



CITY COUNCIL REGULAR SESSION

Monday, June 10, 2024 – 6:00 PM

109 North Kaufman Street, Mount Vernon, Texas 75457

Our mission: to provide effective and fiscally responsible municipal services in a manner which promotes our high standard of community life.

Vision Statement Mount Vernon is a caring community committed to excellence and quality of life, aspiring to be the community of choice for ourselves, our children, and future generations – beautiful, clean, vibrant, and safe. We will strive to preserve our heritage, our friendly hometown atmosphere, and celebrate the diversity of all our citizens.

AGENDA

Call to order and announce a quorum is present.

Invocation and Pledges

Consent Agenda

Items on the Consent Agenda are approved by a single action of the Council, with such approval applicable to all items appearing on the Consent Agenda. A Council Member may request any item to be removed from the Consent Agenda and considered as a separate item.

1. Minutes 5/13/2024 & Special Session 5/23/2024

Report on Items of Community Interest

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Mount Vernon; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Mount Vernon that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of Mount Vernon; and announcements involving an imminent threat to the public health and safety of people in the City of Mount Vernon that has arisen after posting the agenda.

Citizen Participation (3 minutes)

The Texas Open Meetings Act prohibits the Council from responding to any comments other than to refer the matter to a future agenda, to an existing policy, or to a staff person with specific information. Claims against the City, Council Members, or employees, as well as individual personnel appeals are not appropriate for citizens' forum.

Presentation MHS Planning & Design

MHS Planning will present the Park Master Plan and TP&W Grant

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:6b00e77f-7738-4a22-bb3b-816f2953d658>

Items to be Considered:

- 2. Consider and act upon approval of Resolution 24-11 an Economic Development Corp rental reimbursement incentive with Kountry Korner Kreations.
- 3. Consider and act upon Resolution Number 2024-11, Approval of a Parks Master Plan
- 4. Consider and act upon approval of Resolution 24-13 Authorizing Application for Local Park Grant Program for Little Creek Park.
- 5. Consider and act upon approval of 2024 Water Conservation and Drought Contingency Plan.
- 6. Consider and act upon approval of Employee Personnel Policies update.

Discussion Items and Mayor/Council/City Administrator Reports

Presiding Officer to Adjourn the City Council Meeting

Notes to the Agenda:

Items marked with an * are consent items considered to be non-controversial and will be voted on in one motion unless a council member asks for separate discussion.

The Council may vote and/or act upon each of the items listed in this Agenda except for discussion-only items.

The Council reserves the right to retire into executive session under Sections 551.071/551.074 – of the Texas Open Meetings Act concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 903-537-2252 two working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I do hereby certify that this Public Meeting Notice was posted on the outside bulletin board, at the front entrance of City Hall located at 109 N Kaufman St., Mount Vernon, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time:

Posted June 7, 2024 by 4:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Kathy Lovier, City Secretary

NOTE: The City of Mount Vernon, Texas meets regularly on the second Monday night of each month at 6:00 p.m. The Council follows a printed Agenda for official action. *Any individual desiring official action should submit his/her request to the office of the City Manager not later than fifteen (15) days prior to the Council Meeting.*

_____/s/ Kathy Lovier
Kathy Lovier, City Secretary



CITY COUNCIL REGULAR SESSION

Monday, May 13, 2024 – 6:00 PM

109 North Kaufman Street, Mount Vernon, Texas 75457

Our mission: to provide effective and fiscally responsible municipal services in a manner which promotes our high standard of community life.

Vision Statement Mount Vernon is a caring community committed to excellence and quality of life, aspiring to be the community of choice for ourselves, our children, and future generations – beautiful, clean, vibrant, and safe. We will strive to preserve our heritage, our friendly hometown atmosphere, and celebrate the diversity of all our citizens.

MINUTES

Mayor Hyman called the meeting to order at 5:58 p.m. and announced a quorum present.

PRESENT

Mayor Brad Hyman
 Mayor Pro Tem Mark Huddleston
 Councilman Harold Cason
 Councilwoman Mary Keys
 Councilman Martin Carrascosa
 City Administrator Craig Lindholm
 City Secretary Kathy Lovier
 Assistant City Secretary Angie Pike

ABSENT Councilwoman Rebecca Bailey

VISITORS see attached

Mayor Pro Tem Huddleston lead the invocation and the pledge to the American Flag.

1. Swear in re-elected Council members

Councilmen Carrascosa and Cason along with Mayor Hyman were sworn into office.

Consent Agenda

2. Minutes 03/11/2024 and 04/01/2024
 March and April 2024 financial report

Motion made by Mayor Pro Tem Huddleston, Seconded by Councilman Cason.
 Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

3. Historic Preservation Proclamation

Mayor Hyman read the proclamation aloud, the Franklin County Historical District will lead a tour of town following the Picnic on the Plaza honoring Carry the Load on May 24th, 2024.

Report on Items of Community Interest

One Act Play is headed to state again this year.

Vicki Slaton, wife of local plumber Steve Slaton has recently passed away, keep the family in your prayers.

Citizen Participation

No one asked to speak.

Presentation of rate study by Grant Rabon with NewGen Strategies and Solutions.

4. New Gen Presentation

Grant Rabon with New Gen Strategies and Solutions presented a rate study and gave us thier recommendation for moving forward by raising rates now and not putting this off.

Items to be Considered:

5. Consider and act upon approval of Resolution 24-09 approving Mt. Pleasant Daily Tribune as the official newspaper of record.

Motion made by Mayor Pro Tem Huddleston, Seconded by Councilwoman Keys.

Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

6. Consider and act upon Interlocal Agreement with Franklin County for Tax Collection.

Motion made by Councilwoman Keys, Seconded by Mayor Pro Tem Huddleston.

Voting Yea: Councilwoman Keys, Councilman Carrascosa

7. Consider and act upon approval of 40 acres for the purpose of expansion of the Wastewater Treatment Plant.

Motion made by Mayor Pro Tem Huddleston, Seconded by Councilman Carrascosa.

Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

8. Consider Authorizing Tax Credit for Local Day Cares in Accordance with SB 1145 and SJR 64; authorizing a local option exemption from ad valorem taxation by a county or municipality of the appraised value of real property used to operate a child-care facility.

Died for lack of a motion

9. Consider and act upon Ordinance No. 2024-07, Authorizing the abandonment of the end of Scott Street being part of AB 425 J Sloan 120.16 x 271 Fraknlin County Feed.

Motion made by Mayor Pro Tem Huddleston, Seconded by Councilman Carrascosa.

Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman

Carrascosa

- 10. Consider and act upon approval of modifications to the Personnel Policy.

Motion made by Councilman Carrascosa, Seconded by Councilman Cason.
Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

- 11. Consider and act upon approval of Resolution 24-10 authorizing publication of notice of intention to issue certificates of obligation with Texas Water Development Board.

Motion made by Councilwoman Keys, Seconded by Councilman Cason.
Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

- 12. Consider and act upon approval of Mutual Aid Agreement with surrounding area fire departments.

Motion made by Councilman Carrascosa, Seconded by Councilwoman Keys.
Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

- 13. Consider and Act upon approval of KSA Task order number 103039 Downtown Retaining Wall

Motion made by Councilman Cason, Seconded by Councilwoman Keys.
Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

- 14. Consider and act upon Ordinance Number 2024-08, Amending Chapter 12 of the Code of Ordinances, regarding Water and Sewer Tap Fees

Motion made by Mayor Pro Tem Huddleston, Seconded by Councilman Carrascosa.
Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

Discussion Items and Mayor/Council/City Administrator Reports

Infrastructure, Streets, Parks, Grants, Budget Preparation
Communication Plan

Workshop meeting will be moved to May 23, 2024 at 5:00 p.m. due to Monday is a holiday.
Communication plan was shared with Council for informational purposes.

Presiding Officer to Adjourn the City Council Meeting

Motion made by Mayor Pro Tem Huddleston at 7:20 p.m. to close the meeting, Seconded by Councilman Cason. Voting Yea: Mayor Pro Tem Huddleston, Councilman Cason, Councilwoman Keys, Councilman Carrascosa

Brad Hyman – Mayor

ATTEST:

Kathy Lovier – City Secretary



CITY COUNCIL SPECIAL SESSION

Thursday, May 23, 2024 – 4:00 PM

109 North Kaufman Street, Mount Vernon, Texas 75457

MINUTES

Call to order and announce a quorum is present.

Mayor Hyman called the meeting to order and announced we do not have a quorum but will allow MHS Planning & Design to make their presentation regarding the Park Master Plan for those present and he allowed the HOT Fund applications to present their information

PRESENT

- Mayor Brad Hyman
- Councilwoman Mary Keys
- City Administrator Craig Lindholm
- City Secretary Kathy Lovier
- Assistant City Secretary Angie Pike

ABSENT

- Mayor Pro Tem Mark Huddleston, Councilman Harold Cason, Councilwoman Rebecca Bailey
- Councilman Martin Carrascosa

VISITORS: see attached

Invocation and Pledges

Councilwoman Keys led with the invocation and pledge.

Report on Items of Community Interest

MVISD One Act Play went to state competition again.

Citizen Participation

No one spoke.

Brad Hyman – Mayor

ATTEST:

Kathy Lovier – City Secretary

RESOLUTION 24-11

A RESOLUTION ADOPTING AN AGREEMENT BETWEEN THE MOUNT VERNON ECONOMIC DEVELOPMENT CORPORATION, MOUNT VERNON CITY COUNCIL, AND JULIE KNOTTS d/b/a KOUNTRY KORNER KREATIONS, AN AGREEMENT TO FUND AN RENTAL ASSISTANCE INCENTIVE FOR THE PROPERTY LOCATED AT 101 HOUSTON STREET.

WHEREAS, the City of Mount Vernon is a Type B economic development corporation as adopted by the citizens of Mount Vernon by election in 1994;

WHEREAS, the Council of the City of Mount Vernon provides oversight to the Mount Vernon Economic Development Corporation; and

WHEREAS, the City of Mount Vernon desires to assist in enhancement and upgrade with improvement to commercial property in the community;

WHEREAS, the City of Mount Vernon desire to enter into and approve a funding agreement with Mount Vernon Economic Development Corporation and Julie Knotts dba Kountry Korner Kreations located 101 Houston Street:

Now, therefore BE IT RESOLVED BY THE CITY OF MOUNT VERNON, TEXAS THAT:

The City Council adopts and approves the agreement with Julie Knotts dba Kountry Korner Kreations located 101 Houston Street for Rental Assistance in the amount of \$7,500.00 over the coarse of the next 12 months.

PASSED, APPROVED, AND ADOPTED this 10th day of June, 2024.

ATTEST:

Brad Hyman – Mayor

Kathy Lovier – City Secretary

ECONOMIC DEVELOPMENT PROGRAM AGREEMENT

This **ECONOMIC DEVELOPMENT PROGRAM AGREEMENT** ("**Agreement**") is entered into by and between the **CITY OF MOUNT VERNON ECONOMIC DEVELOPMENT CORPORATION**, an economic development corporation organized under the laws of the State of Texas, specifically, but not limited to Chapter 505 of the Texas Local Government Code (the "**MVEDC**"), and Julie Knotts, doing business as Kountry Korner Kreations (the "**Grantee**"). The MVEDC and Grantee are collectively referred to as the "**Parties**".

RECITALS

The MVEDC and Grantee hereby agree that the following statements are true and correct and constitute the basis upon which the MVEDC and Grantee have entered into this Agreement:

A. Grantee leases and will operate a business in an existing building located at 101 Houston St, Mount Vernon, Texas (the "**Property**"), as a flower shop.

B. In order to maximize the economic benefits that the Eligible Improvements can bring to the City of Mount Vernon, the MVEDC and Grantee desire to enter into this Agreement which will provide economic incentives for the creation of full-time employment of individuals at the Property.

C. In accordance with Resolution 14-03, attached hereto as Exhibit "A" and hereby made a part of this Agreement for all purposes, the MVEDC has established an economic development incentive policy and program pursuant to which the MVEDC will, on a case-by-case basis, offer economic incentive packages authorized by , Article III, Section 52-a of the Texas Constitution, Chapters 501, 502 and 505 of the Texas Local Government Code, and other applicable laws, that include monetary reimbursements and grants of public money for full-time employment of individuals at the Property (the "**Program**").

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. INCORPORATION OF RECITALS.

The MVEDC has found at a duly-called and legally-noticed public meeting that the recitals set forth above are incorporated herein and true and correct and form the basis upon which the Parties have entered into this Agreement.

2. DEFINITIONS.

In addition to terms defined in the body of this Agreement, the following terms shall have the definitions ascribed to them as follows:

Affiliate means all entities, incorporated or otherwise, under common control with, controlled by or controlling Grantee. For purposes of this definition, “control” means fifty percent (50%) or more of the ownership determined by either value or vote.

Director means the director of the City of Mount Vernon Economic Development Corporation .

Effective Date has the meaning ascribed to it in Section 3.

Program has the meaning ascribed to it in Recital C.

Program Grant means the economic development grants paid by the MVEDC to Grantee in accordance with this Agreement and as part of the Program, not to exceed seven thousand five hundred dollars (\$7,500.00) in rental assistance.

Program Source Funds means an amount of MVEDC funds available for inclusion in the Program Grant that is payable pursuant to this Agreement, not to exceed the amount of the Program Grant.

Property has the meaning ascribed to it in the Recital A.

Monthly Expense Report has the meaning ascribed to in Section 5.1

Monthly Payment has the meaning ascribed to it in Section 5.1.2.

Term has the meaning ascribed to it in Section 3.

3. TERM.

This Agreement shall be effective as of the later of the date of execution by the Parties or June 10, 2024 (the “**Effective Date**”) and, unless terminated earlier in accordance with this Agreement, shall expire on the date as of which the MVEDC has paid all Program Grants required, or June 10, 2026, whichever occurs first (the “**Term**”).

4. OBLIGATIONS OF GRANTEE.

4.1. Establish and Maintain a Business at the Property

In accordance with the terms and conditions of this Agreement, Grantee shall establish and maintain a business at the Property through the Term in order to receive all, or any portion, of the Program Grant.

4.1.1 Business Recruitment Incentive

a. On the Effective Date the MVEDC will grant to the Grantee the following based on a monthly rent of \$1,250.00: (i) a monthly reimbursement for 75% of rent paid during the first four months of operation; and (ii) a monthly reimbursement for 50% of rent paid during the second four months of operation; and (iii) a monthly reimbursement for 25% of rent paid during the third four months of operation.

4.1.2 Retention of Business throughout Term of Agreement

a. The entity must remain open to the public and continue generating taxable sales for the duration of the term or until it can be demonstrated that the business has generated revenues for the City and MVEDC equal to or greater than the total amount of incentives awarded, whichever is sooner. The Grantee shall submit a report of City and MVEDC taxes paid at any time during the term of the agreement to indicate a return realized by the City and MVEDC. If the business is to cease operations or discontinue generating taxable sales, the owner must repay the amount of the incentives less the amount of revenue generated by taxable sales prior to closure.

5. CITY OBLIGATIONS.

5.1. Issuance of Program Grant for Jobs

The City will make payment of the Program Source Funds on the Effective Date for rental reimbursement previously encumbered or paid. Thereafter, at the end of each month until 12 months following the Effective Date, the Grantee shall submit a new expense report to the Director showing all rental, equipment, and renovation expenses to date for which a reimbursement is requested, (the "**Monthly Expense Report**"). Each Monthly Expense Report shall become a supplemental part of this Agreement. The Director may request, and the Grantee shall produce, any information reasonably necessary to determine and verify that expenses have been encumbered or paid pursuant to the terms and conditions of this Agreement. The payment of Program Source Funds to Grantee shall be as follows:

5.1.1. On the Effective Date, the MVEDC shall pay to Grantee the amount shown in Section 4.1.1.a for each month's rent shown to exist as shown on Exhibit "B";

6. DEFAULT, TERMINATION AND FAILURE BY GRANTEE TO MEET VARIOUS DEADLINES AND COMMITMENTS.

6.1 Failure to Pay City of Mount Vernon, Texas Taxes.

An event of default shall occur under this Agreement if any legally-imposed City of Mount Vernon, Texas ("City") taxes owed on the Property by Grantee or an Affiliate or arising on account of Grantee or an Affiliate's operations on the Property become delinquent and Grantee or the Affiliate does not either pay such taxes or follow the legal procedures for protest and/or contest of any such taxes. In this event, the MVEDC shall notify Grantee in writing and Grantee shall have sixty (60) calendar days to cure such default. If the default has not been fully cured by such time, the MVEDC shall have the right to terminate this Agreement immediately by providing written notice to Grantee and shall have all other rights and remedies that may be available to it under the law or in equity.

6.3. Violations of City Code, State or Federal Law.

An event of default shall occur under this Agreement if any written citation is issued to Grantee or an Affiliate due to the occurrence of a violation of a material provision of the City Code on the Property or on or within the Eligible Improvements (including, without limitation, any violation of the City's Building or Fire Codes and any other City Code violations related to the environmental condition of the Property; the environmental condition of other land or waters which is attributable to operations on the Property; or to matters concerning the public health, safety or welfare) and such citation is not paid or the recipient of such citation does not properly follow the legal procedures for protest and/or contest of any such citation. An event of default shall occur under this Agreement if the City is notified by a governmental agency or unit with appropriate jurisdiction that Grantee or an Affiliate, or any successor in interest thereto, any third party with access to the Property pursuant to the express or implied permission of Grantee or an Affiliate, or any a successor in interest thereto, or the City (on account of the Improvements or the act or omission of any party other than the City on or after the effective date of this Agreement) is in violation of any material state or federal law, rule or regulation on account of the Property, improvements on the Property or any operations thereon (including, without limitation, any violations related to the environmental condition of the Property; the environmental condition of other land or waters which is attributable to operations on the Property; or to matters concerning the public health, safety or welfare). Upon the occurrence of such default, the MVEDC shall notify Grantee in writing and Grantee shall have (i) thirty (30) calendar days to cure such default, or such shorter period of time if the MVEDC determines there to be an urgent public necessity, or (ii) if Grantee has diligently pursued cure of the default but such default is not reasonably curable within thirty (30) calendar days, then such amount of time that the City reasonably agrees is necessary to cure such default. If the default has not been fully cured by such time, the MVEDC shall have the right to terminate this Agreement immediately by providing written notice to Grantee and shall have all other rights and remedies that may be available to under the law or in equity.

6.4. Knowing Employment of Undocumented Workers.

Grantee acknowledges that effective September 1, 2007, the MVEDC is required to comply with Chapter 2264 of the Texas Government Code, enacted by House Bill 1196 (80th Texas Legislature), which relates to restrictions on the use of certain public subsidies. The following requirements shall only apply to the Property and Eligible Improvements that are directly the subject of the Program Grant contained herein, and not otherwise. Grantee *hereby certifies that Grantee, and any branches, divisions, or departments of Grantee, does not and will not knowingly employ an undocumented worker, as that term is defined by Section 2264.001(4) of the Texas Government Code. In the event that Grantee, or any branch, division, or department of Grantee, is convicted of a violation under 8 U.S.C. Section 1324a(f) (relating to federal criminal penalties and injunctions for a pattern or practice of employing unauthorized aliens):*

- *if such conviction occurs during the Term of this Agreement, this Agreement shall terminate contemporaneously upon such conviction (subject to any appellate rights that may lawfully be available to and exercised by Grantee) and Grantee shall repay, within one hundred twenty (120) calendar days following receipt of written demand from the MVEDC, the aggregate amount of the Program Grants received by Grantee hereunder, if any, plus Simple Interest at a rate of four percent (4%) per annum; or*
- *if such conviction occurs after expiration or termination of this Agreement, subject to any appellate rights that may lawfully be available to and exercised by Grantee, Grantee shall repay, within one hundred twenty (120) calendar days following receipt of written demand from the MVEDC, the aggregate amount of the Program Grants received by Grantee hereunder, if any, plus Simple Interest at a rate of four percent (4%) per annum.*

For the purposes of Section 6.4, "Simple Interest" is defined as a rate of interest applied to the aggregate amount of the Program Grants. This Section 6.4 does not apply to convictions of any subsidiary or affiliate entity of Grantee, by any franchisees of Grantee, or by a person or entity with whom Grantee contracts. Notwithstanding anything to the contrary herein, this Section 6.4 shall survive the expiration or termination of this Agreement.

6.5. General Breach.

Unless stated elsewhere in this Agreement, Grantee shall be in default under this Agreement if Grantee breaches any term or condition of this Agreement, including but not limited to the provision of Section 4.1.2. In the event that such breach remains uncured after thirty (30) calendar days following receipt of written notice from the MVEDC referencing this Agreement (or, if Grantee has diligently and continuously attempted to cure following receipt of such written notice but reasonably requires more than thirty (30) calendar days to cure, then such additional amount of time as is reasonably necessary to effect cure, as determined by both parties mutually and in good

faith), the MVEDC shall have the right to terminate this Agreement immediately by providing written notice to Grantee.

7. NO INDEPENDENT CONTRACTOR OR AGENCY RELATIONSHIP.

It is expressly understood and agreed that Grantee shall not operate as an independent contractor or as an agent, representative or employee of the MVEDC. Grantee shall have the exclusive right to control all details and day-to-day operations relative to the Eligible Improvements, Property and any improvements thereon and shall be solely responsible for the acts and omissions of its officers, agents, servants, employees, contractors, subcontractors, licensees and invitees. Grantee acknowledges that the doctrine of *respondeat superior* will not apply as between the MVEDC and Grantee, its officers, agents, servants, employees, contractors, subcontractors, licensees, and invitees. Grantee further agrees that nothing in this Agreement will be construed as the creation of a partnership or joint enterprise between the MVEDC and Grantee.

8. INDEMNIFICATION.

GRANTEE, AT NO COST TO THE MVEDC, AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS ELECTED AND APPOINTED OFFICIALS, OFFICERS, ATTORNEYS, AGENTS SERVANTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, ACTIONS, COSTS AND EXPENSES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, THOSE FOR PROPERTY DAMAGE OR LOSS (INCLUDING ALLEGED DAMAGE OR LOSS TO GRANTEE'S BUSINESS AND ANY RESULTING LOST PROFITS) AND/OR PERSONAL INJURY, INCLUDING DEATH, THAT MAY RELATE TO, ARISE OUT OF OR BE OCCASIONED BY (i) GRANTEE BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT; OR (ii) ANY ACT OR OMISSION OR INTENTIONAL MISCONDUCT OF GRANTEE, ITS OFFICERS, AGENTS, ASSOCIATES, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS DUE OR RELATED TO OR ARISING FROM THE ELIGIBLE IMPROVEMENTS AND ANY OPERATIONS AND ACTIVITIES, INCLUDING EMPLOYMENT, ON THE PROPERTY OR OTHERWISE TO THE PERFORMANCE OF THIS AGREEMENT.

9. NOTICES.

All written notices called for or required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, or by hand delivery:

CITY:

**City of Mount Vernon Economic
Development Corporation**

Attn: Economic Development Director
109 North Kaufman
P.O. Box 597
Mount Vernon, Texas 75457

GRANTEE:

**Julie Knotts d/b/a
Kountry Korner Kreations**

Attn: _____
Address:
P.O.Box 803
Mount Vernon, Texas 75457

**With Copies to (which shall not
constitute notice):**

Boyle & Lowry, L.L.P.
Attn: L. Stanton Lowry
4201 Wingren Dr., Suite 108
Irving, Texas 75062

10. ASSIGNMENT AND SUCCESSORS.

Grantee may assign, transfer or otherwise convey any of its rights or obligations under this Agreement to an Affiliate only upon the express written approval of the MVEDC and the Grantee, the Affiliate and the MVEDC first execute an agreement approved by the MVEDC Attorney under which the Affiliate agrees to assume and be bound by all covenants and obligations of Grantee under this Agreement. Grantee may also assign its rights and obligations under this agreement to a financial institution or other lender for purposes of granting a security interest in the Eligible Improvements and/or Property, provided that such financial institution or other lender first executes a written agreement with the MVEDC governing the rights and obligations of the MVEDC, Grantee and the financial institution or other lender with respect to such security interest approved by the MVEDC Attorney. Otherwise, Grantee may not assign, transfer or otherwise convey any of its rights or obligations under this Agreement to any other person or entity without the prior consent of the MVEDC, which consent may be withheld in the sole discretion of the MVEDC. Any attempted assignment without the MVEDC's prior consent shall constitute a breach and be grounds for termination of this Agreement and following receipt of written notice from the MVEDC to Grantee. Any lawful assignee or successor in interest of Grantee of all rights under this Agreement shall be deemed "Grantee" for all purposes under this Agreement.

11. COMPLIANCE WITH LAWS, ORDINANCES, RULES AND REGULATIONS.

This Agreement will be subject to all applicable federal, state and local laws, ordinances, rules and regulations, including, but not limited to, all provisions of the City's codes and ordinances, as amended.

12. GOVERNMENTAL POWERS.

It is understood that by execution of this Agreement, the MVEDC does not waive or surrender any of its governmental powers or immunities that are outside of the terms, obligations, and conditions of this Agreement.

13. NO WAIVER.

The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

14. VENUE AND JURISDICTION.

If any action, whether real or asserted, at law or in equity, arises on the basis of any provision of this Agreement, venue for such action shall lie in state courts located in Franklin County, Texas or the United States District Court for the Eastern District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.

15. NO THIRD PARTY RIGHTS.

The provisions and conditions of this Agreement are solely for the benefit of the MVEDC and Grantee, and any lawful assign or successor of Grantee, and are not intended to create any rights, contractual or otherwise, to any other person or entity.

16. FORCE MAJEURE.

It is expressly understood and agreed by the Parties to this Agreement that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, or other circumstances which are reasonably beyond the control or knowledge of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such requirement shall be extended for a period of time equal to the period such party was delayed.

17. INTERPRETATION.

In the event of any dispute over the meaning or application of any provision of this Agreement, this Agreement shall be interpreted fairly and reasonably, and neither more strongly for or against any party, regardless of the actual drafter of this Agreement.

18. SEVERABILITY CLAUSE. It is hereby declared to be the intention of the Parties that sections, paragraphs, clauses and phrases of this Agreement are severable, and if any phrase, clause, sentence, paragraph or section of this Agreement shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Agreement since the same would have been executed by the Parties without the incorporation in this Agreement of any such unconstitutional phrase, clause, sentence, paragraph or section. It is the intent of the Parties to provide the economic incentives contained in this Agreement by all lawful means.

19. CAPTIONS.

Captions and headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

20. ENTIRETY OF AGREEMENT.

This Agreement, including any exhibits attached hereto and any documents incorporated herein by reference, contains the entire understanding and agreement between the City and Grantee, and any lawful assign and successor of Grantee, as to the matters contained herein. Any prior or contemporaneous oral or written agreement is hereby declared null and void to the extent in conflict with any provision of this Agreement. Notwithstanding anything to the contrary herein, this Agreement shall not be amended unless executed in writing by both parties and approved by the MVEDC in an open meeting held in accordance with Chapter 551 of the Texas Government Code.

21. COUNTERPARTS.

This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

EXECUTED as of the last date indicated below:

MVEDC:

**GRANTEE: Julie Knotts d/b/a
Kountry Korner Kreation:**

By: _____
Mark Sachse
President, MVEDC

By: _____
Julie Knotts

Date: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

SWORN TO AND SUBSCRIBED BEFORE ME on the _____ day of _____, 2024, by _____, _____ on behalf of Intinty Tans Mount Vernon.

