb. RS 32-560 except as provided in Neb. RS 32-561. (*Neb. RS 32-560*)
- (B) In the case of any vacancy in the office of Mayor, or in case of his or her disability or absence, the President of the Council shall exercise the office of Mayor for the unexpired term until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns. If the President of the Council assumes the office of Mayor for the unexpired term, there shall be a vacancy on the Council. (Neb. RS 32-568(4))
- (C) (1) Except as otherwise provided in subsections (B), (D), or (E) of this section, vacancies in city elected offices shall be filled by the Mayor and City Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or by posting in three public places in the city the office vacated and the length of the unexpired term.
- (2) The Mayor shall, within four weeks after the meeting at which such notice of vacancy has been presented or upon the death of the incumbent, call a special meeting of the Council or place the issue of filling such vacancy on the agenda at the next regular meeting at which time the mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The Council shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the Mayor shall, at the next regular or special meeting, submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the Mayor shall continue at such meeting to submit the names of qualified registered voters in nomination and the Council shall continue to vote upon such nominations until the vacancy is filled. The Mayor shall cast his or her vote for or against the nominee in the case of a tie vote of the Council. All Council members present shall cast a ballot for or against the nominee. Any member of the Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if such person were elected.
- (D) The Mayor and Council may, in lieu of filling a vacancy in a city elected office as provided in subsection (C) of this section, call a special city election to fill such vacancy.
- (E) If vacancies exist in the offices of a majority of the members of the City Council, the Secretary of State shall conduct a special city election to fill such vacancies. (Neb. RS 32-569)



**§1-106 VACANCY DUE TO UNEXCUSED ABSENCES**

- (A) In addition to the events listed in Neb. RS 32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the council unless the absences are excused by a majority voted of the remaining members.  
(*Neb. RS 19-3101*)
- (B) The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either (1) a written request from the member submitted to the City Clerk or (2) a motion of any other council member.
- (C) If a council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the City Clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the council shall set a date for a hearing and direct the City Clerk to give the member notice of the hearing by personal service of first class mail to the member's last-known address.
- (D) At the hearing, the council member shall have the right to present information on why one or more of the absences should be excused. If the council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the council.

**§1-107 ELECTED OFFICIALS; MAYOR; VACANCY.** Whenever a vacancy occurs in the office of Mayor, or in case of his disability or absence, the President of the Council shall exercise the office of Mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the Mayor returns. When the successful candidate for Mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and the President of the Council shall exercise the office of Mayor until such vacancy is filled. If the President of the Council shall for any cause assume the office of Mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in section 1-105.

**Article 2. Appointed Officials**

**§1-201 APPOINTED OFFICIALS; GENERAL AUTHORITY.**

- (A) The Mayor, by and with the consent of the City Council, may appoint a City Administrator, City Clerk, Deputy City Clerk, City Treasurer, City Attorney, City Physician, City Police Chief, City Street Commissioner, City Electric Supervisor, City Electric Plant Supervisor, City Water Supervisor, City Wastewater Supervisor, City Zoning Administrator, City Engineer, City Park and Recreation Superintendent. These positions are considered Discretionary At-Will Employees; they are to be selected on merit and serve at the pleasure of the Mayor. These appointments will function on a continual basis until retirement, resignation, or removal by the Mayor.

The Mayor, with the consent of the City Council, shall appoint such number of

regular police officers as may be necessary. The City Council may establish and provide for the appointment of members of a law enforcement reserve force as provided by law. (*Neb. RS 17-107*)

(B) All police officers, including the Chief of Police, and other appointed officials may be removed at any time by the Mayor.

The City Council may, at their discretion, review any termination or removal from service of any appointed official by the Mayor. The Council may uphold, reverse, or modify the removal or termination from service.

All police officers, including the chief of police, may appeal such removal, demotion, or suspension to the city council in accordance with Neb. RS 17-107. After a hearing, the city council may uphold, reverse, or modify the removal or disciplinary action. (*Neb. RS 17-107*)

§1-202 **APPOINTED OFFICIALS; CITY ADMINISTRATOR ESTABLISHED.** The office of Administrator of the City of David City, Nebraska is hereby established as provided by law. Such officer shall be appointed by the Mayor with the approval of a majority of the City Council and may be removed at any time by the Mayor with the approval of a majority of the City Council. The salary of the Administrator shall be fixed by resolution and shall be payable monthly.

§1-202.01 **APPOINTED OFFICIALS; CITY ADMINISTRATOR; DUTIES AND RESPONSIBILITIES**

The City Administrator shall be appointed by the Mayor, with the approval of a majority of the City Council.

The Administrator directs and supervises all departments of City government, and is responsible for the City's compliance with all statutes, codes, ordinances, and policies.

The Administrator works under legislative direction of the City Council and administrative direction of the Mayor. He/she is to be available to citizens and employees during normal business hours.

**Administrative duties** of the City Administrator include the following:

Attend all meetings of the City Council and report on matters concerning city affairs under his/her supervision and direction. Keep the Council informed regarding operations and problems and recommend solutions.

Direct the preparation of agendas and agenda packets for the Mayor, Council, and other persons requesting such information.

Attend meetings of departments and officials relevant to city affairs, or as directed by the Mayor and Council.

Evaluate all City business and projects and make recommendations to the Mayor and Council for the adoption of measures and ordinances deemed necessary for the good government of the City.

Continuously monitor and evaluate the efficiency and effectiveness of the City's organization structure, staffing patterns, service levels and administrative systems, and work with the Mayor and Council to implement necessary improvements.

Prepare and present periodic reports on the City's operation.

Initiate, prepare and present studies and research reports.

Supervise contracts and bids.

Maintain contact with State and Federal agencies in all matters regarding the City, analyze the City's position on State and Federal legislation which may impact the City, and communicate the city's position to appropriate individuals and committees of the State and Federal Government.

Obtain information concerning Federal and State funds available to the City. Identify qualifying need areas and implement necessary procedures to obtain such funds if so directed by the Mayor and Council.

Advise citizens, property owners, contractors, and others on questions relating to City code.

Attend authorized meetings and seminars that provide continuing education in matters relating to City administration.

## II.

**Financial duties** of the City Administrator include the following:

Keep the Mayor and Council fully advised on the financial condition of the City.

Prepare annual estimates of revenues and expenditures and submit a proposed budget of a complete financial plan for the City to the Mayor and Council 30 days prior to the consideration and adoption of the annual budget by the Council.

Supervise authorized budget expenditures.

Present monthly reports to the Council regarding current budget and expenditures.

Evaluate all City revenues and make suggestions and recommendations on rates and prices charged for all City services.

Review all employee benefits and recommend changes as needed.

Prepare insurance specifications for the City and obtain bids.

Assist accountants with questions regarding the yearly audit.

Be responsible for long-range financial planning.

Investigate and report on alternate revenue sources for City projects.

### III.

Duties of the City Administrator regarding **Personnel** include the following:

Plan, coordinate, and supervise personnel matters for all departments of the City.

Keep the City Personnel Handbook up-to-date and accurate according to changing laws and regulations.

Recommend to the Mayor and Council the appointment and dismissal of appointed personnel.

In coordination with appropriate department heads, is responsible for the appointment and dismissal of all subordinate employees in departments over which he/she exercises jurisdiction.

Provide for the transfer of workers between departments to meet varying workload emergencies.

Build good employee relations.

Hold periodic staff meetings with all department heads and employees.

Supervise the City's annual written employee evaluation process.

Conduct an annual review of the City's class specifications and compensation plan for all employees and recommend changes as needed.

### IV.

**Community Development** duties of the City Administration include the following:

Oversee and assist in the development of long-range and short-range plans for the City, developing goals, objectives, and priorities. Keep department heads involved and informed concerning these plans.

Provide direction and assistance to citizens, community groups and, community promotional organizations to implement community development goals.

Serve as a liaison with outside agencies and organizations encouraging economic development.

### V.

**Public relations** duties of the City Administrator include the following:

As chief public relations ambassador, the City Administrator is responsible to develop cooperative relationships with citizens, the media, and local business and community groups.

Receive, investigate, and act upon citizen complaints.

### VI.

**Qualification requirements** for the position of City Administrator include the following:

Graduation from a four-year college/university with a bachelor's degree in public or business administration or related field. A Master's degree is desirable, but not required.

Ability to plan, organize, staff, direct, coordinate, and evaluate city programs.

Ability to communicate clearly and concisely.

Ability to perform related duties as assigned by the Mayor and City Council.

**§1-203 APPOINTED OFFICIALS; CITY CLERK.**

- (A) The City Clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. He or she shall keep a record of all outstanding bonds against the city and when any bonds are sold, purchased, paid, or canceled, the record shall show the fact. He or she shall make, at the end of the fiscal year, a report of the business of the city transacted through his or her office for the year. That record shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He or she shall file all official bonds after the same shall have been properly executed, and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the City Council.
- (B) The City Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances. He or she shall collect all occupation taxes and license money except where some other city officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the city and the purpose for which they have been issued.
- (C) The City Clerk shall permit no records, public papers, or other documents of the city kept and preserved in his or her office to be taken therefrom, except by such officers of the city as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He or she shall keep all records of his or her office, including a record of all licenses issued by him or her in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions, and ordinances relating to the same. He or she shall endorse the date, and hour of filing upon every paper, or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the

warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

- (D) (1) The City Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said officers, employees, or committees. With the seal of the city, he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by City Council.
- (2) Within 30 days after any meeting of the City Council, the City Clerk shall prepare and publish the official proceedings of the City Council in a legal newspaper of general circulation in the city, and which was duly designated as such by the City Council. This publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as 1 item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to those job titles shall be published. Each charge for this publication shall not exceed the rates provided by the statutes of the state, Neb. RS 23-122. (*Neb. RS 19-1102*)
- (3) The above-mentioned publication shall be charged against the general fund.
- (4) The City Clerk shall then keep a book with a proper index, copies of all notices required to be published or posted by the City Clerk by order of the City Council, or under the ordinances of the city. To each of the file copies of these notices shall be attached the printer's affidavit of publication, if the notices are required to be published, or the City Clerk's certificate under seal where the same are required to be posted only. (*Neb. RS 19-1102*)

- (E) The City Clerk shall receive all objections to creation of paving districts, and other street improvements. He or she shall receive the claims of any person against the city, and in the event that the claim is disallowed in part, or in whole, the City Clerk shall notify such claimant, or his or her agent, or attorney, by letter within five (5) days after the disallowance, and the City Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.
- (F) The City Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the City Council. He or she shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 thru 84-1227; provided that the City Council shall not have the authority to destroy the minutes of the City Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (*Neb. RS 17-605*)

**§1-203.01 APPOINTED OFFICIALS; DEPUTY CITY CLERK.** The Deputy City Clerk shall assume the duties of the City Clerk in the City Clerk's absence.

**§1-204 CITY TREASURER.**

- (A) The City Treasurer shall be the custodian of all money belonging to the City. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports, and he or she shall, at the end of every month, and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her shall be filed with his or her account in the City Clerk's office. If the treasurer fails to render his or her account within twenty days after the end of the month, or by a later date established by the governing body, the mayor in a city of the second class may use this failure as cause to remove the treasurer from office. The office shall be declared vacant, and the City Council shall fill the vacancy by appointment until the next election for municipal officers. (*Neb. RS 17-606*)
- (B)
  - (1) All warrants upon the City Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. RS 77-2201 through 77-2215. (*Neb. RS 77-2201*)
  - (2) The City Treasurer shall keep a warrant register in the form required by Neb. RS 77-2202.
  - (3) The City Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the

amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office. (*Neb. RS 77-2209*)

- (4) The City Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess. (*Neb. RS 77-2210*)
- (C) (1) The City Treasurer shall prepare and publish annually within 60 days following the close of the municipal fiscal year a statement of the receipts and expenditures by funds of the City for the preceding fiscal year. (*Neb. RS 19-1101*)
- (2) Publication shall be made in one legal newspaper of general circulation in the City. If no legal newspaper is published in the City, then such publication shall be made in one legal newspaper published or of general circulation within the county in which the City is located. (*Neb. RS 19-1103*)
- (D) The City Treasurer shall keep all money belonging to the City separate and distinct from his or her own money. He or she shall invest and collect all money owned by or owed to the City as directed by the City Council. He or she shall maintain depository evidence that all municipal money is, in the name of the City, in a solvent and going financial institution of a type authorized by state law for deposit of municipal funds. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the City, whenever paid by him or her, by writing or stamping on the face thereof, "Paid" by the City Treasurer, with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes.

