



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd. Stonecrest, GA 30038

Monday, December 20, 2021 at 6:00 PM

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner – District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner – District 4

Council Member Tammy Grimes – District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, Deputy City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval - of the November 10, 2021 Special Called Meeting Minutes

b. Approval - of the December 13, 2021 Special Called City Council Meeting Minutes

c. Approval - of the December 14, 2021 Special Called City Council Meeting Minutes

VII. PUBLIC COMMENTS

(This Meeting will be conducted virtually, the public comments received via email by 4 pm on the day of the meeting will be read or played via voice memo or video into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.

VIII. PUBLIC HEARINGS

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read or played via voice memo or video into the minutes by the City Clerk)

There is a ten (10) minute time limit for each item during all public hearings.

IX. CONSENT AGENDA

X. ANNOUNCEMENTS

- a. Salem Middle School Rams Championship Football Team - *Mayor Pro Tem George Turner*
- b. Construction Board of Appeals - *Mayor Pro Tem George Turner*

XI. REPORTS & PRESENTATIONS

- a. Committee Reports - *Mayor Pro Tem George Turner*
 - CID Advisory Committee
 - SPLOST Advisory Committee
 - Parks and Recreation Advisory Committee
 - Stonecrest Financial Oversight Committee

XII. OLD BUSINESS

XIII. NEW BUSINESS

- a. **For Decision** - Approval of FY22 Special Event City Calendar - *Tameika Porter*
- b. **For Decision** – Cooperation Agreement with the East Metro Dekalb CID - *Alicia Thompson*
- c. **For Decision** - Payroll, Meeting and Holiday Calendar - *Janice Allen Jackson*
- d. **For Decision** – of Personnel Policies Manual – *Steven McClure*
- e. **For Decision** - American Rescue Plan Act Consultant Services - *Gia Scruggs*
- f. **For Decision** - Fleet Policy - *Gia Scruggs*
- g. **For Decision** - Legal Services Contract - *Gia Scruggs*
- h. **For Decision** - Public Hearing Participation - *Mayor Pro Tem George Turner*

XIV. CITY MANAGER UPDATE

- a. COVID Update

b. Holiday Closures

XV. MAYOR AND COUNCIL COMMENTS

XVI. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

XVII. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner - District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner - District 4

Council Member Tammy Grimes – District 5

SPECIAL CALLED CITY COUNCIL MEETING MINUTES

Wednesday, November 10, 2021 at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. ROLL CALL:** Tomika R. Lewis, Acting City Clerk – All members present.
- III. PUBLIC COMMENTS:** None

(This meeting will be conducted virtually. The public comments received via email by 4:00pm on the day of the meeting, will be read or played via voice memo or video into the minutes by the City Clerk.)

There is a three (3) minute time limit for each speaker during public comment.

IV. DISCUSSION ITEM:

a. Approval – Fiscal Year 2022 Budget Resolution

City Manager Jackson stated there is approximately 8.5 million dollars that has been allocated for capital projects. City Engineer Tom Udell has been working with the SPLOST Advisory Committee and staff on details as to how those dollars would be utilized. There will be further discussion in December.

City Manager Jackson is also requesting a list of Special Events for FY2022 and would like to have common understanding as to what would be funded with those dollars.

Also discussed were the monies set aside for the Mayor and Council Initiative Budget totaling approximately \$75,000. There will be discussion in December or January to develop a plan for utilization of those resources.

Motion – made by Councilmember Rob Turner to approve the FY 2022 Budget Resolution. Seconded by Councilmember Jazzmin Cobble.

Motion passed unanimously.

b. Approval – Information Technology Services Contract

On August 26, 2021 a solicitation for an Information Technology Services Contract was published. Five electronic bids were received on September 29, 2021 and evaluated. The Finance Department is



CITY OF STONECREST, GEORGIA

recommending Interdev to perform the Information Technology support services to include the initial Information Technology and Cyber Security Assessment.

The Finance Department is also recommending approval of this contract with an amount not to exceed \$375,672 annually. The funding for this contract is included in the FY22 Information Technology Budget.

Motion – made by Councilmember Jazzmin Cobble to approve the Information Technology Services Contract. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

V. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues:

1)Personnel, 2) Litigation, 3) Real Estate)

VI. ADJOURNMENT

Motion – made by Councilmember Jazzmin Cobble to adjourn the Special Called Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED VIRTUAL MEETING MINUTES

3120 Stonecrest Blvd. Stonecrest, GA 30038

Monday, December 13, 2021 at 5:45 PM

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner – District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner – District 4

Council Member Tammy Grimes – District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, Deputy City Clerk

All Members present.