Notary Public in and for the State of Texas

APPROVED AS TO FORM AND LEGALITY:

By: _____
L. Stanton Lowry
MVEDC Attorney

EXHIBITS

“A” – City of Mount Vernon Resolution No. 14-02, establishing the Program

“B” – Application

“C” – City of Mount Vernon Resolution No. 14-03, approving this Economic Development Program Agreement

RESOLUTION 2014-02

ESTABLISHING AN ECONOMIC DEVELOPMENT PROGRAM AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City of Mt. Vernon (the City") has established an Office of Economic Development to administer programs that further the public purposes of development and diversification of the City s economy the elimination of unemployment and/or underemployment in the City and the development and expansion of commerce in the City and

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes the governing body of a municipality to establish and provide for the administration of one or more programs for making loans and grants of public money and providing personnel and services of the municipality to promote state or local economic development and to stimulate business and commercial activity in the municipality (a Chapter 380 Economic Development Program ') and

WHEREAS, the creation of a Chapter 380 Economic Development Program will benefit the City by increasing the range of incentives that the City can employ to promote the City s committed economic development goals

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, TEXAS THAT

1. The City Council hereby establishes a Chapter 380 Economic Development Program to be administered and overseen by the City s Economic Development Office
2. Under the Chapter 380 Economic Development Program the City Council will on a case-by case basis consider but is not required to offer economic incentive packages that include monetary loans, fee waivers, cost participation in necessary public infrastructure, disbursement of hotel/motel occupancy tax for purposes allowed by state law and grants of public money as well as the provision of personnel and services of the City to businesses and entities that the City Council determines will promote state or local economic development and stimulate business and commercial activity in the City.
3. In order for a business or other entity to participate in the Chapter 380 Economic Development Program, the business or entity shall enter into a

binding contract with the City under which (I) the business or entity is required to make specific and verifiable infrastructure, employment and other commitments that serve the public purposes overseen by the City's Economic Development Office and that the City Council deems appropriate under the circumstances and (II) the City is able to cease and/or recapture payment of Chapter 380 incentives or to terminate the contract in the event that the public purposes specified in the contract are not met. The terms and conditions contained in any such contract must be approved by the City Council prior to the execution and delivery of the contract.

4. The Chapter 380 Economic Development Program shall be in addition to existing economic development programs offered to the City.

ADOPTED ON JANUARY 13, 2014



Margaret Sears, Mayor

ATTEST:



Tina Rose, City Secretary



Mount Vernon
Economic Development
Corporation

Item 2.
RECEIVED
MAR 20 2024
BY: 10:53Am [Signature]

109 N. Kaufman St., Mount Vernon, TX 75457

Application for Economic Development Assistance

APPLICATION MUST BE FILLED OUT AND RETURNED BEFORE THE PROJECT STARTS

The following information is requested for all projects seeking economic development assistance from the Mount Vernon Economic Development Corporation (MVEDC). Please fill in all spaces on the application form. If the information requested is not applicable, enter "N/A" in the space. Incomplete applications will not be considered for assistance. Following receipt of the application, MVEDC may require additional information to be submitted to indicate the financial abilities or other factors of the company.

Applicant/Business Name		Business Ownership	
Country Corner Creations		Julie Knotts	
Business Type			
Sole Proprietorship _____ Partnership _____ Corporation _____ Other (Please Explain and provide proof) DBA			
Date of Business Establishment		6-12-23	
Mailing Address (Business Headquarters)			
PO Box 803		101 Houston Street	
City	State	Zip Code	
MT Vernon	TX	75457	
Phone Number		Fax Number	
903-573-0879		— N/A	

Project Information

Description of the Project				
Rental assistance will allow us to add more inventory / products to sale to our customers. We can also invest in delivery van and other essential items.				
NAICS Code		NAICS Code Description (if multiple please list all that apply)		
N/A		N/A		
Property Address		Legal Description (attach if necessary)		
101 Houston Street Mt Vernon				
Is this Project inside the City limits?		<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Is this Project in the Historic District?		<input checked="" type="radio"/> Yes	<input type="radio"/> No	
If Yes, does this Project require approval from the Landmark Commission?		<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Date of Landmark Commission Review		N/A		
Will this Project generate sales tax?		<input checked="" type="radio"/> Yes	<input type="radio"/> No	
What is your taxpayer ID?		3-20844-2134-9		
Anticipated Total Sales				
Year 1	Year 2	Year 3	Year 4	Year 5
NA 60,000	NA 80,000	NA	NA	NA
Anticipated Total Taxable Sales (excludes items that are exempt from sales tax)				
Year 1	Year 2	Year 3	Year 4	Year 5
NA 60,000	NA 80,000	NA	NA	NA

Current Appraised Value of Property	N/A
Are all Property Taxes Paid on this Property?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If No, please explain	
N/A	
Are Improvements being made to the Property?	Yes <input type="radio"/> <input checked="" type="radio"/> No
Estimated Cost of Improvements to be Made	N/A
Anticipated Construction Start Date	N/A
Anticipated Construction Completion Date	N/A
Description of Improvements to be Made	
N/A	

PLEASE PROVIDE WRITTEN BIDS OR COST ESTIMATES REGARDING ANY PROPOSED IMPROVEMENTS. N/A

Attachments That Will Be Required			
	Plat/Map/Elevations of Project		Renderings/Plans for Improvements
	Copies of Required Permits	✓	Business Plan (DEA)
	Financial Reports for previous years	✓	IRS Reporting
✓	Tax Certificate	✓	Proof of Property Ownership or Lease Agreement
	Property Owner's Certification		Receipts for Work Performed Prior to Application Submission
<p style="text-align: center;">These items must be submitted with the initial application for consideration of the application. Additional documents may be requested as necessary.</p>			

Business Plans may be obtained through the Northeast Small Business Development Center in Mt. Pleasant, Texas. You may contact:

Beverly Austin

Business Development Specialist

Northeast Small Business Development Center

www.northeasttxsdbc.org

903-434-8237 Business

903-305-2277 Cell

903-645-5758 Fax

10. Where approved incentives are reimbursement recipient must present paid invoices and/or cancelled checks to vendors. Certificate of Occupancy issued by City of Mount Vernon must be issued before any MVEDC funds are expended.

11. Texas Government Code Section 2264.01 Certification

Company certifies that Company, or a branch, division, or department of Company, does not and will not knowingly employ an undocumented worker. If, after receiving a public subsidy, Company or a branch, division, or department of company is convicted of a violation under 8 U.S. C. Section 1324a(f), Company shall repay in full the amount of the public subsidy paid by MVEDC to Company.

12. The City of Mount Vernon and/or MVEDC may exercise the right to reclaim any incentives should the recipient not fulfill any portion of its stated obligation as outlined in any incentive agreement resulting from this application submission.

13. Making application and complying with specific requirements does not guarantee that requested incentives will be granted by the MVEDC Board or City Council.

I, the undersigned, understand this process may take several months and attendance of several meeting. Filing an application with the City does not guarantee approval from the City Council. The city reserves the right to retain outside consultants to review this application, all data provided, and conduct an independent evaluation. Further, the applicant understands and agrees that this application and all data and communications may be considered a public record pursuant to the Texas Public Information Act."

Signed this 20 day of March, 20 24

Julie Knotts
(Print Authorized Representative Name)

Julie Knotts
(Applicant Signature)

RESOLUTION 14-03

A RESOLUTION ADOPTING MOUNT VERNON'S EXISTING BUSINESS STRUCTURE ASSISTANCE PROGRAM: AN AGREEMENT BETWEEN THE MOUNT VERNON CITY COUNCIL AND THE MOUNT VERNON ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, the City of Mount Vernon is a Type B economic development corporation as adopted by the citizens of Mount Vernon by election in 1994;

WHEREAS, the Council of the City of Mount Vernon provides oversight to the Mount Vernon Economic Development Corporation; and

WHEREAS, the City of Mount Vernon desires to assist in enhancement and upgrade of existing business building structures to better foster business development and foster increase in ad valorem tax base;

Now, therefore BE IT RESOLVED BY THE CITY OF MOUNT VERNON, TEXAS THAT:

The City Council adopts and approves the Existing Business Structure Assistance Program as established by the Mount Vernon Economic Development Corporation.

PASSED, APPROVED, AND ADOPTED THIS 10th day of February, 2014

Margaret Sears
Margaret Sears - Mayor

ATTEST:

Tina Rose, City Secretary Tina Rose

RESOLUTION 24-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MOUNT VERNON, TEXAS, ADOPTING THE 2024 PARKS MASTER PLAN**

WHEREAS, the City Council recognizes the need for a Parks Master Plan (Plan) to provide goals, assessments, standards, recommendations and strategies for the implementation, over a ten-year period in an effort to provide for and continually improve park and recreational facilities, provide trail and linear park opportunities, preserve open space and rehabilitate existing parks in the City of Mount Vernon; and

WHEREAS, the primary objective of the “Plan” is to provide recreational facilities desired by the citizens of Mount Vernon, acquire needed open spaces and preserve natural spaces; and

WHEREAS, in order to address recreational needs in the future, the City of Mount Vernon has sought input from the citizens through a survey and that input has been incorporated into the “Plan”; and

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

That the Parks Master Plan, provided below as Exhibit 1, attached hereto and incorporated for all intents and purposes is officially adopted.

Adoption of the Parks Master Plan shall not commit the City of Mount Vernon to specific funding levels implementation strategies, but shall provide a guidance plan for the City's vision for availability and growth of park and recreational services.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, ON THIS THE 10TH DAY OF JUNE, 2024.

BRAD HYMAN - MAYOR

ATTEST:

KATHY LOVIER - CITY SECRETARY



Local Park Grant Program Resolution Authorizing Application

Item 4.

A resolution of the City of Mount Vernon as hereinafter referred to as “Applicant,” designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as “Department,” for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the “Program”; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs the City Administrator to act for the Applicant in dealing with the Department for the purposes of the Program, and that Craig Lindholm is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Little Creek Park in the City of Mount Vernon or use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the “Applicant” on this 10 day of June, 2024.

Signature of Local Government Official

Brad Hyman, Mayor

Typed Name and Title

ATTEST:

Signature

Kathy Lovier, City Secretary

Typed Name and Title

CITY OF MOUNT VERNON, TEXAS

WATER CONSERVATION

AND

DROUGHT CONTINGENCY PLAN

KSA Project No. MTV.078



Prepared by:

**KSA Engineers, Inc.
140 E. Tyler Street, Suite 600
Longview, TX 75605
(903) 236-7700**

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- C. Water Conservation Plan Annual Report
- D. Water Rate Structure
- E. Water Conservation and Drought Contingency Plan Ordinance
- F. Ordinance Regarding Plumbing Code
- G. Coordination with Regional Water Planning Groups and other Governmental Agencies
- H. CCN Map
- I. TCEQ Water Conservation Plan Rules (30 TAC 288.2)
- J. TCEQ Drought Contingency Plan Rules (30 TAC 288.20)
- K. Texas Water Code Water Allocation (TWC Section 11.039)

1. INTRODUCTION

Effective utilization of State's water resources is essential for statewide economical and community developmental activities. This report outlines the City of Mount Vernon's water conservation and drought contingency program. The objective of the water conservation program is to reduce water usage through the implementation of efficient water use practices. The water distribution system and the wastewater collection and treatment system in the City of Mount Vernon (City) are owned and operated by the City of Mount Vernon. Raw drinking water is obtained from Lake Cypress Springs. Water from Lake Cypress Springs is pumped to the water treatment plant through 9 miles of 12" pipeline using raw water pumps. The raw water is treated at a City-owned treatment plant with a design capacity of 1.3 MGD. The City operates one wastewater treatment facility.

The City has implemented a *Water Conservation and Drought Contingency Plan* allowing for more efficient water use and providing a plan of action for water use shortages. The drought contingency plan provides procedures for voluntary and mandatory actions to be put into effect to temporarily reduce the demand placed upon the City's water supply system during periods of water shortage. Drought contingency procedures include conservation but may also include prohibition of certain uses.

A. Planning Area And Project Description

The City of Mount Vernon is located in East Texas, approximately 110 miles East of Dallas in Franklin County. The current population of the City is approximately 2,662 with about 1,238 water customers on their pressure system. Although City of Mount Vernon receives an average rainfall of 45 inches annually, this water conservation and drought contingency plan establishes guidelines that enable the City of Mount Vernon to meet their water demands during periods of drought.

B. Goals Of The Program

It is the goal of the City to set specific, quantified five-year and ten-year targets for water savings. Water savings will address reducing the water loss and reducing the municipal use. This decrease in per capita water consumption will effectively reduce water demands, thereby increasing the service capacity of the water and wastewater systems. Implementation of water conservation program may also reduce the flows associated with the wastewater treatment plant and hence enabling an efficient wastewater plant operation.

Other goals of the program are:

1. Preparation of plan to educate public about water usage during periods of water shortage.
2. Develop specific, quantified targets for water use reductions during periods of drought.
3. Develop response stages during period of emergency such as source water contamination or system outage.

C. Public Involvement

Education of homeowners and other end users is necessary if a conservation plan is to succeed in effectively reducing water use requirements. The City of Mount Vernon will solicit input from its high-volume customers by providing a copy of the proposed *Plan* and/or revisions for their review and comment. The City will give careful consideration of said input into implementation of the *Plan* and/or any revisions thereto.

Also, the City will advertise and conduct a Public Hearing to receive further comment from its citizens. The hearing will be conducted during a regularly schedule Council meeting prior to subsequent revisions to the *Plan*. Representatives of local newspapers and radio stations will be encouraged to attend to enable better information dissemination.

2. WATER CONSERVATION PLAN

A. Plan Elements

There are many elements to be considered in developing a water conservation plan. The elements that are most critical to the development of a water conservation plan for the City include: indoor water conservation practices, outdoor water conservation practices, water conserving landscaping practices, and water conserving plumbing retrofits. The principal water conservation methods to be considered in preparing this water conservation plan are:

1. Utility Profiling
2. Five-Year Target Goals for Water Savings
3. Ten-Year Target Goals for Water Savings
4. Factors Considered for setting 5-year and 10-year targets
5. Schedule for Implementing the plan
6. Method for tracking the implementation and effectiveness of the plan
7. Master Meter
8. Universal Metering and Meter Repair/Replacement Program
9. Measure to determine and Reduce unaccounted losses
10. Program for Leak detection, repairs, and water loss reduction
11. Public Education
12. Water Conservation Rate Structure
13. Plan Implementation and Enforcement
14. Additional Water Conservation Strategies
 - a. Water Conservation Plumbing Code
 - b. Water Conservation Plumbing Retrofits
 - c. Water Conserving Landscaping
 - d. Audits and Leak Detection
 - e. Reporting
 - f. Recycling and Reuse
15. Contracts with other political subdivisions/water corporations
16. Coordination with Regional Water Planning Group
17. Reporting

B. Utility Profiling

A detailed summary of utility evaluation data is included in Appendix A. This data substantiates the need for implementing a water conservation program along with other improvements.

C. Five-Year Target Goals For Water Savings

The City of Mount Vernon intends to promote a rigorous water savings program to save water through water loss reduction and water usage reduction. As shown in Appendix B, the five-year target goals for water loss reduction and residential water usage reduction are 12 GPCD and 55 GPCD, respectively. The previous 2019 submission goals and targets were met. Based on the five-year target goal for water savings, the current 5-year average for total gallons per capita per day for water demand will aim to be reduced from 139 GPCD to 135 GPCD.

D. Ten-Year Target Goals For Water Savings

The ten-year target goals (Appendix B) for water loss reduction and residential water usage reduction are 9 GPCD and 50 GPCD, respectively. Based on the ten-year target goal for water savings, the current 2019 - 2023 average for total gallons per capita per day water demand will be reduced from 139 GPCD to 130 GPCD.

E. Factors Considered For Setting 5-Year And 10-Year Targets

Following factors were considered prior to setting 5-year and 10-year target goals:

- Regional water plan
- Local Climate
- Population growth
- Utility Profile

Based on the available data, Franklin county's water use is expected to increase at an average rate of 0.11% per year from the year 2020 to the year 2070. The City of Mount Vernon's projected water usage increase is 0.15% per year (2020 to 2070) and is in conformance with the regional water plan's water projection. Based on the available data taken from NOAA, the average rainfall for the City of Mount Vernon is approximately 45 inches per year and appears to be favorable for water availability. The target goals are expressed in gallons per capita per day (GPCD) to account for population growth. Based on the utility profiling performed, it appears that the water usage has consistently stayed lateral for the last five years.

Additionally, other water conservation techniques will be promoted through public education programs as described below.

F. Schedule For Implementing The Plan

The City of Mount Vernon proposes the following schedule to meet the five-year and ten-year target goals.

- 2025 - Evaluate past system performance for 5-year target. Continue public education and periodic visual inspections. Replace percentage of water meters annually.
- 2024 through 2029 - Identification of water system improvements to reduce water loss. Continue public education and periodic visual inspection. Meter the remaining unaccounted water usages in public facilities. Continue to replace percentage of water meters annually.
- 2024 through 2029 - Water system improvements to alleviate inflow and infiltration as identified through visual inspections.
- 2029 - Evaluate system performance for 10-year target and continue public education program.
- 2025-2030 Continue water system improvements to reduce water loss via line replacement and line looping to improve water loss management.

G. Method For Tracking The Implementation And Effectiveness Of The Plan.

In addition to the above described 5-year and 10-year target evaluations, the City of Mount Vernon intends to track annual water usage. The effectiveness of the public education programs and the water conservation techniques will be evaluated using a citizen survey at least once every five years. Water Audits and water surveys will be performed annually.

H. Conservation Plan Coordinator

The City has established a designated staff member to oversee the Conservation Plan, the Conservation Coordinator. The conservation coordinator coordinates water utility staff, data from various departments, and other resources as necessary for the purpose of the development, implementation, and evaluation of the effectiveness of the conservation plan. Other duties may include responsibility for drought contingency plans or preparation and submittal of annual conservation status reports to utility management and the Texas Water Development Board. Additionally, the coordinator will prepare the annual conservation budget and promote the value of the conservation programs within the utility and service area. Tracking, measuring, and determining the water savings is a requirement of House Bill 1648. Conservation Coordinator duties can include:

1. Select and manage the implementation of the conservation BMP's.
2. Document water conservation BMP and implementation status in relation to state requirements.
3. Communicate and promote water conservation to city staff and management.
4. Manage consultants and contractors assisting in various aspects of the conservation program.
5. Develop and implement public outreach and marketing strategies for water conservation support and uptake.
6. Participate in regional water conservation planning and drought planning initiatives.
7. Conduct regular BMP and program evaluations to determine water savings, benefit of savings, implementation costs and any needs for adjustment.

The name of the conservation coordinator shall be reported, in writing, to the Executive Administrator of the Texas Water Development Board to maintain compliance with HB 1648. This will be done through reporting on the annual conservation update.

I. Master Meter.

The City of Mount Vernon uses a master flow meter to record the amount of flow diverted from the water treatment plant to the distribution system.

J. Universal Metering And Meter Repair/Replacement Program

The City currently meters all residential, commercial, industrial, and water supply corporation connections 100%. The city will continue the meter testing and replacement program to ensure a more accurate accounting of water usage; the proposed schedule is as follows:

1. Production meters – test annually
2. Meters larger than 1 1/2" – test annually
3. Meters 1 1/2" or smaller – test every 7 years or if notified of an issue

The City will maintain records indicating the length of service for each meter. Metering and meter repair and replacement, coupled with the ongoing water accounting or auditing, will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.

K. Measure To Determine And Reduce Unaccounted Losses

Water losses are part of any water distribution system. However, the owner/operator of the water system shall take all necessary steps to reduce the water loss to a minimum. City of Mount Vernon has developed a plan and implemented a major rehabilitation to its distribution system to change aging pipes with new PVC pipes. Replacement of these old pipes with new water lines will help the City to greatly reduce their water losses. In addition to these proposed improvements, the following items will be incorporated into their water conservation program to minimize water loss:

1. Quick response by Maintenance Department and staff to reported problems.
2. A monthly review of water produced at the plant versus water sold to customers should be performed to control excessive losses.
3. Line inspection in the area of concern following any unusual increase in water usage or any discrepancy between water produced and water billed.

L. Program For Leak Detection, Repair, And Water Loss Control

An effective leak detection and repair program coupled with an annual water audit provides an effective means of locating unaccounted water as well as leaks in mains and service lines. The City checks monthly meter readings for each connection against the previous 2 or 3 months to determine if there is a significant change in water use or if there is an indication of an improperly operating meter. The meters are then promptly tested and repaired or replaced as necessary. Water lines subject to frequent leaks shall be scheduled for replacement. The City will develop a leak detection program consisting of the following observations and activities:

1. Maintain records of leaks reported by citizens.
2. Leak detection by Meter Readers.
3. Continual checking and servicing of production, pumping and storage facilities.
4. Replacement of old and inaccurate meters.
5. Repair reported leaks in a timely manner.
6. Improve accuracy of accounting for water used during system flushing and hydrant testing.

M. Public Education

The primary elements of the City's public education program are:

- Utility bill inserts regarding the water conservation issues
- Presentations and delivery of educational materials to schools regarding water conservation and water quality issues
- Providing water conservation literature to new utility customers at the time they apply for service, to utility customers reporting high water use, and at the utility business office on a continuing basis;

- Providing training and publicity of the use of native plants and grasses to reduce lawn water demands; and
- Providing consumer tips on water conservation in a newsletter to be posted at all water offices, City Hall, and to be distributed at civic events.
- Providing educational and training materials from Texas Commission on Environmental Quality (TCEQ), the Environmental Protection Agency (EPA), and the Texas Water Development Board (TWDB).
- Brochures relating to inside and outside household use, car washing, lawn watering, time of day, correlated to weather predictions will be available.

N. Water Conservation Rate Structure

The City of Mount Vernon instituted a water conservation-oriented rate structure that is included in this Plan as Appendix D. All water customers are subjected to a uniform per 1000-gallon rate, so that all customer classes (single family residences, multi-family residences, commercial and industrial) are equally encouraged to conserve water. However, the rate structure minimum charge varies by customer classification.

O. Implementation And Enforcement

The City Conservation Coordinator of Mount Vernon, as described in Section 2.H, or their duly appointed representative will act as the administrator of the Water Conservation Plan. The Conservation Coordinator will oversee the execution and implementation of all elements of the plan. They will also be responsible to oversee the keeping of adequate records for program verification.

To implement the Water Conservation Plan, the City implemented the following documents during the initial water conservation plan (1998) development:

1. A Resolution by the City stating its initial water conservation goal and adoption of this Water Conservation Plan.
2. An Ordinance by the City to implement the legal documents necessary to enforce this Water Conservation Plan.
3. Updating the Water Conservation Plan and Drought Contingency Plan every five years and reporting to the regulatory agencies on an annual basis.

In addition, the City of Mount Vernon has adopted the revisions noted in this report through the City Council on _____, 2024. A copy of these documents is provided as Appendix E.

Enforcement will be provided by:

1. Refusing to provide taps for customers who do not meet requirements for Water Conservation fixtures as established by the adopted 2018 Plumbing Code.
2. Nonpayment of water bills will initiate prompt discontinuation of service and service disconnection.
3. Analysis of water rates and adjusting rates to eliminate Conservation Plan abuse.

P. Additional Water Conservation Strategies

1. Plumbing Code

The City of Mount Vernon's Plumbing Code was amended on May 8, 2023, to the 2018 Plumbing Code. A copy of the ordinance regarding the plumbing code is provided as Appendix F.

Plumbing code ordinances discuss the various TCEQ guidelines for water conservation regarding hot water pipes, water closets, urinals, lavatory facilities, shower heads, and faucets. Additionally, the Plumbing Code will require installation of steel shield plates for materials not cast-iron or galvanized steel pipe that is installed through holes or notches in studs, joists, rafters, or similar members less than 1 ¼ inch from the nearest edge. Plumbing code will require that residential dishwashers conform to NSF 184.

2. Water Conservation Plumbing Retrofits

Customer and/or owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The City of Mount Vernon will encourage customers to utilize low demand fixtures and appliances through proposed educational sources described in this Plan.

The City's plumbing code ordinance explains the various water conserving fixtures that are available. The educational and advertising program will help educate the end user of the advantages of installing water saving devices as well as the availability of these items.

3. Water Conserving Landscaping

The public education program will include suggestions on landscaping and irrigation procedures that will result in reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. Water conservation guidelines also include shutting down automatic sprinklers during periods of rainfall or periods when minimal evaporation is expected. Nurseries and other businesses that sell outdoor plants, grasses, and irrigation equipment will be encouraged to make products that conserve water available to the public. New building owners shall be provided with information pertaining to low water use landscaping.

4. RECYCLING AND REUSE

Area industrial customers will be contacted to determine if reuse and recycling is feasible. Wastewater reuse, at this time, is not possible with existing infrastructure. However, industrial users will be encouraged to develop and implement any water recycling and reuse technologies.

Q. Contracts With Other Political Subdivisions/ Water Corporations

The City of Mount Vernon has existing contracts with Water Supply Corporations pertaining to their water rights. Any political subdivision and/or wholesale customer contracting with the City of Mount Vernon shall follow the following guidelines:

1. Lines and equipment operated by the subdivisions/corporations shall be installed and operated per City's Plumbing and Sanitation Code.
2. To furnish and install necessary equipment and devices for measuring properly the quantity of water delivered.
3. Adopt the provisions of the City's Water Conservation and Drought Contingency Plan; or
4. Develop and adopt a plan that is approved by TCEQ and/or TWDB

The City of Mount Vernon has emergency interconnections with other water corporations. These interconnections are used only during emergency situations. Therefore, the water conservation plans for the other entities are not provided.

R. Coordination With Regional Water Planning Group

The City of Mount Vernon is located within the planning area of North-East Texas Regional Water Planning Group (Region D). The City will file an adopted copy of the Plan and/or its subsequent revisions, as accepted by the TCEQ, TWDB and the Regional Water Planning Group. Documentation showing the plan submission to the TCEQ, TWDB and the regional planning group is provided as Appendix G. The City recognizes that water conservation and drought contingency planning are an important form of comprehensive long-term water resources planning and management.

S. Reporting

The City administrator will be responsible for preparing the annual report on the utility profile on the Texas Water Development Board website. The City through adoption of this Plan, commits to report to the Executive Director of the Texas Water Development Board annually, within one year after closing on the financial assistance and annually thereafter. The content and format for the annual reporting will follow the Annual Water Survey, Annual Water Audit, and the Water Conservation Program Annual Report form. The reports will include the following elements:

1. Water diverted, used, and sold annually
2. Annual water loss
3. Service connections and population served
4. Progress made in the implementation of the conservation program
5. Response to the conservation program by the public
6. Quantitative effectiveness of the conservation program
7. List of public information released during the previous year.

3. DROUGHT CONTINGENCY PLAN

Drought or a number of other uncontrollable circumstances can disrupt the normal availability of the City's water supply.

This chapter summarizes the City's drought contingency plan. Drought contingency planning is not the same as conservation planning. While water conservation involves implementing permanent water use efficiency or reuse practices, the drought contingency plan will establish temporary methods or techniques designed to be used only as long as an emergency exists.

The City's Drought Contingency Plan will include the following nine (9) elements:

1. Declaration of Policy, Purpose, and Intent
2. Coordination with Regional Water Planning Groups
3. Trigger conditions signaling the start of an emergency period
4. Drought contingency measures
5. Specific Targets for Water Use Reduction
6. Education and information
7. Initiation procedures
8. Termination notification actions
9. Means of implementation

A. Declaration Of Policy, Purpose, And Intent

In order to conserve the available water supply and/or protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Mount Vernon adopts the following Drought Contingency Plan.

B. Coordination With Regional Water Planning Groups

The City of Mount Vernon is located within the planning area of North-East Texas Regional Water Planning Group (Region D). The City will file an adopted copy of the Plan and/or its subsequent revisions, as accepted by the TCEQ, with the Regional Water Planning Group. See Appendix G for documentation of coordination.

C. Trigger Conditions

The Texas Water Development Board suggests five (5) levels or conditions for determining degree of urgency for initiation of Drought Contingency Plan given the following conditions.

1. Mild Drought Conditions:
 - a. Average daily water consumption reaches 80% of production capacity (1.6 MGD).
 - b. Consumption (80%) has existed for a period of three days.