**§1-205** **APPOINTED OFFICIALS; CITY ATTORNEY.** The City Attorney is the city's legal advisor, and as such he or she shall commence, prosecute, and defend all suits on behalf of the city. When requested by the City Council, he or she shall attend meetings of the City Council, and shall advise any city officials in all matters of law in which the interests of the city may be involved. He or she shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the city. He or she shall examine all bonds, contracts, and documents on which the City Council will be required to act, and attach thereto a brief statement in writing to all such instruments, and documents as to whether or not the document is in legal and proper form. He or she shall prepare complaints, attend, and prosecute violations of the city ordinances when directed to do so by the City Council. Without direction, he or she shall appear and prosecute all cases for violation of the city ordinances that have been appealed to and are pending in any higher court. He or she shall also examine, when requested to do so by the City Council, the ordinance records and advise and assist the City Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to ensure that they will be valid, and subsisting local



laws in so far as their passage and approval are concerned. The City Council shall have the right to compensate the City Attorney for legal services on such terms as the City Council and The City Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the city. (*Neb. RS 17-610*)

- §1-206**     **APPOINTED OFFICIALS; CITY PHYSICIAN.** The City Physician shall be a member of the Board of Health of the city, and perform the duties devolving upon him or her as the medical advisor of the said board. In all injuries where a liability may be asserted against the city, the City Physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He or she shall then report the results of his investigation with the name of the party injured, and all other persons who may have personal knowledge of the matter. He or she shall make all physical examinations and necessary laboratory tests incident thereto, and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property, and the state of health of the inhabitants therein, he or she shall have the right at all reasonable hours to go upon, and enter all premises, buildings, or other structures in the city. He or she shall perform such other duties as may be required of him by the laws of the State of Nebraska, and the ordinances of the city. When ordered to do so by the City Council he shall disinfect, or fumigate the premises, or persons in or about the premises, when the premises are quarantined, and to call upon indigent sick persons, and perform other professional services at the direction of the City Council. The City Physician shall receive as compensation for his services such sum as the Governing Body may from time to time set. He or she shall receive no compensation for his or her services as a member of the Municipal Board of Health. (*Neb. RS 17-121*)
- §1-207**     **APPOINTED OFFICIALS; CITY POLICE CHIEF.** The City Police Chief shall direct the police work of the city and shall be responsible for the maintenance of law and order. He or she shall act as Health Inspector, Quarantine Officer and Secretary to the Board of Health. He or she is a working policeman and shall perform all the duties required of such policemen. He or she shall file the necessary complaints in cases arising out of violations of City Ordinances, and shall make all necessary reports required by the City Ordinances, or the laws of the State of Nebraska. (*Neb. RS 17-107, 17-121*)
- §1-208**     **APPOINTED OFFICIALS; CITY POLICEMEN.** The City Police, whether regular, or special shall have the power to arrest all offenders against the laws of the State of Nebraska, or the city, by day or by night, and keep the said offenders in the city jail, or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska, or the city. They shall have full power, and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect, or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city police officer shall be expected to be conversant and knowledgeable with the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police officers shall have the duty to file such complaints and reports as may be required by the city ordinances, and the laws of the State of Nebraska. Any city police officer who shall willfully fail, neglect,

or refuse to make an arrest, or who purposely and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the City Council to retain any City Policeman in that position after he or she shall have been duly convicted of the willful violation of any law of the country, the state, or any ordinance of the city, except minor traffic violations. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners mentioned above shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the city police by the city. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he or she shall immediately deliver his badge to the Police Chief. The City Council may from time to time provide the city police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. (*Neb. RS 17-118, 17-124*)

**§1-209** **APPOINTED OFFICIALS; CITY FIRE CHIEF.** The City Fire Chief shall be elected by the members of the Fire Department. He or she shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He or she shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his or her jurisdiction. He or she shall, on or before the first (1<sup>st</sup>) day in April and October of each year, cause the secretary to file with the City Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He or she shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief or his assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards, and related dangers. (*Neb. RS 17-147, 81-506*)

**§1-210** **APPOINTED OFFICIALS; CITY STREET SUPERINTENDENT.** The City Street Superintendent shall have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the city, and shall perform such other duties as the council may require. It shall be his or her responsibility to see that gutters and drains therein function properly, and that the same are kept in good repair. He or she shall, at least once a year, make a detailed report to the City Council on the condition of the streets, sidewalks, culverts, alleys, and bridges of the city, and shall direct their attention to such improvements, repairs, extensions, and additions as he may believe are needed to maintain a satisfactory street system

in the city along with an estimate of the cost thereof. He shall assume such other duties as the City Council may direct. (*Neb. RS 17-119*)

**§1-211** **APPOINTED OFFICIALS; CITY ZONING ADMINISTRATOR.** The City Zoning Administrator shall perform all the duties specified in the Zoning and Sub-division regulations adopted by the Mayor and Council.

**§1-212** **APPOINTED OFFICIALS; CITY PARK AND RECREATION SUPERINTENDENT.**  
The City Park and Recreation Superintendent shall be responsible for the management, care and use of the municipal auditorium, all City Park areas, the David City Aquatic Center, and other recreation areas under the oversight of the City of David City.

He or she shall carry out his duties within the policies and guidelines set forth by the City Council and shall inform the Council of problems with regard to the operations that the city should address. He or she shall see to the renting of the facilities and make weekly reports to the City Treasurer concerning the amounts due and the parties owing the City. All funds collected by him or her shall be turned over to the Treasurer on a weekly basis together with a complete accounting thereof.

**§1-213** **APPOINTED OFFICIALS; ZONING ADMINISTRATOR**

**TITLE OF ZONING ADMINISTRATOR ESTABLISHED:** The title of Zoning Administrator of the City of David City, Nebraska, is hereby established. Such employee will be appointed by the Mayor with the approval of a majority of the City Council and may be removed at any time by the Mayor or a majority of the Council.

**ZONING ADMINISTRATOR; DUTIES AND RESPONSIBILITIES**

City Zoning Administrator and city planner. Top priority will be working on zoning permits followed by subdivision regulations and infrastructure demands. Responsible for updating the City's General Plan, working on subdivision regulations, and any other type of infrastructure demands deemed worthy of attention. If he/she has finished all the above mentioned duties for the given week or month, he/she may then work on updating the city's general plan. Works closely with and reports to the City Council and the City Administrator. Will work a maximum of 15 hours per week or 60 hours per month. Hours of work will be centered from the City Office building; he/she will also make themselves available to the public when in the office. Required to attend all Planning Commission and Board of Zoning Adjustment Meetings. He/she will also be required to attend city council meetings as directed by the council.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Passed on 1<sup>st</sup> reading only  
Mayor Dana Trowbridge

Passed on 1<sup>st</sup> reading only  
City Clerk Joan E. Kovar

Council member Yindrick introduced Ordinance No. 1132 amending Chapter 3, Article 5, of the City of David City, Nebraska, Municipal Code Book, clarifying the operation of the municipal swimming pool. Council member Yindrick made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Rogers, Scribner, Kroesing, and Yindrick. Voting NAY: None. Council member Hein was absent. The motion carried.

Council member Yindrick made a motion to pass and adopt Ordinance No. 1132 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Rogers, Scribner, Kroesing, Smith, and Yindrick. Voting NAY: None. Council member Hein was absent. The motion carried and Ordinance No. 1132 was passed and adopted as follows:

#### **ORDINANCE NO. 1132**

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 5, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK, DESCRIBING THE OPERATIONS OF THE MUNICIPAL SWIMMING POOL; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. Chapter 3, Article 5, of the David City Municipal Code Book shall be amended to read:

#### **Departments**

#### **Article 5. Swimming Pool / Aquatic Center**

**§3-501** **MUNICIPAL SWIMMING POOL; OPERATION AND FUNDING**. The Municipality owns and manages the Municipal Swimming Pool/Aquatic Center. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the Swimming Pool may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Swimming Pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer. The Parks and Recreation Superintendent shall be responsible for the

daily, on-going management, maintenance and use of the Aquatic Center and shall report all such activities to the City Council at their request. The Council shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as they may deem necessary and shall pass such rules and regulations for the operation of the Swimming Pool as may be proper for its efficient operation. (Ref. 17-948, 17-951, 17-952 RS Neb.)

**§3-502 MUNICIPAL SWIMMING POOL; ADMISSION CHARGE.** The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool/Aquatic Center, make a reasonable admission charge for the use by any person of the Municipal Swimming Pool/Aquatic Center. The said charges shall be on file at the office of the Municipal Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; Provided, that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Ref. 17-949 RS Neb.)

**§3-503 MUNICIPAL SWIMMING POOL; RENTALS.** The City Council may authorize the Swimming Pool Manager to have the authority to rent the Municipal Swimming Pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the City Council. The Council shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the Municipal Clerk and posted in a conspicuous place at the Municipal Swimming Pool. (Ref. 17-949 RS Neb.)

**§3-504 MUNICIPAL SWIMMING POOL; RULES AND REGULATIONS.** The City Council shall have the power and authority to enact by-laws, rules, and regulations for the protection of those using the Swimming Pool and for the efficient management thereof. They may provide suitable penalties for the violation of such by-laws, rules, and regulations. (Ref. 17-949 RS Neb.)

SECTION 2. Any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved this 13<sup>th</sup> day of October, 2010.

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Mayor Dana Trowbridge

---

City Clerk Joan E. Kovar

Council member Rogers made a motion to authorize Mayor Trowbridge to execute a Retainer Agreement between the City of David City, Nebraska, and Edstrom, Bromm, Lindahl, & Freeman-Caddy Law Firm retaining Attorney as counsel to represent David City and the City Council of David City to act as a hearing officer with regard to the hearing to be held concerning William Buntgen's appeal. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Yindrick, Kroesing, Scribner, and Rogers. Voting NAY: None. Council member Hein was absent. The motion carried.

## **RETAINER AGREEMENT**

This RETAINER AGREEMENT (hereinafter "Agreement") is entered into between Edstrom, Bromm, Lindahl & Freeman-Caddy Law Firm (hereinafter "Attorney") and City of David City, Nebraska, (hereinafter "David City") on this 13<sup>th</sup> day of October, 2010.

### **Scope of Representation:**

1. The Mayor and Council of David City, Nebraska retains Attorney as counsel to represent David City and the Council of David City (hereinafter "Client"), to act as a hearing officer with regard to the hearing to be held before the Client reference the removal by the Mayor of David City of William Buntgen, a/k/a Bill Buntgen, as David City's City Park and Auditorium Superintendent and William Buntgen's appeal of said removal and in compliance with Section 1-201(B) of the Municipal Code of David City. It is understood that the legal services rendered during the course of the proceedings and representations shall include, but not be limited to, the preparation of documents, meetings between the Client and Attorney or Attorney's staff, telephone conversations, meetings that concern the proceedings between Attorney or Attorney's staff and third persons, research, and consultations. It is further understood that said legal services commenced as of September 13, 2010.

### **Fees**

2. David City agrees to pay Attorney, as compensation for attorney services, the hourly rate of \$150.00 for Attorney's time. Attorney understands that a claim will be required to be submitted to David City for the Mayor and Council of David City to approve and Attorney will allow each bill to be paid upon its processing through the claims process of David City after the submission of each bill.

### **Withdrawal of Counsel**

3. David City agrees that Attorney shall have the right to withdraw from Client's representation if: (a) payments are not made as required by this Agreement; or (b) Client has misrepresented or failed to disclose material facts to Attorney. In any of these events, the Client agrees that it will execute such documents as will permit Attorney to withdraw.

### **Representation/Guarantee**

4. David City and the Client acknowledges that Attorney has made no representations or guarantees concerning the outcome of this matter.

### **Understanding**

5. The parties hereto have read, understand, and agree to the terms and conditions contained in this Retainer Agreement and acknowledge that they have each received a copy of this Retainer Agreement.

Dated October 13, 2010.