III. PUBLIC COMMENTS

(This Meeting will be conducted virtually, the public comments received via email by 4 pm on the day of the meeting will be read or played via voice memo or video into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.

IV. Agenda Items

a. Approval - of Worker's Compensation Program - *Steven McClure*

Request for City to extend Worker's Compensation to Safety Officers and/or Elected Officials. Applications would be completed by City Manager.

Motion – made by Councilmember Rob Turner to adopt the resolution for the Worker's Compensation Program. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

b. Approval – of Executive Search Additional Contract Approval - Developmental Associates – *GIA Scruggs*

Request to advertise for additional positions such as Deputy City Manager, Leisure Services Director and Economic Development Director. There is currently a contract in place with Baker Tilly and the request is to add an additional contract with Developmental Associates.

Motion – made by Councilmember Jazzmin Cobble to approve the additional contract for the Executive Search Firm, Developmental Associates. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

V. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

VI. ADJOURNMENT

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CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner - District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner - District 4

Council Member Tammy Grimes – District 5

SPECIAL CALLED CITY COUNCIL MEETING MINUTES

Tuesday, December 14, 2021 at 1:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, Deputy City Clerk

***No quorum – Meeting cancelled**

III. PUBLIC COMMENTS

(This meeting will be conducted virtually. The public comments received via email by 4:00pm on the day of the meeting, will be read or played via voice memo or video into the minutes by the City Clerk.)

There is a three (3) minute time limit for each speaker during public comment.

IV. DISCUSSION ITEM:

a. Personnel Matters

V. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues:

1)Personnel, 2) Litigation, 3) Real Estate)

VI. ADJOURNMENT

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If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: Approval of FY22 Special Event City Calendar

AGENDA SECTION: (check all that apply)

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: (check all that apply)

☐ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☒ OTHER, PLEASE STATE: Events Calendar

ACTION REQUESTED: ☐ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Current Work Session: Monday, December 13, 2021

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Tameika Porter, Parks and Recreation

PRESENTER: Tameika Porter

PURPOSE: *The Parks and Recreation Department is seeking approval from the Mayor Pro Tem and Council regarding the proposed FY22 Special event CITY calendar. The proposed Department of Leisure Services has provided a draft calendar of special events from small and large scale that will provide recreational, cultural, educational, and health benefits to the local community and the residents of Stonecrest. In addition to the CITY Special Events, there's potential partnership opportunities for special events organized by individuals, commercial organizations, non-profits, local cities, or other departments, and include but are not limited to concerts, festivals and fairs, cultural events, celebrations, fundraisers, large scale sports events, marathons, and carnivals. These events may feature, under proper permits only, alcohol, food, live entertainment, and arts/crafts. These events may be free to public or may be ticketed with an entrance fee.*

FACTS: Click or tap here to enter text.

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - 2022 Events Calendar updated



2022 PARKS & RECREATION &

CITY CALENDAR OF EVENTS

Black= Parks & Recreation Events

****This list does not include programs****

Green- City Events

<u>Date</u>	<u>Description</u>	<u>Location</u>	<u>Partnering Organizations</u>
February 12, 2022	Black History Events for February **Museum set up inside Browns Mill Recreation Center	Browns Mill Recreation Center	Christine Benta
February 18, 2022	Painting with a Twist-Afrocentric Art 1pm – 4pm \$35/per person covers supplies Couples Night Out (Valentine) 6pm – 9pm		Parks & Rec/DJ Team
February 19, 2022	Black History Movie Night 6pm – 9pm Capacity Fifty Stonecrest Youth Entrepreneur Expo Main Event Entertainer will be Manga African Dance Group 10AM – 1:00PM		Parks & Rec/ DJ Team
March 5, 2022	Women's History Month: Brunch	Browns Mill Recreation Center	City Event
March 19, 2022	Stonecrest Day Stonecrest City Anniversary- March 17-Actual Date *Have a celebration at City Hall or in parking lot of City Hall ***Need City Council Input & Involvement	City Hall or Sam's Club	City Event- Parks Department, City staff and administration City Council City Committees/HOA's