- c. Weather conditions are to be considered in drought classification determination. Predicted long, cold or dry periods are to be considered in impact analysis.
2. Moderate Drought Conditions:
 - a. Average daily water consumption reaches 85% of rated production capacity (1.7 MGD) for three-day period.
 - b. Weather conditions indicate mild drought will exist for five days or more.
 - c. One Ground Storage Tank or one Clear Well is taken out of service during mild drought period.
 - d. Storage capacity (water level) is not being maintained during period of 85% rated production period.
 - e. Existence of any one listed condition for duration of 36 hours.
 3. Severe Drought Conditions:
 - a. Average daily water consumption reaches 90% of production capacity (1.8 MGD).
 - b. Average daily water consumption will not enable storage levels to be maintained and have difficulty recovering overnight.
 - c. System demand meets 90% available high service pump capacity.
 - d. Any two conditions listed in moderate drought classification occurs at the same time for a 24-hour period.
 4. Critical Drought Conditions:
 - a. Average daily water consumption reaches 95% of production capacity (1.9 MGD).
 - b. Average daily water consumption will not enable storage levels to be maintained and do not fully recover ever during low demand periods.
 - c. System demand meets or exceeds available high service pump capacity.
 - d. Any two conditions listed in severe drought classification occur at the same time during a 24-hour period.
 - e. Water system is contaminated either accidentally or intentionally. Emergency condition is reached immediately upon detection.
 - f. Water system fails - from acts of God (tornados, hurricanes) or man. Emergency condition is reached immediately upon detection.
 5. Emergency Drought Conditions:
 - a. Water system is contaminated either accidentally or intentionally. Emergency condition is reach immediately upon detection.
 - b. Water system fails -- from acts of God (tornados, hurricanes) or man. Emergency condition is reached immediately upon detection.
 - c. System outage occurs due to the failure or damage of major water system components.

D. Drought Contingency Measures

The Water Conservation and Drought Contingency ordinance adopted and included as part of this Plan enables the City Manager to initiate action that will effectively implement the Plan. The following steps are recommended:

1. Mild Drought Conditions - Step I

Step I measures related to mild drought conditions and will initiate the following listed actions. (Listed actions are volunteered by user):

- a. Develop Information Center and designate information person. Inform the public through news media that a trigger condition has been reached, and that they should look for ways to voluntarily reduce water use.
- b. Advise public of condition and publicize availability of information from Center.
- c. Encourage voluntary reduction of water use.
- d. Reduce average daily consumption by 5% (0.018 MGD)
- e. Implementation of system oversight and make adjustments as required to meet changing conditions.
- f. Contact wholesale water customers to discuss water supply and/or demand conditions and request that wholesale water customers initiate voluntary measures to reduce water use (for example, implement Step I of the customer's drought contingency plan).

2. Moderate Drought Conditions - Step II

Step II curtailment is to be initiated by the City Manager or his/her designee, identifying moderate drought conditions. Listed actions are compulsory on users and are intended to prohibit water waste. ("Water Waste" is defined as washing house windows, sidings, eaves, and roof with hose, without the use of a bucket; washing driveways, streets, curbs, and gutters, washing vehicles without cutoff valve and bucket, and unattended sprinkling of landscape shrubs and grass; draining and filling swimming pools and flushing water system.)

- a. Outdoor residential use of water will be permitted on alternate days. Even number house on even days of the month and odd number house on odd number days. Outdoor residential uses consist of washing vehicles, boats, trailers, landscape sprinkler systems and irrigation, recreational use of sprinklers, outside showers (in parks) and waterslides.
- b. The City Manager will monitor system function and establish hours for outside water use, depending on System performance.
- c. Information Center and publicity elements shall keep public advised of curtailment status. TCEQ and other necessary regulatory agencies will be notified of implementation of Step II.
- d. Reduce average daily water consumption by 7% (0.025 MGD)
- e. Commercial and industrial use will be visited to ensure mandatory conservation curtailment has been initiated.
- f. Weekly contact will be made with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversion and/or delivers. Wholesale customers will be requested to

initiate mandatory measures to reduce non-essential water use (for example, initiate Step II of the customer's drought contingency plan). Also, the City will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

3. Severe Drought Conditions - Step III

Step III curtailment is to be initiated by the City Manager or his/her designee, identifying severe drought conditions. Listed actions are compulsory on users and are intended to prohibit water waste. ("Water Waste" is defined as washing house windows, sidings, eaves, and roof with hose, without the use of a bucket; washing driveways, streets, curbs and gutters, washing vehicles without cutoff valve and bucket, and unattended sprinkling of landscape shrubs and grass; draining and filling swimming pools and flushing water system.)

- a. Outdoor residential use of water will be limited to and permitted on alternate days. Even number house on even days of the month and odd number house on odd number days. Outdoor residential uses consist of washing vehicles, boats, trailers, landscape sprinkler systems and irrigation, recreational use of sprinklers, outside showers (in parks) and waterslides.
- b. The City Manager will monitor system function and establish hours for outside water use, depending upon System performance. All non-essential outside watering will be curtailed to the limited hours and days.
- c. The City will consider discontinuing any unnecessary uses of water such as flushing, irrigation of public landscapes, street washing, fire hydrant flushing, filling pools, athletic fields and courses and dust control sprinkling.
- d. Information Center and publicity elements shall keep public advised of curtailment status.
- e. Reduce average daily water consumption by 10% (0.363 MGD)
- f. Commercial and industrial use will be visited to ensure mandatory conservation steps have been initiated.
- g. Weekly contact will be made with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversion and/or delivers. Wholesale customers will be requested to initiate mandatory measures to reduce non-essential water use (for example, initiate Step III of the customer's drought contingency plan). Also, the City will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.

4. Critical Drought Conditions - Step IV

Step IV curtailment shall be initiated upon existence of critical conditions as determined by the City Manager. The City Manager will ban ALL use of water for:

- a. Vehicle washing, window washing, outside watering (lawn, shrubs, faucet dripping, garden, etc.)
- b. Public water uses which are not essential for health, safety, and sanitary purposes. These uses include:

- 1) Street washing, fire hydrant flushing, filling pools, athletic fields and courses, and dust control sprinkling.
- 2) Any flushing, street cleaning, irrigation of publicly managed properties and lands.
- c. Commercial uses and industrial uses not listed will be controlled to the extent dictated by the City Manager.
- d. Contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use. Pro rata curtailment of water diversions and/or deliveries for each wholesale customer will be initiated. Discussions and suggestions will be made with each wholesale customer to alleviate problems.
- e. Reduce average daily water consumption by 15% (0.544 MGD)
- f. Initiate development and implementation of alternative engineering to reduce water usage or acquire and develop additional water sources.
- g. All uses of the public water supply will be banned except in cases of emergency. In these cases, water use will be limited, and water should be boiled prior to use as the purity may be questionable.

Businesses requiring water as a basic function of the business, such as nurseries, commercial car wash, laundromats, high pressure water cleaning, etc., will obtain written permission from the City Manager for intended water use.

The System Priority for water service shall be made on the following basis:

- 1. Hospital
- 2. Schools
- 3. Industrial
- 4. Commercial
- 5. Residential
- 6. Recreational
- 5. Emergency response stage – Step V
 - a. In the event that the source water is contaminated, notices such as:
 - “Drink water after boiling”, “Not suitable for human consumption”, or “Not suitable for human contact” will be issued depending on the level of contamination.
 - b. During periods of system outage, steps noted in critical drought contingency plan as noted in Section III.E.4 will be followed. Bypass pumping or alternate treatment will be utilized depending on the outage conditions.

6. Pro Rata Water Allocation

In the event that the triggering criteria specified in Section D of the Drought Contingency Plan for Step 5 – Emergency Drought Classification have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039. Each wholesale contract entered into or renewed after adoption of the Plan, including contract extensions, shall include provisions for pro rata water allocation during periods of water shortage and that the water will be distributed in accordance with the Texas Water Code, Section 11.039.

7. Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1. 1.25 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
2. 1.5 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
3. 1.75 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
3. 2.0 times the normal water charge per acre-foot for water diversions and/or deliveries more than 15 percent above the monthly allocation.

The above surcharges shall be cumulative.

The following actions will be taken by the City when trigger conditions are reached and drought contingency measures may be necessary

8. Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after the pro rata allocation has been invoked. All petitions for variance shall be reviewed by the City of Mount Vernon and shall include the following:

1. Name and address of the petitioner(s).
2. Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
3. Description of the relief requested.
4. Period of time for which the variance is sought.
5. Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
6. Other pertinent information.

Variations granted by the City of Mount Vernon shall be subject to the following conditions, unless waived or modified by the City of Mount Vernon.

1. Variations granted shall include a timetable for compliance.
2. Variations granted shall expire when the Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

E. Specific Targets For Water Use Reductions

1. Average Conditions

Average water usage reduction goal will be achieved through implementation of the plumbing code ordinance (Attachment F), effective campaign for water use reductions.

Average water use reductions coupled with the City's proposed water system improvements program will enable the City to meet water demands during periods of water shortage. The water system improvements project intends to replace some of the aging pipes that have exceeded their design life. Replacement of aging pipes would reduce unnecessary system losses and thus improve the efficiency of the water system. The other objectives include upgrading the City's raw water intake capacity and to upgrade the City's Water Treatment Plant Capacity to meet the future demands.

2. Mild Drought Conditions

The objective for water use reduction is a 5 percent reduction of the average daily water consumption (0.018 MGD) during mild drought conditions. Step 1 actions listed under drought contingency measures would be followed to inform wholesale water users.

3. Moderate Drought Conditions

The objective for water use reduction is a 7 percent reduction of the average daily water consumption (0.025 MGD) during moderate drought conditions. Step 2 actions listed under moderate drought contingency measures would be followed to guide the wholesale water users to achieve the targeted water used reduction.

4. Severe Drought Conditions

The objective for water use reduction is a 10 percent reduction of the average daily water consumption (0.36 MGD) during the severe drought conditions. The City Manager can set a goal for water use reduction after proper appraisal of the situation and Step 3 actions listed under severe drought contingency measures would be followed and the wholesale water users would be instructed accordingly to manage the situation.

5. Critical Drought Conditions

The objective for water use reduction is a 15 percent reduction of the average daily water consumption (0.54 MGD) during the critical drought conditions. The City Manager can set a goal for water use reduction after proper appraisal of the situation and Step 4 actions listed under critical drought contingency measures would be followed and the wholesale water users would be instructed accordingly to manage the situation.

6. Emergency Drought Conditions

The objective for water use reduction is a 20 percent or more reduction of the average daily water consumption (0.72 MGD) during the emergency drought conditions. The City Manager can set a goal for water use reduction after proper appraisal of the situation and Step 5 actions listed under emergency drought contingency measures would be followed and the wholesale water users would be instructed accordingly to manage the situation.

F. Education And Information

The purposes and effect of the emergency water demand management plan will be communicated to the public as a component of the Education and Information section of the Water Conservation Plan in Section 2 of this report. When trigger conditions and potential drought contingency measures appear to be approaching, the public will be notified through available news media and additional information on water conservation methods will be distributed.

In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available news media and postings.

G. Initiation Procedures

When a trigger condition has been reached and drought contingency measures may be necessary, the Mayor of Mount Vernon or his/her duly appointed representative will order the initiation of public notification process. The public notification process will include the following items:

1. A *Notice of Drought Condition* will be posted at the Mount Vernon City Hall, the Post Office, major supermarkets, and shopping centers.
2. The *Notice* will be circulated to local newspapers and radio stations.
3. When Stage II or higher trigger is reached, the city will also notify the TCEQ and any other regulatory agency of the upgrade to a mandatory water saving trigger level. All contingency measures shall be in effect and followed for each stage.

H. Termination Notification

Termination of the drought contingency measures will take place when trigger conditions that initiated the contingency measures have subsided, and the drought contingency measures are no longer necessary. The public will be informed of the termination in the same manner that they were informed of the initiation of the measures through order of the Mayor or duly appointed representative.

I. Means Of Implementation

The Mayor or other representative will be authorized by the City Council to order the initiation of drought contingency measures when a drought trigger condition occurs.

In addition, the City has developed the following documents as a means to implement the emergency water demand management plan:

1. A resolution by the City stating the adoption of this emergency water demand management plan.
2. An ordinance by the City to implement the legal documents necessary to enforce this emergency water demand management plan.

J. Conformity With Texas Water Code, Section 11.039

The *Plan* and/or its subsequent revisions authorize the City's designated official to initiate the allocation of water supplies on a pro rata basis in accordance with Texas Water Code, Section 11.039. Texas Water Code, Section 11.039 sets the following as the amount of water supplied to the eligible customers during periods of water shortage:

1. The amount of water to which each customer may be entitled; or
2. The amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

Authority will be granted in the event that the triggering criteria for Emergency Drought Conditions have been met.

K. Adoption And Enforcement Of The *Plan*

Section 4 of Ordinance No. 1998-11, as adopted by the Mount Vernon City Council on May 29, 1998, provides the following:

“Any person, firm or corporation violating any of the provisions of the mandatory water use restrictions which have been formally initiated by the City and contained in the City of Mount Vernon Water Conservation and Emergency Drought Management Plan as adopted hereby shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Mount Vernon, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense and each and every day such violation shall continue shall be deemed to constitute a separate offense.”

A copy of the plan adoption is provided as Appendix E.

APPENDIX A
Utility Profile Forms
(TCEQ-10218 AND TWDB-1965)



Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-2214

Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers

This form is provided to assist retail public water suppliers in water conservation plan assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name of Water Supplier: City of Mount Vernon

Address: P.O. Box 597, Mount Vernon, TX 75457

Telephone Number: (903) 588-2594 Fax: ()

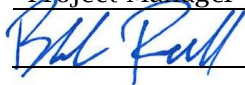
Water Right No.(s): ADJ-1599 (3000 AC/ft) / ADJ-4816 (400 AC/ft)

Regional Water Planning Group: D - North East Texas Regional Water Planning Group

Water Conservation Coordinator (or person responsible for implementing conservation program): Troy Massengill Phone: (903) 588-2594

Form Completed by: Blake Powel

Title: Project Manager

Signature:  Date: 05/01/2024

A water conservation plan for municipal use by retail public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.2). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

Utility Profile

I. POPULATION AND CUSTOMER DATA

A. *Population and Service Area Data*

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).
2. Service area size (in square miles): 4
(Please attach a copy of service-area map)
3. Current population of service area: 2,662
4. Current population served for:
 - a. Water 2,662
 - b. Wastewater 2,662

5. Population served for previous five years:

<u>Year</u>	<u>Population</u>
<u>2023</u>	<u>2,661</u>
<u>2022</u>	<u>2,661</u>
<u>2021</u>	<u>2,661</u>
<u>2020</u>	<u>2,661</u>
<u>2019</u>	<u>2,661</u>

6. Projected population for service area in the following decades:

<u>Year</u>	<u>Population</u>
<u>2030</u>	<u>3,006</u>
<u>2040</u>	<u>3,084</u>
<u>2050</u>	<u>3,161</u>
<u>2060</u>	<u>3,218</u>
<u>2070</u>	<u>3,263</u>

7. List source or method for the calculation of current and projected population size.
TWDB

B. Customer Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: <http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf>

1. Quantified 5-year and 10-year goals for water savings:

	<i>Historic 5-year Average</i>	<i>Baseline</i>	<i>5-year goal for year 2029</i>	<i>10-year goal for year 2034</i>
Total GPCD	139	139	135	130
Residential GPCD	57	60	55	50
Water Loss GPCD	15	15	12	9
Water Loss Percentage	11.00	10.79	9.00	7.00

Notes:

Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

2. Current number of active connections. Check whether multi-family service is counted as Residential or Commercial?

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	<i>Totals</i>
Residential	1,005	0	1,005
Single-Family			
Multi-Family			
Commercial	233	0	233
Industrial/Mining	0	0	0
Institutional	0	0	0
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

<i>Year</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
<i>Treated Water Users</i>			
Residential	19	7	4
Single-Family			
Multi-Family			
Commercial	1	0	2
Industrial/Mining	0	0	0
Institutional	0	0	0
Agriculture	0	0	0
Other/Wholesale	0	0	0

4. List of annual water use for the five highest volume customers.

<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
Waste Water Treatment Plant	219,982	Treated
Mount Vernon ISD	116,653	Treated
Franklin County Sherriff's Office	23,565	Treated
Mount Vernon Kwiki Klean laundry Mat	19,441	Treated
Loves Truck Stop	35	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

Indicate whether this is diverted or treated water.

<i>Year</i>	2023	2022	2021	2020	2019
<i>Month</i>					
January	10,442	8,630	8,700	9,471	9,347
February	8,516	9,503	10,692	8,757	8,901
March	10,698	8,609	9,093	9,182	9,912
April	9,852	8,864	9,905	9,101	10,207
May	10,709	11,456	9,765	10,661	11,256
June	10,421	12,862	11,462	12,626	11,413
July	11,377	16,034	13,215	15,340	14,322
August	16,436	14,908	13,302	13,808	19,357
September	10,489	11,085	17,079	10,663	13,938
October	9,538	11,105	10,926	10,481	10,975
November	8,175	10,537	10,300	8,803	10,016
December	7,706	10,991	9,877	9,151	9,208
Totals	124,359	134,584	134,316	128,044	138,852

2. Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

Master meter located at intake just prior to entering distribution system.

- Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

<i>Year</i>	2023	2022	2021	2020	2019
<i>Account Types</i>					
Residential					
Single-Family	48,225	52,170	55,318	50,525	48,860
Multi-Family	2,448	2,546	6,252	4,850	4,820
Commercial	53,899	53,782	44,476	44,635	46,002
Industrial/Mining					
Institutional					
Agriculture					
Other/Wholesale					

- List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
2023	8,376,766	6.70
2022	15,227,178	11.30
2021	11,507,823	8.60
2020	13,768,794	10.70
2019	25,075,350	18.10

B. Projected Water Demands

- If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

- List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	Lake Cypress/Mount Vernon Reservoir	3,000/400
Groundwater		
Other		

B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 2.075
2. Storage capacity (MGD):
 - a. Elevated 0.3
 - b. Ground 0.5
3. If surface water, do you recycle filter backwash to the head of the plant?
 Yes No If yes, approximate amount (MGD):

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD):
2. Treated effluent is used for on-site irrigation, off-site irrigation, for plant wash-down, and/or for chlorination/dechlorination.

If yes, approximate amount (in gallons per month):
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 100%
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>	2023	2022	2021	2020	2019
<i>Month</i>					
January	7161	5738	9099	8542	9681
February	9273	5826	8171	10317	8710
March	9162	6561	9207	12205	9259
April	9273	6804	8154	9390	10527
May	7928	7185	13654	9536	11656
June	7939	5917	7764	6921	8788
July	7557	5578	6959	7215	6673
August	6177	5870	13457	6787	6359
September	5496	5372	5926	7002	5621
October	6706	6263	5605	6004	6998
November	6133	7626	5905	4911	7421
December	6950	8621	5739	7771	6980
Totals	89755	77361	99640	96601	98673

Water Conservation Plan

In addition to the utility profile, please attach the following as required by Title 30, Texas Administrative Code, §288.2. Note: If the water conservation plan does not provide information for each requirement, an explanation must be included as to why the requirement is not applicable.

A. Record Management System

The water conservation plan must include a record management system which allows for the classification of water sales and uses in to the most detailed level of water use data currently available to it, including if possible, the following sectors: residential (single and multi-family), commercial.

B. Specific, Quantified 5 & 10-Year Targets

The water conservation plan must include specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in gallons per capita per day. Note that the goals established by a public water supplier under this subparagraph are not enforceable. These goals must be updated during the five-year review and submittal.

C. Measuring and Accounting for Diversions

The water conservation plan must include a statement about the water suppliers metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply.

D. Universal Metering

The water conservation plan must include and a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

E. Measures to Determine and Control Water Loss

The water conservation plan must include measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.).

F. Continuing Public Education & Information

The water conservation plan must include a description of the program of continuing public education and information regarding water conservation by the water supplier.

G. Non-Promotional Water Rate Structure

The water supplier must have a water rate structure which is not “promotional,” i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. This rate structure must be listed in the water conservation plan.

H. Reservoir Systems Operations Plan

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies.

I. Enforcement Procedure and Plan Adoption

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

J. Coordination with the Regional Water Planning Group(s)

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

K. Plan Review and Update

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within the next ten years:

A. Leak Detection and Repair

The plan must include a description of the program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted for uses of water.

B. Contract Requirements

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

VII. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of 30 TAC §288.2(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
3. A program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
4. A program for reuse and/or recycling of wastewater and/or graywater;
5. A program for pressure control and/or reduction in the distribution system and/or for customer connections;
6. A program and/or ordinance(s) for landscape water management;
7. A method for monitoring the effectiveness and efficiency of the water conservation plan; and
8. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

VIII. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: CITY OF MOUNT VERNON

Public Water Supply Identification Number (PWS ID): TX0800001

Certificate of Convenience and Necessity (CCN) Number: 10500

Surface Water Right ID Number:

Wastewater ID Number: 20181

Contact: First Name: Troy Last Name: Massengill

Title: WTP Superintendent

Address: P.O. Box 597 City: Mount Vernon State: TX

Zip Code: 75457 Zip+4: Email: mtvwtp@gmail.com

Telephone Number: 9035882594 Date: 4/23/2024

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: D

Groundwater Conservation District:

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 4

Attached file(s):

File Name	File Description
Water Service Boundary Viewer _ Texas Water Development Board.pdf	Mt. Vernon Service Area

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2023	2,661	0	2,661
2022	2,662	0	2,661
2021	2,662	0	2,661
2020	2,661	0	2,661
2019	2,662	0	2,661

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	3,009	0	3,009
2040	3,084	0	3,084
2050	3,161	0	3,161
2060	3,218	0	3,218
2070	3,263	0	3,263

4. Described source(s)/method(s) for estimating current and projected populations.

U.S. Census

Attached file(s):

File Name	File Description
Population Growth Tables.xlsx	

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2023	128,232,990	0	0	128,232,990	132
2022	138,747,423	0	0	138,747,423	143
2021	134,997,938	0	0	134,997,938	139
2020	131,645,361	0	0	131,645,361	136
2019	138,852,000	0	0	138,852,000	143
Historic Average	134,495,142	0	0	134,495,142	138

C. Water Supply System

Attached file(s):

File Name	File Description
Water system description.docx	

1. Designed daily capacity of system in gallons
2. Storage Capacity
 - 2a. Elevated storage in gallons:
 - 2b. Ground storage in gallons:

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2025	2,942	185,873,265
2026	2,955	186,297,316
2027	2,969	186,722,335
2028	2,982	187,148,323
2029	2,996	187,575,283
2030	3,009	187,737,197
2031	3,016	187,899,250
2032	3,024	188,061,442
2033	3,031	188,223,775
2034	3,039	188,386,248

2. Description of source data and how projected water demands were determined.

Projected demand in AC*FT was used from TWDB for the years 2020, 2030, 2040, 2050, 2060, and 2070. From the data provided by TWDB, the geometric projection formula was applied to find the rate increase between each decade and then applied to each successive year.

Attached file(s):

File Name	File Description
Water Demand Projection.xlsx	

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. High Volume Customers

1. The annual water use for the five highest volume
RETAIL customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Waste Water Treatment Plant	Industrial	219,982,000	Treated
Mt. Vernon ISD	Commercial	116,653,000	Treated
Franklin County Sherriff's Office	Commercial	23,565,000	Treated
Mt. Vernon Kwik Klean Laundry Mat	Commercial	19,441,000	Treated
Loves Truck Stop	Commercial	35,676	Treated

2. The annual water use for the five highest volume
WHOLESALE customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	1,021	79.77 %
Residential - Multi-Family	18	1.41 %
Industrial	0	0.00 %
Commercial	241	18.83 %
Institutional	0	0.00 %
Agricultural	0	0.00 %
Total	1,280	100.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Net number of new retail connections by water use category for the previous five years.

Net Number of New Retail Connections							
Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	4	0	0	2	0	0	6
2022	7	0	0	0	0	0	7
2021	19	0	0	1	0	0	20
2020	1	0	0	0	0	0	1
2019	4	0	0	0	0	0	4

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	48,225,000	2,448,792	0	53,899,000	0	0	104,572,792
2022	52,170,000	2,546,000	0	53,782,000	0	0	108,498,000
2021	55,318,000	6,252,000	0	44,476,000	0	0	106,046,000
2020	50,525,000	4,850,000	0	44,634,000	0	0	100,009,000
2019	48,861,000	4,820,000	0	46,002,000	0	0	99,683,000

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2023	52
2022	56
2021	63
2020	57
2019	55
Historic Average	57

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	10,442,000	8,630,000	8,700,000	9,471,000	9,347,000
February	8,516,000	9,503,000	10,692,000	8,757,000	8,901,000
March	10,698,000	8,609,000	9,093,000	9,182,000	9,912,000
April	9,852,000	8,864,000	9,905,000	9,101,000	10,207,000
May	10,709,000	11,456,000	9,765,000	10,661,000	11,256,000
June	10,421,000	12,862,000	11,462,000	12,626,000	11,413,000
July	11,377,000	16,034,000	13,215,000	15,340,000	14,322,000
August	16,436,000	14,908,000	13,302,000	13,808,000	19,357,000
September	10,489,000	11,085,000	17,079,000	10,663,000	13,938,000
October	9,538,000	11,105,000	10,926,000	10,481,000	10,975,000
November	8,175,000	10,537,000	10,300,000	8,803,000	10,016,000
December	7,706,000	10,991,000	9,877,000	9,151,000	9,208,000
Total	124,359,000	134,584,000	134,316,000	128,044,000	138,852,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2023	2022	2021	2020	2019
January	10,661,000	9,927,000	9,567,000	9,724,000	9,551,000
February	8,812,000	10,451,000	12,065,000	8,961,000	9,013,000
March	11,007,000	9,957,000	10,361,000	9,421,000	10,019,000
April	12,162,000	10,745,000	10,182,000	9,421,000	10,322,000
May	11,666,000	12,938,000	10,410,000	10,830,000	11,274,000
June	9,882,000	14,310,000	12,485,000	12,692,000	11,592,000
July	10,909,000	18,751,000	14,607,000	16,210,000	14,469,000
August	15,720,000	17,152,000	14,372,000	15,034,000	19,603,000
September	10,670,000	13,278,000	19,148,000	11,356,000	14,013,700
October	10,075,000	13,073,000	12,405,000	11,098,000	11,100,800
November	8,582,000	12,153,000	10,300,000	9,647,000	10,287,200
December	8,162,000	11,722,000	9,877,000	9,898,000	9,657,000
Total	128,308,000	154,457,000	145,779,000	134,292,000	140,901,700

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2023	74,745,000	252,667,000
2022	94,017,000	289,041,000
2021	79,443,000	280,095,000
2020	85,710,000	262,336,000
2019	90,756,000	279,753,700
Average in Gallons	84,934,200.00	272,778,540.00

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	8,376,766	9	6.70 %
2022	15,227,178	16	11.30 %
2021	11,507,823	12	8.60 %
2020	13,768,794	14	10.70 %
2019	25,075,350	26	18.10 %
Average	14,791,182	15	11.08 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2023	692,238	812445	1.1736
2022	791,893	1021923	1.2905
2021	767,383	863510	1.1253
2020	718,728	931630	1.2962
2019	766,448	986478	1.2871

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	51,019,800	79.77 %	49.17 %
Residential - Multi-Family	4,183,358	1.41 %	4.03 %
Industrial	0	0.00 %	0.00 %
Commercial	48,558,600	18.83 %	46.80 %
Institutional	0	0.00 %	0.00 %
Agricultural	0	0.00 %	0.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

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Section III: Wastewater System Data

A. Wastewater System Data

Attached file(s):

File Name	File Description
Wastewater system description.docx	

1. Design capacity of wastewater treatment plant(s) in gallons per day: 1,300,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	1,005		1,005	81.18 %
Industrial	0		0	0.00 %
Commercial	233		233	18.82 %
Institutional	0		0	0.00 %
Agricultural	0		0	0.00 %
Total	1,238		1,238	100.00 %

3. Percentage of water serviced by the wastewater system: 100.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	7,161,000	5,738,000	9,099,000	8,542,000	9,681,000
February	9,273,000	5,826,000	8,171,000	10,317,000	8,710,000
March	9,162,000	6,561,000	9,207,000	12,205,000	9,259,000
April	9,273,000	6,804,000	8,154,000	9,390,000	10,527,000
May	7,928,000	7,185,000	13,654,000	9,536,000	11,656,000
June	7,939,000	5,917,000	7,764,000	6,921,000	8,788,000
July	7,557,000	5,578,000	6,959,000	7,215,000	6,673,000
August	6,177,000	5,870,000	13,457,000	6,787,000	6,359,000
September	5,496,000	5,372,000	5,926,000	7,002,000	5,621,000
October	6,706,000	6,263,000	5,605,000	6,004,000	6,998,000
November	6,133,000	7,626,000	5,905,000	4,911,000	7,421,000
December	6,950,000	8,621,000	5,739,000	7,771,000	6,980,000
Total	89,755,000	77,361,000	99,640,000	96,601,000	98,673,000

5. Could treated wastewater be substituted for potable water?

Yes No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	0
Evaporation Pond	0
Other	
Total	0

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

APPENDIX B
Water Conservation Plan Goals

	Historic 5 Year Average	Baseline	5-Year Goal For year 2029	10-Year Goal For year 2034
Total GPCD ¹	139	139	135	130
Residential GPCD ²	57	60	55	50
Water Loss (GPCD) ³	15	15	12	9
Water Loss Percentage ⁴	11.00 %	10.79 %	9.00 %	7.00 %

APPENDIX C
Water Conservation Plan Annual Report

Water Conservation Plan Annual Report

Retail Water Supplier

CONTACT INFORMATION

Name of Utility: CITY OF MOUNT VERNON

Public Water Supply Identification Number (PWS ID): TX0800001

Certification of Convenience and Necessity (CCN) Number: 10500

Surface Water Right ID Number:

Wastewater ID Number: 20181

Check all that apply:

- Retail Water Supplier
- Wholesale Water Supplier
- Wastewater Treatment Utility

Address: P. O. Box 597 City: Mt. Vernon Zip Code: 75457

Email: mtvwtp@gmail.com Telephone Number: 9035882594

Regional Water Planning Group: D

Groundwater Conservation District:

Contact: First Name: Troy Last Name: Massengill
Title: WTP Superintendent

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: D

Groundwater Conservation District:

Reporting Period (Calendar year):

Period Begin (mm/yyyy): 01/2023 Period End (mm/yyyy): 12/2023

Check all that apply:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

SYSTEM DATA

1. For this reporting period, select the category(s) used to classify customer water usage:

Retail Customer Water Usage Categories	
<input checked="" type="checkbox"/>	Residential - Single Family
<input checked="" type="checkbox"/>	Residential - Multi-family
<input type="checkbox"/>	Industrial
<input checked="" type="checkbox"/>	Commercial
<input type="checkbox"/>	Institutional
<input type="checkbox"/>	Agricultural

Retail Customers Categories*

- Residential Single Family
- Residential Multi-Family
- Industrial
- Commercial
- Institutional
- Agricultural

**Recommended Customer Categories for classifying customer water use. For definitions, refer to [Guidance and Methodology on Water Conservation and Water Use](#).*

2. For this reporting period, enter the number of connections for and the gallons of metered retail water used by each category. If the Customer Category does not apply, enter zero or leave blank. These numbers should be the same as those reported on the Water Use Survey.