**EDSTROM, BROMM, LINDAHL &  
FREEMAN-CADDY**

551 North Linden – P.O. Box 277  
Wahoo, NE 68066  
Phone: 402-443-3225  
Fax: 402-443-4005  
[thefirm@wahoolaw.com](mailto:thefirm@wahoolaw.com)  
EIN: \_\_\_\_\_

Dated: \_\_\_\_\_, 2010 BY: \_\_\_\_\_  
**Loren L. Lindahl, Partner**

**DAVID CITY, NEBRASKA, a political  
subdivision of the State of Nebraska**

557 4<sup>th</sup> Street – P.O. Box 191  
David City, NE 68632  
Phone: 402-367-3135  
Fax: 402-367-3128  
[cityofdavidcity@neb.rr.com](mailto:cityofdavidcity@neb.rr.com)  
EIN: \_\_\_\_\_

Dated: \_\_\_\_\_, 2010 BY: \_\_\_\_\_  
**Dana E. Trowbridge, Mayor**

City Administrator Holmes briefly reviewed proposed changes to the employee's manual. The residency requirement was changed from a one-mile radius to a five-mile radius. Prior to this the pay plan was based on longevity, based on years of service and not job performance; now satisfactory job performance will be required. In Chapter 5, Holmes got rid of compensatory time, except for on-call time. Flextime will be encouraged. The police department holiday pay, etc. is being revamped. A catastrophic leave donation program was added to the manual. Chapter 8 deals with employee discipline, rules of conduct, and an employee grievance process. Holmes stated that he referred heavily to the State of Nebraska

Classified Employee Handbook, and he looked to them for guidance and good ideas. Political Activities of city employees was also discussed.

Council member Kroesing made a motion to table Resolution No. 15 - 2010 adopting the revised David City Employees' Manual. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Yindrick, Rogers, Scribner, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried and Resolution No. 15 - 2010 was passed and approved as follows:

**RESOLUTION NO. 15 - 2010**

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA ADOPTING THE DAVID CITY PERSONNEL MANUAL; REPEALING ALL POLICIES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of David City, Nebraska maintains a Personnel Manual to provide clear policies and administration of policies as related to employees and employment conditions; and

WHEREAS, the Personnel Manual is amended from time to time to promote a positive working environment for all employees, to provide for meaningful benefits and to provide clear expectations for employees of the City of David City, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the Personnel Manual is hereby adopted in its entirety, as attached hereto, and as if fully incorporated herein on \_\_\_\_\_, 2010.

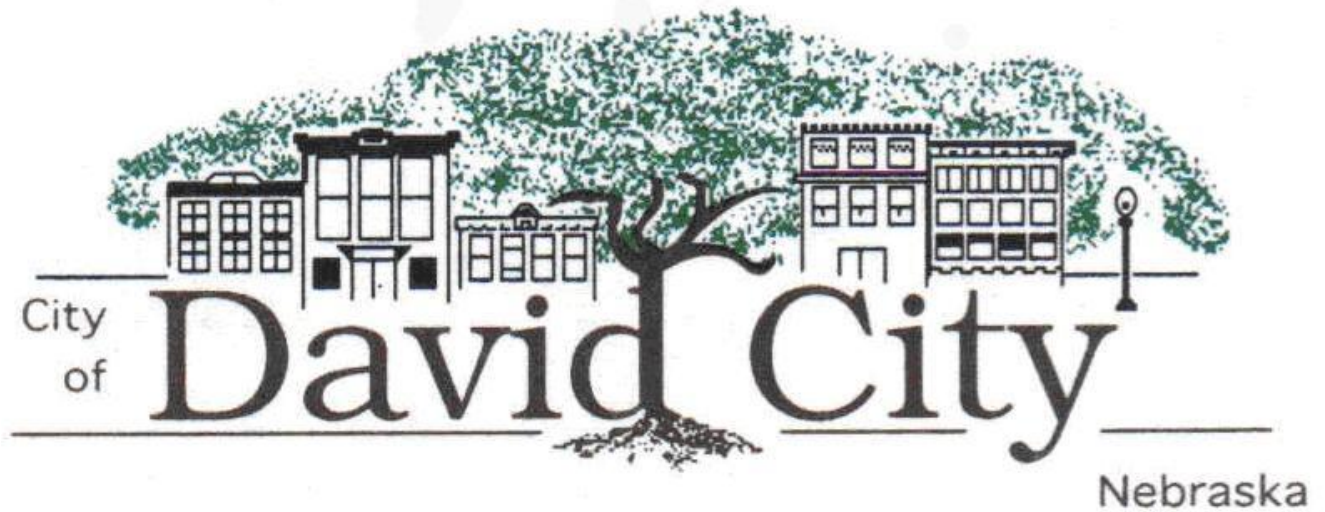
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Tabled  
\_\_\_\_\_  
Mayor Dana Trowbridge

ATTEST:

Tabled  
\_\_\_\_\_  
City Clerk Joan E. Kovar





# PERSONNEL MANUAL

RESOLUTION NO. 15-2010

EFFECTIVE DATE: \_\_\_\_\_

## TABLE OF CONTENTS

Chapter: Chapter Title: Page:

<b>TABLE OF CONTENTS</b> .....	2
<b>CHAPTER 1</b> GENERAL PROVISIONS.....	3
<b>CHAPTER 2</b> EQUAL EMPLOYMENT OPPORTUNITY .....	5
<b>CHAPTER 3</b> CLASSIFICATION AND PAY PLAN .....	6
<b>CHAPTER 4</b> BENEFITS.....	8
<b>CHAPTER 5</b> HOURS OF WORK AND OVERTIME.....	11
<b>CHAPTER 6</b> POLICE DEPARTMENT HOURS & OVERTIME.....	14
<b>CHAPTER 7</b> LEAVE.....	16
<b>CHAPTER 8</b> EMPLOYEE DISCIPLINE, RULES OF CONDUCT AND EMPLOYEE GRIEVANCES.....	20
<b>CHAPTER 9</b> ELECTRONIC COMMUNICATIONS SYSTEMS.....	26
<b>CHAPTER 10</b> DRUG FREE WORKPLACE.....	27
<b>CHAPTER 11</b> MISCELLANEOUS MATTERS.....	30
<b>ATTACHMENTS</b> .....	36

## **CHAPTER 1 – GENERAL PROVISIONS**

### **1.01 Purpose of the Personnel Rules**

These rules are intended to serve the following purposes:

- a) Establish the necessary procedures to assure reasonably uniform and consistent personnel practices.
- b) To inform employees of their rights, duties, and obligations in relation to their employer.
- c) To provide guidelines for Department Heads to manage employees in their department.
- d) To ensure compliance with all federal, state and local laws in relation to employment and working conditions.
- e) To encourage and foster good working relationships between employer and employees.
- f) These rules are provided for informational purposes only and should not be construed as a contract of employment. Since this guide does not represent a contract between the city and the worker; the employer has the right to change the policies in the guide at any time to meet the best interests of the City.

### **1.02 Applicability**

These rules apply to all employees of the City of David City, Nebraska.

### **1.03 Authority for Change in the Rules**

These rules are issued by authority of the City Administrator. The rules may be amended from time to time as needs require. Suggestions for amendments in the rules are welcome at any time from any employee. Suggestions should be submitted in writing to the City Administrator.

Copies of the complete Employees' Manual, with the pay plan, are issued to all Department Heads and other supervisors. All employees shall be given a copy of these rules by his department head or by the City Administrator or the City Clerk. Holders of copies of the complete manual are responsible for inserting changes as they are issued and keeping their respective copies of the manuals up to date.

### **1.04 Technical Rules**

These rules relate to matters of personnel management. They do not cover any departmental procedures, standard practices, standing orders or other technical matters. The department heads have authority to make departmental rules not in conflict with these rules, and otherwise to manage the work and operation of their respective

departments.

### **1.05 Appointing Authority**

Department Heads shall be appointed by the Mayor, as provided by Ordinance, with the recommendation of the City Administrator. Employees subordinate to the Department Heads shall be employed as provided by City Ordinance.

### **1.06 Types of Employment**

Employment of employees to positions under these rules shall be of the following types:

- A. Probationary employment
- B. Regular employment. Upon the satisfactory completion of the probation period, employees are placed on regular status. Regular Employment may fall into one of two categories:
  - I. Full Time
  - II. Part Time
    - a) Part Time Regular employment may be eligible for benefits at the discretion of the Department Head and the approval of the City Administrator and City Council.
- C. Temporary Employment. Employees may be given temporary employment, which status can exist for, and is limited to, no more than one year. Such employees do not receive fringe benefits.

### **1.07 Residency Requirements**

All Departments that may be called back to work for emergency purposes (City Administrator, Water Department, Sewer Department, Electric Department, Power Plant Department and Street Department) are required to reside within a five mile radius of the established city limits of the City of David City.

Employees shall establish residency within six months after the calendar day of the start of employment and will maintain residency during the term of employment.

## **CHAPTER 2 – EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.)**

### **2.01 Equal Employment Opportunity Statement**

It is the general policy of the City not to discriminate upon the basis of race, color, religion, national origin, age, sex, marital status or disability.

### **2.02 Equal Employment Opportunity Manager**

The City Administrator is designated as the Equal Employment Opportunity Manager for the City, to ensure that the equal employment opportunity policies are carried out. The City Administrator shall be responsible for the training of all supervisors (including those under appointed authorities) in equal employment opportunity matters.

### **2.03 Continuous Review**

The City Administrator shall maintain a continuous review of the equal employment opportunity program of the City. The City Administrator shall monitor employment, promotions, pay increases, dismissals, and other personnel transactions to eliminate discriminatory practices. The City Administrator shall publicize the equal employment opportunity policy to employees, employment agencies and other sources of recruitment, vendors and contractors, and the public.

### **2.04 Rejections of Protected Persons**

Upon receipt of a rejection of a minority person or of a female for a non-clerical position, the City Administrator shall investigate the facts of the rejection. The reports of rejections and any reports of investigations shall be retained for three years.

### **2.05 Career Development**

The City Administrator shall conduct a career development program for employees in the City service. The City Administrator shall identify persons, who are qualified for promotion or who may become so qualified through further training, and keep records of their potential for promotion. The City Administrator shall also identify positions into which such persons may be promoted, without regard to departmental lines, and when vacancies arise in positions so identified, shall encourage the appointing authorities to make promotions of qualified employees.

### **2.06 Counseling**

Any employee, who believes that he or she has been discriminated against, may seek counseling from the City Administrator (Equal Employment Opportunity Manager), whether or not he has discussed the matter with his immediate supervisor or has or has not filed a grievance.

## **CHAPTER 3 – CLASSIFICATION AND PAY PLAN**

### **3.01 Establishment of a Pay Plan**

All City positions, whether occupied or vacant, are classified and are allocated pay grades within the pay plan. More than one position may be placed on the same pay grade. The pay plan is reviewed annually, revised as needed and approved by the Mayor and City Council.

### **3.02 Pay Scale/Step Plan**

Each pay grade is divided into twenty-one steps. The basis for moving from one step to the next is outlined below.

In order of importance:

- 1) Merit-Acquired knowledge, skills and abilities appropriate for the position held
- 2) Job Performance-based on performance evaluation of the immediate supervisor
- 3) Longevity-number of years of service to the City of David City

### **3.03 Step Pay Plan at Initial Hiring**

- 1) A new employee, who meets the minimum qualifications of a position, will be placed on the “A” Step. The new employee will be on New Hire Probationary status for six (6) months. Before the end of the sixth month of the Initial Probationary Period, the new employee will be evaluated by their immediate supervisor. If the new employee is recommended by the immediate supervisor to be removed from initial probation, they will be moved to Step “B” on the pay scale.
- 2) If prospective employee is qualified beyond minimum for a position, that prospective employee, if selected, may be credited with an appropriate number of steps within the pay plan based on merit and will be placed on the corresponding pay step. In no case will a newly hired employee be placed in a step above Step 3 on the pay plan.

### **3.04 Longevity**

Longevity will be determined by the employee’s anniversary date, either date of hire or date the employee was placed in their present pay grade, whichever is more appropriate.

### **3.05 Promotion**

An employee, who is promoted to a higher position, will be placed on “A” Step for that new pay grade. If the employee’s current pay is higher than the “A” Step in the new pay grade, the employee will be placed on the step which equals that employee’s present pay. The City Administrator will have the option of granting a pay increase to a promoted employee by placing that employee on the next highest pay step from the step which corresponds to the employee’s present pay. A promoted employee will serve a probationary period but will not receive a pay increase at the end of such probationary

period.