March 23, 2022	Career Fair **City Council Involvement as well	Browns Mill Recreation Center	City Event- P&R Staff, Stonecrest Chamber/ Department of Labor
April 9, 2022	Stonecrest Easter Egg Drop	Southeast Athletic Complex	City Event
July 2022	Park & Recreation Month Activities **Activities all month	Virtual/Parks	PR Team/Instructors
July 23, 2022	Back to School & Parent Expo	TBD-At one of our parks	Staff will collaborate with athletic vendors and other organizations to make this a joint event
August 2, 2022	National Night Out ***Need City Council Input & Involvement	City Hall or Browns Mill Recreation Center	City Event HOA's in Stonecrest City Council City Staff ATL Shout
August 13, 2022	Household Hazardous Event Sustainability Project	Sam's Club	PR
August 27, 2022	2022 Woof Mob Doggy Takeover Festival	Southeast Athletic Complex	City Event w/ Councilman Turner/Woof Mob/ Parks
September 17, 2022	Screen on the Green w/ Councilwoman Cobble	Fairington Park	Parks & Rec/City Event
September 20 – September 22, 2022	2022 NRPA Annual Conference- Parks Professional Development Phoenix, Arizona		
October 2022	City of Stonecrest Day of Service: GA Cities		City Event
October 28 or 29, 2022	Halloween Event: Stonecrest Trunk or Treat *Get HOA/Community involvement		City Event: HOA Stonecrest Committees City Staff
November 7 – November 10, 2022	2022 GRPA Conference Jekyll, Island Parks Professional Development		



November 12 th or 19 th 2022	Thanksgiving Distribution ***Partner with local organization or church**	Sam's Club/Browns Mill	City of Stonecrest Staff and Council in collaboration with Vision Christian Center (Pastor White) and any other nonprofit.
December 10, 2022	Stonecrest Holiday Event Possible Toy Giveaway in collaboration with local organizations or churches	Sam's Club Browns Mill Recreation Event Center	City Event City Staff City Council Local Organization



CITY COUNCIL AGENDA ITEM

SUBJECT: Cooperation Agreement with the East Metro Dekalb CID

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☒ RESOLUTION ☒ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: Monday, December 13, 2021

Current Council Meeting: Monday, September 20, 2021

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: To enter into a cooperation agreement with the East Metro Dekalb CID

FACTS: The CID Advisory Committee believes that it is proper and in the City's interest – and in the mutual interest of the CID and its members - to formalize our relationship with the East Metro Dekalb CID. The CID derives revenue from certain commercial properties in the City, which is used for capital improvements and other programs within the CID's boundaries, both in Stonecrest and in unincorporated Dekalb County. The Cooperation Agreement will establish, among other things, when and how the City and the CID will communicate their respective plans and activities in the City's portion of Community Improvement District.

The City Attorney has advised that, prior to executing the Cooperation Agreement, the City must first acknowledge and consent to the CID's formation via the attached CID Creation Resolution. A second Resolution will authorize the City to enter into the Cooperation Agreement itself.

The CID Advisory Committee approved this item for presentation to Council in its 12/2/2021 meeting.



CITY COUNCIL AGENDA ITEM

OPTIONS: Discussion only [Click or tap here to enter text.](#)

RECOMMENDED ACTION: NA

ATTACHMENTS:

- (1) Attachment 1 - East Metro Dekalb Creation Resolution
- (2) Attachment 2 - East Metro Dekalb Cooperation Agreement Resolution
- (3) Attachment 3 - Draft Cooperation Agreement Between East Metro Dekalb and City
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA AUTHORIZING THE EXECUTION OF A COOPERATION BETWEEN THE CITY OF STONECREST AND EAST METRO DEKALB COMMUNITY IMPROVEMENT DISTRICT (CID) AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the DeKalb County Community Improvement Act of 2008, Ga. L. 2008, P. 3817, as amended by Ga. L. 2016, P. 3956 (“Act”), provided for the creation of the CID; and

WHEREAS, the CID is intended to create a means to provide, supplement, and enhance various planning and improvements within the boundary of the CID; and

WHEREAS, a majority of the owners of real property within the CID which would be subject to taxes, fees and assessments levied by the CID consented in writing to the creation of the CID; and

WHEREAS, the owners of the real property within the CID which constitutes at least seventy-five percent (75%) of all real property within said CID, and which would be subject to taxes, fees, and assessments levied by the CID according to the most recently approved County ad valorem tax digest, consented in writing to the creation of the CID; and