Retail Customer Category	Number of Connections	Gallons Metered
Residential - Single Family	1,021	48,225,000
Residential - Multi-family	18	2,448,792
Industrial	0	0
Commercial	241	53,899,000
Institutional	0	0
Agricultural	0	0
Total Retail Water Metered¹	1,280	104,572,792

¹Residential + Industrial + Commercial + Institutional + Agricultural = Total Retail Water Metered

Water Use Accounting

	Total Gallons During the Reporting Period
1. Corrected Input Volume: The volume of treated water input to the distribution system from own production facilities. Same as line 13b of the Water Loss Audit for reporting periods >= 2015. Same as line 14 of the Water Loss Audit for reporting periods <= 2014.	128,232,990
2. Corrected Treated Purchased Water Volume: The amount of treated purchased wholesale water transferred into the utility's distribution system from other water suppliers system. Same as line 14b of the Water Loss Audit for reporting periods >= 2015. Same as line 15 of the Water Loss Audit for reporting periods <= 2014.	0
3. Corrected Treated Wholesale Water Sales Volume: The amount of treated wholesale water transferred out of the utility's distribution system, although it may be in the system for a brief time for conveyance reasons. Same as line 15b of the Water Loss Audit for reporting periods >= 2015. Same as line 16 of the Water Loss Audit for reporting periods <= 2014.	0
4. Total System Input Volume: This is the sum of the corrected input volume plus corrected treated purchased water volume minus corrected treated wholesale water sales volume. Same as line 16 of the Water Loss Audit for reporting periods >= 2015. Same as line 17 of the Water Loss Audit for reporting periods <= 2014. Produced + Imported - Exported = Total System Input Volume	128,232,990
5. Billed Metered: All retail water sold and metered. Same as line 17 of the Water Loss Audit for reporting periods >= 2015. Same as line 18 of the Water Loss Audit for reporting periods <= 2014.	104,572,792
6. Other Authorized Consumption: Water that is authorized for other uses such as back flushing, line flushing, storage tank cleaning, fire department use, municipal government offices or municipal golf courses/parks. This water may be metered or unmetered. Same as lines 18, 19, and 20 of the Water Loss Audit for reporting periods >= 2015. Same as lines 19, 20, and 21 of the Water Loss Audit for reporting periods <= 2014.	15,283,432
7. Total Authorized Consumption: All water that has been authorized for use. Same as Line 21 of the Water Loss Audit for reporting periods >= 2015. Same as line 22 of the Water Loss Audit for reporting periods <= 2014. Total Billed and Metered Retail Water + Other Authorized Consumption = Total Authorized Consumption	119,856,224
8. Total Apparent Losses: Water that has been consumed but not properly measured or billed (losses due to customer meter inaccuracy, systematic data handling discrepancy and/or unauthorized consumption such as theft). Same as line 27 of the Water Loss Audit for reporting periods >= 2015. Same as line 28 of the Water Loss Audit for reporting periods <= 2014.	3,757,074

9. Total Real Loss: Physical losses from the distribution system prior to reaching the customer destination (losses due to reported breaks and leaks, physical losses from the system or mains and/or storage overflow). Same as line 30 of the Water Loss Audit for reporting periods >= 2015. Same as line 31 of the Water Loss Audit for reporting periods <= 2014.	4,619,692
10. Total Water Loss: Apparent + Real = Total Water Loss	8,376,766

Programs and Activities

1. What year did your entity adopt or revise their most recent Water Conservation Plan? 2019

2. Does The Plan incorporate [Best Management Practices](#)? Yes No

3. Using the table below select the types of Best Management Practices or water conservation and reuse strategies actively administered during this reporting period and estimate the savings incurred in implementing water conservation and reuse activities and programs. Leave fields blank if unknown. **Please separate reuse volumes from gallons saved.**

Methods and techniques for determining gallons saved are unique to each utility as they conduct internal cost analyses and long-term financial planning. Texas Best Management Practice can be found at TWDB's Water Conservation Best Management Practices [webpage](#). The [Alliance for Efficiency Water Conservation Tracking Tool](#) may offer guidance on determining and calculating savings for individual BMPs.

Best Management Practice	Check if Implemented	Estimated Gallons Saved	Estimated Gallons Reused
Conservation Analysis and Planning			
Conservation Coordinator	<input type="checkbox"/>		
Cost Effective Analysis	<input type="checkbox"/>		
Water Survey for Single Family and Multi-family Customers	<input type="checkbox"/>		
Customer Characterization	<input type="checkbox"/>		
Financial			
Wholesale Agency Assistance Programs	<input type="checkbox"/>		
Water Conservation Pricing	<input checked="" type="checkbox"/>	1,000,000	0
System Operations			
Metering New Connections and Retrofitting Existing Connections	<input checked="" type="checkbox"/>	1,000,000	0
Utility Water Audit and Water Loss	<input type="checkbox"/>		
Landscaping			
Landscape Irrigation Conservation and Incentives	<input type="checkbox"/>		
Athletic Fields Conservation	<input type="checkbox"/>		
Golf Course Conservation	<input type="checkbox"/>		

Park Conservation	<input type="checkbox"/>		
Residential Landscape Irrigation Evaluation	<input type="checkbox"/>		
Outdoor Watering Schedule	<input type="checkbox"/>		
Education and Public Awareness			
School Education	<input checked="" type="checkbox"/>	0	0
Public Information	<input checked="" type="checkbox"/>	0	0
Public Outreach and Education	<input type="checkbox"/>		
Partnerships with Nonprofit Organizations	<input type="checkbox"/>		
Rebate, Retrofit, and Incentive Programs			
Conservation Programs for ICI Accounts	<input type="checkbox"/>		
Residential Clothes Washer Incentive Program	<input type="checkbox"/>		
Water Wise Landscape Design and Conversion Programs	<input type="checkbox"/>		
Showerhead, Aerator, and Toilet Flapper Retrofit	<input type="checkbox"/>		
Residential Toilet Replacement Programs	<input type="checkbox"/>		
Custom Conservation Rebates	<input type="checkbox"/>		
Plumbing Assistance for Economically Disadvantaged Customers	<input type="checkbox"/>		
Conservation Technology & Reuse			
New Construction Graywater	<input type="checkbox"/>		
Rainwater Harvesting and Condensate Reuse	<input type="checkbox"/>		
Water Reuse BMP Categories			
Reuse for On-site Irrigation	<input type="checkbox"/>		
Reuse for Plant Washdown	<input type="checkbox"/>		
Reuse for Chlorination/Dechlorination	<input type="checkbox"/>		
Reuse for Industry	<input type="checkbox"/>		
Reuse for Agriculture	<input type="checkbox"/>		
Regulatory and Enforcement			
Prohibition on Wasting Water	<input type="checkbox"/>		
Conservation Ordinance Planning and Development	<input type="checkbox"/>		
Enforcement of Irrigation Standards	<input type="checkbox"/>		
Retail			
Other	<input type="checkbox"/>		
Totals		2,000,000	0

4. For this reporting period, estimate the savings from water conservation activities and programs.

Gallons Saved/Conserved	Gallons Recycled/Reused	Total Volume of Water Saved ¹	Dollar Value of Water Saved ²
2,000,000	0	2,000,000	

¹Estimated Gallons Saved + Estimated Gallons Recycled/Reused = Total Volume Saved

²Estimated this value by taking into account water savings, the cost of treatment or purchase of water, and deferred capital cost due to conservation.

5. Comments or Explanations Regarding Data Entered in Sections Above.
 Files to support or explain this may be attached below.

6. During this reporting period, did your rates or rate structure change? Yes No

Select the type of rate pricing structure used. Check all that apply.

<input type="checkbox"/>	Uniform Rates
<input type="checkbox"/>	Flat Rates
<input checked="" type="checkbox"/>	Inclining/Inverted Block Rates
<input type="checkbox"/>	Declining Block Rates
<input type="checkbox"/>	Seasonal Rates
<input type="checkbox"/>	Water Budget Based Rates
<input type="checkbox"/>	Excess Use Rates
<input type="checkbox"/>	Drought Demand Rates
<input type="checkbox"/>	Tailored Rates
<input type="checkbox"/>	Surcharge - usage demand
<input type="checkbox"/>	Surcharge - seasonal
<input type="checkbox"/>	Surcharge - drought
<input type="checkbox"/>	Other

7. For this reporting period, select the public awareness or educational activities used.

Name	Implemented This Year	Number Of Times This Year	Total Population Reached this Year
Brochures Distributed	<input checked="" type="checkbox"/>	1	2,661
Messages Provided on Utility Bills	<input checked="" type="checkbox"/>	1	2,661
Press Releases	<input type="checkbox"/>		
TV Public Service Announcements	<input type="checkbox"/>		
Radio Public Service Announcements	<input type="checkbox"/>		
Educational School Programs	<input type="checkbox"/>		
Displays, Exhibits, and Presentations	<input checked="" type="checkbox"/>	1	2,661
Community Events	<input type="checkbox"/>		
Social Media campaign - Facebook	<input type="checkbox"/>		
Social Media campaign - Twitter	<input type="checkbox"/>		
Social Media campaign - Instagram	<input type="checkbox"/>		
Social Media campaign - YouTube	<input type="checkbox"/>		
Facility Tours	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
Total		3	7,983

Leak Detection and Water Loss

1. During this reporting period, how many leaks were repaired in the system or at service connections? 35

2. Select the main cause(s) of water loss in your system.

Water Loss Causes	
<input checked="" type="checkbox"/>	Distribution line leaks and breaks
<input checked="" type="checkbox"/>	Unauthorized use and theft

<input checked="" type="checkbox"/>	Master meter problems
<input checked="" type="checkbox"/>	Customer meter problems
<input type="checkbox"/>	Record and data problems
<input type="checkbox"/>	Other

3. For this reporting period, provide the following information on your distribution lines.

Total Length of Main Lines (miles)	Total Length Repaired (feet)	Total Length Replaced (feet)
31	100	0

4. For this reporting period, provide the following information regarding your meters:

Type of Meter	Total Number	Total Tested	Total Repaired	Total Replaced
Production Meters	2	0	1	1
Meters larger than 1 1/2 inches	55	0	0	0
Meters 1 1/2 inches or smaller	1210	0	0	42

5. Does your system have automated meter reading? Yes No

Program Effectiveness

1. Program Effectiveness

In your opinion, how would you rank the overall effectiveness of your conservation programs and activities?

Customer Classification	Less Than Effective	Somewhat Effective	Highly Effective	Does Not Apply
Residential Customers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Industrial Customers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Institutional Customers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Commercial Customers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Agricultural Customers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. During the reporting period, did you implement your Drought Contingency Plan? Yes No

3. Select the areas for which you would like to receive more technical assistance:

Technical Assistance Areas	
<input type="checkbox"/>	Best Management Practices
<input type="checkbox"/>	Drought Contingency Plans
<input type="checkbox"/>	Landscape Irrigation
<input type="checkbox"/>	Leak Detection and Equipment
<input type="checkbox"/>	Rainwater Harvesting
<input type="checkbox"/>	Rate Structures
<input type="checkbox"/>	Educational Resources
<input type="checkbox"/>	Water Conservation Annual Reports
<input type="checkbox"/>	Water Conservation Plans
<input type="checkbox"/>	Water IQ: Know Your Water
<input type="checkbox"/>	Water Loss Audits
<input type="checkbox"/>	Recycling and Reuse

Water Loss, Target and Goals

Total, Residential and Water Loss Gallons Per Capita per Day (GPCD) and Water Loss Percentage

The tables below display your current GPCD totals and water loss percentage for your service area.

Total System Input in Gallons Water Produced + Wholesale Imported - Wholesale Exported	Retail Population ¹	Total GPCD (System Input / Retail Population) / 365
128,232,990	2,661	132

¹Retail Population is the total permanent population of the service area, including single family, multi-family, and group quarter populations

Residential Use in Gallons (Single Family + Multi-family)	Residential Population ²	Residential GPCD (Residential Use / Residential Population) / 365
50,673,792	2,661	52

²Residential Population is the total residential population of the service area, including only single family and multi-family populations

Total Water Loss in Gallons Apparent + Real = Total Water Loss	Retail Population	Water Loss GPCD ³	Water Loss Percent
8,376,766	2,661	9	6.53%

³(Total Water Loss / Residential Population) / 365 = Water Loss GPCD
 (Total Water Loss / Total System Input) * 100 = Water Loss Percentage

The table below displays the specific and quantified five-year and ten-year goals listed in your current Water Conservation Plan alongside the current GPCD and water loss totals.

Achieve Date	Target for Total GPCD	Current Total GPCD	Target for Residential GPCD	Current Residential GPCD	Target for Water Loss GPCD	Current Water Loss GPCD	Target for Water Loss Percentage	Current Water Loss Percentage
Five-year Target Date 2024	149	132	76	52	34	9	22.82 %	6.53 %
Ten-year Target Date 2029	141	132	75	52	32	9	22.70 %	6.53 %

APPENDIX D
Water Rate Structure

ORDINANCE NO. 2022-09

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, AMENDING SECTIONS 12-21 (1 & 2) AND SECTION 12-25, WHICH CHANGES THE WATER RATES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS:

The water rates prescribed by Section 12-21 and 12-25 of the Code of Ordinances of the City of Mount Vernon, Texas, are amended and shall hereafter read as follows:

“Sec. 12-21. Monthly charges – Schedules.

The monthly service charges for supplying water by the city water system shall be as follows:

(1) Schedule (Inside City):

Residential:

Minimum charge	\$25.00
1,000 to 8,000 gallons (per 1,000)	\$ 3.75
9,000 to 20,000 gallons (per 1,000)	\$ 4.00
21,000 to 40,000 gallons (per 1,000)	\$ 4.25
41,000 gallons and over (per 1,000)	\$ 4.50

Business/Commercial/Industrial:

Minimum charge	\$31.00
1,000 to 8,000 gallons (per 1,000)	\$ 3.75
9,000 to 20,000 gallons (per 1,000)	\$ 4.00
21,000 to 40,000 gallons (per 1,000)	\$ 4.25
41,000 gallons and over (per 1,000)	\$ 4.50

(2) Schedule (Outside City):

Residential:

Minimum charge	\$35.00
1,000 to 8,000 gallons (per 1,000)	\$ 4.50
9,000 to 20,000 gallons (per 1,000)	\$ 4.75
21,000 to 40,000 gallons (per 1,000)	\$ 5.00
41,000 gallons and over (per 1,000)	\$ 5.25

Business/Commercial/Industrial:

Minimum charge	\$46.06
1,000 to 8,000 gallons (per 1,000)	\$ 4.50
9,000 to 20,000 gallons (per 1,000)	\$ 4.75
21,000 to 40,000 gallons (per 1,000)	\$ 5.00
41,000 gallons and over (per 1,000)	\$ 5.25

- (3) *Home businesses:* Home businesses where water service is supplied from a residential meter shall be billed at the business rate, provided the water used, in part, as a function of the business.
- (4) *Water Supply Corporation / Texas Highway Department comfort station / bulk water:*

	<i>Maximum Gallons Per Month</i>	<i>Rate</i>	
Cypress Springs Sprinklers per 1,000 gals.	1.5	\$4.00	9.00
Bulk water, per 1,000 gals, at the maintenance facility.	1.0	\$7.10	12.00
Meter Deposit		\$150.00	
Monthly Rental		\$35.00	
Minimum Bill		\$20.00	

“Sec. 12-25. Water Rates for apartments, low rent housing units and hotel/motel.

If the spaces are not separately metered, the operator of an apartment, low rent housing units or hotel/motel shall pay the minimum monthly rate or charge for water as listed below:

<u>METER SIZE</u>	<u>MONTHLY RATE</u>
3/4 & 5/8"	34.19
1"	39.63
1 1/2"	77.70
2"	99.45
3"	175.59
4"	300.67

Each minimum charge includes 1,000 gallons of water. Each thousand gallons of water used in excess of the first thousand gallons will be billed at \$3.75 per thousand.

The effective date: The subject rates are to become effective in October 2022, and will be reflected in the customer's bill beginning November 1, 2022.

PASSED, ADOPTED AND APPROVED this the 12th day of September, 2022.



BRAD HYMAN – MAYOR

ATTEST:



KATHY LOVIER – CITY SECRETARY

ORDINANCE NO. 2021-07

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, AMENDING SECTION 12-47 (b), WHICH CHANGES THE SEWER RATES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS:

The sewer rates prescribed by Section 12-47 (b) of the Code of Ordinances of the City of Mount Vernon, Texas are amended and shall hereafter read as follows:

“Sec. 12-47. Schedule of Wastewater Charges

(b) Wastewater rates (Inside City):

Residential:

Minimum Charge	\$26.00
1,000 to 8,000 gallons (per 1,000)	\$ 4.00
9,000 to 20,000 gallons (per 1,000)	\$ 4.05
21,000 to 40,000 gallons (per 1,000)	\$ 4.10
41,000 gallons and over (per 1,000)	\$ 4.15

Business/Commercial/Industrial:

Minimum Charge	\$28.00
1,000 to 8,000 gallons (per 1,000)	\$ 4.00
9,000 to 20,000 gallons (per 1,000)	\$ 4.05
21,000 to 40,000 gallons (per 1,000)	\$ 4.10
41,000 gallons and over (per 1,000)	\$ 4.15

Apartments/Low Rent Housing/Hotel/Motel:

Minimum Charge on Meter Size	
¾ and 5/8 inch	\$37.41
1 inch	45.51
1 ½ inch	86.03
2 inch	117.45
3 inch	215.69
4 inch	375.75
Volumetric Rate per 1,000 gallons	
1,000 to 8,000 gallons (per 1,000)	\$ 4.00
9,000 to 20,000 gallons (per 1,000)	\$ 4.05
21,000 to 40,000 gallons (per 1,000)	\$ 4.10
41,000 gallons and over (per 1,000)	\$ 4.15

Wastewater rates (Outside City):

Residential:

Minimum Charge	\$38.00
1,000 to 8,000 gallons (per 1,000)	\$ 5.00
9,000 to 20,000 gallons (per 1,000)	\$ 5.05
21,000 to 40,000 gallons (per 1,000)	\$ 5.10
41,000 gallons and over (per 1,000)	\$ 5.15

Business/Commercial/Industrial:

Minimum Charge	\$40.00
1,000 to 8,000 gallons (per 1,000)	\$ 5.00
9,000 to 20,000 gallons (per 1,000)	\$ 5.05
21,000 to 40,000 gallons (per 1,000)	\$ 5.10
41,000 gallons and over (per 1,000)	\$ 5.15

Effective date: The subject rates are to become effective in September 2021, and will be reflected in the customer’s bill beginning October 1, 2021.

PASSED, ADOPTED AND APPROVED this the 16th day of August, 2021.



 BRAD HYMAN – MAYOR

ATTEST:



 KATHY LOVIER – CITY SECRETARY

APPENDIX E

Water Conservation and Drought Contingency Plan Ordinance

APPENDIX F
Ordinance Regarding Plumbing Code

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF MOUNT VERNON AMENDING CHAPTER 5, ARTICLE VI PLUMBING SEC. 5-80, AND ADOPTING THE INTERNATIONAL PLUMBING CODE, 2018.

An ordinance of the City of Mount Vernon adopting the 2018 edition of the International Plumbing Code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Mount Vernon; providing for the issuance of permits and collection of fees.

The Council of the City of Mount Vernon does ordain as follows:

Section 1. That a certain document, a copy of which is on file in the office of the City Secretary of the city of Mount Vernon, being marked and designated as the International Plumbing Code, 2018 edition, including all Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Mount Vernon, in the State of Texas for regulating and governing providing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems are herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City of Mount Vernon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Section 2. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. That nothing in this ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect May 8, 2023 from and after the date of its final passage and adoption.

PASSED, APPROVED AND ADOPTED this the 8th day of May, 2023.



Brad Hyman — Mayor

ATTEST:


Kathy Lovier — City Secretary

APPENDIX G
Coordination with Regional Water Planning Groups
And
Other Governmental Agencies

May 1, 2024

Region D Water Planning Group
Riverbend Water Resources District
228 Texas Avenue, Suite A
New Boston, TX 75570

via email

**Re: Water Conservation Plan (2024) Update
KSA Project No. MTV.078**

To Whom It May Concern:

Enclosed please find a copy of the 2024 Water Conservation and Drought Contingency Plan DRAFT for the City of Mount Vernon. I am submitting a copy of this plan to the Regional Water Planning Group in accordance with the TWDB and TCEQ rules. Notification of plan adoption ordinance will be sent at a later date.

The plan will also be sent to TCEQ and uploaded to the TWDB portal, as required.

If you have any questions or need further information, please do not hesitate to contact me.

Respectfully,

**KSA Engineers, Inc.
TBPE Firm Registration No. F-1356**



Blake Powell, P.E.
Project Manager

May 1, 2024

Texas Commission for Environmental Quality
Attn: Resource Protection Team (MC-160)
P.O. Box 13087
Austin, TX 78711-3087

via email

**Re: City of Mount Vernon
5-Year Update Water Conservation Plan and Drought Contingency Plan (2024) Update
PWS ID No. TX0800001
KSA Project No. MTV.078**

To whom it may concern,

Enclosed, please find a copy of the 2024 Water Conservation and Drought Contingency Plan as required by the TCEQ and TWDB for the City of Mount Vernon, Texas. Included in this package is the DRAFT Conservation Plan, Drought Plan, and supporting documentation.

Once the Ordinances has been adopted by the City of Mount Vernon, I will forward that document to you for inclusion in the Plan.

If you have any comments regarding the enclosed Conservation Plan for the City of Mount Vernon, Please contact me at 903-236-7700 ext. 1103.

Respectfully,

KSA Engineers, Inc.
TBPE Firm Registration No. F-1356



Blake Powell, P.E.
Project Manager

May 1, 2024

Texas Water Development Board
Attn: Water Conservation Plan Team
PO Box 13231
Austin, TX 78711-3231

via email

**Re: City of Mount Vernon
5-Year Update Water Conservation Plan and Drought Contingency Plan (2024) Update
PWS ID No.
KSA Project No. MTV.078**

To Whom It May Concern,

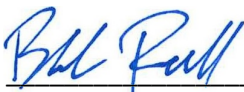
Enclosed, please find a copy of the 2024 Water Conservation and Drought Contingency Plan as required by the TCEQ and TWDB for the City of Mount Vernon, Texas. Included in this package is the DRAFT Conservation Plan, Drought Plan, and supporting documentation.

Once the Ordinances has been adopted by the City of Mount Vernon, I will forward that document to you for inclusion in the Plan.

If you have any comments regarding the enclosed Conservation Plan for the City of Mount Vernon, Please contact me at 903-236-7700 ext. 1103.

Respectfully,

**KSA Engineers, Inc.
TBPE Firm Registration No. F-1356**



Blake Powell, P.E.
Project Manager

APPENDIX H
CCN Map

APPENDIX I

TCEQ Water Conservation Plan Rules (30 TAC 288.2)

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER A	WATER CONSERVATION PLANS
RULE §288.2	Water Conservation Plans for Municipal Uses by Public Water Suppliers

(a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

- (1) Minimum requirements. All water conservation plans for municipal uses by public water suppliers must include the following elements:
- (A) a utility profile in accordance with the Texas Water Use Methodology, including, but not limited to, information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data;
 - (B) a record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses (i) - (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) - (vi) of this subparagraph:
 - (i) residential;
 - (I) single family;
 - (II) multi-family;
 - (ii) commercial;
 - (iii) institutional;
 - (iv) industrial;
 - (v) agricultural; and,
 - (vi) wholesale.
 - (C) specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD. The goals established by a public water supplier under this subparagraph are not enforceable;
 - (D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
 - (E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
 - (F) measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);
 - (G) a program of continuing public education and information regarding water conservation;
 - (H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

- (I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and
 - (J) a means of implementation and enforcement which shall be evidenced by:
 - (i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and
 - (ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and
 - (K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.
- (2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:
- (A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system;
 - (B) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.
- (3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:
- (A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
 - (B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
 - (C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
 - (D) reuse and/or recycling of wastewater and/or graywater;
 - (E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;
 - (F) a program and/or ordinance(s) for landscape water management;
 - (G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and
 - (H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan every five years to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective December 6, 2012, 37 TexReg 9515

APPENDIX J
TCEQ Drought Contingency Plan Rules (30 TAC 288.20)

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

- (i) reduction in available water supply up to a repeat of the drought of record;
- (ii) water production or distribution system limitations;
- (iii) supply source contamination; or
- (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX K

Texas Water Code Water Allocation (TWC Section 11.039)

TEXAS WATER CODE

TITLE 2. WATER ADMINISTRATION

SUBTITLE B. WATER RIGHTS

CHAPTER 11. WATER RIGHTS

SUBCHAPTER A. GENERAL PROVISIONS

Section 11.039

Sec. 11.039. DISTRIBUTION OF WATER DURING SHORTAGE. (a) If a shortage of water in a water supply NOT covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, Sec. 1, eff. Sept. 1, 1977; Acts 2001, 77th Leg., ch. 1126, Sec. 1, eff. June 15, 2001.

PERSONNEL POLICIES

OF THE

CITY OF MOUNT VERNON,

TEXAS

The City of Mount Vernon is glad to have you on the team of public servants that make up the City of Mount Vernon’s government. From elected officials to temporary employees, our job is to serve our fellow neighbors. As a City employee, you have a responsibility to the citizens of the City. How well you do your work and how you conduct yourself on the job are subject to public approval. Your contact with citizens will often be the only basis on which the City’s government is judged. Therefore, our objective is to provide the best possible service to the citizens in an efficient, fair and courteous manner.

This Personnel Policies Manual is intended to provide guidance on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the City, how it works and the policies that govern us as employees.

The personnel policies and procedures of the City of Mount Vernon are adopted by the City council, are subject to regular review and may be updated or changed from time to time.