### **3.06 Cost of Living Adjustments (COLA)**

Cost of Living Adjustments (COLA's) are an [annual adjustment](#) in [wages](#) to [offset a change](#) (usually a [loss](#)) in [purchasing power](#), as measured by the [Consumer Price Index](#).

COLA's are used to assist the employee with increases in personal daily expenditures, and assist the City of David City by attempting to keep wages for positions competitive with other municipalities.

COLA's are a wage adjustment by the City Council at the recommendation of the City Administrator. COLA's are based on the Consumer Price Index, inflation, and most importantly, budgetary and financial considerations of the City. Recommendations for COLA's are reviewed annually during the budget process and final approval of Cost of Living Adjustments remains with the City Council. The entire pay grid will be adjusted when cost of living adjustments are approved by the City Council.

### **3.07 Wage Evaluation Survey**

The City Council may, at their discretion, direct the City Administrator to conduct, or request a wage evaluation survey. This evaluation will examine compensation data from comparable cities and the data will include job market, workforce and other pertinent data. Future pay grid adjustments, except for the cost of living adjustments, will be based on survey data obtained from comparable towns.

## CHAPTER 4 – BENEFITS

### Overview

In addition to the wages set forth in the pay plan, employees (except temporary) shall receive other benefits which have significant value.

Regular full-time employees (those working a minimum of 40 hours per week) are eligible for the following benefits:

#### 4.01 Medical and Life Insurance

Employees must work a minimum of 40 hours per week to be eligible for the medical and life insurance benefits

- a) Medical insurance is with Starmark. This is a dual coverage plan with allows individual employees to choose either the HSA/MSA high deductible or the standard \$500 deductible PPO. The health insurance coverage runs from June 1<sup>st</sup> through May 31<sup>st</sup>. The HSA runs from January 1<sup>st</sup> through December 31<sup>st</sup>.

For those employees selecting the HSA:

Effective January 1, 2006, and each year following, the City will contribute 75% of the deductible (\$3,000 for family; \$1,500 for individuals) which money will be deposited directly into the employees HSA account.

- b) The employee pays 25% of the monthly premium regardless of which coverage plan they have chosen. The City pays the balance.
- c) Employees hired prior to August 1, 1999 may receive a cash payment in lieu of the insurance listed above, upon providing proof of such coverage. The employee may receive \$88.75 per month for family coverage or \$16.90 per month for single

#### 4.02 Holidays with Pay

The following are designated as paid holidays by the City of David City.

- |                           |                                |
|---------------------------|--------------------------------|
| 1) New Year's Day         | 7) Columbus Day                |
| 2) Martin Luther King Day | 8) Veteran's Day               |
| 3) Arbor Day              | 9) Thanksgiving Day            |
| 4) Memorial Day           | 10) Day after Thanksgiving Day |
| 5) Independence Day       | 11) Christmas Day              |
| 6) Labor Day              | 12) Individual Selectable Day  |

When a national holiday falls on a Saturday, the preceding Friday shall be recognized as a day off with pay. When a national holiday falls on a Sunday, the following Monday shall be recognized as a day off with pay. All City and Utility Departments close 2 hours early on December 24, and 1 hour early on December 31.



Individual Selectable Days must be used during the year in which they are earned and cannot be carried over to succeeding years.

#### **4.03 Vacation with Pay**

Employees (working a minimum of 40 hours per week) shall be entitled to vacation with pay according to the following schedule:

<u>Years of Employment</u>	<u>Days Vacation Allowed</u>
After 1 year	5 days = 40 hours
After 2 through 9 years	10 days = 80 hours
After 10 through 15 years	15 days = 120 hours
After 16 years	16 days = 128 hours
After 17 years	17 days = 136 hours
After 18 years	18 days = 144 hours
After 19 years	19 days = 152 hours
After 20 years +	20 days = 160 hours

Employees may carry a maximum of 320 hours of vacation time. Any vacation hours in excess of 320 will be forfeited. Supervisors will make every effort to accommodate employees needing to use vacation hours to avoid forfeiture.

Each employee, upon retirement, dismissal, or voluntary separation from city employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his or her beneficiary shall be paid for unused accumulated vacation leave.

Vacations shall be scheduled by the department head.

Department heads shall schedule their vacation with the City Administrator. Vacation shall be allowed in half-hour increments.

Vacation time shall be requested twenty-four (24) hours prior to actual use.

#### **4.04 Retirement Plan**

The City will match employee contributions in an amount equal to the greater of 6% of regular pay or \$50.00 per month to a regular employee's Deferred Compensation Plan. The City of David City currently has two deferred compensation plans to choose from.

New employees will not be eligible for this benefit until they have been taken off of probationary status. This is a voluntary benefit in which employees may choose not to participate. Employees, who elect not to participate in this benefit, will not receive any type of in-lieu of payment from the City.

#### **4.05 Bonuses and Rewards**

The City Council, by resolution duly adopted, may make a lump sum bonus payment to any employee, who has, in the Council's opinion, rendered exceptional service to the City and the community. The purpose is to recognize and reward only unusually

meritorious work of the employee.

Department heads and supervisors have a duty to identify, recognize, and reward outstanding performance by employees, including productivity in quality or quantity of work, quantities of leadership, special courtesy and good service to the public.

#### 4.06 Longevity Recognition

The City of David City may present gifts with a monetary value to employees in recognition of years of employment and other special occasions as approved by the City Council, as follows:

5 years	\$ 10.00
10 years	\$ 15.00
15 years	\$ 30.00
20 years	\$ 50.00
25 years	\$ 80.00
30 years	\$110.00
35 years	\$140.00
40 years	\$170.00
45 years	\$200.00

#### 4.07 Regular Part-time Employees are eligible for the following benefits:

1. Vacation time on a pro-rata basis. ♦
  2. Retirement benefits on a pro-rata basis. ♦
  3. Employees, who work an average of twenty (20) hours or more per week, are eligible for one-half (1/2) day of holiday pay as per Section 4.03.
  4. Employees, who work an average of twenty (20) hours or more per week, are eligible for one-half (1/2) day of sick leave per month, accrued as per Section 7.01.
  5. Part-time employees are not eligible for Personal Leave and Funeral Leave.
- ♦ **Pro-rata basis:** Calculated by percentage. (The percentage used for calculations is: 2080 hrs. per year ) by the hours worked by the regular part-time employee in a year. This is the percentage of vacation/retirement allowed based on the vacation / retirement benefits as outlined in Sections 4.04 and 4.05.

#### 4.08 Full-time Employee Discounts permitted:

- 10% off Auditorium Rentals (including bar charges)
- 10% off Swimming Pool Passes (family, couple, or single)
- 10% off Schweser House Rentals
- Gravel, White Rock, Mud Rock, etc. - allowed to purchase at cost
- Car Batteries - allowed to purchase at cost

## **CHAPTER 5 – HOURS OF WORK AND OVERTIME**

### **5.01 Hours of Work**

All Departments, except the Police Department and City Office, shall work a 40-hour workweek as the standard workweek unless otherwise provided.

The standard workweek is:

7:30 a.m. to 4:00 p.m. Monday thru Friday from Labor Day to Memorial Day and,  
7:00 a.m. to 3:30 p.m. Monday thru Friday from Memorial Day to Labor Day.

The City Office standard workweek is:

8:00 a.m. to 5:00 p.m. Monday thru Friday from Labor Day to Memorial Day and,  
7:30 a.m. to 4:00 p.m. Monday thru Friday from Memorial Day to Labor Day.

### **5.02 Time Sheets**

Timesheets serve as the legal authority to pay an employee. They also serve as a verification of time off, and provide the legal basis to grant an employee benefits, including workers' compensation as appropriate. Employees are to provide an accurate accounting of all hours worked and leave used during a pay period on a timesheet.

All absences from an employee's regular work schedule must be reported and accounted for. An employee's timesheet accounts for all hours in the pay period and must be verified and approved by the employee's supervisor.

Completed timesheets require the signatures of the employee and the supervisor. These signatures certify that, to the best of their knowledge, the information provided on the documents is true and correct. An intentional misrepresentation of hours worked constitutes fraud and will result in disciplinary action or possibly termination of employment.

### **5.03 Flextime**

Flextime is an alternate 40 hour workweek schedule by which an employee's workweek is determined by the needs of the job and is subject to Department Head or City Administrator approval.

Department Heads shall establish work periods and hours of work, which may differ from the hours of work to meet special department needs, projects or workloads. Special department needs and projects shall include, but not limited to, infrastructure construction, standard workweek snow removal, street painting, recycling, football events, track events, auditorium events, official committee and board meetings of the city, and any other known work that occurs before 7:30 a.m. or after 5:00 p.m. Monday thru Friday or on weekends.

Department Heads are encouraged to use flex-time whenever feasible to minimize overtime or the accumulation of compensatory time.

#### 5.04 Overtime & Compensatory Time

Overview: All compensatory/overtime work should be held to a minimum and should be authorized in advance in writing by the appropriate supervisor. Each supervisor is responsible for and expected to use good judgment in determining what constitutes legitimate and necessary compensatory/overtime work.

In unusual situations in which prior approval may not have been practical or possible and the required completion of a specific project, assignment, or official travel results in overtime or compensatory time worked, the appropriate supervisor may verbally approve the unauthorized time based on the circumstances involved, but it should be reported to the City Administrator in a reasonable timeframe.

Due to the specialized nature of work involved, and the hours required, the Police Department is not subject to these general policies. Police Department Policies covering overtime and compensatory time is discussed in Chapter Six (6) of this manual.

##### Definitions:

- A. **Overtime** - is the amount of time someone works beyond normal working hours, i.e.- the standard 40 hour workweek.
- B. **Compensatory Time** - refers to a type of work schedule arrangement that allows (or requires) workers to accumulate leave time and take time off instead of receiving overtime pay.

#### 5.05 Nonexempt Employees Overtime & Compensatory Time

##### Overtime

According to the Fair Labor Standards Act (FLSA) time worked in excess of forty (40) hours in one week will be paid at the rate of time and one-half the regular rate of pay.

##### Compensatory Time

Compensatory time may be accumulated in lieu of time and half pay for overtime worked at the discretion of the City Administrator. These hours shall be recorded in the payroll system at the time of accrual and use. Hours worked in excess of eight hours in one day may not necessarily be counted as overtime.

When Compensatory time is allowed by the Department Head or City Administrator, an employee may accrue no more than twenty-four (24) hours of compensatory time at any given time. Any exceptions to this provision must be authorized by the City Administrator.

Compensatory time shall be used within the same pay period from when it was earned. If compensatory hours are earned during the last week of the pay period, those hours may be carried over to be used during the next week following the pay period in which they were earned.

Designated holidays, vacation time, individual selectable days, and sick leave time are included as hours of work for the purpose of calculating overtime during the week in which they fall.

**5.06 Exempt Overtime/Compensatory Time**

All exempt (Salary) employees shall not receive overtime compensation. All exempt employees may use compensatory time off at the amount and rate it was earned for hours worked in excess of 40 hours per week.

**5.07 Work on Holidays**

If an employee is required to work on a holiday, he/she shall receive eight hours of work credited to the total work week hours plus the number of hours actually worked on the holiday to be credited to the total week hours. All hours of said hours shall be included in time worked in calculating overtime for the week.

**5.08 Call Out Time**

If after an employee has left his/her place of work and he/she is called back for duty, he/she shall be paid for at least one hour of work, which shall be included in time worked in calculating overtime for that week. For purposes of calculating Call-Out Time, hours worked shall include one hour plus actual time worked after one hour.

**5.09 On Call Time**

An employee, who carried a pager for a week, will be credited with two hours of compensatory time if the hours worked for that week total less than forty (40) hours. If the hours total forty (40) or more, a maximum of three hours will be credited toward compensatory time. Overtime pay is not permitted in place of compensatory time off. While an employee is On-Call Time, he/she shall be in a place and situation that allows for a response to any situation or need within thirty (30) minutes.

**5.10 Standby Time**

City Power Plant employees, who are not On-Call, will be credited with two hours of compensatory time during such times as Nebraska Public Power District mandates the David City Power Plant standby for possible electric energy production. An employee who is On-Call shall not receive any compensation for Standby Time. While an employee is on Standby Time, he/she shall be in a place and situation that allows for a response to any situation or need within thirty (30) minutes.