WHEREAS, the DeKalb Tax Commissioner certified said consents in accordance with the Charter; and

WHEREAS, the DeKalb County Board of Commissioners (“BOC”) created the CID by Resolution approved May 13, 2014, and expanded the CID by Resolution approved April 28, 2015; and

WHEREAS, Section 1322 of the Act requires that “services and facilities provided pursuant hereto will be provided for in a cooperation agreement executed jointly by the board and by the governing authority of DeKalb County if any of the district is in the unincorporated area of

the county, and by any municipalities within which the district is partially located” (emphasis supplied); and

WHEREAS, subsequent to the CID’s creation, the City of Stonecrest has been incorporated, a portion of which includes real property within the CID boundaries; and

WHEREAS, the City and the CID desire to enter into a cooperation agreement to effectuate the organization and operation of the CID in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, that the Mayor is hereby authorized, on behalf of the City to enter into a cooperation agreement between the City of Stonecrest and the East Metro DeKalb Community Improvement District (“Cooperation Agreement”) in substantially similar form as attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, under the Cooperation Agreement the CID is created for the provision of governmental services and facilities.

BE IT FURTHER RESOLVED that the City Attorney, or her designee is hereby authorized to prepare the Cooperation Agreement.

BE IT FURTHER RESOLVED that the Cooperation Agreement will not become binding against the City until the executed by both parties.

BE IT FINALLY RESOLVED, that all resolutions or parts of resolutions in conflict with herewith are waived to the extent of the conflict.

SO RESOLVED, this ____ day of _____ 2021.

[SIGNATURES ON FOLLOWING PAGE]

City of Stonecrest, Georgia

Jason Lary, Mayor

Attest:

Tomika R. Lewis, Acting City Clerk

Approved As to Form:

City Attorney

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA CONSENTING TO THE CREATION OF THE EAST METRO DEKALB COMMUNITY IMPROVEMENT DISTRICT (CID) AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE DEKALB COUNTY COMMUNITY IMPROVEMENT ACT OF 2008; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, by Act of the Georgia General Assembly, Ga. L. 2008, P. 3817, as amended by Ga. L. 2016, P. 3956, the Dekalb County Community Improvement Act Of 2008 (the “Act”) was enacted; and

WHEREAS, the CID was intended to create a means to provide, supplement, and enhance various planning and improvements within its boundaries; and

WHEREAS, a majority of the owners of real property within the CID which would be subject to taxes, fees and assessments levied by the EMCID consented in writing to the creation of the CID; and

WHEREAS, the owners of the real property within the CID which constitutes at least seventy-five percent (75%) of all real property within said CID, and which would be subject to taxes, fees, and assessments levied by the CID according to the most recently approved County ad valorem tax digest, consented in writing to the creation of the CID; and

WHEREAS, the aforesaid written consents have been certified as satisfactory in compliance with the Act for the creation of the CID; and

WHEREAS, the DeKalb County Board of Commissioners (“BOC”) created the CID by Resolution approved May 13, 2014, and expanded the CID by Resolution approved April 28, 2015; and

WHEREAS, Section 1322 of the Act requires that services and facilities provided pursuant hereto will be provided for in a cooperation agreement executed jointly by the governing authority of DeKalb County and the CID if any of the district is in the unincorporated area of the county, and by any municipalities within which the district is partially located” (emphasis supplied); and

WHEREAS, subsequent to the CID’s creation, the City of Stonecrest was incorporated, a portion of which included real property within the CID boundaries; and

WHEREAS, the City has determined the CID would help provide governmental services and facilities within said district; and

WHEREAS, the City has determined the activation of the CID would be in the best interest of, and would promote the health, safety and welfare of, the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City of Stonecrest, Georgia consents to the creation of a CID to be known as the East Metro Dekalb Community Improvement District as previously approved by the DeKalb County Board of Commissioners in 2014 and expanded in 2015 and as for the provision of the following governmental services and facilities:

- 1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
- 2) Parks and recreation areas and facilities;
- 3) Storm water and sewage collection and disposal systems;
- 4) Development, storage, treatment, purification, and distribution of water
- 5) Public Transportation including, but not limited to, services intended to reduce the volume of traffic or transport two or more persons in common vehicles or conveyances;
- 6) Terminal and dock facilities and parking facilities; and
- 7) Such other services and facilities as may be provided for by general law.

BE IT FURTHER RESOLVED that the City has made an appointment to the CID in accordance with the Act.