Each department may have additional policies governing its employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the City-wide policies and procedures, please consult the City Administrators office.

Sincerely,

The Mayor and the City Council of the
City of Mount Vernon

The City of Mount Vernon operates as a General Law City that has adopted the council-mayor form of government under the laws of the State of Texas. The City is governed by the City council, which is composed of five council members and a mayor elected for staggered two-year terms. The mayor is the presiding officer of the City council and may vote only in the event of a tie. The City council acts primarily through the passage of local laws, called ordinances, which establish rules governing the actions of citizens and the work of City employees.

The City established the office of the City Administrator and delegates to the City Administrator the duties and powers necessary for the efficient day-to-day administration of the City's affairs. All City employees and supervisors answer to the City Administrator except those appointed by the council.

The City of Mount Vernon provides services to the public, which include roads and streets; police and fire protection; building inspection; water supply; sewage treatment; City parks and control of stray animals; and any other services authorized by the City council. In addition, City employees are involved in economic development, planning and zoning activities; performing judicial functions in the municipal court; assessing and collecting municipal fees for utility and other City services; and providing staff support and legal advice to the City council and to any other officially appointed citizen groups.

We hope that you, as an employee, will learn as much as you can about all of these services and activities so that you can coordinate your work effectively with that of other City employees and so that you can answer questions from the public.

The City of Mount Vernon operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason not in conflict with state or federal laws. The City will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The City has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the City means the City of Mount Vernon, Texas.

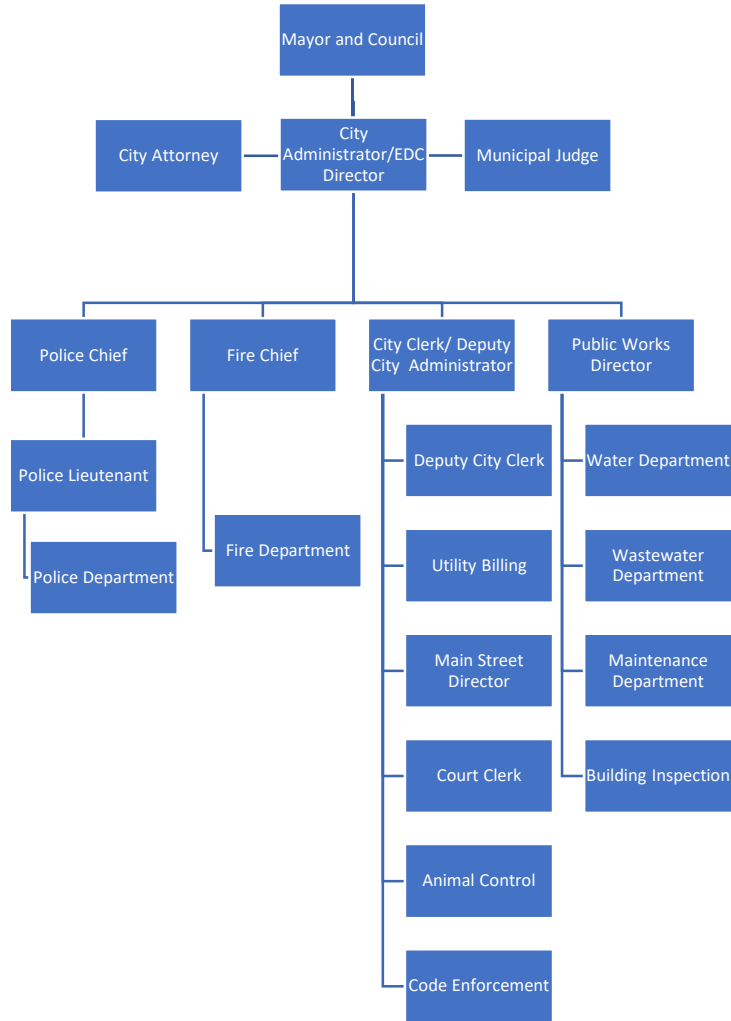


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CITY OF MOUNT VERNON PERSONNEL POLICIES AND PROCEDURES MANUAL

1.00 GENERAL POLICIES

1.01 AUTHORITY

These policies are established by the City council and any deletions, amendments, revisions, or additions to the policies must be approved by the council. These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the City council.

In addition to these personnel policies, department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail. Additionally, departmental rules and regulations must be approved by the City Administrator.

1.02 SEVERABILITY

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

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The City Administrator is ultimately responsible for the administration of the personnel policies and procedures. The City Administrator is responsible for the day-to-day administration of these policies and procedures.

With the exception of matters of appointments and any other personnel actions reserved to the City council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the City council. The City council appoints and may remove the City Administrator, City attorney, municipal judge, police chief, City health officer and City Clerk. Department directors, referred to in these policies as department heads, are appointed by the City Administrator with the consent of the mayor and City council.

1.04 PURPOSE OF PERSONNEL POLICIES

These policies set forth the primary rules governing employment with the City. The policies contained here inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable and effective practices by both employees and supervisors which will result in high quality public service to the citizens of the City.

1.05 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted. The following are not employees covered by the terms of these policies: City attorney, municipal judge, (unless he or she is an employee of the City), City health officer and incarcerated persons performing community service work for the City in lieu of jail time.

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

1.06 DISSEMINATION OF PERSONNEL POLICIES

The City Administrator maintains the official set of the personnel policies, with all revisions, for reference by employees and is responsible for providing a complete copy of this manual and copies of all subsequent revisions or policy changes to each employee. If a question arises about a particular policy, the official set of policies in the City Administrator's office should be consulted and will control.

The City Clerk maintains the official set of the personnel policies, with all revisions, for reference by employees and is responsible for providing a complete copy of this manual and copies of all subsequent revisions or policy changes to each employee. If a question arises about a particular policy, the official set of policies in the City Clerks' office should be consulted and will control.

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

1.07 AT WILL EMPLOYMENT

The City of Mount Vernon operates under the legal doctrine of "employment-at-will" and, within the requirements of state and federal laws regarding employment; the City may dismiss an employee at any time, with or without notice, for any reason.

Texas law allows the City to maintain this "at will" employment relationship with its employees. This means that either the employee or the City can decide that the employee will leave the job without either party having to give a reason. State and federal law does require that the City not act in a discriminatory or retaliatory way in dismissing an employee.

1.08 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Mount Vernon to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, sex, religion, color, disability, or national origin.

An employee will not engage in conduct at work that involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated and disciplinary action will be taken, if appropriate.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.A. Government Code, Sec. 461; V.T.C.A. Labor Code, Chapters 21-22; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; V.T.C.A. Health and Safety Code, Chapters 592.)

1.09 AFFIRMATIVE ACTION

The City of Mount Vernon will take affirmative action to see that applicants are employed and employees are treated during their employment, without discrimination based on race, color, disability, religion, sex, national origin, age, or political affiliation or belief. In addition, the City will seek actively to include qualified members of minority, disabled and Vietnam-era veteran groups in applicant pools. (Legal reference: U.S. Executive Order 11246; U.S. Rehabilitation Act of 1973, Section 503; U.S. Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 2012, codified as Title 38, U.S.C. Chapter 42, Sections 2011, et seq.)

1.10 SEXUAL HARASSMENT

It is the policy of the City to provide and maintain a work environment which is free of sexual harassment, sexual exploitation and intimidation. The City of Mount Vernon has a "zero tolerance" policy regarding sexual harassment; sexual harassment will not be tolerated by the City. All employees are expected to comply with

this policy; failure to do so will result in disciplinary action up to and including discharge. A copy of the City's sexual harassment policy will be posted at all City facility locations.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

It is illegal and against City policy for any worker – male or female – to harass another worker or create a hostile working environment by committing or encouraging:

1. Physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults
2. Intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body
3. Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of an employee who has indicated that such conduct is unwelcome; and
4. Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. The City will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

If an employee is either subjected to or witnesses' sexual harassment, he or she should immediately notify his or her immediate supervisor or the director of finance. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's supervisor or to the City Administrator.

The City's grievance procedure (see Grievances) provides procedures for reporting alleged sexual harassment. The City will investigate such reports immediately. Supervisors should not disregard any complaint of sexual harassment. As soon as an employee reports an incident to you, you are responsible for reporting it to the City Administrator (even if the employee does not want you to say or do anything about it). The City Administrator will:

1. Get both sides of the story. The person accused of discrimination or sexual harassment will be advised of the allegations and given the chance to respond.
2. Keep records of the investigation. Documentation must be kept of all phases of the investigation, from the initial complaint to any written warning or action taken.
3. Attempt to resolve the complaint. The City Administrator will present findings and recommendations to the appropriate parties.
4. Maintain confidentiality and privacy to the extent possible. All aspects of the investigation are confidential. Once the supervisor has contacted the City Administrator, any discussion regarding this issue should be limited to those directly involved in the investigation.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

To emphasize the importance of this policy and ensure every employee's understanding, the City requires each employee to sign a statement acknowledging receipt and understanding of this policy. The signed acknowledgement is kept in the employee's personnel file.

(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)

1.11 PERSONS WITH DISABILITIES

It is the policy of the City to make its employment application process, employee activities, working environment, employee benefits, employee training and employee advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee, unless that accommodation will place an undue hardship on City finances or operations.

In this section, a person with a disability is defined as a person who:

1. Is presently disabled
2. Has been disabled in the past; or
3. Is perceived to be disabled

It is also illegal and against City policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

The Americans with Disabilities Act (ADA) defines disability as:

1. A physical or mental impairment which substantially limits one or more of a person's major life activities
2. A record of such an impairment; or
3. Being regarded as having such an impairment

Conditions that are medically correctable, such that they do not substantially limit a major life function, may be found not to be a disability.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination.

(Legal Reference: U.S. Americans with Disabilities Act of 1990.)

1.12 LACTATING/BREASTFEEDING POLICY

Accommodations will be made for lactating mothers for up to one year after the child's birth. An employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The City will designate a room for this purpose. The space will have a door that can be locked. Nursing mothers will arrange times for usage of said space through their department head. Any breast milk stored in a communal refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

City employees who work offsite or in other locations will be accommodated with a private area as necessary. Breaks of more than 20 minutes in length will be unpaid and the employee should indicate this break period on her time record.

1.13 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the City council. In addition, the City Administrator and City attorney may conduct a review of the policies contained in this manual and submit any necessary or recommended changes to the City council for approval.

Employees are encouraged to make constructive suggestions for improvements to these policies or to work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to his or her supervisor for consideration. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Department heads and employees are provided copies of changes to these personnel policies by the City Clerk as soon as practicable.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL EMPLOYEE RESPONSIBILITIES

The City is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct and to do their part in maintaining good relationships with the public, their supervisors, City officials and their fellow employees.

2.02 PROFESSIONAL APPEARANCE

Employees of the City are hired to provide services to the City's citizens and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the City does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the City's work force. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

2.03 UNIFORMS

In most departments, all employees are required to wear uniforms, which are furnished by the City.

The City has provided uniforms for all field maintenance personnel. Each employee will be uniformed in a standard manner for that particular department and must be dressed in uniform before reporting for work each day. In all cases, employees must keep their uniforms neat and clean.

2.04 TIMELINESS

Employees are to be punctual in reporting for work, keeping appointments and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor within 15 minutes after the time he or she is expected to begin work, as a general rule, unless emergency conditions exist. Advance notification requirements may vary from department to department, depending upon the nature of the work and the need to secure substitute employees to carry on critical City functions.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, the supervisor may approve longer reporting intervals. Frequent tardiness or unexcused absence is not permissible and will result in disciplinary action up to and including termination.

In cases where an absence is known in advance, the employee must receive written approval from his or her department head at least 24 hours in advance of the anticipated leave. See the Leave Time section, (Section 8) of these policies for matters involving planned absences.

2.05 OUTSIDE ACTIVITIES

To protect the City from potential liabilities, employees may not engage in any outside employment, or enterprise determined by the City Administrator (1) to be inconsistent or incompatible with employment with the City; or (2) to affect the employee's job performance adversely. Examples of outside activities that may

conflict with City employment include construction or installation that may be inspected or regulated by the employee's City department, employment by a major contractor of the City, or employment that results in fatigue while on City duty.

In order to avoid conflicts of interest and potential liability on the part of the City, an employee must have the advance written approval of his or her department head to engage in any outside employment, including self-employment. The written approval of both the direct supervisor and the City Administrator is required. In addition, when an employee's approved outside employment ceases, the employee must notify his or her department head, who must in turn notify the City Administrator.

If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee may not file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Administrator may have determined that the outside employment satisfied the City's prerequisites.

The City accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a City employee.

2.06 GIFTS AND GRATUITIES

A City officer or employee may not accept any gift or free services from contractors, vendors, or other persons that might tend to influence his or her official actions or impair his or her independence or judgment in performance of duties for the City. In addition, the City expects an employee or officer to refuse any gift, food, entertainment, honoraria, transportation, or lodging that might appear to or tend to affect his or her official actions. The City further expects employees to refuse any gift, food, entertainment, honoraria, transportation, or lodging that exceeds the \$50 limitation on gifts and benefits prescribed by the Texas Penal Code and in accordance with Texas Local Government Code.

2.07 CONFLICT OF INTEREST

An employee of the City shall neither have financial interests, direct or indirect, in any contract with the City, nor be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service.

An officer or employee of the City may not:

Solicit or accept or agree to accept a financial benefit, other than from the City, which might reasonably tend to influence his or her performance of duties for the City or that he or she knows or should know is offered with intent to influence the employee's performance

Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties

Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the City

Make any personal investment that might reasonably be expected to create a substantial conflict between the officer's or employee's private interest and duties for the City; or

Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee in favor of that person.

(Legal reference: V.T.C.A., Local Government Code, Chapter 171; V.T.C.A. Penal Code, Chapter 36).

2.08 POLITICAL ACTIVITY

Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A City employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; or
3. Be a candidate for election to the City of Mount Vernon City Council.

In addition, any City employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. (A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected.) City employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

All City employees are prohibited from participating in any way in any political activity while on duty or while wearing a City uniform.

In addition, no City owned property, vehicle, building and/or office used exclusively for conducting the City's business may be used for conducting any political activity, except for the conduct of official elections. This paragraph shall not in any way limit an employee's right as a citizen to address the City council.

An employee's political activity, not in violation of this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee. Likewise, no employee will be disciplined, terminated, or deprived of his or her employment rights for refusing to participate in such activities.

(Legal reference: V.T.C.A., Penal Code, Sec 36.03; U.S. Hatch Act of 1940, as amended.)

2.09 COMMUNICATION

Matters that involve City policy, operations and organization are brought before the City council by the City Administrator, or by a person designated to do so by the City Administrator.

An employee may request that a matter be considered by the City council by submitting the item in writing to his or her department head who will forward the communication to the City Administrator. Final decisions as to what is to be brought forward to the council from the staff are determined by the City Administrator.

Communication with the public and the media about City issues or problems is the responsibility of the City council and the City Administrator. Employees are to refer the public and the media to the City Administrator if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

Employees may, from time to time, be given directions from persons other than their immediate supervisor. In such cases, other than emergency situations, the department head desiring to utilize an employee from another department must notify the employee's department head about the directive, its purpose and the relevant facts of the situation and the employee's department head must authorize the work. Failure to do so in a timely manner may result in disciplinary action.

Except for the purpose of inquiries and investigations specifically authorized under the City ordinance, the council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Administrator solely through the manager. Neither the council nor any of its members

shall give directions or orders to any City officer or employee, either publicly or privately, unless specifically authorized in City ordinance. Employee contact with members of the City council is limited during working hours to that authorized by the employee's supervisor. However, this shall in no way limit an employee's rights as a citizen to contact a member of the City council during non-working hours.

2.10 CHAIN OF COMMAND

Individual City employees are responsible to the department head or City Administrator or to a supervisor designated by the department head or City Administrator. Department heads are responsible to the City Administrator. The City Administrator is responsible to the City council as a whole. Directions regarding work to be done, expected results and the adequacy of work performance will follow the chain of command. In the absence of the City Administrator, the City Clerk will assume responsibilities until his/her return. If both are unavailable, the Deputy City Clerk will assume those duties until the City Administrator or City Clerk returns.

2.11 SOLICITATION OF FUNDS FOR CITY PROJECTS

At times, projects may be undertaken whereby funds are solicited from private citizens, businesses and organizations on behalf of the City. Before any solicitation of funds begins, the department head must notify and receive the approval of the City council. Participation on the part of any City employee in a fund-raising effort on behalf of the City is strictly voluntary.

2.12 EMPLOYEE FUNDRAISING

City employees are free to engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's non-working hours. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a City employee or wear a City uniform when engaged in non-City -sponsored fundraising.

2.13 SMOKING

Smoking/Vaping is prohibited in any building or vehicle owned or leased by the City of Mount Vernon.

2.14 USE OF ELECTRONIC DEVICES

City telephones, including mobile and cellular telephones, pagers and fax machines, are to be used for City business. There is no expectation of privacy for an employee using these systems.

Occasional use of local telephone service for personal communications is permissible if the length and number of such communications are kept to a minimum and if there is no charge to the City for a metered service.

Long Distance. City employees may not place personal long-distance telephone calls on City telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account. A call to notify family of City requirements to work unscheduled overtime is a City business call. If an emergency long distance call is made on a City telephone, the employee must reimburse the City for the call.

Personal Use. Cellular telephones or pagers are furnished to certain employees in connection with their job duties. Employees need to limit personal use of their City cellular telephones and pagers in the same way they need to limit use of their City office telephones. Employees who have excessive cellular or pager usage for personal calls will be subject to disciplinary action, up to and including termination.

Use of City communications systems, including telephones and fax machines, for sending or receiving offensive or harassing statements, sexually oriented materials, illegal transactions, or private business transactions is prohibited.

2.15 USE OF CITY COMPUTERS, INTERNET ACCESS AND ELECTRONIC MAIL

City computer systems, including Internet access and electronic mail systems are to be used for City business. Occasional use of electronic mail for personal communications is permissible if the length and number of such

communications are kept to a minimum. However, because all computer systems are City property, there is **no expectation of privacy** for an employee using these systems.

Unacceptable Uses of the Internet and City E-Mail. City e-mail systems and Internet access may not be used for transmitting, retrieving, or storing any communications, images, or other content of a discriminatory or harassing nature or any materials that are obscene, nude or personal photographs or X-rated pictures or photographs. Harassment of any kind is prohibited. (See Policy on **Sexual Harassment**). No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual orientation may be transmitted or forwarded using the City system. No abusive, profane, or offensive language may be transmitted through the City's e-mail or Internet system. The City's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored, or sent from or on the City's e-mail or Internet system or computers.

The City e-mail and Internet system may not be used for any purpose that is illegal, against City policy, or contrary to the City's best interest. Solicitation of non-City business or any use of the City e-mail or Internet system for personal gain is prohibited.

City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message.

Rules for Electronic Communication. Each employee is responsible for the content of all text, audio, or images that he or she accesses, places, or sends over the City's e-mail or Internet system (including bulletin boards, online services, or Internet sites). Employees must include their name in all messages communicated on the City's e-mail or Internet system.

If any employee receives unsolicited e-mail from outside the City that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately.

System Security. The City reserves the right to routinely monitor how employees use e-mail and the Internet. The City may monitor to measure cost analysis/allocation and the management of the City's gateway to the Internet. All messages created, sent or received over the City's e-mail or Internet system are the City's property and should **not** be considered private information.

Violations. Any employee who violates these rules or otherwise abuses the privilege of the City's e-mail or Internet system will be subject to disciplinary action up to and including termination. If necessary, the City also reserves the right to advise appropriate officials of any illegal activities.

2.16 PURCHASING

Purchases by City employees will be made only as authorized by the City Administrator and must be made in accordance with the approved annual budget and state purchasing laws as they apply to cities. All purchases must be accompanied by a receipt. Department heads must approve, by way of their signature on invoices or receipts, all purchases as it applies to the Budget. All receipts for said purchases need to be turned into accounts payable within five working days. Any missing receipts will require an affidavit of missing receipt to be filled out and remitted in place of said receipt. The City of Mt Vernon will issue credit cards to certain employees for the use of their job. Credit card purchases can be made for equipment, materials, conference/training registration, hotel registration, meals and other purposes deemed necessary by the Department Head or City Administrator. Each person issued a City of Mt. Vernon credit card must read and acknowledge the policy. Each person who makes a purchase should ensure or verify that tax exemption status has been established with the particular vendor or retailer before any purchase is made.

STATEMENT OF GENERAL POLICY

It is the policy of the City of Mount Vernon that all purchasing shall be conducted strictly on the basis of economic and business merit, while meeting all legal requirements. This policy is intended to promote the best interest of the citizens of the City of Mount Vernon, Texas.

It is important to remember that City purchasing operates in full view of the public. In order to assure an open purchasing process and economy in purchasing, the Mount Vernon City Council has determined that competitive bidding will be used as much as possible in the purchase of goods and services for the City.

CITY OF MOUNT VERNON PURCHASING POLICY
GOVERNING AUTHORITY

The primary governing authority for the City of Mount Vernon’s Purchasing Policy shall be the Local Government Code Chapter 252, “Purchasing and Contracting Authority of Municipalities.” All procurement activity shall be governed by this Purchasing Policy, in accordance with applicable state and local government codes. The Mayor and Council may from time to time review the Purchasing Policy and any changes made to the Policy shall be recorded and updated.

All powers of the City rest in the City Council. Authority for purchasing of goods and services is delegated to the City Administrator provided the purchase does not exceed \$50,000. The City Administrator’s authority may be delegated to other staff, subject to the requirements of this policy and adopted purchasing procedures. To ensure proper oversight, all purchases and requisitions ~~in excess of \$10,000~~ will be reported to the Council monthly. The report will include the vendor, purpose, amount and source of funds for the expenditure.

For specific requirements and guidelines, employees should refer to the Purchasing Policy.

2.17 FIREARMS PROHIBITION

An employee who is not a license holder is prohibited from carrying a firearm of any kind on City property. In addition to the above, no employee may carry a firearm, or any weapon, in violation of the Texas Penal Code. For the purposes of this section, “License holder” has the meaning assigned by Texas Penal Code Section 46.035(f), as amended.

2.18 SOCIAL MEDIA POLICY

Given the multitude of concerns (legal, political and ethical) raised by social networking, this Social Media Policy establishes prudent and acceptable practices regarding City officials and employees use of the internet.

Purpose

The City has a legitimate government interest in effective, efficient and consistent communications with the public. The City also strives to have a productive workplace. Certain activities on the part of its personnel may become a problem if such activities could:

1. Impair the work of any City Official or employee; create a harassing, demeaning, or hostile work environments; or
2. Disrupt the smooth and orderly flow of work; or harm the goodwill and reputation of the City among its citizens or in the community.

For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, while both on and off duty.

Disclaimer

1. Under this Policy, the representatives of the City for social media are the City Administrator, City Clerk, EDC Director and Public Works Director.
2. Under this Policy, the City disavows and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the City Administrator.

3. If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the City Administrator, the City is not responsible for said posted content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff and such action may be grounds for disciplinary action.
4. The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy. If any City personnel is uncertain, he/she must consult their supervisor before proceeding.

General Guidelines

1. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities shall never interfere with work commitments.
2. It shall be a Policy, violation for any City personnel to post online content as a representative of the City, or on the City's behalf without the City Administrator's prior approval.
3. All City personnel posting City-related issues online, but not as an approved representative of the City or on the City's behalf, shall explicitly clarify they are speaking for themselves and not on behalf of the City by displaying the following disclaimer: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."

Guidelines for Official City Sites

1. All City-sanctioned social media sites shall be the purview of the City Administrator. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Administrator or their designee, before it is posted.
2. All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state and local laws, regulations and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored and retrieved to comply with these laws.
3. Any personnel that posts online content as a representative of the City, or on the City's behalf shall clearly state within said post that said content is subject to all applicable records retention and public disclosure laws. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.
4. Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following is prohibited:
 - a. Comments not topically related to the particular site or blog article being commented upon;
 - b. Profane language or content;
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability;
 - d. Sexual content or links to sexual content;
 - e. Conduct or encouragement of illegal activity;
 - f. Information that may tend to compromise the safety or security of the public or public systems;
 - g. Content that violates a legal ownership interest of any other party;
 - h. Information that is incorrect or misleading;
 - i. Information that is in conflict with an approved City policy, ordinance, directive, or plan; and/or
 - j. (10) Anything else that creates a disruption in the workplace.
5. Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Administrator because it violates criteria in the preceding item (Item 4, immediately above) of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason for which specific content is deemed unsuitable for posting.
6. Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: "The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto."
7. Personnel found in violation of this Policy may be subject to disciplinary action, up to and including

8. Termination of employment
9. Any content posted as representative of the City, or content posted to a City -sanctioned social media site is owned by the City and is subject to the Public Information Act and the record retention schedule.

2.19 COMPLAINTS PROCEDURE

The City of Mount Vernon recognizes that its Council, Boards, Commissions, Committees, staff and others serve the public and that is the goal of all of Mount Vernon's employees, Council members, Board, Commission and Committee members, volunteers and others serving Mount Vernon citizens. However, even with the best efforts, at times complaints may be filed by citizens or others and it is the desire of the City of Mount Vernon to address and resolve all legitimate complaints.

The Office of the City Clerk will accept any complaints that a citizen or member of the public wishes to file. If a citizen or member of the public refuses to put the complaint in writing, the City Clerk may provide a response if such a response is readily available. If not, the City Clerk may, at his/her discretion, write down the complaint and send it through appropriate channels as set out below.

The City Clerk will provide a form that the complainant may use, however, use-of the form is not required.

Citizen complaints about staff related matters

A complaint about staff or matters which may be resolved by staff (failure to pick up trash, potholes, etc.) will be sent to the appropriate department for resolution. The department will furnish the City Clerk with a short written response as to the resolution of the matter if requested for filing.

Citizen complaints about a member or members of Board, Commission, Committee or similar bodies

A complaint about a member of a Board, Commission, Committee or similar body (hereafter referred to as "committee") will be resolved by forwarding the complaint to the appropriate committee member for a response. A copy or summary of the complaint and response will be provided to Council members.

Citizen complaints about Council members

A complaint about a member of the Council will be resolved by forwarding the complaint to the appropriate Council member for a response. A copy or summary of the complaint and response will be provided to the other Council members.

Legal Questions

If the complaint appears to contain a legal question or information which would be inappropriate to share with others, the City Clerk may contact the Town Attorney for guidance. This procedure does not require the dissemination of information which cannot be released under state or federal law.

3.00 EMPLOYMENT PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION

The City has several methods of recruiting and selecting persons to fill vacancies:

1. Promotion from within; or
2. Transfer from within; or
3. Public announcement (including media announcement and posting of notice for City employees) and competitive consideration of applications for employment; or
4. Referral from a job training program; or
5. Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 60 days.)

The City Administrator determines the method of selection to be used in filling each vacancy. However, the City council must have approved funding for a position before recruitment begins.

3.02 PUBLIC ANNOUNCEMENTS

When public announcements of position openings at the City are used and competitive consideration will be given, the announcements are disseminated by the City Administrator in the manner most appropriate for the particular position being filled, as determined by the City Administrator. Department heads wanting to fill job vacancies within their departments must submit relevant information about the position to the City Administrator, who ensures that job opening announcements are made public through publication in the local newspaper and posting on the City bulletin board at City Hall.

Current employees may apply for positions for which they believe themselves to be qualified. If selected for the position for which he or she applied, a City employee can transfer to another City position, without loss of pay provided that his or her current pay is within the limits set by the City council for the transfer position. The length of time during which applications will be accepted will be determined by the City Administrator or his or her designee in accordance with the circumstances that exist at the time.

3.03 QUALIFICATIONS

The City maintains a job (class) description, which establishes the required knowledge, skills and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.

3.04 SELECTION

In accordance with this policy, the City council appoints and may remove the City Administrator, City attorney, municipal court judge and City Clerk. The City Administrator has exclusive authority to appoint the department heads and handle the day-to-day operations of the City. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any City employee. However, the council or its members may express freely to the City Administrator their views and opinions on such matters. Vacancies of the City staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the best qualified persons are made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience and ability to perform the specific job.