**5.11 Breaks**

A fifteen (15) minute break shall be allowed for each four (4) hours of work. If work conditions are such that travel, cleanup, etc., plus the break require more than fifteen (15) minutes, the break shall be taken on the site.

## **CHAPTER 6 – POLICE DEPARTMENT HOURS AND OVERTIME**

### **6.01 Pay Period**

For the purpose of computing overtime, the Police Department shall utilize a twenty-eight (28) day, one hundred seventy-one (171) hour pay period for hourly wage employees. For salaried employees the pay period will be monthly ending on the twenty-third (23) of each month.

### **6.02 Flexitime**

For hourly wage employees; Hours exceeding one hundred seventy-one (171) in any one twenty-eight day work period shall be compensated at a rate of one hour for one hour worked.

- 1) Employees must contact the Chief or Lieutenant for advance approval of any flexitime work, unless the work is necessary due to arrest, call for service or emergency occurring so close to the end of their shift that it is impractical to do so.
  - a) In such cases, the employee should contact the Chief or Lieutenant as soon as practical for continued approval, or alternatively, assignment of another employee to continue.
  - b) Reports in connection with such cases are not exempted from the advance approval requirement, and flexitime for this purpose must be approved by the Chief or Lieutenant.
- 2) The Chief or Lieutenant may approve flexitime work when necessary for the proper handling of incidents or other Department business.
  - a) Incidents or duties may be turned over to an available employee on the present shift rather than utilizing an employee on flexitime when this is practical and can be accomplished without a loss of continuity.
  - b) Flexitime should be approved for reports when the reports are needed prior to the employee's return to duty for the prosecutor, court, or for information to other employees or the news media. This would include most arrest situations, major crimes or incidents, injury traffic accident, etc. Employees are expected to complete reports during their regular tour of duty when this is practical, and flexitime for reports may be disallowed when it is evident that the employee had sufficient opportunity to do so.
- 3) Court flexitime will be paid to those employees who appeared for court scheduled by the county attorney's office or by the state for ALR hearings. The flexitime hours earned will be three hours minimum regardless of the time needed for court.
- 4) Employees attending Officers meetings on their day off will be paid flexitime time. Employees will submit for flexitime from the time the meeting is scheduled to start to the end of the meeting.

- 5) Flextime time will be paid in time off, in lieu of flextime pay.
- 6) Officers will be permitted to accumulate up to and including eight (8) hours of flextime time that may be carried over for no more than thirty (30) days. Any flextime time accumulated total in excess of eight (8) hours shall require mandatory usage within thirty (30) days or, the discretionary adjustment of the schedule by the Chief. This usage or scheduling adjustment shall be on a month by month basis. In cases where mandatory usage of flextime time may conflict with scheduling of employees, the Chief may change any flextime time earned in excess of eight (8) hours to overtime. Employees are urged to work with the Chief in these cases for the mutual benefit of both.

### **6.03 Holidays**

If an employee works on a national, state, local holiday or holiday that is recognized by the City of David City, he/she shall receive eight hours of holiday pay at the rate of one and one half (1 ½ ) times the regular rate of pay

When a holiday falls on the first day of an employee's weekend, it shall be observed on the preceding day. When a holiday falls on the second day of an employee's weekend, it shall be observed on the following day. A weekend is two consecutive days off, whether they are Saturday/Sunday, Tuesday/Wednesday, Friday/Saturday, etc.

### **6.04 Residency**

All full-time Police Officers shall reside within five (5) miles of the corporate limits of the City of David City.

### **6.05 Other General Rules**

- 1) Shift swapping will not be allowed. If an employee is scheduled to work the employee must use vacation or holiday time to receive paid time off. Permission to switch scheduled work days may be granted by the Chief for extenuating circumstances or emergency situations.
- 2) Police Department employees shift will start from the time they contact the Butler County Communications Center and advise they are starting their tour of duty. This procedure will also apply to ending a shift.
- 3) The David City Police Department is a public safety agency and does not close for any reason. Therefore on days that the City Council closes the City Offices due to bad weather, it will not affect the operation of this agency. All regularly scheduled employees are responsible for reporting to work. For those employees who are apprehensive or unable to drive in such weather, contact will be made with the Chief or Lieutenant at least one hour prior to the start of their shift. Arrangements will then be made to either pick the employee up or excuse their absence from work. Please refer to Chapter 11, Section 17 for further information.
4. All other provisions for leave and compensation shall follow the guidelines set forth in the City of David City employee manual.

## CHAPTER 7 – LEAVE

### 7.01 Sick Leave

Sick leave with pay is a privilege granted to employees by the City for the convenience of the employee when he/she is sick or is needed to care for immediate family who is ill. Sick leave is not an earned benefit and shall only be granted to employees who are ill and unable to work. Each full-time employee is credited with one working day of sick leave each month and is charged with sick leave actually taken. No employee may accrue more than one hundred twenty (120) days of sick leave.

The employee shall notify the department head or supervisor of his/her illness before the time that he/she is due to report for work on the first day of illness. If he/she is physically incapable of giving notice in this manner, notice shall be given as soon as possible.

The department head or City Administrator may require the employee to present a medical certificate as to the fact of illness or as to the ability of the employee to perform his/her work upon returning from sick leave.

The City of David City leave policies adhere to the provisions of 29 U.S.C. 2601, commonly known as the Family Medical Leave Act of 1993.

\* **SICKNESS - SELF**: An employee may use sick leave when that employee is ill and unable to perform his/her work or has an appointment with a doctor.

\* **SICKNESS - FAMILY**: An employee may use sick leave when an immediate family member (spouse, child, father, mother, father-in-law and mother-in-law) is ill or is hospitalized and needs the employee's care, or, requires the employee to take that family member for a doctor's appointment.

If a supervisor suspects that an employee is abusing sick leave, they will notify the City Administrator, who will investigate the suspected employee's timesheets for patterns that indicate sick leave abuse. These may include:

- a) Use of sick leave in conjunction with Holidays, weekends, or scheduled vacation leave usage;
- b) Regularly occurring, and occasional use of sick leave;
- c) Use of sick leave during scheduled work projects.

Any employee that is suspected of sick leave abuse may have their sick leave usage monitored for a period of six months and counseled concerning the matter.

False claims for sick leave are causes for disciplinary action.

Sick leave may not be converted into vacation leave or used in lieu of vacation leave.

### 7.02 Public Service Leave

An employee may take leave to serve as a member of a jury, upon being called as a



witness because of his position in any court, upon being called as a witness because of his position in any court, upon being called as a witness in any court proceeding; or, to enter military training for not more than two weeks in any one year. During the period of public service leave, the employee shall receive his/her regular pay less any amount received by him/her for performing such public service, provided, however, that no deduction shall be made for amounts earned of less than \$10.00 (R.R.S. 55-160).

An employee whose public service duty is completed before the end of his/her normal working day with the employee shall return to his/her City primary worksite.

### **7.03 Military Leave**

Military leave shall be governed by Neb. Rev. Stat. Sections 55-160 through 55-166 (Reissue 2004) or as amended by the Legislature.

### **7.04 Maternity Leave**

A female employee may request maternity leave. Such leave shall be without pay (after accrued vacation and sick leave have been expended). After delivery and recuperation, the employee may request re-employment, every effort will be made to appoint her to the same or similar position that she formerly held.

### **7.05 Funeral Leave**

Primary: Leave will be granted, not to exceed four (4) days per event, to employees to attend the funeral services of close family members, i.e., spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, niece or nephew.

Secondary: Leave will be granted, not to exceed two (2) days per event, to employees to attend the funeral services or secondary family members, i.e., grandparents, grandparents-in-law, aunts, uncles and cousins.

### **7.06 Leave without Pay**

A Department Head with the approval of the City Administrator may grant leave without pay for compassionate reasons, or compelling personal reasons when such absences do not interfere with the best interests of the City. The leave of absence, when granted, shall be in writing and detail the employment conditions that shall be in effect at the end of the absence.

Sick and vacation leave shall not accrue during a leave of absence.

Sick and vacation leave earned but unused prior to leave of absence shall be carried forward upon the employee's return.

The employee's service date shall be adjusted for the total of non-pay absences in excess of fourteen consecutive calendar days, except when an employee is still eligible for worker's compensation payments.

## **7.07 Personal Leave**

Personal leave will be granted to regular full time employees prorated by years of employment as follows:

0 years to 4 years	- 2 days per year
5 years to 9 years	- 3 days per year
10 years to 14 years	- 4 days per year
15 years to 19 years	- 5 days per year
20 years to 24 years	- 6 days per year
25 years to 29 years	- 7 days per year
30 years to 34 years	- 8 days per year
35 years to 39 years	- 9 days per year
40 years plus	- 10 days per year

Personal leave is not an earned benefit. Personal leave is deducted from accrued sick leave and may be used by the employee for any reason. If an employee does not have accrued sick leave then the employee shall not be granted personal leave. Personal leave shall be considered a privilege to reward employees for their attendance.

Only full-time employees (those working 40 hrs. per week) are eligible for Funeral Leave and Personal Leave.

## **7.08 Catastrophic Leave Donation Program**

### **Purpose**

The City of David City recognizes that there are instances in which an employee may suffer from a catastrophic illness or non-work-related injury requiring extensive medical treatment, rehabilitation, and ultimately the exhaustion of the employee's City-provided paid leaves.

The City of David City also recognizes that when these instances occur, co-workers of the employee experiencing a catastrophic illness or non-work-related injury desire to assist the employee until the employee recovers from the illness and can return to work.

This policy is intended to establish guidelines for employees of the City of David City to donate accrued vacation time and personal leave to another employee suffering from a catastrophic illness or non-work-related injury to be used as paid sick leave by the employee with the catastrophic illness or non-work-related injury.

### **Employees Covered**

All employees who earn sick leave and have been employed a minimum of twelve consecutive months shall be eligible to participate in the Catastrophic Leave Donation Program.

### **Recipient Employee Eligibility**

To be eligible to receive leave donated pursuant to this policy, an employee must meet

the following conditions:

1. The employee must be suffering from a catastrophic illness or non-work related injury which has resulted in the exhaustion of all of the requesting employee's paid leave and which extends for at least one week after the exhaustion of such leave.
2. Generally, illnesses which qualify as "serious health conditions" pursuant to the Family Medical Leave Act would be considered as eligible for catastrophic illness leave donation. The illness must be that of the employee personally, not an illness of the employee's child, spouse, or other family member, to be eligible for leave donation.
3. The employee must produce competent medical verification of the illness or non-work related injury satisfactory to the City of David City.
4. The employee must have a minimum of one year of service with the City of David City.
5. The employee must have exhausted all paid leave, including but not limited to sick leave, vacation, and personal holidays.
6. The employee must not have offered anything of value to another employee in exchange for the leave donation.
7. No more than 1,040 hours per 12 month period from date of catastrophic leave approval may be received by the employee.
8. The employee must complete the Catastrophic Illness Donation Request Form (Attachment A) and submit the form to the employee's department head, and the City Administrator, who will certify that the employee is eligible to participate in the leave donation program.

#### **Donor Employee Eligibility**

1. The employee must have an accrued vacation leave balance of at least forty hours subsequent to making a leave donation.
2. The employee must donate Personal Convenience Holidays in only eight-hour increments. Vacation may be donated in four-hour or eight-hour increments.
3. The employee must not have solicited nor accepted anything of value in exchange for the donation.
4. The employee must complete and have witnessed the Catastrophic Illness Donation Form.

#### **How to Apply For or Donate Leave**

1. An employee who qualifies for catastrophic illness leave shall complete the Catastrophic Illness Donation Request Form (see Attachment A) and submit it to the department head who shall, in conjunction with the Personnel Director, review it for approval or denial.
2. Upon approval, donor employees shall complete the Catastrophic Illness Donation Form (see Attachment B) indicating a willingness to donate vacation or Personal Leave time and the amount of said time to be donated. This form shall also be signed by a witness to the donor's signature. The completed form should then be forwarded to the payroll person in the department of the ill employee.
3. Employees donating their time are doing so strictly on a voluntary basis and will have their vacation or Personal leave balances irrevocably debited for the amount of time transferred to the recipient employee. The transferred time will be placed in the recipient employee's sick leave account.