BE IT FURTHER RESOLVED that all those elected shall take an oath of office upon election to faithfully administer their duties under the Act.

BE IT FINALLY RESOLVED that the Municipal Clerk is directed to forward a copy of this resolution to the Tax Commissioner of DeKalb County.

SO RESOLVED, this ____ day of _____ 2021.

City of Stonecrest, Georgia

Jason Lary, Mayor

Attest:

Tomika R. Lewis, Acting City Clerk

Approved As to Form:

City Attorney

COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____ 2021, by and between the CITY OF STONECREST, GEORGIA, a political subdivision of the State of Georgia (“City”), and the EAST METRO DEKALB COMMUNITY IMPROVEMENT DISTRICT (“CID”).

WHEREAS, the DeKalb County Community Improvement Act of 2008, Ga. L. 2008, P. 3817, as amended by Ga. L. 2016, P. 3956 (“Act”), provided for the creation of the CID; and

WHEREAS, the CID is intended to create a means to provide, supplement, and enhance various planning and improvements within the boundary of the CID; and

WHEREAS, a majority of the owners of real property within the CID which would be subject to taxes, fees and assessments levied by the CID consented in writing to the creation of the CID; and

WHEREAS, the owners of the real property within the CID which constitutes at least seventy-five percent (75%) of all real property within said CID, and which would be subject to taxes, fees, and assessments levied by the CID according to the most recently approved County ad valorem tax digest, consented in writing to the creation of the CID; and

WHEREAS, the DeKalb Tax Commissioner certified said consents in accordance with the Charter; and

WHEREAS, the DeKalb County Board of Commissioners (“BOC”) created the CID by Resolution approved May 13, 2014, and expanded the CID by Resolution approved April 28, 2015; and

WHEREAS, Section 1322 of the Act requires that “services and facilities provided pursuant hereto will be provided for in a cooperation agreement executed jointly by the board and by the governing authority of DeKalb County if any of the district is in the unincorporated area of the county, *and by any municipalities within which the district is partially located*” (emphasis supplied); and

WHEREAS, subsequent to the CID’s creation, the City of Stonecrest has been incorporated, a portion of which includes real property within the CID boundaries; and

WHEREAS, the City and the CID desire to enter into a cooperation agreement to effectuate the organization and operation of the CID in accordance with the Act;

NOW, THEREFORE, in consideration of the mutual covenants and benefits flowing to the parties, the City and the CID agree as follows:

1.

This Agreement shall in no way limit the authority of the City to provide services or facilities within the CID. The City shall retain full and complete authority over the provision of governmental services and over any of its facilities located within the CID.

2.

Both parties acknowledge that the CID is authorized to exercise such powers as granted under the Act as may be reasonably necessary to provide, supplement, and enhance various aspects of the CID.

3.

The CID shall not have any power or authority to contract in the name of, encumber, or create debt for or on behalf of the City.

4.

At the beginning of each calendar year, the City shall advise the CID of the City's plan for improvements and services within the CID, and the CID shall advise the City of the CID's plan to enhance and supplement the services provided within the CID. Any plans proposed by the CID shall be compatible with adopted City policies and planning for the CID's area. Each of the parties hereto shall endeavor to act in such manner so as to coordinate actions for the maximum improvement of the CID and each shall endeavor not to duplicate services and actions so as to obtain efficiency of effort.

5.

(a) The CID shall be responsible for providing written notice of its regular meetings and minutes thereof to an individual designated by the City. Such individual shall be the City Manager, whose address is City of Stonecrest, 3120 Stonecrest Boulevard, Stonecrest, GA 30038, unless the City notifies the CID of a replacement. Such notice shall be sent at least fourteen (14) calendar days prior to the meetings.

(b) The CID shall be responsible for providing public written notice of its regular meetings and caucuses of electors by publishing notices thereof at least fourteen (14) calendar days prior to the meetings in the City of Stonecrest legal organ, and by making copies of the meeting agenda and agenda packet available to the public at the CID's website at least three (3) business days before the meeting.

6.

The CID shall levy and tax the millage as provided by law each calendar year and shall notify the DeKalb County Tax Commissioner of the amount of the levy, in writing, so that the levy may be included on the regular County ad valorem tax bills.

7.

The City shall not be required to send out any special bills. Any tax, fee or assessment levied by the CID shall be collected by the DeKalb County Tax Commissioner ("Tax Commissioner") in the same manner as other property taxes levied and collected by the City.