3.05 RESIDENCY REQUIREMENT/RESPONSE TIME

The City Administrator and Chief of Police or his or her designee shall reside within a (30) minute drive during the tenure of his or her office, unless otherwise authorized by the City council. Additionally, employees who are designated in “on call” status must be able to respond quickly and to arrive at the City designated response site within 30 minutes of receiving the page or call.

3.06 AGE REQUIREMENTS

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective City employee under the age of 18 must have written permission and age verification (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the City's payroll office prior to the first day of employment.

Other age limitations will be applied only as may be specifically required by state or federal law.

(Legal reference: Child Labor Regulations, Subpart C, issued pursuant to authority conferred by Section 3 (1) of the U.S. Fair Labor Standards Act of 1938, as amended; V.T.C.A. Labor Code, Chapter 51; U.S. Age Discrimination in Employment Act of 1967, as amended.)

3.07 APPLICATION FOR EMPLOYMENT

When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official application form. Each person desiring employment with the City may obtain an application for employment from City Hall during regular business hours or from the City's website.

The City will make appropriate inquiries to verify the education, experience, character and required certificates and skills of an applicant prior to extending an offer of employment. In the case for applicants for positions with the City which require driving a vehicle, the City must check the prospective employee's driving record prior to offering the applicant employment with the City.

The City does not accept applications for employment unless a specific job opening exists. Department heads should notify the City Administrator when an opening is available.

3.08 EMPLOYMENT OF RELATIVES (NEPOTISM)

Nepotism is the showing of favoritism toward a relative. The City forbids the practice of nepotism in hiring personnel or awarding contracts.

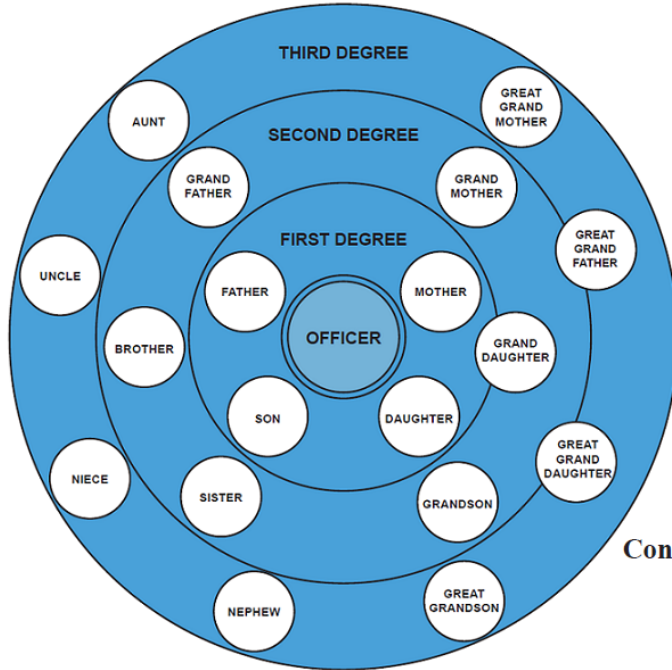
A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City council or to the City Administrator may not be hired. A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee had been continuously employed by the City for a period of:

1. At least 30 days, if the officer or member is appointed; or
2. At least six months, if the officer or member is elected at an election other than the general election for state and county officers.

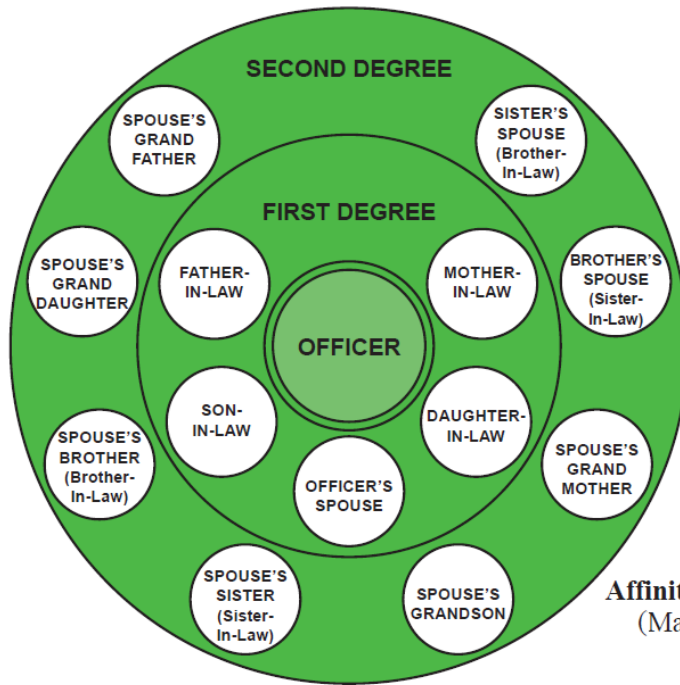
(Legal reference: V.T.C.S. Article 5996a, as amended.)

In addition, no personnel action (hiring, demotion, promotion, transfer) will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee. Prohibited degrees of relationship are defined in Figures 1 and 2 of the Nepotism Charts.

NEPOTISM CHARTS



Consanguinity Kinship
(Blood)



Affinity Kinship
(Marriage)

* Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition. (Legal Reference: V.T.C.S., Article 5996h.)

3.09 TESTING

Except for drug/alcohol tests, physical examinations, psychological tests for law enforcement officers and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related (“piece-of-the-job”) tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.).

3.10 DRUG TESTING

All prospective employees for any regular, full-time position in the City are required to be tested by a licensed physician and declared in writing by the physician to show no trace of drug dependency or illegal drug usage. All prospective employees are required to pass a drug test after a conditional offer of employment has been extended, but prior to their first day of work. The offer of employment is contingent upon the prospective employee passing a drug/alcohol test. After employment, any employee may be required to submit to a test for drug dependency or illegal drug use. For more information on drug testing or drug usage, see the chapter of these policies on **Drug and Alcohol Abuse**. (Section 11)

3.11 PHYSICAL STANDARDS

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons employees are required to pass a drug test and a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the City payroll prior to passing these exams. Back X-rays are required for persons who will perform strenuous physical activity. The required physical examinations will be performed by a physician of the City's choice and will be paid for by the City.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

In addition, prospective new employees for active or reserve police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City.

3.12 MEDICAL RECORDS

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a “need to know” has been clearly established. Only the City Clerk has routine access to employee medical records. (Legal reference: U.S. Americans with Disabilities Act of 1990.) The privacy of individuals’ medical records and information will be protected in all transmittals to and from insurance carriers and health care providers.

3.13 VERIFICATION OF ELIGIBILITY TO WORK

In the event the employee has not provided evidence of eligibility to work, in accordance with the Immigration Reform and Control Act of 1986, within the first three days of employment, the employee will not be allowed to continue working and shall be subject to termination.

3.14 VACCINATIONS

Those employees who work in departments that may come in contact with human waste or sewage will be provided with the option to receive vaccinations based on current Center for Disease Control recommendations. Should an employee choose not to participate, they will be asked to sign a waiver, stating as such.

3.15 DRIVING RECORD

Every City employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The City will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee has maintained a safe driving record.

The City periodically will check the driving records of all City employees and officials who drive City vehicles or are required to drive their personal vehicles to conduct City business. Employees must report any conviction of a traffic law violation to the City Clerk's office, including any charge or conviction that results in the suspension of the employee's driver's license.

3.16 DISQUALIFICATION

An applicant is disqualified from employment by the City if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Knowingly has made a false statement on the application form;
3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position (criminal history) or under investigation of any criminal offense;
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Does not meet the physical requirements as a result of the required physical examination and substance abuse screening; or
7. Has not provided proof of citizenship or legal work status in the United States within three days of employment.

3.17 PRIOR MUNICIPAL SERVICE

Employees entering service with the City who have had prior service with the City or any other City may be considered for appointment above the customary entry salary level. In addition, employees hired or rehired to fill regular full-time positions with the City will receive credit for their prior length of service as regular full-time employees for longevity purposes.

A break in continuous service with the City forfeits vacation and health leave benefits accrued prior to the break. For details pertaining to how a break in service affects retirement benefits, please refer to your Texas Municipal Retirement System "Member Information Guide."

3.18 PLACEMENT ON CITY PAYROLL

New employees must report to the City payroll office before or during their first day of employment to fill out employment forms and be scheduled for new employee orientation. Department heads are responsible for ensuring that a new hire has scheduled an appointment with the City Clerk for completion of such paperwork and orientation before their first day of employment.

3.19 ORIENTATION AND TRAINING

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of the City.

An orientation session also will be provided by the City Clerk, including but not limited to, items on

the Employee Orientation Checklist. During the orientation, employees are given a copy of the **Personnel Policies and Procedures Manual**. Employees are responsible for knowing and following the information contained in the personnel policies and must turn in a signed acknowledgment to this effect to the City Clerk.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision. Additionally, as is possible, department heads will provide new employees with a written policy for the department advising of information that is essential for job performance.

Orientation

1. Explain the form of City Government and where the employee fits into the chain of command;
2. Show the facilities and specific work area (s);
3. Explain the specific job duties that the employee will be expected to perform;
4. Discuss the responsibilities of the new job;
5. Discuss the City's Personnel Policies and Procedures including the Substance Abuse, Sexual Harassment and Employee Conduct and Use of Equipment policies and have the employee sign and acknowledgement form;
6. Explain the relationship of the new employee to other employees;
7. Demonstrate the use of equipment to be used on the job;
8. Explain policies and procedures including motor vehicle record check
9. Supervisors will attest, in writing, that such orientation has been completed.

3.21 PROBATIONARY PERIOD

Employees selected for appointment to a regular budgeted position are considered to be initial probationary employees. The initial probationary period extends for a period two (2) months. With the City Administrator's approval the initial probationary period may be extended a maximum of six (6) months.

Department heads and supervisors will use the probationary period to closely observe and evaluate the employee's work and to encourage adjustment to the job and the City service. The immediate supervisor and/or department head will frequently discuss job performance with each probationary employee so that the probationary employee knows if his/her work is satisfactory.

3.22 STATUS

Initial probationary employees will be eligible for all benefits and conditions of employment. Although probationary employees accrue vacation leave, they are not eligible to take vacation leave until after the probationary period. All personnel procedures, work rules and standards of conduct apply to probationary employees.

3.23 TERMINATION

An initial probationary employee may be terminated without prior notice or reason for termination. A probationary employee has no appeal rights under section 13 of these policies.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT

The City has four categories of employment:

- 1) **Regular Full Time** A regular full-time employee is employed in an authorized regular position that involves, on average, at least 40 work hours per week. Regular full-time employees may be either hourly or salaried and are eligible for the City's benefits package subject to the terms, conditions and limitations of each benefit program.
- 2) **Regular Part Time** A regular part-time employee is employed in an authorized position that, on average, involves fewer than 20 work hours per week. Regular part-time employees may be either hourly or salaried and are eligible only for those benefits that are mandated by law, such as social security and workers' compensation.
- 3) **Temporary Full Time** A temporary full-time employee are those hired for a period of time normally specified in advance and is expected to last one year or less. Temporary full-time employees may be either hourly or salaried employees. Such employees only receive those benefits that are mandated by law, such as social security and workers' compensation.
- 4) **Temporary Part Time** A temporary part time employee are those who work less than 20 hours per week. Hourly employees work on an irregular schedule, as called upon and are paid at an hourly rate. Such employees only receive those benefits that are mandated by law, such as social security and workers' compensation.

The following two designations indicate whether or not an employee is eligible for overtime compensation:

Non-exempt. A non-exempt employee is one whose position is covered under the overtime pay provisions of the Fair Labor Standards Act (FLSA) and will be compensated for overtime as required by law.

Exempt. An exempt employee is considered exempt from overtime pay provisions of the Fair Labor Standards Act (FLSA) and is expected to render necessary and reasonable services beyond 40 hours per week with no additional compensation. Exempt employees' salaries are set with this consideration in mind. City employees who are in exempt positions most often qualify under the executive, administrative, or professional exemptions, as defined below:

1. **Executive.** The executive exemption is for persons whose primary duty is "management" of the business. An employee who has management of a department or a subunit thereof as his or her primary duty and regularly supervises two or more employees, also qualifies for the executive exemption. The Department of Labor regulations define "management" as interviewing, selecting and training employees; planning and assigning work and determining how the work will be done; directing and evaluating the work of other employees; handling complaints and grievances; and disciplining employees.
2. **Administrative.** Administrative employees are "white collar" employees who perform "work of substantial importance to the management of the operation" or the enterprise. An employee whose primary duty is performing office or non-manual work directly related to management policies or general business operations of the City, as opposed to production or direct services and includes work requiring the exercise of discretion and independent judgment, will qualify as an exempt administrative employee.

3. **Professional.** To qualify for the professional exemption, an employee must have as his or her primary duty work requiring knowledge of an advanced type customarily acquired by a prolonged course of specialized intellectual instruction and study. The work must require the consistent exercise of discretion and independent judgment and must be predominantly intellectual and varied in character. Examples of the professional exemption include attorneys, doctors, teachers and registered nurses. In addition, computer programmers, systems analysts and certain other computer employees qualify as professional employees.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY

Pay for City employees is set each year by the City council in the adopted City operating budget. Rules governing salary administration and pay increases are also established by the operating budget approved by the City council.

5.02 PAYDAYS

The payday for the City is every other Friday. The pay period shall commence at 12:00 am on Wednesday and end at 11:59 pm on the second Tuesday thereafter. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

Time sheets must be received by the City Clerk or payroll clerk, no later than 9:00 am on the Wednesday immediately following the end of each completed pay period. A failure to do so may result in said employees not being paid until such time as an off-cycle payroll may be completed. Disciplinary action may also result from such actions.

All paychecks shall be made by direct deposit except in unusual circumstances requiring the issuance of actual paychecks.

5.03 CHECK DELIVERY

Paychecks will be distributed to employees by their immediate supervisors. No salary advances or loans against future salary will be made to any employee for any reason. (Legal reference: Texas Constitution, Article III, Sections 51, 52 and 53.)

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the appropriate department head, who will notify the City Clerk.

5.04 PAYROLL DEDUCTIONS

Except as required by law, any payroll deductions must be approved and authorized by the City Administrator. Deductions will be made from each employee's pay for the following:

1. Federal social security
2. Federal income taxes
3. Medicare
4. Texas Municipal Retirement System contributions (for regular full-time and covered part-time employees)
5. Court-ordered child support
6. Any other deductions required by law

If a terminating City employee fails to return City -owned equipment or property to the City before his or her final paycheck is issued, the value of the property or equipment will be deducted from the final pay, with the balance of the final check to be paid after the employee returns the equipment or property to the City. Each employee is required to sign an authorization for such a deduction at the time City -owned equipment or property is issued to the employee.

In accordance with policies and general procedures approved by the City council, deductions from an employee's pay may be authorized by the employee for:

1. Group health/medical/life insurance for employees and dependents; and
2. Such other deductions as may be authorized by the council.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing and returning to the payroll office the appropriate forms for communicating these changes.

5.05 MERIT INCREASES

A pool of funds may be designated by the City council during the budgetary process for merit increases. The designation may specify a designated maximum amount for each department and the department head may be authorized to approve increases for some (but not all) employees, provided that the total amount of increases is within authorized budget limits. The amount of merit increase will be determined by the level of funds set aside for this purpose and the number of employees receiving qualifying ratings. See the section of these policies on **Employee Performance Evaluation** for more information.

A merit increase is advancement to a higher salary in the same pay group and is granted to recognize good performance in the same position. Normally, if the City council has set aside funds for merit increases, an employee is considered for a merit increase once a year, on the employee's anniversary date. Merit increases are not used to recognize increased duties and responsibilities (a promotion).

Merit increases may be granted on the basis of tenure with the City and meeting the department head's expectations for job performance, until the employee's salary reaches the midpoint of the pay range to which the job is assigned. To be eligible for a possible merit increase once an employee's salary reaches the midpoint of the pay range for the position, an employee must receive an overall performance rating of exceeds expectations or outstanding on the annual performance evaluation. The merit increase would be granted in conjunction with the supervisor's recommendation and a performance evaluation of the employee, the results of which are one factor used in merit pay decisions. A merit increase cannot increase an employee's salary beyond the maximum for the pay group of the position.

There shall be no retroactive merit increases granted. It is the supervisor's responsibility to conduct timely performance evaluations of each employee under his or her supervision. Merit increases are effective at the beginning of the pay period in which the performance evaluation was conducted.

5.06 PROMOTIONS

A promotion is a change in the duty assignment of an employee which results in advancement to a higher paying position requiring higher qualifications and involving greater responsibility. A promoted employee will receive a pay increase of at least the amount of difference from one pay group to the next higher pay group, or of whatever amount is required to place the employee's salary on the entry rate of the new pay group, whichever is higher. Promotions are approved by the City Administrator within the staffing pattern and budget limits approved by the City council.

Employees promoted to a regular position must also successfully complete a probationary period of two (2) months.

Employees may choose to retreat to their former position during the probationary period. If that position is no longer available, they may choose to move to another available position in a different department.

5.07 LATERAL TRANSFERS

A lateral transfer is the movement of an employee between positions at the same level of pay within the City. Lateral transfers may be made within the same department or between departments of the City. An employee will not receive a pay reduction when making a lateral transfer, provided that the employee's current salary is within the range approved by the City council for the transfer position. If a position is reclassified but remains assigned to the same pay group, no pay adjustment will take place.

5.08 DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower paid position with less responsibility. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a result of a reclassification of the employee's position, as a disciplinary measure, or because of unsatisfactory performance in a higher position. A demotion always involves a decrease in pay.

If a position is reclassified downward because of changes in the City's needs and not because of a performance problem on the part of the employee, every attempt will be made to maintain the employee's salary at its prior level. However, if the reclassification is made because of an employee's performance problems, the employee's pay must be adjusted downward by at least the equivalent of a one-step decrease to reflect the revised duties.

5.09 PAY REDUCTION FOR DISCIPLINARY REASONS

An employee's pay for continued problem performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed a total of 90 calendar days and the amount of the pay reduction may be in an amount up to 10%, depending upon the severity of the infraction. Upon completion of the 90-day period, the supervisor will review the employee's performance with the City Administrator and the City attorney and the employee's rate of pay will be returned to the previous rate, or the employee will be discharged. See the chapter of these policies on **Discipline** for information about suspension with or without pay for disciplinary reasons.

5.10 APPROVING AUTHORITY

The City Administrator is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of (1) these policies; (2) the classification and pay plans; or (3) the annual budget.

5.11 LONGEVITY PAY

Longevity pay will be paid at \$100.00 per year, after two (2). The years of service will be calculated on years served as of December 15th of each year.

Longevity pay is not an accrued benefit and will not be paid should employment terminate prior to December 15th. The maximum amount of longevity pay is \$2000.00.

Longevity is subject to budget approval for the fiscal year. Longevity pay is subject to federal withholdings, social security and retirement deductions.

5.12 CERTIFICATE/LICENSE PAY

Certification/license pay is additional pay to full time personnel who obtain specific certifications/licenses related to their job. Additional pay is not given for a certification/license that is a requirement of the job. The certification/license level required in the job description is compensation in setting the classification and base pay for the job. An employee's certification pay will become void should an employee be promoted to a position in which that specified certificate/license is a requirement in the job description for the new position. If an employee obtains a higher license, the City will not pay to renew the lesser of the two licenses. Additionally, the City will only pay for the higher license of the two licenses. Each higher level of certification/license in a series is inclusion of the previous level unless specifically noted. Certification/License pay will only be paid after probation period ends.

Certification/License pay is given for the following certifications:

Certificate Pay (Police Department)

Intermediate Certificates - \$100 monthly

Advanced Certificates - \$150 monthly

Master Certificates - \$200 monthly

License Pay (Water or Waste Water License)

D License - \$50 monthly

C License - \$100 monthly

B License - \$150 monthly

A License - \$200 monthly

Municipal Court

Level I - \$50 monthly

Level II - \$100 monthly

Level III - \$150 monthly

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 HOURS WORKED

Hours Worked shall have the meaning assigned to it by the FLSA and includes only those hours actually worked by an employee. Hours Worked does not include paid time off benefits provided pursuant to another policy of the City such as sick time off, vacation time off, paid holidays (where the employee does not work), premium pay for holiday shifts or any other absence approved for by the City policy.

Normal hours worked for most City employees are Monday through Friday, 8:00 am to 4:30 pm, with 30 minutes for lunch or 8:00 am to 5:00 pm, with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the City Administrator.

Adjustments to the normal hours of operation of City facilities or departments may be made by the City Administrator in order to serve the public better. Offices may be required to remain open during the noon hour and some employees may have their lunch hours staggered so that the City can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday/shift and to work the full work schedule established.

The City Administrator determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

6.02 WORK PERIOD

Work Period- In accordance with the exception allowed under Section 207 (k) of the Fair Labor Standards Act and 29 CFR Part 553, the City has declared that the work period for its uniformed and/or sworn employees in law enforcement, those engaged in fire protection activities, as well as all other employees is fourteen days in length. The official work period begins 12:00 a.m. on Wednesday and ends at 11:59 p.m. on the second Tuesday thereafter.

The Chief of Police or his or her designee will schedule officers to work during the Work Period. The City will attempt to accommodate requests for scheduling change as where practical; taking into consideration the impact such a change may have on Overtime Hours of any officer.

Non-exempt employees shall record the number of actual Hours Worked each day during the Work Period on time sheets provided by the department. The purpose of these procedures is to comply with the FLSA and to ensure that both the employee and the supervisor understand which hours are payable and those that are not payable. Time not worked but requested for pay under a policy (such as paid time off for sick time, vacations, or holidays) must be shown in hours for each day absent which is requested to be paid under such policy on the time sheet. Employees and their supervisors must sign each time sheet and employee's supervisor must approve any overtime

6.03 OVERTIME

The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Administrator. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays.

For non-exempt employees who regularly work Monday through Friday, standard overtime hours shall include all hours worked in excess of forty (40) hours in a work week (a fixed and regularly occurring period of 168 hours or seven consecutive 24-hour periods). For Police personnel, standard overtime hours shall include all hours worked in excess of 86 hours in a work period. For Fire Department personnel, standard overtime hours shall include hours worked in excess of 106 hours in a work period. Only hours worked shall be counted for the purpose of calculating Overtime Hours. Compensation for overtime worked is given to the nearest quarter of an hour and is paid at 1 and ½ time the employee's regular hourly rate.

All employees, except department heads and any other employees determined by the City Administrator to be exempt under Fair Labor Standards Act (FLSA) and those considered to be re-eligible to receive overtime time pay in accordance with the FLSA. Overtime, when ordered for the maintenance of essential City functions, shall be allocated as evenly as possible among all employees required to perform the work. For scheduled and approved timed worked in excess of a regular work week, compensation will be at the rate of one and one-half (1-1/2) time the employee's regular base pay. Overtime pay will be paid for all time worked over forty (40) hours per week the standard number and period, as referenced in Section 6.03, unless such employees are exempt from overtime pay. With the exception of "call-out" situations, see Section 6.08 below; no sick time, vacation time, holiday time, or time taken for jury or for travel to and from school or seminars shall be considered when determining overtime pay. All overtime work must be clearly reflected on the employee's time sheet before it is allowed.

In lieu of overtime pay, the employee may choose time-off instead, normally referred to as compensatory time or comp time. Such compensatory time shall be provided at not less than one and one-half (1-1/2) hours for every one (1) hour of overtime worked for non-exempt employees and one hour for every one (1) hour worked for exempt employees.

Exemptions From Fair Labor Standards Act (FLSA)

Department heads and other Executive, administrative and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this condition in mind. However, department heads may be allowed to take time off from time to time at the discretion of the City Administrator. (Legal reference: U.S. FLSA of 1938, as amended.)

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA.

6.04 HOLIDAYS WORKED

The City's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies (Section 8). In most instances, if a regular employee is required to work on a holiday, he or she will be paid straight time for the holiday plus one and one-half times his or her regular hourly rate for the total number of hours worked on the holiday.

For employees whose normal work schedule is Monday through Friday, the scheduled holiday is the designated holiday observed by the City, which may or may not be the actual holiday on the calendar. For employees whose normal work schedule is something other than Monday through Friday, the scheduled holiday is the actual holiday on the calendar.

A paid holiday is considered in the same manner as hours worked for the purpose of determining when an employee has reached his or her maximum allowable hours (40 hours per week for most employees). (Legal reference: U.S. FLSA of 1938, as amended.)

6.05 TIME REPORTING

Employees will keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the City.

Time records must be signed by the employee and by the employee's immediate supervisor. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

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

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the City Clerk and recorded on the individual department's records.

6.06 "ON-CALL" TIME

The vital nature of certain City services requires that some employees be available in an "on call" status in the evenings and over holidays and weekends to ensure the continuity of those vital services.

An employee in "on call" status is required to respond within 30 minutes of receiving a call. When an employee who is "on call" is called to duty, the employee will receive over-time pay or compensation time for being called into work. Consumption of alcoholic beverages is prohibited while serving on-call.

Response time shall not exceed 30 minutes. The employee who is on-call is not restricted to a specific location, provided he or she can meet the 30-minute response time. Non-exempt employees who are called out for work outside of scheduled work hours shall be paid time and one half for all hours worked. All employees called out for work shall receive a minimum of two hours, regardless of actual hours worked. However, employees are not allowed to count additional hours should any number of subsequent calls be received in the two hour period following the initial call; assuming all calls are of such a variety that they may be adequately resolved within the two hour period after the initial call is responded to.

If the job is too large, or the situation warrants as such, another employee may be called out for the same rate of pay. It is the responsibility of the on-call employee to make this determination and the department head should be notified, as soon as is practicable thereafter. The on-call period begins at 7:00 am on Friday and ends on the following Friday at 7:00 am. On-call employees shall be available for call 24 hours a day. Regular duty employees will assume calls during work hours. On-Call employees will receive a City vehicle for the duration of their call period. On-call employees shall earn one day compensatory time for serving on-call. This earned day shall be taken either Friday or Monday following the on-call duty, as agreed upon by the employee and the department head and as workload demands.

6.07 OFFICE CLOSINGS

Short-term emergency or administrative closings of City offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other situations. After the City Administrator communicates with department heads, closings will be communicated to employees. In the event that a situation occurs during non-working hours, which would necessitate emergency closings of City offices/departments, local radio and television stations will be asked by the City Administrator to broadcast an official City Hall closing statement. Employees whose jobs are critical to public health and safety may be required to work during an official closing. If so directed, those employees must report for duty. Employees will be paid for the duration of the closing with no reduction to accrued sick, vacation or compensatory time.

7.00 BENEFITS

7.01 MEDICAL AND LIFE INSURANCE

Regular full-time employees of the City are eligible for group health benefits (general medical, dental, vision, hospitalization, prescription drug and life insurance benefits). The City pays 100 percent of employees' life insurance coverage and medical/hospitalization coverage. Employees may purchase additional life insurance coverage at their own expense. Such coverage will begin on the first of the month, 30 days after the initial hire date.

Upon employment, each regular full-time employee is given an insurance booklet containing detailed information about the City's insurance programs. See the section of these policies on **Continuation of Group Insurance** (Section 14) for information on continued coverage after certain status changes.

7.02 SOCIAL SECURITY

All employees of the City are covered by Social Security. The City also contributes to the Social Security System on behalf of each employee.

7.03 RETIREMENT

The City is a member of the Texas Municipal Retirement System (TMRS). Regular employees are required to become members of TMRS and are eligible for this benefit immediately upon employment. (TMRS defines regular employees as those working in excess of 1,000 hours per year.) Each eligible employee contributes seven percent of his or her salary and the City matches this amount two-to-one. Employee retirement funds vest after five continuous years of employment with the City. Employees who leave City employment prior to retirement will be refunded, upon request, their portion of the retirement account plus interest earned on their portion. Such requests must be made directly to TMRS by the employee.

Retirement benefits are determined by a formula that involves age, the number of years of creditable service and the amount deposited in the employee's account. A new employee receives a brochure about the City's specific retirement coverage and options under TMRS at the time of employment. The City Clerk has additional information about the retirement plan, which is available upon request.

7.04 WORKERS' COMPENSATION

Employees of the City are covered by the workers' compensation insurance program and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading **Health and Safety**. (Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.)

7.04 UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program and the City pays for this benefit. This program provides payments for unemployed workers in certain circumstances. (Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.)