4. The City of David City Payroll Department will monitor hours donated. The time donated will be on an "hour-for-hour" basis to the recipient employee.
5. Vacation hours transferred is done so in four-hour or eight-hour increments. Personal leave hours transferred are done so in eight-hour increments. Any time donated which is not used by the recipient remains with the recipient.

## CHAPTER 8 – EMPLOYEE DISCIPLINE, RULES OF CONDUCT AND EMPLOYEE GREIVANCES

### Overview

The city of David City subscribes to the philosophy of progressive discipline in managing the behavior and job performance of its employees. Progressive discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists.

The process features increasingly formal efforts to provide feedback to the employee so he or she can correct the problem. The goal of progressive discipline is to improve employee performance.

The process of progressive discipline is not intended as a punishment for an employee, but to assist the employee to overcome performance problems and satisfy job expectations. Progressive discipline is most successful when it assists an individual to become an effectively performing member of the organization

### 8.01 Disciplinary Actions

The following types of disciplinary issues and levels of disciplinary actions are appropriate for all employees of the City of David City and are described in a progressive manner. However, the nature and severity of the violation will dictate the level of discipline imposed. More severe levels of disciplinary action may be imposed when a lesser action is deemed inadequate or has not achieved the desired results. Management shall also consider the type and frequency of previous offenses, the period of time elapsed since a prior offenses and consideration of extenuating circumstances.

One or a combination of, any of the following disciplinary actions may be imposed. If one or more of the prescribed disciplinary actions are imposed, it shall be in writing on a single document and imposed at the same time. All disciplinary actions, formal and informal, are conducted in private, but may be conducted with a witness.

The Department Head and the City Administrator must be present for all disciplinary actions other than a verbal or written reprimand.

- 8.02 Verbal Reprimand:** The minimum disciplinary action is the verbal reprimand which is an articulation of the problem by the supervisor to the employee. This serves as a warning and may be repeated for minor infractions before a supervisor applies stronger action. A note of the date and nature of the verbal reprimand should be maintained by the supervisor for one year from the time of the last incident. At the same time it should be stated specifically that the employee is receiving a formal warning.

The City Administrator, Department Head or appropriate supervisor may administer a verbal reprimand to correct a problem area. A written record of the reprimands will be

made and such will be made a part of the employee's personnel files. Such records should include time, date, a brief description of the problem and direction given to the employee.

- 8.03 Written Reprimand:** The written warning is a formal account of an infraction and a counseling statement must be filed in the employee's permanent personnel record. This documentation must be reinforced by a discussion of the problem with the employee and must be acknowledged by the signature of the employee. The signature does not imply agreement. A repeat offense results in an interview with the City Administrator and the Department head and second written warning being placed in the employee's files; a third infraction is grounds for dismissal.

The City Administrator, Department Head or supervisor may submit a written reprimand to the employee when an oral warning has not resulted in the expected improvement, or when more severe action is warranted. The City Administrator shall file a copy of the reprimand in the employee's personnel file, from which it may be removed after one (1) year, provided no additional reprimands are received by the employee. Such removal shall be at the discretion of the City Administrator. Written reprimands should contain the specific time, date, place of offense and a statement of corrective action to be taken by the employee. Copies shall be placed in the employee's personnel file.

- 8.04 Disciplinary Probation Status:** Disciplinary probation may be imposed at the recommendation of the Department Head and the approval of the City Administrator for a period of up to 6 months, but may be extended to a total of one year. This is a designated time period during which the employee must improve. Improvement standards and time frames shall be set by the supervisor, and put in writing and a copy given to the employee and placed into the employee's personnel file. An extension of disciplinary probation shall be considered as a separate disciplinary action.

Employees on disciplinary probation shall not be promoted or granted performance-based pay increases within the City of David City step pay plan.

Employees granted leave while serving disciplinary probation may have their probation extended by the number of days absent on leave.

An employee may be removed from disciplinary probation at any time with the approval of the City Administrator if the Department Head believes that there is significant improvement by the employee.

- 8.05 Suspension:** The City Administrator may, for cause, suspend, with or without pay, an employee of the City of David City for a set period of time. A written statement specifically setting forth reasons for the suspension and duration of the suspension shall be furnished to the employee. Copies shall be placed in the employee's personnel file.

The employee's service date shall be adjusted by the number of calendar days absent during a suspension.

Employees on suspension shall not be granted vacation, sick or holiday leave, nor unused compensatory time off during the suspension period

**8.06 Demotion or Reduction in Salary within a Salary Grade:**

**Demotion:** At the recommendation of a Department Head, the City Administrator may demote an employee to a class of a lower salary grade as a disciplinary action. The employee's duties shall be changed to reflect the new classification. Upon demoting an employee for disciplinary reasons, an agency head shall reduce the employee's salary a minimum of 5% and the salary may not be above the maximum rate of the new salary grade. However, demoted employees' salaries may be reduced no lower than the hiring rate of the new salary grade. (Note: If the employee's reduced salary is at the hiring rate, the employee's salary shall be increased to the minimum permanent rate within six months.)

**Reduction in Salary within Salary Grade:** At the recommendation of the Department Head, the City Administrator may reduce the salary of an employee with their salary grade. The City Administrator may restore employees to their previous salary when circumstances justify. Employees' salaries may be reduced to no lower than the hiring rate of the salary grade.

**8.07 Dismissal or Discharge:** Discharge is the act of removing an individual from employment from the City of David City. An employee may be discharged at any time, without regard to the preceding steps, if he or she commits an offense for which immediate discharge is specified as a penalty or if, in the City Administrator's and Department Head's judgment, the employee's continued presence would be contrary to the well-being of the City of David City or any of its employees.

The employee shall be furnished notice of dismissal in writing, stating the reason for dismissal. It is recognized there will be occasions when immediate dismissal is required

**8.08 Reasons for Imposing Disciplinary Action:**

- A. Violation of, or failure to comply with: federal laws; State constitution or statute; Municipal Code; or published rules, regulations, policies, or procedures of the City of David City
- B. Abuse of sick leave
- C. Failure or refusal to comply with a lawful order or to accept a proper assignment from an authorized supervisor.
- D. Inefficiency, incompetence, or negligence in the performance of duties.
- E. Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting for duty under the influence of alcohol and/or unlawful drugs.
- F. Negligent or improper use of City property, equipment, or funds, or conversion of same to one's own use.
- G. Use of undue influence to gain, or attempt to gain, promotion, leave, or favorable assignment for individual benefit or advantage.
- H. Falsification, fraud, or intentional omission of required information on the employment application/resume.

- I. Unauthorized, improper use or abuse of any type of leave, meal, or rest periods.
- J. Repeated tardiness or unauthorized leave, including unauthorized departure from work area.
- K. Failure to report to work or remain at work during emergency situations, when designated as emergency personnel.
- L. Failure to maintain satisfactory working relationships with the public or other employees.
- M. Failure to obtain and maintain a current license or certification required by law or David City standards as a condition of employment including a State of Nebraska Driver's License.
- N. Conviction of a felony.
- O. Repeated failure to make reasonable provision for payment of personal debts which results in more than one garnishment, except in cases of court ordered child support payments.
- P. Insubordinate acts or language which seriously hampers the City's ability to control, manage, function or conduct business.
- Q. Acts or conduct (on or off the job) which adversely affects the employee's performance and/or the City's performance or function.
- R. Workplace harassment based, in whole or in part, on race, color, sex, religion, age, disability, or national origin, which manifests itself in the form of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- S. Possession of materials and/or the utterance of comments in the workplace that are derogatory towards a group or individual based upon race, gender, color, religion, disability, age, or national origin.

#### **8.09 Procedure for Imposing Disciplinary Action**

Prior to imposing discipline, employees shall be entitled to written notice of the proposed charges against them which shall identify the rule or policy violated and includes an explanation of an agency's evidence against them. (Oral notice may be sufficient when written notice is not expedient.) The explanation shall include a description of the incident involved and/or dates of occurrence.

Prior to imposing discipline the employee shall additionally be entitled to an opportunity to present mitigating evidence or reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the agency head shall afford the employee adequate notice as to time, place, and purpose of such meeting. Twenty-four hour notice is considered adequate.

If a disciplinary action is imposed, the employee shall be:

- I. Advised in writing of the nature of the offense;
- II. Advised of the disciplinary action being administered; and,
- III. If appropriate, notified of the time allowed for improvement and the consequences (including dismissal) of future violations or failure to improve;



The employee should acknowledge receipt by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the supervisor and witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file.

When an incident calls for the application of discipline, the discipline shall be imposed only once for that incident. Further action may be imposed for any subsequent incidents.

## **8.10 Grievance Procedure and Disciplinary Appeal Process**

### **Overview Statement**

All employees occupying a permanent, non-appointed position have grievance rights and are eligible for the disciplinary appeals process with the following exceptions:

Discretionary appointed employees, temporary employees and employees on original probation, have no grievance rights or Disciplinary Appeals rights within the City of David City grievance and Disciplinary Appeals procedure.

Sworn Police Officers have Grievance and Disciplinary Appeals Process rights, under Nebraska Second Class City Law, which are set forth in Nebraska State Statute 17-107.

### **Grievance Procedure Steps**

**Step 1** An employee, who has a grievance relating to his/her employment, shall first present his grievance to his/her immediate supervisor or Department Head, either orally or in writing. This must take place within five (5) workdays of the grieved occurrence. The supervisor will respond within three (3) workdays and notify the City Administrator of the grievance and the response.

**Step 2** If the employee is not satisfied with the response from the Department Head or supervisor, he/she may appeal in writing to the City Administrator. The City Administrator will respond within ten (10) workdays to the employee's concerns.

**Step 3** If the employee is unsatisfied with the response from the City Administrator, the employee may request through the City Administrator a meeting will be scheduled with the department head, City Administrator, Mayor, and the City Council in a closed session at the next City Council Meeting.

If the grieved issue is an emergency in nature, the Mayor may call an emergency meeting of the City Council to discuss the issue. This will be at the sole discretion of the Mayor.

### **Disciplinary Appeals Process**

The Disciplinary appeals process is only appropriate for the following disciplinary actions:

1. Disciplinary Probation
2. Suspension
3. Demotion
4. Reduction in Salary within Salary Grade
5. Dismissal or Discharge

All disciplinary actions are effective as assigned by the Department Head or City Administrator, and will be relayed to the Mayor and City Council for informational purposes.

**Step 1** Disciplinary action taken by the Department Head and City Administrator against an employee may be appealed to the Mayor. This appeal must be submitted in writing to the City Administrator within three (3) workdays of the employee being notified of disciplinary action, as outlined in Section 8.09. This appeal will then be forwarded to the Mayor who will then respond to the appeal within five (5) workdays to the disciplined employee.

**Step 2** If the employee is unsatisfied with the decision of the Mayor, the employee may request through the City Administrator a meeting will be scheduled with the department head, City Administrator, Mayor, and the City Council in a closed session at the next City Council Meeting.

The Council may, at their discretion, modify, lower or remove the disciplinary action imposed by the City Administrator.

In order to not inhibit employee's option to appeal a disciplinary action, and to avoid the appearance of punitive action for submitting an appeal, Council will endeavor to not impose additional disciplinary sanctions on any employee submitting an Appeal of Disciplinary Action for their review.

### **Discretionary Appointed Employees**

Discretionary Appointed Employees are designated as at-will employees and serve at the discretion of the Mayor as stipulated in Nebraska State Statute 17-107. As such, these employees are not entitled to the above stipulated Grievance Rights or Disciplinary Action Appeal process (Section 8.10) as outlined for the City of David City.

The Discretionary Appointed at-will Employees for the City of David City are:

- City Administrator
- City Clerk/Treasurer
- Deputy City Clerk
- Parks and Auditorium Director
- Wastewater Department Supervisor
- Power Plant Supervisor
- Zoning Administrator
- City Attorney
- City Physician
- Chief Prosecutor
- Chief of Police

- Police Officers
- Street Superintendent
- City Electric Department Supervisor
- Water Department Supervisor

As stipulated in City of David City Municipal Code, the City Council may, at their discretion, review any termination or removal from service of any appointed official by the Mayor. The Council may uphold, reverse or modify the removal or termination from service. (*David City Municipal Code Chapter 1, Article 2, Section 201.*)

The City Administrator will be responsible for the maintenance of all disciplinary action records and will notify the City Council of all disciplinary actions that include: Disciplinary Probation, Suspension, Demotion or Salary Reduction, and Dismissal in a timely manner. In accordance with State Statute, the City Administrator will assist the Mayor in all discipline activities that involve Discretionary Appointed At-Will employees.

## CHAPTER 9 - ELECTRONIC COMMUNICATIONS SYSTEMS

### Overview

This policy includes the telephone system, electronic mail, voice mail, facsimiles, computers, pagers, cellular telephones, the Internet and the World Wide Web.

- 9.01 Ownership of messages.** The electronic communications systems (ECS) and all information created, sent, received, accessed or stored on them are the property of the City.
- 9.02 Business use.** The ECS are to be used primarily to conduct business of the City. Reasonable personal use of such systems is permitted but must not interfere with an employee's productivity.
- 9.03 No presumption of privacy.** Employees should assume that any communications they create, send, receive or store on the City's ECS may be read or heard by someone other than the intended recipient.
- 9.04 Employer's right to monitor messages.** Management reserves the right to monitor, access, retrieve and read any electronic communications to determine if violations of the law or this policy exists, and if necessary, disclose the same to law enforcement officials or other third parties.
- 9.05 Message restrictions.** Electronic communications may not contain content that a reasonable person would consider to be defamatory, offensive, harassing, disruptive or derogatory.
- 9.06 Prohibitive activities.** Employees may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; or other confidential, private or proprietary information or materials in violation of any legal constraints. Employees may not use the City's ECS to gain unauthorized access to remote computers or other systems, or to damage, alter or disrupt such computers or systems in any way. Employees may not, without authorization, use or disclose someone else's code or passwords.
- 9.07 Record retention.** It is each employee's responsibility to ensure that those electronic messages that must be retained for future reference are in fact saved.
- 9.08 Viruses and tampering.** Files downloaded from the Internet and any computer disks received from non-employer sources must be scanned with virus detection software before installation and execution. Employees must report any tampering or other system breaches to the City Administrator.
- 9.09 Violations.** Violations of this policy may result in suspension of some or all electronic communication privileges, disciplinary action, or if necessary, termination.

## **CHAPTER 10 – DRUG FREE WORKPLACE**

### **Overview**

The City of David City, Nebraska is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive workforce. To this end, the City unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs. To ensure worker safety and workplace integrity, the City of David City, Nebraska prohibits the manufacture, possession, distribution or use of controlled substances in the workplace by its employees or those who engage or seek to engage in business with the City.

City of David City, Nebraska employees are prohibited from unlawful manufacture, distribution, dispensation, possession or use of alcohol and/or controlled substance in the workplace. Workplace means all property including, but not limited to, the offices, facilities and surrounding areas, parking lots, storage areas, owned or leased vehicles and equipment wherever located, whether owned or leased and whether or not they are in the control of the City. Any employee found violating this policy and/or convicted of violating any criminal drug statute while on the work place will be subject to discipline up to and including termination and/or, may be required to successfully complete an approved drug/alcohol abuse program sponsored by a private or governmental institution.

There will be no differentiation between someone who illegally uses drugs and someone who sells or distributes drugs. Any employee who gives, or in any way transfers, a controlled substance to another person or sells or manufactures a controlled substance while on the job, while representing the City of David City, Nebraska in an official capacity or while on the workplace will be subject to the consequences listed above.

The term "controlled substance" means any drug listed in 21 U.S.C. 812, Neb. Rev. Stat. 28-401 et. seq. and other state or federal statutes or regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to: Heroin, Marijuana, Cocaine, PCP and Crack. They also include "prescription drugs" which have not been prescribed by a licensed physician.

A City of David City, Nebraska employee will be required to report within five days any criminal drug statute arrest(s) or conviction to his/her immediate supervisor. The supervisor will immediately report such conviction to the City Administrator.

### **10.01 PROCEDURES**

- A. All newly hired temporary and permanent employees of City of David City, Nebraska will receive a copy of this policy contained in the Employee Manual. A signed statement of understanding and acknowledgement receipt for this policy will be maintained in the employee's personnel file.
- B. All new hires will receive drug abuse awareness information. Information will include:

1. Review of this drug free work place policy
2. Health and safety dangers associated with drug and alcohol use.
3. Dangers of drug abuse in the workplace
4. Availability of counseling and treatment services

#### **10.02 Reasonable Cause Testing**

- A. City of David City, Nebraska employees may be subject to drug and alcohol testing when there is reasonable cause or suspicion to believe the employee is using or under the influence of a controlled substance or alcohol while on duty or on the workplace.
- B. Reasonable cause or suspicion exists when the actions or appearances of an employee are out of the ordinary and unusual to the normal behavior patterns of the employee. It is based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his/her duties due to drug or alcohol impairment. The conduct relied upon to form reasonable cause or suspicion must be based on specific and articulable observations, including but not limited to, observable signs of intoxication (such as bloodshot or watery eyes, slurred speech, appearance, unsteady body movement or breath odors); a work related accident or near accident which indicates employee fault; decreases in the quality or quantity of employee productivity, judgment, reasoning, concentration, marked changes in behavior, deviations from safe working practices, erratic conduct or credible information received from a reliable person with firsthand knowledge are examples of reasonable belief situations.
- C. Upon determination by City of David City, Nebraska Department Head or the City Administrator that reasonable cause or suspicion exists to believe that an employee is under the influence of an intoxicating substance while on duty or on work premises, the City Administrator may direct the employee to undergo drug/alcohol testing. City of David City, Nebraska Department Heads and/or the City Administrator shall document the events surrounding this reasonable suspicion.
- D. If an employee is referred for testing all efforts will be made to transport the employee to the nearest testing facility. The employee will be required to provide a blood, breath or urine sample. The sample will be tested qualitatively for at least the following substances:
  - a) THC
  - b) Cocaine
  - c) PCP
  - d) Opiates
  - e) Methamphetamine/amphetamine
  - f) Alcohol
- E. An employee that is required to submit a sample for testing after determination of reasonable cause or suspicion shall be informed verbally and then followed by a written directive, that he/she is being placed on unpaid investigatory suspension, pending the outcome of an investigation.

- F. After the testing is complete the employee shall not be returned to work or allowed to drive home. The City of David City, Nebraska Department Head or the City Administrator will assist the employee in arranging for transportation home after the testing, preferably by a ride through a family member or friend.
- G. An employee who refuses to submit a sample under this policy will be placed immediately on unpaid investigatory suspension and will be subject to disciplinary action. Refusal by an employee to be tested, or confirmation by the lab of a specimen which has been adulterated shall be treated as a positive test. Employees suspected of being under the influence of drugs/alcohol and refuse to be escorted to be tested shall be given a directive not to drive home. Local law enforcement shall be notified if an employee suspected of being under the influence disregards a directive not to drive home and leaves in their vehicle.
- H. If the investigation determines a negative test for alcohol/drugs, the employee will be reinstated back to work and all leave without pay, during the investigatory suspension, will be paid back to the employee and all records of this investigation will be removed.

## CHAPTER 11 – GENERAL POLICIES

### 11.01 Physical

A physical is a prerequisite of a post-offer of a new employee. As per the Americans with Disabilities Act:

- a. An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be “job-related” and “consistent with business necessity.” Questions also may be asked about previous injuries and workers’ compensation claims.
- b. If an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the reason(s) for not hiring must be job-related and necessary for the business. The employer also must show that no reasonable accommodation was available that would enable this individual to perform the essential job functions, or that accommodation would impose an undue hardship.
- c. A post-offer medical examination may disqualify an individual who would pose a “direct threat” to health or safety. Such a disqualification is job-related and consistent with business necessity.
- d. A post-offer medical examination may not disqualify an individual with a disability who is currently able to perform essential job functions because of speculation that the disability may cause a risk of future injury.

### 11.02 Probation Periods

Every employee, including appointed officials and regular part-time, shall be on probation for his first six months of employment. Such probation periods may, at the discretion of the supervisor or City Administrator, be terminated before the completion of the probation period, but not sooner than three months after employment began.

When the employee first reports for work, he or she shall be notified of the fact that he/she will be on probation for the first six months. During that time, the supervisor or City Administrator shall observe his/her work with particular care; and advise him/her whether he/she is progressing satisfactorily.

Before the close of the probation period, the Department Head or City Administrator shall:

- a) Recommend an increase in pay within the scope of the pay plan;
- b) Extend the probation period not to exceed one period of three months, and, so notify the employee;
- c) Dismiss the employee; or,
- d) Recommend to the Mayor the dismissal of an appointed official.

This will be completed using the City of David City Standard Performance Evaluation Form. (Attachment C)

Probationary employees are entitled to all benefits as set out in these rules except the



Individual Retirement Account (IRA), Deferred Compensation Plan and Disability Insurance.

### **11.03 Employee Orientation**

The Department Heads and supervisors have a duty to orient all new employees. Such orientation training includes the duties of the position, the hours of work, relationships to the other employees, safety precautions, the rights and obligations of an employee, and information about the unit and department. The new employee should be made welcome and be encouraged to ask questions. He shall also be given a set of these rules and shall sign a receipt acknowledging that fact.

### **11.04 Employee Evaluations/Performance Reviews**

All employees, including appointed officials, shall be subject to annual performance review to be performed by their immediate supervisor. Additionally, employees placed on Disciplinary Probation, and newly hired employees on Initial Probation status will receive a performance evaluation prior to be removed from probationary status.

The City Administrator will notify the department heads of any employees that need to have performance evaluations done in their respective departments on a monthly basis. The City Administrator will request a date for these evaluations to be completed and returned to the City Administrator for review and for adjustments to be made in regards to the employees performance pay plan. Performance evaluations will be completed on the City of David City Standard Performance Evaluation Form (Attachment C).

The mayor and city council will perform the city administrator's performance review with input from the department heads

### **11.05 Employment of Relatives**

Two or more of the same immediate family shall not be employed to supervise each other or to do work under the same immediate supervisor. They may, however, be employed in different units of the same department or in different departments. The employment of family members under these circumstances is welcome. (This rule does not apply to cases of the employment of relatives existing on the effective date of these rules).

**Exception:** Swimming Pool Personnel ONLY: Two or more of the same immediate family may work under the same immediate supervisor. As with all employees: Two or more of the same immediate family shall not be employed to supervise each other.

### **11.06 Change of Status**

All employees shall report changes of address, telephone number, number of dependents, marital status, name, etc., to the City Clerk.

#### **11.07 Other Positions of Paid Employment and Outside Employment**

Full-time employees shall not hold other positions of paid employment or accept pay for services (outside employment) without the prior written approval of their respective Department heads or the City Administrator.

#### **11.08 Pay at Termination**

Employees who are terminated, if they request, may receive their pay no later than five working days following the effective date of termination. Checks will be mailed upon request. Utility bills, owed to the City, must be paid in full before the termination pay will be made.

At the time of separation, an employee shall be paid for his/her vacation leave which has not been used.

#### **11.09 Return of Property**

At the time of separation and prior to receiving the final pay check, an employee shall return all keys, tools, uniforms, or other City property issued to him/her in the course of his/her employment.

#### **11.10 Political Activity**

Employees shall not engage in political activities during their working hours or use City property or facilities for such activities. No supervisor or other person in authority shall, in any way, require an employee to support a candidate or any political activity. Employees may not promote any political activity or political candidate, either during their normal working hours or during personal time that conveys the appearance that the employee speaks on behalf of the City, or conveys the appearance that the City supports or does not support a political candidate or cause without the express written authorization of the City Administrator.

#### **11.11 Private Business Activities**

Employees shall not engage in private business activities during their working hours and shall not use city property or facilities for such activities.

#### **11.12 General Service**

All employees are employees of the City at large, not employees of a department. Although each one may regularly fill a particular position, anyone may expect to assist in other work when asked to do so, provided that the work to be done does not require special knowledge and/or training, the lack of which might result in hazards to others and the employee.

#### **11.13 City Equipment**

Employees may not use the City equipment or tools for their personal benefit or gain except:

- a) With the approval of the Department Head, they may do minor work for themselves in the City's shops when they are not on duty;
- b) When the City Council or the City Administrator approves, City vehicles may be used for personal transportation.

Any damage to City equipment will be reported to the appropriate supervisor or Department Head immediately and an insurance claim will be submitted as appropriate.