7.05 SEVERANCE PAY

An employee who does not voluntarily resign or quit his or her employment and whose employment is terminated through no fault of his or her own, or one who is retiring by reason of age, shall be entitled to severance per equal to his or her salary as follows.

1. If his or her employment with the City is less than five (5) continuous years preceding the termination, no severance pay shall be paid.
2. If his or her employment with the City is more than five (5) years, but less than ten (10) years of continuous employment preceding the termination, the severance pay shall equal one week's pay; and
3. If his or her employment is more than ten (10) continuous years preceding the termination, the severance pay shall equal two (2) weeks pay.

A severance package may be offered in the discharge of an employee if determined to be in the best interest of the City, by the City Administrator and City Attorney.

8.00 LEAVE TIME

8.01 DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

Holidays. Holidays are days designated by the City council on which City offices are closed, that otherwise would be regular business days.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of the department head. Employees are not paid for unauthorized absences and such absences may result in disciplinary action up to and including termination.

8.02 APPROVAL OF LEAVE

The employees' department head must approve leave taken by City employees, except in the instance of official holidays or administrative closures. **Copies of signed leave forms are sent to the payroll office for recording on the central leave records.** Payroll records are verified against these leave records.

Department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, each department is responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the payroll office for payroll purposes, as well as being recorded in the employee's departmental time record.

8.03 VACATION LEAVE

All regular full-time City employees are eligible to accrue paid vacation leave upon date of hire.

Accrual of Vacation Leave. All regular full-time employees earn vacation as follows:

One day per Month or (12) days per year.	After ten (10) years of continuous service shall earn fifteen (15) days per year.
—Maximum of thirty (30) days	Maximum of thirty (30) days

Tenure	Annual Accrual	Max Carryover
Day 1 to 5 Years	96 Hours	240 Hours
5 to 10 Years	120 Hours	240 Hours
10 Years +	192 Hours	240 Hours

Temporary and Seasonal employees do not earn vacation leave.

Scheduling Vacation Leave. The City will attempt to schedule vacation time to meet the preferences of employees; however, the approval of vacation requests will be subject to the efficient operation of the City. Preferences for available vacation dates will be offered on the basis of seniority one time each year in selection of all vacation time. All vacation schedules are subject to approval of the employee's supervisor.

Vacation leave may be used, upon approval of the supervisor of the employee, upon completion of the probationary period.

Under normal circumstances, employees will be expected to take time off for all vacation for which they are eligible. Under unusual circumstances, because of compelling personal needs or extraordinary work requirements, employees may be eligible for a buy back (of hours over 240 hours) option, however, this eligibility is based on extraordinary circumstances and must be done, in writing, with the approval of the City Administrator.

Under normal circumstances, employees will be expected to take time off for all vacation for which they are eligible. Under unusual circumstances, because of extraordinary work requirements, employees may be eligible to exceed the maximum number of allowable vacation hours, with the written approval of the City Administrator.

8.04 COMPENSATORY LEAVE

All regular full-time City employees are eligible to accrue paid compensatory leave in lieu of being paid for overtime. Compensatory time accrues at one and a half hours for every one hour of overtime worked. There is a limitation of 480 hours of compensatory time off for all employees.

8.04 SICK LEAVE

All regular full-time City employees are eligible to accrue paid sick leave upon date of hire.

Regular, full-time employee with accrued sick leave may use that leave if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, children, parent, step-parent, or any other relative of the employee who resides in the employee's household and/or is dependent on the employee for care.

Accrual of Sick Leave. Regular full-time City employees are eligible to earn eight (8) hours of sick leave for each full calendar month of employment with the City. Accrued but unused sick leave shall accumulate and be carried forward each month. The sick leave carryover from one fiscal year to another is unlimited.

Temporary and Seasonal employees do not earn sick leave.

Use of Sick Leave. Regular full-time City employees may use sick leave, subject to the following conditions:

1. Employees are entitled to sick leave with pay if unable to perform their job due to: Illness, injury or pregnancy, employee medical, dental, or counseling appointment, rehabilitation treatment for the employee, illness or injury of a member of the employee's immediate family, or medical appointment for family members.
2. An employee may not be granted sick leave in excess of an employee's earned balance. An employee who is in need of additional sick leave after exhausting all accrued time may apply for an extension of sick leave if such employee can conclusively prove his or her illness was incurred while in performance of their duty.
3. Employees must notify their supervisor as soon as possible when using sick leave. In addition, an employee shall send the immediate supervisor a written statement stating the cause or nature of the illness or disability

after being absent from work for more than three (3) consecutive working days. This written statement must include a physician statement.

4. A department head or the City Administrator may request an employee in his or her department to furnish and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested for three or more consecutive days.
5. An employee who is ill must call in and report to his or her supervisor, unless the department head has designated another person in the department to accept calls from an absent employee. The call must be placed at least 15 minutes before the scheduled work time. Calls placed by anyone other than the employee are not acceptable, unless prior arrangements have been made with the department head to accept calls from people other than the employee.
6. Accrued sick leave may be taken in half hour increments.
7. Sick leave does not accrue while an employee is on City insurance disability income, extended military leave of absence leave without pay including LWOP while collecting workers compensation.
8. The unauthorized use of sick leave may result in disciplinary action against the employee.

Exhaustion of Sick Leave. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request time from sick leave pool or leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason. Extended Sick leave may be granted only in the case of the following.

1. Employee injured on the job or employee with two years of continuous service with the City who is seriously ill or disabled.
2. If extended sick leave is granted, the employee may receive an amount equal to the employee's earned sick leave balance at the onset of the illness or injury up to a maximum of sixty (60) working days. Employees may only be granted extended sick leave one time per illness.

Illness While on Vacation Leave or on a Holiday. When an illness or physical incapacity occurs while an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such a substitution must be supported by a medical certificate or other acceptable evidence, if requested. If an employee is sick on a holiday, he or she may not use sick leave for these hours and will not get an alternative day off.

Sick leave may be used, upon approval of the supervisor of the employee, upon completion of the probationary period.

8.05 FAMILY MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

1. The birth, adoption or foster placement of a child with you
2. Your serious mental or physical health condition that makes you unable to work
3. To care for your spouse, child or parent with a serious mental or physical health condition, and
4. Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military service member

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read fact sheet #28m(c) for more information.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

FMLA Eligibility

You are an eligible employee if all of the following apply:

1. You work for a covered employer
2. You have worked for a covered employer at least 12 months
3. You have at least 1250 hours of service with your employer during the 12 months before your leave and
4. Your employer has at least 50 employees within 75 miles of your work location
5. Airline flight crew members have different hours of service requirements

You work for a covered employer if one of the following applies:

1. You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
2. You work for an elementary or public or private secondary school, or
3. You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

Requesting FMLA Leave

Generally, to request FMLA leave you must:

1. Follow your employer's normal policies for requesting leave,
2. Give notice at least 30 days before your need for FMLA leave, or
3. If advance notice is not possible, give notice as soon as possible

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the US Office of Personnel Management or Congress.

Employer Responsibilities

Under the Act, your employer must:

1. Allow you to take job-protected time off work for a qualifying reason
2. Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave and
3. Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other

working conditions, including shift and location, at the end of your leave

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:

1. about your FMLA rights and responsibilities, and
2. how much of your requested leave, if any, will be FMLA-protected leave

More Information may be found through the following resources:
call 1-866-487-9243 or visit dol.gov/fmla

If you believe your rights have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court.

8.06 MILITARY LEAVE

Regular employees who are members of the State Military Forces, or are members of any of the Reserve Components of the Armed Forces of the United States, are entitled to leave of absence from their duties for annual maneuvers, without loss of time or efficiency rating, leave time, or salary on all days during which they are engaged in authorized training or related duty ordered by proper authority, not to exceed 15 days in any one calendar year. Requests for approval of military leave must have copies of the relevant military orders attached.

Regular employees who are ordered to extend active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty. (Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43.)

8.07 CIVIL LEAVE

Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding and for the purpose of voting. (Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.)

Paid civil leave for time spent actually serving as a juror or as a subpoenaed witness in an official proceeding, is limited to a maximum of 80 hours. Pay will be at the employee's regular, base rate of pay and no overtime will apply, regardless of the number of actual spent as a juror or subpoenaed witness.

Employees must notify the appropriate supervisor as soon as possible prior to taking civil leave. When an employee has completed civil leave, he or she must report to the City for duty for the remainder of the workday, whether it is before or after the official proceeding. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of each workday on which he or she will be absent.

An employee who is called for jury duty must provide his or her supervisor with a written acknowledgement of service from the court. Payment received for jury duty is retained by the employee. If a police officer is subpoenaed in a civil case, in conjunction with his or her official police duties, he or she must return the witness fee to the City.

8.08 FUNERAL LEAVE

Funeral leave with pay may be granted to regular employees by the City Administrator in the event of a death in an employee's family. Funeral leave is limited to no more than three working days per occurrence. The length

of time granted for funeral leave must be approved by the City Administrator in advance and will depend on the circumstances. The terms of and reasons for the leave must be documented and filed in the employee's personnel file. Funeral leave cannot be accumulated or carried forward.

For purposes of emergency leave, "family" includes spouse, child, stepchild, stepparent, parent, brother, sister, grandparent of an employee or employee's spouse, or any other relative living in the employee's household.

The City will send flowers to the funeral service of current or former council members, members of appointed boards or commissions, City employees and the parent or child of a City employee.

8.09 ADMINISTRATIVE LEAVE OF ABSENCE

Employees on duty on the date of any national, state, or local election and who are eligible to vote in such elections shall be granted time off without loss of pay or benefits to exercise this right if they cannot reach their polling place outside of working hours before it closes. Evidence of voter registration and voting may be required by the supervisor. The City Administrator may grant an employee administrative leave with pay for the purpose of attending a professional conference on training, legislative proceedings, or civic functions pertaining to the cities interest.

1. Authorized leave without pay may be granted by the City Administrator and the employee in circumstances not falling within other provisions of these rules mutually agreeable terms and conditions between the employee and the City Administrator. Employees taking leave without pay shall not lose or gain seniority and employees' benefits will remain in effect during the leave period granted.

8.10 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading **Health and Safety (Section 9)**.

8.11 TEMPORARY DISABILITY LEAVE

Employees with illness arising from pregnancy, maternity, or other non-occupational illness or injury, shall be entitled to benefits on the same basis as employees with other illnesses be used for any such temporary disability including maternity purpose prior to delivery and for a reasonable time following as may be determined as necessary by her doctor. For maternity purposes, at least ten (10) days' notice of leave, which shall include a statement of the employee's intentions concerning resumption of work is required, except in emergencies. A medical clearance is required for all employees desiring to return to work after leave caused by a temporary disability.

8.12 USING LEAVE IN COMBINATION

When an employee who is on sick leave has exhausted his or her accrued sick leave, the employee will automatically be placed on vacation leave if (1) the employee has accrued vacation leave available and (2) the employee has not requested a temporary leave of absence without pay.

A regular employee who is requesting extended leave for illness or temporary disability has the option of choosing to use all or part of his or her accrued sick and vacation leave in any combination with the requested leave without pay, contingent upon approval of the City Administrator.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Administrator, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the City and the employee.

8.13 PERSONAL DAYS

All employees are entitled to two (2) personal days with pay within a 12-month period. If an employee is hired on June 1st, or after, he will receive (1) personal day for that year. These days must be taken within the calendar year and may not be carried over to the next year. Personal days may be taken in combination and with any other leave.

8.14 SICK LEAVE POOL

Employees may donate any accrued sick leave to the sick leave pool for employees who may need additional leave as a result of a catastrophic illness or injury of the employee or all persons within the first degree of consanguinity of the employee or the employee's spouse, subject to the following conditions:

Employees that will maintain a balance of at least 80 hours accrue sick leave are eligible to donate to the pool. A donation application can be picked up from the City Clerk. Only whole hours can be donated.

Donations will be made on a voluntary basis by completing and signing the donation application indicating the number of hours to be donated. All sick leave donations must be approved by the immediate supervisor and City Administrator. No employee shall be coerced or intimidated into sharing sick leave. Anyone guilty of such conduct will be subject to disciplinary action.

Employees who may need additional leave as a result of a catastrophic illness or injury of the employee or all persons within the first degree of consanguinity of the employee or the employee's spouse, may receive sick time from the sick leave pool subject to the following conditions:

Employees who wish to request sick time must submit their request in writing to their immediate supervisor. The written request must include the reason for the request and the expected amount of days that the medical event will require to be off from work. The request must be approved by the immediate supervisor and City Administrator.

Employees are not eligible if the medical event is from a work-related injury for the City employee due to worker's compensation or disability coverage.

The request for sick time will only be approved for a medical event requiring more than 5 consecutive days off work (40 hours).

The request for sick time must be for at least 40 hours of sick time from the pool.

Employees will be limited to receiving 240 hours/30 Days of sick leave through the donation policy in a rolling 12-month period unless prior approval is received from the employee's supervisor and the City manager.

Employees shall not receive or use donated sick hours until they have exhausted all of their leave balances including sick time, comp time and vacation.

Recipients shall be required to reimburse or return hours donated to them if the following occurs:

Compensation is received from another source (workers' compensation, long or short term disability benefits, etc.), unless the compensated coverage doesn't extend the full time off for the medical event.

It was determined that a recipient has abused the program, falsified information, or was otherwise not eligible for leave.

If repayment is required, reimbursement shall be made from future accrued leave from that recipient unless there is separation from the City. If the separation occurs, then the employee is responsible for paying the City through payroll deduction.

Accrued leave will be used during the time the employee is out for the catastrophic event. The accrued sick leave will be used during this time, but the employee can accrue up to a week's worth of combined vacation, holiday and comp time. Once the weeks' worth of combined holiday, vacation and comp has been acquired, anything over that will be used towards the catastrophic leave.

8.16 MENTAL HEALTH LEAVE (POLICE DEPARTMENT)

Mental Health Leave for licensed Peace Officers is intended to provide full-time Peace Officers who experience a traumatic event that occurs while on duty, time away from work to receive assistance in dealing with the event that was experienced.

The following are examples that may be considered a traumatic event. As these examples will not encompass all traumatic events Peace Officers may potentially encounter, the Sheriff will evaluate requests for leave under this policy to determine if Mental Health Leave is applicable.

- Officer involved shooting
- Vehicle crash involving serious injury or death to an officer or citizen
- Officer being the victim of a felonious assault
- Death of a coworker
- Death or serious injury to someone in custody of officer
- Severe trauma or death of a child
- Homicide Scenes
- Incident involving multiple deaths and/or injuries (natural disaster or terrorist attack)

Peace Officer Mental Health Leave provides paid leave for up to (3) three (8) eight-hour shifts from work, per traumatic event that occurred while on duty, in order for the Peace Officer to seek professional treatment for the handling of the traumatic event in which they were involved.

The Peace Officer will contact the Sheriff of the department and request the use of the leave in order to obtain mental health assistance. The Sheriff may consult with the City Administrator or City Clerk prior to granting the Leave.

Based upon the information provided to the department administration after the event, Mental Health Leave will be granted if ordered by a mental health professional or the Sheriff/designee.

Mental Health Leave hours will be recorded on the timesheet as regular hours, to provide anonymity. However, the City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.

Mental Health Leave provides that Peace Officers will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the Peace Officer will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

An employee on Mental Health Leave may not work a second job, including self-employment or participate in volunteer work.

If additional time off is needed employees may apply for a Leave of Absence or other leave as authorized under the personnel policies.

1. If a Peace Officer is off work due to Mental Health Leave and the employee qualifies for family and medical leave, it will run concurrently with the Mental Health Leave.
2. Following use of Mental Health Leave, the City may require a Peace Officer to undergo a psychological examination, by a professional of the City's choosing, to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation and as otherwise permitted in accordance with applicable laws.

8.17 HOLIDAYS

In an effort to allow employees to spend more time with their families, the City of Mount Vernon traditionally observes selected holidays. All regular full-time employees are eligible to receive holiday pay; hourly pay at the employees regular rate of pay for a normal shift.

The holidays which are celebrated include:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Columbus Day
10. Veteran's Day
11. Thanksgiving Day
13. The Friday after Thanksgiving
13. Christmas Day
14. (and the day before or after Christmas)
15. Any other day's as may be declared by the City council.

Holiday pay will be based on the employee's base wage. For example, employees working eight (8) hour days will be paid for eight (8) hours of holiday pay.

Work During Holidays

Employees requested to work on a holiday will receive, in addition to holiday pay, one and one-half times their regular hourly rate for actual hours worked. Employees who are scheduled to work a holiday and fail to do so will not be entitled to holiday pay unless the absence is justified in the opinion of the City.

Holidays Falling On Non-Workdays

This section applies to employees who work on shifts other than Monday through Friday. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will (1) be provided with an alternate holiday on what would otherwise have been a regular workday for the employee, or (2) be paid his or her regular salary amount for the pay period involved plus eight additional hours for the holiday.

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

9.00 HEALTH AND SAFETY

9.01 SAFETY POLICY

It is the policy of the City to make every effort to provide healthful and safe working conditions for all of its employees.

9.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

Supervisors are responsible for ensuring that all employees wear safety gear appropriate for their jobs, including safety goggles, ear plugs, safety hats, reflective vests appropriate footwear.

After consultation with the department head, a supervisor may require an employee to obtain a medical evaluation of his or her ability to operate equipment or vehicles safely. Such a medical evaluation may be required only if a supervisor has a reason to believe that an employee is incapable of safe operation of assigned equipment or vehicles due to employee's medical condition. The City will pay for required medical evaluations.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately. The supervisor reports the incident to the City Clerk, who in turn notifies the City Administrator and the City workers' compensation insurance carrier.

The following rules are designed to promote the safety and wellbeing of City employees and are to be observed by employees at all times:

1. No employee may engage in horseplay, wrestling, or practical joking while on duty or operating City equipment;
2. Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees, or the public;
3. Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
4. An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor; and
5. Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries and must immediately report all injuries to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job injury, no matter how minor, may result in disciplinary action.

9.03 EMPLOYEE SUGGESTIONS

Employees are encouraged to make suggestions to their supervisors for improvements that would make the City workplace safer or more healthful.

9.04 ON-THE-JOB INJURIES

Insurance. The City provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than one week. All workers' compensation insurance claim forms must be submitted to the office manager immediately for appropriate action to be taken. (Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.)

Medical Attention An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice. The City encourages employees to return to work as soon as they are able to do so. An employee returning to work **must submit a physician's statement of medical condition and release to return to work**, following loss of time accident. As determined by the City Administrator, at the City's expense, an employee may be required to submit to examination by an independent physician. (Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.)

Statutory Benefit Compensation Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s) and/or death benefits.

Workers' compensation benefits are subject to a seven-calendar-day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

Exclusion Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or an act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. Workers' compensation fraud is a crime (misdemeanor or felony, depending upon the dollar value of the benefits received) punishable by fines and/or jail time. (Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title V, Subtitle A.)

Initiation of Injury Leave An employee who is put on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of the City's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the City Administrator.

Compensation If an employee sustains a bona fide on-the-job, work-related injury which renders him or her unable to performing the duties of the job, that employee must file a workers' compensation claim and will receive such workers' compensation payments as authorized under state statute.

If an employee sustains a bona fide on-the-job, work-related injury that causes him or her to miss more than seven days of work, the City will provide salary continuation benefits in an amount equal to the difference between the employee's regular compensation and the workers' compensation benefits.

At no time will the combined total of the City's salary continuation compensation and the workers' compensation insurance benefits exceed the employee's regular salary. Should an employee receive benefits that, when combined with the City's salary continuation compensation, exceed his or her regular salary, the employee must return the excess City salary continuation compensation. Failure to do so may result in disciplinary action and/or forfeiture of salary continuation compensation.

The City's salary continuation compensation program will extend for a maximum period of 90 days, beginning on the eighth day of absence for a particular injury. At the conclusion of the 90-day period, the employee may begin to use any remaining accrued leave balances. If the employee does not have any unused leave on the books, the employee will receive only workers' compensation payments.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

Continuation of Group Medical Insurance for Employee and/or Dependent To continue medical insurance for the employee and/or the employee's dependent(s) while the employee is on injury leave and no longer receiving a regular City paycheck, the City will continue to pay the City's portion of the employee's medical insurance for a period of time not to exceed one year following the employee's injury. During this time period the employee must remit to the City, in a timely manner each month, the amount necessary to cover the portion of the employee's insurance premiums that would have been deducted from the employee's paycheck if the employee were still receiving a regular paycheck. Thereafter, the employee must pay both the employee's and the City's portions of these insurance premiums to the City on the schedule established by the City Clerk in order to maintain coverage.

Reporting Requirements While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the supervisor, who will forward the information to the department head, City Administrator and City Clerk. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the supervisor. In addition, the injured employee must contact his or her supervisor at least once every two weeks to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the City may result in revoking the employee's leave and may result in disciplinary action.

Duration of Injury Leave The maximum duration of injury leave is one year unless the City Administrator expressly authorizes an extension.

Requests for extension may be authorized after careful review by the City Administrator, in no more than three-month increments. Any extension(s) must be reported to the City council.

Termination of Injury Leave Injury leave with pay may be terminated at any time without prior notice. After consultation with the City attorney, the City Administrator will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so.

Return to Service A written statement from an appropriate physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing, as well as any limitation(s), must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the City. Failure to return to work when directed will result in appropriate disciplinary action, up to and including termination.

The employee's supervisor must notify the City Clerk upon the employee's return to duty so that the City may resume record keeping for purposes of payroll, benefits, leave and length-of-service accruals.

Temporary Light Duty Status During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated to determine whether a position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different department and perform duties not contained within his or her current job duties. A light duty assignment cannot exceed 90 days.

Inactive Status The City may place an employee on injury leave on inactive status:

At any time that a City department head, in consultation with the City Administrator, determines that it is a business necessity to hire a temporary replacement for an employee on injury leave; or
When an employee on injury leave is unable to return to regular duty for a total of six months unless an extension of injury leave is expressly authorized by the City council.

When an employee on injury leave is placed on inactive status, the employee's department head is free to hire or promote a temporary replacement.

Temporary replacements may be used for a period of six months. If, at the end of that six-month period, the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the City's records in an "inactive" status (not terminated) for the duration of the approved injury leave.

When the injured employee has reached maximum recovery, the City will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

Total Disability/Retirement A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the director of finance will make the necessary arrangements for an eligible employee's retirement under the "disability retirement" clause of the coverage provided by the City's retirement plan.

Reasons for Termination of Injury Leave Benefits An employee will forfeit all rights to injury leave benefits to which he or she would otherwise have been entitled and may be subject to disciplinary action, for the following reasons:

1. Engaging in work, either part-time or full-time and either for pay or as a volunteer, for or behalf of the employee or any other person or employer, while receiving injury leave benefits and workers' compensation payments;
2. Resigning from employment with the City for any reason while receiving injury leave benefits and workers' compensation payments;
3. Termination of employment for any reason;
4. Failure or refusal to comply with or follow the treating physician's instructions, including disregarding or violating the treating physician's instructions;
5. Refusal to perform light, partial, or part-time duty offered by the City when authorized to do so by the treating physician;
6. Refusal to accept or perform a different job with the City that is in the opinion of the employee's treating physician, within the employee's physical capacity and for which the employee is qualified and/or trained;
7. Falsification or misrepresentation of the employee's injured condition, physical capacity, or disability while receiving injury leave benefits and workers' compensation payments;
8. Refusal to return to duty on the workday on which the employee has been released by the treating physician; or
9. Failure to keep the City informed of his or her injury status every two weeks.

Final Release or Settlement At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s).

The City will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, or (b) no

vacancy exists, or (c) no other suitable position is available and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated and paid accrued benefits.

If the employee is separated from City employment at this point, the City Administrator or his or her designee will:

1. Send him or her a certified, return receipt requested, letter, as well as a letter by regular mail;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from City employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

Privacy Protection The privacy of individuals' personal health information in the form of medical records and other information will be protected in all transmittals to and from insurance carriers and health care providers. In addition, City department heads and officials will protect the privacy of individuals' personal health information: any conversations regarding an employee's medical condition or status will be held only with City personnel with a need to know the information and only in locations where the conversation may not be overheard. (Legal reference: Health Insurance Portability and Accountability Act of 1996.)

10.00 DRUG AND ALCOHOL POLICY

10.01 DRUG-FREE WORKPLACE

The following policy has been adopted to implement the City's desire to establish itself as a Drug-Free Workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include inhalants.

1. All employees of the City are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the City and while officially representing the City off premises. Employees who violate this policy will be subject to immediate disciplinary action up to and including termination.
 - a. As a part of discipline and as a condition of continued employment, an employee may be required to obtain substance abuse education, substance abuse counseling and/or enter and complete a substance abuse treatment program.
2. The City has established a drug-free awareness program providing:
 - a. Information about the dangers of drug and alcohol abuse in the workplace;
 - b. The City's policy of maintaining a drug-free and alcohol-free workplace;
 - c. Information about available drug and alcohol counseling and rehabilitation; and
 - d. Information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. All employees of the City will abide by the terms of this policy and will notify the City of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
4. The City will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
5. Any employee so convicted will be subject to disciplinary action up to and including immediate termination.
6. The City will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy and any Drug and Alcohol Abuse Policy.
 - a. (Legal reference: V.T.C.A. Labor Code, Chapter 411, Subchapter G.)

10.02 PURPOSE OF DRUG TESTING PROGRAM

The purpose of this policy is to ensure a safe working environment and to protect the health and safety of the public by requiring that employees and applicants be free from drug dependence, illegal drug use and drug abuse.

The intent of the policy is as follows:

1. To provide clear guidelines and consistent procedures for handling incidents of employees' use of alcohol, drugs, or controlled substances that affect job performance and to make every effort to institute and maintain a drug-free workplace;
2. To ensure that employees conform to all state and federal regulations regarding alcohol, drugs, or controlled substances; and
3. To provide substance abuse prevention education for all employees.

General Policy

City employees shall not take any narcotic or dangerous substance unless prescribed by a person licensed to practice medicine. Any statutory-defined illegal use of drugs by an employee, whether during or outside City employment hours, will not be tolerated.

City employees who have a reasonable basis to believe that another employee is illegally using drugs or narcotics must report the facts and circumstances immediately to their supervisor.

Failure to comply with the intent or provisions of this policy may be used as grounds for disciplinary action.

10.03 DRUG AND ALCOHOL TESTS

Employees who operate vehicles or equipment that require possession of a commercial driver's license or who occupy safety sensitive positions are subject to five types of testing for both drugs and alcohol: pre-employment, post-accident, reasonable suspicion and return to duty. All other City employees are subject to four types of testing: pre-employment, post-accident, reasonable suspicions and return to duty.

Pre-Employment Testing The City performs pre-employment drug/alcohol tests on all new employees, after extending a conditional offer of employment, but prior to the first day of work. In addition, the City must and will request the results of U.S. Department of Transportation (DOT) drug tests from previous employers for employees required to hold a commercial driver's license.

Post-Accident Testing The City acting through its duly authorized representative may require persons who have been involved in an accident involving bodily injury to themselves or others or property damage in excess of \$100.00 to submit to a drug testing.

Reasonable Suspicion Testing All supervisors of covered employees are required to attend two hours of U.S. Department of Transportation-approved training in how to identify the symptoms of drug and alcohol abuse. If a supervisor believes a reasonable suspicion exists that an employee under his or her supervision is abusing alcohol or drugs, the supervisor must obtain the concurrence of the department head or the City Administrator, or in both of their absences, of one other department head, before sending an employee to be tested.

Return-to-Duty Testing Before an employee is allowed to return to duty after having been sent home or suspended as a result of a drug or alcohol test, he or she will be tested for illegal drugs and alcohol and must be found to be drug and alcohol free. In addition, an individual randomized drug-testing schedule will be developed for the employee or driver for a time period not to exceed 60 months.

(Legal references: U.S. Drug-Free Workplace Act of 1988, as amended; Texas Workers' Compensation Commission Act, V.T.C.A. Labor Code, Chapter 411, Subchapter G; Omnibus Transportation Employee Testing Act of 1991 and U.S. Department of Transportation 49 CFR Part 382.)

10.04 SEARCHES

The City reserves the right to make general searches of City property, such as City vehicles, lockers, closets and desks, for alcohol, prohibited drugs, drug paraphernalia, explosives and all types of prohibited weapons and knives without the consent of the employee.