#### **11.14 Reimbursement Limits**

The Federal I.R.S. limitations for Nebraska for reimbursement for mileage, lodging and meals when employees are attending schools, seminars, conferences, etc. on behalf of the city are adopted as follows:

- Mileage:** Mileage reimbursement rate for the City of David City will be the same as the mileage reimbursement rate set by the State of Nebraska's Department of Administrative Services, which is increased and decreased as necessary.
- Lodging:** Actual & Reasonable rates.
- Meals:** Not to exceed \$30.00 per day.

#### **11.15 Travel Policy**

Employees are permitted to attend meetings, schools, seminars, and conferences anywhere in the state of Nebraska, and/or within a 300 mile radius. Any other requested travel will be up to the discretion of the City Administrator.

#### **11.16 Smoking/Use of Tobacco**

Smoking (i.e. lighted cigar, cigarette, pipe, etc.) and use of any other tobacco products (i.e. chewing tobacco, snuff, etc.) in any City facilities, vehicles, and equipment is prohibited. This policy applies to all employees, customers, and visitors.

#### **11.17 Emergency Situations**

##### **Overview**

The following guidelines apply to situations that prevent significant numbers of City employees from reporting for work on time or which require the closure of all or part of City normal activities, including major disasters and other emergency situations, adverse weather conditions, natural disasters, and other incidents causing disruptions of City operations.

These procedures apply to all David City employees. These procedures are based on the principal that the business of the City of David City is vital to serving the community of David City.

The City of David City, as employer, has a reasonable expectation that employees report

to work or remain at work during emergency situations unless specifically excused by their supervisors.

### **I. Employees Who Are Expected to Work during Dismissal or Closure Situations**

As a general rule, all Department Heads are identified as Emergency Personnel and as such, are required to report to work or remain at work during emergency situations.

Each Department Head has the discretion to identify and designate those employees he or she judges to be necessary to continue vital operations in any given emergency situation.

Emergency employees are expected to report for or remain at work in dismissal or closure situations unless otherwise directed by their Department Head. A Department Head may determine that circumstances justify excusing an emergency employee from duty. A Department Head may grant a reasonable amount of excused absence to an emergency employee who is unable to report for work when he or she has an individual hardship or circumstances unique to the employee. For example, factors such as distance, availability of transportation, or available alternatives to childcare or eldercare will be considered.

### **II. No Additional Pay or Paid Time Off for Employees Who Must Work**

Employees who are required to work during their regular tour of duty on a day when their agency is closed (or when other employees are dismissed early) are not entitled to receive overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled non-overtime hours.

### **III. Failure to Report for Work**

An employee may not be charged leave on a day when City Offices for the City of David City is closed for the day. In unique situations, a Department Head may determine that circumstances justify excusing an emergency employee from duty, and he or she may be granted excused absence.

However, if an employee who is required to work fails to report for duty without adequate reason for his or her absence, the Department Head may choose to place the employee on absence without leave (AWOL), and the employee may potentially be disciplined for the AWOL at the Department Head's discretion. The Department Head will confer with the City Administrator to make the determination as to whether the employee has adequate reason for his or her absence.

## **11.18 Professional Development**

The City of David City is committed to supporting employee professional development through job related or corporate related educational courses, conferences and seminars. Educational assistance for employee professional development is subject to budgetary limitations and in accordance with established procedures.

This policy supports employee pursuit of educational opportunities and professional development, for the purpose of enhancing current job performance, or improving opportunities for advancement within the City.

This policy applies to all permanent full-time employees of the City with the exception of employees on probation.

### **Approved Professional Development Opportunities:**

#### **Job Related Courses**

Courses or training designed to develop skills, knowledge and effectiveness in employee's current position with the City of David City.

#### **Corporate Related Courses**

Courses or training designed to develop skills related to future goals with the City of David City. This will encompass courses taken while working towards degree, certification and diploma programs as identified during an annual performance appraisal with the City of David City. Programs under consideration will include those that benefit career fields within the municipality, and not those related to the employee's current position.



(Attachment A)

**City of David City**  
**Catastrophic Illness Donation Request Form**  
*(To be completed by Requesting Employee)*

\_\_\_\_\_, an employee in \_\_\_\_\_,  
(Name) (Department)

has requested vacation leave/Personal Convenience Holiday donations under our Catastrophic Illness Program, and meets the conditions of our Catastrophic Illness Program per the attached medical documentation.

My signature hereto acknowledges that I agree to release, indemnify, and hold harmless, the City of David City from any claim I might have relating to the release of only my name to City Departments advising them that I am eligible for Catastrophic Illness Donations.

\_\_\_\_\_  
Employee Signature Date

Social Security Number:

APPROVED: \_\_\_\_\_  
Department Head Date

APPROVED: \_\_\_\_\_  
Personnel Director Date

Employee: Forward this request form **and** medical documentation from your physician to your department head.



(Attachment B)

**City of David City**  
**Catastrophic Illness Donation Form**  
*(To be completed by Donating Employee)*

To be eligible to donate vacation leave/Personal Leave:

1. Personal Convenience Holiday may be donated in only eight-hour increments.
2. Vacation may be donated in four-hour or eight-hour increments.
3. Must not have solicited nor accepted anything of value in exchange for the donation.
4. Must have remaining to his/her credit at least 40 hours of accrued vacation leave.

Name of employee you are contributing to: \_\_\_\_\_

Number of hours you are donating: \_\_\_\_\_  
Vacation Hours                      Personal Leave Hours

I understand my vacation leave/Personal Leave balance(s) will be decreased by the hours I am donating and that my vacation leave/Personal leave hours shall be irrevocably credited to the recipient's sick leave account.

\_\_\_\_\_  
Your Signature ( )                      Print name

Your Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_

(Attachment C)

**City of David City**  
**ANNUAL PERFORMANCE EVALUATION FORM**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Team: \_\_\_\_\_

Date of Hire: \_\_\_\_\_ Appraisal Date: \_\_\_\_\_

**Purpose and Instructions:**

**City of David City Mission Statement:**

To enhance the vibrant community of David City by providing a tremendous quality of life defined by outstanding educational and employment opportunities for all citizens through provisions of quality, cost effective governmental services that include infrastructure, utilities, affordable housing, physical environment, culture and recreation, public safety, land use planning, leadership and community participation.

Employees are an integral part of achieving this goal. The following items are the objectives for a conducting an annual performance appraisal.

1. This appraisal should provide feedback to employees on their contribution in support of our mission.
2. The appraisal will also provide employees with constructive comments regarding opportunities for improvement.
3. The appraisal will provide the employees with specific examples of their strengths or weaknesses.

**Ratings:**

**Superior** – Performance exceeded the requirements of the job in all major areas and identified goals. Significantly works above and beyond the responsibility of the job was achieved. Performance is the *exception* in the work group and consistently exceeds standards and requirements of successful performance.

**Stable Performer** – Performance met job requirements and identified goals in all important areas. Makes significant contributions, provides high quality services.

**Needs Improvement** – Performance was below job requirements and identified goals in one or more important areas and immediate improvement is required. Not meeting the standards and requirements for successful performance. Performance adversely affects others.

**Unsatisfactory** – Performance is significantly below job requirements and identified goals in several



important areas. If this is the overall rating, then termination may be considered. Performance is unsatisfactory. Inability or unwillingness to improve.

**Not Applicable**—This factor does not apply based on the requirements of the position.

**Part I: Job related Skills and Knowledge**

**1. Customer Services**—Manages customer interactions in a polite and professional manner. Is proactive, goes “above and beyond” to provide excellent customer service.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_  
\_\_\_\_\_

**2. Job Knowledge**—Understands the information and responsibilities pertinent to the job and demonstrates necessary expertise and knowledge of equipment, tools, and technology. Continues to learn, expand knowledge and apply creativity to seek solutions.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_  
\_\_\_\_\_

**3. Organizational Skills and Productivity**—Plans and prioritizes work effectively. Coordinates, prepares, and presents projects well and follows through with assignments. Produces quality work and a satisfactory quantity of work. Delivers on time and within budget. Meets deadlines.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_  
\_\_\_\_\_

**4. Communication Skills**—Is effective in communicating with others, including co-workers, superiors, or the public, using both verbal and written skills necessary for the job. Listens well. Articulates well. Comprehends and understands information and explanations. Keeps others informed. Shares information.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**5. Interpersonal skills and professionalism**—Cooperates with peers, team leader, and immediate supervisor. Is a productive team member. Shows a high of professionalism in person, in email, on the telephone, in language, and in dress. Exhibits initiative and self-direction. Maintains a positive and respectful attitude. Shows enthusiasm about work. Accepts feedback well. Demonstrates loyalty and commitment.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**6. Reliability**—Dependable. Can be counted on to work as needed to achieve results and/or meet targets within established time frames. Employee complies with the Department's and City's policies on absence and lateness.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**7. Management and Leadership Skills**—Manages own area of responsibility without regularly intruding upon the scheduled time of other staff members. Understands the goals and needs of the department and its staff as a whole. Is counted a positive benefit to the staff by others on staff. Gains the respect and trust of fellow staff members. Employee’s work and behavior exhibits commitment to the Department’s mission, vision and goals. Cooperates and contributes to the overall wellbeing of the City of David City.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**8. Problem Solving and Decision Making**—Anticipates and identifies problems. Uses logic and sound judgment to solve problems and make decisions.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**9. Adaptability**—Employee is able to adjust to a variety of situations, maintains flexibility.

- Superior (Requires Explanation)
- Stable Performer
- Needs Improvement
- Unsatisfactory (Requires Explanation)
- Not Applicable

Comments: \_\_\_\_\_

\_\_\_\_\_

**Part II: Overall Performance Rating**

	Outstanding	Stable Performer	Needs Improvement	Unsatisfactory	Not Applicable
Patron Services					
Job Knowledge					
Organizational Skills & Productivity					
Communication Skills					
Interpersonal Skills & Professionalism					
Reliability					
Management & Leadership Skills					
Problem Solving & Decision Making					
Adaptability					

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Totals:    \_\_\_ Outstanding    \_\_\_ Solid Performer    \_\_\_ Unsatisfactory    \_\_\_ Needs Improvement



**PART IV: ACKNOWLEDGMENT AND SIGNATURES**

Employee:

I have read this review. \_\_\_\_\_ (initials)

This review has been discussed with me. \_\_\_\_\_ (initials)

\_\_\_\_ I agree

\_\_\_\_ I disagree

Employee's Comments (optional):

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Employee's Signature: \_\_\_\_\_ Date:

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Supervisor's Signature: \_\_\_\_\_ Date:

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Your next review is scheduled \_\_\_\_\_ months from date of this review.

**PART V : ANNUAL GOAL SETTING DOCUMENT**

Employee \_\_\_\_\_ Date \_\_\_\_\_

Individualized Strategic Plan Goals for the coming year:

Employee's comments:

Supervisor's comments:

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

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
City Administrator's Review

Council member Scribner made a motion to designate 1<sup>st</sup> National Bank of Omaha – D.C. Branch; U.S. Bank – D.C. Branch; Bank of the Valley – D.C. Branch; and Union Bank – D.C. Branch as the depository banks for the City of David City / David City Utilities for the fiscal year October 1, 2010 thru September 30, 2011. Council member Yindrick seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Yindrick, and Scribner. Voting NAY: None. Council member Hein was absent. The motion carried.

Council member Scribner stated that at the last meeting an agenda item was added to the agenda and he was not aware of it until he came to the meeting. City Clerk Kovar explained that this was for a special meeting scheduled for Monday. Kovar took Friday off and Deputy Clerk Comte was scheduled to take Friday afternoon off. The agenda item came just before noon so Comte quickly added the agenda item and updated the agenda on the web-site. It was noted that a procedure needed to be in place. Kovar stated that for a regular meeting an agenda is delivered every Friday and then again on Tuesday at the end of the work day. By Tuesday evening no other agenda items can be added because it would not be twenty-four hours prior. This was a rare circumstance. Following discussion it was determined that in the future council members are to be called when an agenda item is added or the agenda is changed.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Yindrick, Smith, Rogers, and Kroesing. Voting NAY: None. Council member Hein was absent. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:10 p.m.

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Mayor Dana Trowbridge

ATTEST:

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City Clerk Joan E. Kovar





CERTIFICATION OF MINUTES  
October 13, 2010

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of October 13, 2010; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

\_\_\_\_\_  
Joan E. Kovar, City Clerk