The use of privately owned padlocks or other locking mechanisms for City property is prohibited. If an employee does use a privately owned padlock or other locking mechanism on any City property, the City may remove it at any time and the employee will not be entitled to any reimbursement for damage to the mechanism. The use of any privately owned padlock or other locking mechanism for City property does not create an expectation of privacy with regards to any contents within the locked City property.

Any materials brought into the workplace, such as personal effects, briefcases, vehicles and so on, may be subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, drug paraphernalia, explosives and any type of prohibited weapons or knives may be found. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate will be noted in his/her employee file, together with a statement that reasonable suspicion existed to conduct the search. No search of materials brought into the workplace will be conducted in the employee's absence.

Any search will be conducted as privately as possible, involving only persons with a need to know and only with the authorization of the supervising department head or his or her designee.

If illegal paraphernalia is found, it will be confiscated and the employee will be subject to appropriate disciplinary action, up to and including termination, as well as criminal prosecution, if appropriate.

11.00 USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY

11.01 GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY

The City attempts to provide each employee with adequate tools, equipment and vehicles for the job being performed and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations. Employees must always wear personal protective equipment while operating equipment.

11.02 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

City property, materials, supplies, tools, equipment and vehicles are purchased with taxpayer funds and are intended for use in the operations of the City. Employees who are assigned tools, equipment, vehicles, or any other City property are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done in accordance with City purchasing policies.

City computers and computer software are to be used for City business. No software other than software approved by the City Administrator or individual department heads may be kept on a City computer. This limitation on software is to avoid software that may interfere with the operation of the City's computer systems or may contain computer viruses that could cause operational problems or the loss of City data. Access to the Internet through City computers is to be used for City and departmental business only.

City property, including facilities, desks, files, lockers, vehicles and computers, is subject to inspection and removal of illegal or unauthorized items. There is no expectation of privacy.

No personal or partisan political use of any City property, materials, supplies, tools, equipment, or vehicles is permitted. However, if an employee is on-call and subject to receive an emergency call, the employee may use a City vehicle for reasonable personal use in order to ensure prompt response to a call. The only passenger(s) permitted in a City vehicle at any time are those persons who have an official City business reason to be in the vehicle.

An employee may drive a City owned vehicle home under the following conditions:

1. Drivers of emergency response vehicles (police department), or those drivers at the supervisory level, who live within a thirty (30) minute radius of the City limits for commuting to and from their primary residence, shall be allowed take home vehicles at the discretion of the ~~chief of police, with the approval of~~ the City Administrator. Employees who are actively "on-call" will also be allowed a take home vehicle during the period they are serving in that capacity.

If an employee is in doubt about a circumstance, he or she must check with the department head before proceeding. Violations of this policy may result in termination and possible prosecution.

City Owned/Leased Vehicles:

Limitations for Use:

Employees are prohibited from using (or allowing others to use) any City vehicle for personal purposes, unless they are assigned a take home vehicle. Take Home Vehicles should be used for no purpose other than commuting to and from work.

An employee to whom a take-home vehicle is assigned, to include temporary assignment, if off duty for more than 2 consecutive days, on vacation, injured or sick, and will be away from duty for a period of time, or are on paid or unpaid suspension or leave shall place their assigned vehicle at the Department until such time as they are back on duty or released to full duty.

Employees that have been assigned a take-home vehicle may drive their assigned vehicle directly to and from their residence if that residence is within the established boundary of 30 miles from the City of Mount Vernon and upon approval of the City Administrator.

The use of a take-home vehicle is a privilege. The City Administrator reserves the discretion to approve or disapprove, with or without cause, which employees may drive their assigned vehicles home regardless of whether the employee is "on-call." Employees are not in course and scope of their job and should not be reporting their drive time to and from work. There should be no drive time reported on timesheets unless they are in course and scope of their job.

Employees shall be attired and conduct themselves in a manner which reflects positively on the City.

The consumption and/or presence of an alcoholic beverage or illegal substance in a City owned/leased vehicle is prohibited except for those instances necessary in the performance of official duties and the transportation of found or evidentiary property.

Vehicles shall not be taken to any location that could reflect unfavorably on the department except by on duty personnel on official business.

Vehicles shall not be operated in any manner that could reflect unfavorably on the department, or the City.

Vehicles shall not be operated outside of the established boundary except by personnel on official business or as authorized by the City Administrator.

VEHICLE MAINTENANCE

Each Department assigned a City vehicle is responsible for general maintenance, proper care, and proper appearance of the vehicle.

1. Employees will wash the vehicle at least once every month
2. Employees will change their own flat tires, when on-duty or off-duty
3. Employees are responsible for maintaining current state vehicle inspections
4. Employees will schedule and have performed preventative maintenance

Employees shall not

1. Perform mechanical work or have unauthorized mechanical work performed on the vehicle
2. Alter the body, general design, appearance, markings, or mechanical or electrical systems without the approval of the City Administrator
3. Add accessories or equipment without the approval of the City Administrator

General Responsibilities

1. On-Duty - If a repair cannot be fixed immediately, employee will leave the vehicle and return to their duty assignment
2. Off-duty- If employee spends time waiting for the vehicle, employee will not be compensated

VEHICLE SECURITY

Employee will remove all any after market electronics that is not fixed in the vehicle (such as a tablet) when the vehicle is left to be serviced or parked at the residence overnight unless the vehicle is secured in a garage or other enclosed structure

Employees shall secure the vehicle when left unattended or when the vehicle is out of sight or immediate control, whether employee is on-duty or off duty

11.03 VALID DRIVER'S LICENSE

Operators of City vehicles and equipment are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and are required to keep supervisors informed of any changes in status of the license. Department heads or supervisors will periodically check the driving records of employees who operate City vehicles. Failure to maintain a safe driving record may result in dismissal or reassignment. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator will result in dismissal or reassignment.

11.04 VEHICLE INSURANCE

The City maintains up-to-date insurance coverage on vehicles owned by the City. Employees who drive a personal vehicle on City business are required to maintain up-to-date insurance coverage and to provide the director of finance with proof of automobile liability insurance as required by the State of Texas. Failure to do so is grounds for disciplinary action, up to and including termination.

11.05 ACCIDENT REPORTING

An employee involved in an accident while operating City equipment or vehicles during working hours must report the accident and any injury to persons or any property damage to his or her supervisor and City Administrator and to the police department immediately, or, in the case of injury to the employee as soon as the employee is able. This policy includes all City vehicles including police vehicles.

Each vehicular accident, no matter how minor, must be reported to the police department so that an official accident report can be filed. Employees involved in accidents shall be required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and alcohol test will result in disciplinary action up to and including termination.

A copy of each accident report involving City equipment, or vehicles must be forwarded to the City Administrator by the police department as soon as the police report is completed. In cases where an accident involves a police vehicle, the police department will request the Texas Department of Public Safety to investigate the accident and file an official accident report with the City Administrator and Chief of Police. A copy of the accident report will also be filed with the City Clerk for placement in the personnel file of the employee involved in the accident.

12.00 DISCIPLINE

12.01 GENERAL

Employees of the City serve “at will” and, within the requirements of state and federal law regarding employment, can be dismissed at any time, with or without notice, for any reason not in conflict with state or federal law or for no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

1. Insubordination
2. Absence Without Leave or Excessive Absence including absence without permission, failure to notify a supervisor of sick leave and repeated tardiness or early departure
3. Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts
4. Possession or Use of Alcohol or Illegal Drugs while on duty or in a City vehicle
5. Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons
6. Involvement with Alcohol or Drugs in the workplace in violation of the City’s “Drug Free Workplace Policy”
7. Unauthorized Use or Theft of Public Funds or Property
8. Conviction of a felony, or class A or B misdemeanor
9. Conviction of Official Misconduct, oppression, or perjury
10. Falsification of Documents or Records
11. Unauthorized Use of Official Information or unauthorized disclosure of confidential information
12. Unauthorized or Abusive Use of Official Authority
13. Violation of the Sexual Harassment Policy
14. Incompetence or Neglect of Duty
15. Disruptive Behavior which impairs the performance of others
16. Failure to Observe the City’s Policies Regarding Communications with the Public (see **Communications** section in **Employee Responsibilities** chapter); or
17. Other Violation of the Requirements of These Personnel Policies, or of any departmental policies not in conflict with these policies

12.02 PROGRESSIVE DISCIPLINE

The City Administrator may take disciplinary action, including termination, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The City **may**, but not necessarily will, use a progressive discipline system.

While the disciplinary steps may not occur in this order, the progressive discipline includes, but is not limited to, any or all of the following:

1. Oral Warnings, with a written account of each warning maintained by the appropriate department head and another copy placed in the employees personnel file
2. Conference with Supervisor and Department Head and employee, with a written summary of the conference, prepared by the supervisor, one copy of which is given to the employee and another copy of which is placed in the employees personnel file
3. Written Reprimands, which the department head must in all cases cause to be transmitted through the office manager to the employees personnel file
4. Probation (not to exceed 90 calendar days), during which time the employees performance and behavior will be monitored very closely by the supervisor
5. Reduction in pay without demotion
6. Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances
7. Demotion; and/or
8. Separation by involuntary dismissal

Disciplinary actions, including steps one through three, above require the authorization of the immediate supervisor and/or Department Head. Actions included in steps four through eight, above require the authorization of the City Administrator. Actions other than oral or written warnings require the advance approval of the City Administrator, normally in consultation with the City attorney, unless an emergency situation exists. Terminations require the approval of the City Administrator. Terminations of Department Heads require the approval of the City Council.

Any written notice of disciplinary action will be included in the employee's personnel file

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Separations**.

12.03 SUSPENSION FOLLOWING INDICTMENT

Any employee who is formally charged by indictment or information with a felony offense, or a misdemeanor involving moral turpitude, may be indefinitely suspended by the City Administrator without pay, pending final disposition of such formal charges. In the event such employee is convicted of such crime, either by entering a plea of guilty or nolo contendere to this crime or a lesser offense, or by trial to a judge or jury, he/she may be discharged from employment by action of the City Administrator.

The Department Head must provide notification of suspension without pay in writing to the employee with a second line signature for the City Administrator.

13.00 SEPARATIONS

13.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

1. Resignation
2. Abandonment of Position
3. Retirement
4. Reduction in Force
5. Dismissal
6. Disability
7. Death

13.02 RESIGNATION

A resignation occurs when an employee notifies his or her department head, either orally or in writing, that the employee does not intend to continue working for the City. Once an employee has resigned, either orally or in writing, the department head will acknowledge the resignation immediately in writing and forward the paperwork to the City Administrator and the City Clerk.

An employee who intends to resign is requested to notify his or her department head in writing at least 10 working days prior to the last day of work.

Employees resigning before one year of the training or certification are responsible for paying the costs of the training/certification paid for by the City.

Employees resigning are required to return any City property prior to receiving their final check. Failure to do so may result in a deduction in any subsequent paycheck(s) to cover the cost of said equipment.

13.03 ABANDONMENT OF POSITION

Unauthorized absence from work for a period of two consecutive working days may be considered by the City Administrator as a resignation. Unless the City Administrator determines otherwise, the employee is not eligible for reemployment.

13.04 RETIREMENT

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

When an employee retires from City employment as allowed under the Texas Municipal Retirement System guidelines and has been credited with 20 years of continuous service with the City at the time of retirement, the City will compensate the employee for accrued sick leave up to a maximum accrual of 50 days.

Any employee seeking retirement must schedule a conference with a TMRS representative before scheduling a date of retirement with the City. The City Clerk will not offer counseling on retirement options regarding TMRS.

13.05 REDUCTION IN FORCE

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization
2. The performance record of each employee

3. Qualifications of the employee for remaining positions with the City and
4. The employee's length of service with the City

Employees who have been laid off may reapply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the City for 12 continuous months is dismissed as a result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge including accrued benefits. In addition, the City department head will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

13.06 DISMISSAL

The City operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason not in conflict with state or federal law or for no reason. The City will attempt to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment.

The City has the right to change these policies at any time, without prior notice to employees.

The City Administrator must approve all dismissals and the Mayor and City council must be consulted on any termination. In addition, the City Administrator's signature is required on all personnel action forms involving dismissal.

A department head who has been suspended without pay, demoted, or terminated may request an appeal to the City Council within 5 (five) days of the City Administrator's final decision. The City Council shall review the official record of the termination hearing, evaluate any facts or evidence disclosed during the hearing, and interview any persons who testified during the hearing including the department head and City Administrator. The City Council shall essentially serve as an appellate judge and either uphold or deny the decision to terminate.

The decision of the City Council is final.

13.07 DISABILITY

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the City to hold the position open and if no position is available which the employee could perform with a reasonable accommodation by the City, the employee will be separated from employment with the City. (Legal reference: U.S. Americans with Disabilities Act of 1990.)

13.08 DEATH

If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

13.09 EXIT INTERVIEWS AND RECORDS

Whenever possible an exit interview is conducted with a departing City employee, especially in instances of voluntary resignation. The exit interview record is important and may be instrumental in determining the City's liability, or lack of liability, for unemployment insurance costs.

13.10 CONTINUATION OF GROUP INSURANCE

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions. The following is a summary of the benefits provided under COBRA.

Eligible Employee To be eligible for continuation coverage, an individual must be an employee of the City covered by the City's group health plan or an individual who is otherwise covered under the plan.

Eligible Circumstance An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his or her hours of employment or the termination of his or her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he or she loses coverage under the City's group health plan for any of the following reasons:

1. The death of the employee
2. Termination of the employee (for reasons other than gross misconduct)
3. Divorce or legal separation from the employee; or
4. The employee applies for and becomes entitled to Medicare

The dependent child of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he or she loses coverage under the City's group health plan for any of the following reasons:

1. The death of a parent
2. The termination of a parent's employment (for reasons other than gross misconduct), or reduction in a parent's hours of employment with the City
3. Parents divorce or legal separation
4. A parent applies for and becomes entitled to Medicare; or
5. The dependent ceases to be a "dependent child" under the City's group health plan.

Notice Under COBRA, the covered worker or family member has the responsibility to notify the plan administrator of a divorce, legal separation, or a child losing dependent status under the City's group health plan within 60 days of the event or within 60 days of the date on which coverage would be lost because of the event. The City of Mount Vernon has the responsibility to notify the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, he or she will notify the covered worker or family member that he or she has the right to choose continuation coverage. The covered worker or family member then has at least 60 days from the date on which he or she would otherwise lose coverage to inform the plan administrator that he or she wants continuation coverage. If the covered worker or family member does not choose continuation coverage, group health insurance coverage will end. If the covered worker or family member chooses continuation coverage, The City of Mount Vernon will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members.

Limitations and Extensions Continuation coverage is limited to 36 months, unless the covered worker or family member lost group health coverage because of a termination of employment or reduction in hours. In that case, the continuation coverage period is 18 months. The 18-month period may be extended to 36 months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occurring during that 18-month period. Moreover, the 18-month period may be extended for an additional 11 months (for a total of 29 months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within 60 days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

1. The City no longer provides group health coverage to any of its employees
2. The premium for continuation coverage is not paid
3. The covered worker or family member becomes eligible for Medicare
4. There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra 11 months of continuation coverage based on their disability at termination); or
5. The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a “preexisting medical condition.”

An individual does not have to show that he or she is insurable to choose continuation coverage. A minimum 30-day “grace period” will be allowed for the covered worker or family to pay regularly scheduled premiums. At the end of the continuation coverage period, the covered worker or family member will be allowed to enroll in an individual conversion health plan provided by the current health plan.

(Legal reference: U.S. C.O.B.R.A. of 1985; Health Insurance Portability Act of 1996; and ERISA Technical Release No. 96-1.)1000

Employees can obtain additional information on this subject from the director of finance.

13.11 Calculation Of Termination Pay

Employees who are separated from employment with the City will normally be paid on the next regularly scheduled payday. A regular employee who has completed at least one year of continuous service will be paid for unused vacation leave, up to the limit established by these policies.

Unused sick leave will be canceled upon termination of employment and the employee will not be compensated for it. (See **Retirement** section of these policies for employee retirement exception.)

Payment for such leave balances will be included in the employee’s final paycheck and will be calculated in the following manner:

1. The total work time and allowable vacation and compensatory leave time will be calculated as a total number of hours for which compensation is due. The employee’s regular hourly rate will be determined for most employees by dividing the employee’s regular annual salary by 2,080 working hours per year. Police officers’ regular hourly rate will be determined by dividing their regular annual salary by 2,236 working hours per year.
2. For employees who are subject to the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee’s final pay period which have not been compensated through either of the time-off methods described under “**Overtime Worked**” section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee’s regular hourly rate for each overtime hour worked.

14.00 GRIEVANCES

14.01 POLICY

It is the policy of the City, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur. No adverse action will be taken against an employee for reasons of his or her exercise of the grievance right.

A regular employee may file a grievance on one or more of the following grounds:

1. Improper application of rules, regulations and procedures (but not the rules, regulations and procedures themselves)
2. Unfair treatment
3. Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin
4. Improper application of fringe benefits
5. Improper working conditions

The City follows a grievance procedure which ensures the employee due process in the City's consideration of his or her work-related grievances: the right to be represented, the right to mount a defense and the right to present written response(s) regarding resolution of the grievance. Terminations, which must be approved by the City Council in consultation with the City attorney, are not grievance actions.

14.02 FINAL AUTHORITY

Grievances can be appealed through the employee's supervisor to the City Administrator whose decision is final. Employees in a position at the department head level may appeal the City Administrator's decision to the City Council.

14.03 PROCEDURE

Informal Grievances The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Grievances Formal grievances must be in writing, using the City's grievance form, signed by the employee and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another City employee of his or her choosing who has not been an employee representative in any other City grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will:

1. Meet with the employee and such other persons as may be necessary to gather the facts
2. Notify his or her supervisor and department head, who must notify the City Administrator's office immediately upon learning that a grievance has been filed
3. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
4. Communicate the decision to the employee in writing within 15 working days after receipt of the grievance, sending a copy of the proposed resolution to the City coordinator and the department head

If an employee either receives no written resolution from the supervisor within 15 working days from the date on which the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must

file a written appeal with the department head within 10 working days after the time period for the receipt of a proposed resolution has elapsed. The department head will review the facts and the file; meet with the parties involved; attempt to resolve the grievance within five working days after receipt of the grievance appeal; and respond in writing to the employee within 10 working days of the date on which the appeal was received in the department head's office, sending a copy to the City Administrator.

If the employee either receives no written resolution from the department head within 10 working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee must file a written appeal with the City Administrator within 10 working days. The City Administrator will then review the facts and the file and meet with the parties involved, if deemed appropriate, before responding in writing to the employee within 15 working days of the date the appeal was received in the City Administrators' office. The City Administrators' decision is final, except for grievances filed by department heads, who may appeal to the City council if they are alleging discrimination or sexual harassment against them by the City Administrator.

Maximum Time Periods At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within five working days in simple grievance matters.

Documentation Copies of all documentation relating to the grievance will be forwarded to the City Administrators' office immediately upon conclusion of each step in the grievance process and will be placed in the employees' personnel file.

Grievances Relating to Sexual Harassment or Discrimination Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the City coordinator immediately. If the grievant is a City department head alleging discrimination or sexual harassment by the City Administrator, he or she may file a grievance directly with the City council within 10 working days of the alleged discriminatory act. In such instances, to allow adequate time for proper investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee. In all instances of alleged discrimination or sexual harassment, the City attorney will be consulted before a written resolution is provided to the grievant.

Requirement for Appeal if Dissatisfied If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal implies that the employee is satisfied with the latest resolution.

15.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

15.01 JOB DESCRIPTIONS

The City Administrator establishes and periodically reviews an official job (class) description for each position in the City.

15.02 DISTRIBUTION

During the employee's orientation, the job description for his or her position will be (1) given to each employee; (2) reviewed by the employee; and (3) placed in the employee's personnel file along with a certification that the employee reviewed it. Each employee is also given a copy of the job description to keep.

15.03 REQUESTS FOR CLARIFICATION

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position that he or she occupies.

15.04 EMPLOYEE PERFORMANCE EVALUATION

Supervisory personnel normally conduct performance evaluations of each City employee together with an evaluation interview at the end of the first full consecutive six (6) months of employment and, after that, annually. Performance evaluation records are maintained in individual employee personnel files.

The supervisor provides a copy of the evaluation form and discusses the job performance factors with the employee when he/she is hired.

Consideration for annual merit increases may be based on each employee's performance as documented in the formal performance evaluations and on other documented performance-related information.

If the employee disagrees with a performance evaluation, he or she should note the disagreement in the space provided on the evaluation form.

See the paragraph in these policies on **Merit Increases** for more information.

15.05 RESPONSIBILITY OF ADMINISTRATOR/SUPERVISORS

Each Administrator/Supervisor is required to:

1. Establish expectations so employees know what they are supposed to do and how well they are expected to do it.
2. Provide orientation and training so that employees learn the skills and knowledge needed to perform up to standard.
3. Provide timely feedback to ensure that employees receive the information needed to improve their performance and achieve and maintain performance expectations.
4. Hold employees accountable for job performance through regularly scheduled documented conferences. Employee representatives are not allowed in supervisory/management conferences.
5. Complete performance evaluation to comply with City Policy and submits any comments/rebuttals by the employee in a timely manner to the Human Resource Office.
6. Take disciplinary action when appropriate.

15.06 RESPONSIBILITY OF EMPLOYEES

Each employee is expected to:

1. Learn what is expected in the job
2. Develop job skills by attending and participating in orientation and training as required or other job opportunities
3. Come to work as scheduled and perform the job duties to meet the City's expectation
4. Inform the supervisor when there are barriers in meeting job expectations
5. If the employee chooses to write a rebuttal to his/her performance evaluation, it is submitted to the supervisor within one week of receiving his/her evaluation

16.00 PERSONNEL FILES

16.01 GENERAL

The City Clerk maintains employee personnel records. Employee Personnel Records consist of an administrative file and a confidential file. Additionally, all I-9s are kept separately. Generally, personnel files shall be kept confidential and may not be divulged for purposes unconnected with City personnel management. However, unless otherwise provided by law, information in an employee's administrative (just a thought) file is public information and must be disclosed upon request unless specific items are accepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Administrator or by an employee authorized to do so by the City Administrator. Requests for personnel information will be handled in accordance with the Texas Open Records Act.

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the City Clerk. (Legal reference: Public Information Act, V.T.C.A. Government Code, Sec. 552.024.)

An employee or his or her representative designated in writing may examine the employees' personnel file upon request during normal working hours at the City offices. An employee may request copies of items or materials in his or her file but may not remove anything from the file.

When a supervisor requires access to the administrative file of an employee under his or her supervision for the handling of personnel matters, the City Clerk will provide access to the specific file(s).

Employees must inform their supervisor of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

(Legal reference: Article 6252-17a, V.T.C.S.)

16.02 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting each personnel action to the personnel file. A Personnel Action Form must be signed by the supervisor and the City Administrator and submitted to the payroll office before it becomes effective. This form is used to promote uniformity in matters affecting:

1. Employment Category,
2. Position Title and Classification,
3. Pay Group and Rate and
4. Other Actions Affecting the Employee's Status

Each Personnel Action Form becomes a permanent part of the employee's personnel file; a copy is given to the employee each time an action occurs.

16.03 CONTENTS OF PERSONNEL FILES

An employees' administrative file contains all documents related to an that individuals' employment relationship with the City; application and resume, status changes, disciplinary actions, policy acknowledgments and similar documents.

I-9 forms and supporting documents for all City employees are filed alphabetically in a single file that is separate from individual administrative or confidential files and kept according to applicable retention procedures.

An employees confidential file will contain such documents as medical-related forms, workers compensation claims, benefits enrollments, financial institution information and similar documents.

16.04 LEAVE RECORDS

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the City Clerk. Leave records are updated at the end of each pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must submit a copy of an approved leave request to the payroll office for any paid leave time used by an employee under his or her supervision. The approved leave request forms must be attached to the payroll information sent to the payroll office at the end of each pay period.

17.00 PROFESSIONAL DEVELOPMENT

17.01 GENERAL POLICY

The City encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the City.

17.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals and lodging. When appropriate, the City may prepay registration fees, hotel costs and/or airline or other public transportation costs directly to the entity involved. See additional information in the chapter of these policies **Travel/Expense Reimbursement**.

17.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the City Administrator, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Administrators prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

18.00 TRAVEL/EXPENSE REIMBURSEMENT

18.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY

The policy of the City is that employees should not pay for all necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel of their own monies. When making travel plans, consideration should be given to determine which method is the most appropriate and economical. Any travel covering a distance of more than 400 miles must be approved by the City Administrator.

18.02 TRANSPORTATION

Travel by City employees outside the City must be authorized in advance by the department head and does not exceed budgetary limitations. Travel advances or reimbursement for travel is based upon the most economical conveyance that is reasonably available.

Air travel may be used when travel by automobile will exceed 4 hours or as approved by the City Administrator. Air travel must be booked at the most discounted fare whenever possible. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not an allowable expense, except when less-than-first-class air accommodations are not reasonably available.

Employees are expected to use a City vehicle when traveling whenever possible. However, when authorized by the City Administrator, an employee may use a personal vehicle and shall be paid an amount per mile; equivalent to the current IRS approved rates. An employee who receives a car allowance will only be paid for round trip mileage when traveling more than fifty (50) miles from City Hall, one way. In instances of approved private vehicle use, reimbursement will also be made for tolls and parking fees. When two or more employees are going to the same event, employees are expected to travel in one vehicle and only one employee will receive mileage. Receipts are required for toll and parking fees, as well as for taxi cabs and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Administrator (or designee).

18.03 ALLOWANCE FOR MEALS

If the travel requires being away from the City limits for an extended period of any given workday, employees will be allowed a daily amount for meals, as determined by current the U.S. General Service Administration amounts.

Eligibility for meal allowance consists of travel or training that prevents the employee from being back in the City limits after the following times:

<i>Breakfast</i>	<i>Lunch</i>	<i>Dinner</i>
<i>Overnight Stays Only</i>	<i>1:00 pm</i>	<i>6:00 pm</i>

If an employee will not be back in the City limits until, after a reasonable amount of time for travel from the scheduled training or event; after the above set times, then meal per diem is allowed.

18.04 OTHER EXPENSES

Within the limits of approved departmental budgets, employees engaged in necessary and authorized travel in the conduct of City business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the City. Reimbursable subsistence expenses will generally be for registration, lodging, official telephone calls, parking, tolls, taxi and reasonable gratuities. Receipts or other documentation acceptable to the City Administrator must accompany any request for reimbursement.

18.05 EXPENSE REPORT

Any employee traveling away from the City will complete a pre-travel form and submit it to the City Clerk the week prior to the planned trip. Meals and allowed mileage per diem will be reported on this form. Employees will receive a check for this amount only. Any funds used over the predetermined amounts will be the responsibility of the employee.

Any other expenses; hotel, airfare, or other approved expenses shall either be charged to a City credit card, or pre-paid before the travel occurs. Registration checks will be made payable only to the organization sponsoring the conference.

Any un-anticipated expenses; determined by the City Administrator to be a reasonable expense; unexpected parking fees, or similar will be reimbursed at actual cost as supported by itemized receipts submitted within two (2) business days of return from the trip and submit these documents along with a post travel form.

18.06 PROHIBITED EXPENDITURES

Costs of personal entertainment, meals of family members, amusements, social activities, alcoholic beverages, traffic citations, personal telephone calls, other items of a personal nature or illegal activities are not eligible for reimbursement.

Employees determined to be abusing the travel and training guidelines stated above, in any manner will be subject to disciplinary action, up to and including termination.

Employee Acknowledgement of Personnel Policy

I hereby acknowledge that I have been given a copy of the Personnel Policy Manual, (adopted this 13th day of May, 2024) for the City of Mount Vernon. I understand it is my duty to review it and request clarification of my supervisor concerning any policy which is unclear to me.

I agree to abide by the policies established in the Personnel Policy, as it now exists or as hereafter amended so long as I remain in the employment of the City of Mount Vernon.

I understand that at termination of employment, I will be obligated either to return the Personnel Policy Manual or sign an affidavit that it has been lost and is no longer in my possession.

Print Name: _____

Signature: _____ Date: _____