8.

The Tax Commissioner shall retain a fee equal to one percent (1%) of the proceeds of taxes, fees and assessments levied by the CID, or \$25,000 per calendar year, whichever is less in accordance with the Act to cover the costs of collection. The remaining proceeds shall be transmitted by the Tax Commissioner on behalf of the City to the CID within the thirty (30) days after collection so as to be expended by the CID for the purposes stated herein.

9.

This Agreement shall expire fifty (50) years from the date last signed below or upon the dissolution of the CID. This Agreement shall not be modified except by formal written action of all parties.

10.

Either party may terminate the agreement with thirty (30) days notice to the other party.

WHEREFORE, the parties have made and executed this Cooperation Agreement the day and year first above written.

EAST METRO DEKALB
COMMUNITY IMPROVEMENT DISTRICT

CITY OF STONECREST, GEORGIA

By: _____
Chairman, CID

By: _____
(Name and Title)

Attest: _____
Secretary, CID

(OFFICIAL SEAL)

ATTEST:

(Name and Title)

APPROVED AS TO FORM:

Attorney for CID

APPROVED AS TO FORM:

City Attorney
City of Stonecrest, Georgia



CITY COUNCIL AGENDA ITEM

SUBJECT: Payroll Calendar

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☒ OTHER, PLEASE STATE: **Payroll Calendar**

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Janice Allen Jackson

PURPOSE: To receive Council approval of the proposed City payroll calendar for 2022 including City Council meeting dates and City holidays.

FACTS: Starting in January, the City will be responsible for the payroll of all staff who are hired into the organization. Staff is providing Council with a proposed payroll calendar that denotes the dates of payroll cutoff, paydays and holidays to be observed by the City in 2022. The calendar has been updated based on the discussion that took place during the December 13 Work Session. We are seeking Council's approval of the proposed payroll calendar.

OPTIONS: Approve, Deny, Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - 2022 Payroll Calendar



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - 2022 Payroll Dates
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

2022 Payroll Calendar

Item XIII. c.

January

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

February

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	1	2	3	4	5

March

Su	Mo	Tu	We	Th	Fr	Sa
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

April

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

June

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

July

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

August

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

September

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

October

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

November

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

December

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Holidays

Payday

Payroll cutoff

2022 Stonecrest City Holidays

New Year's Day	Monday, January 3, 2022
Martin Luther King	Monday, January 17, 2022 (3rd Monday of Jan)
Memorial Day	Monday, May 30, 2022 (Last Monday of May)
Juneteenth	Monday, June 20, 2022 (June 19)
Independence Day	Monday July 4, 2022
Labor Day	Monday September 5, 2022 (1st Monday of September)
Veterans Day	Friday, November 11, 2022
Thanksgiving (2)	Thursday, Nov 24, 2022 & Friday November 25, 2022 (4 th Thursday and Friday of November)
Christmas Eve	Friday December 23, 2022 (December 24)
Christmas	Monday, December 26, 2022 (December 25)
New Year's Eve	Friday December 30, 2022 (December 31)

2022 Stonecrest Council Meetings

Tuesday Jan 4	First Meeting of the Year
Monday Jan 10	Work Session
Monday Jan 24	Council Meeting
Monday Feb 14	Work Session
Monday Feb 28	Council Meeting
Monday Mar 14	Work Session
Monday Mar 28	Council Meeting
Monday Apr 11	Work Session
Monday Apr 25	Council Meeting
Monday May 9	Work Session
Monday May 23	Council Meeting
Monday Jun13	Work Session
Monday Jun 27	Council Meeting
Monday Jul 11	Work Session
Monday Jul 25	Council Meeting
Monday Aug 8	Work Session
Monday Aug 22	Council Meeting
Monday Sep 12	Work Session
Monday Sep 26	Council Meeting
Monday Oct 10	Work Session
Monday Oct 24	Council Meeting
Monday Nov 14	Work Session
Monday Nov 28	Council Meeting
Monday Dec 12	Work Session
Monday Dec 19	Council Meeting



CITY COUNCIL AGENDA ITEM

SUBJECT: Personnel Policies Manual

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☒ POLICY ☐ STATUS REPORT
☒ OTHER, PLEASE STATE: Personnel Policies Manual

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☒ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): 12/13/21

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Steven McClure

PRESENTER: Steven McClure

PURPOSE: The purpose of this recommendation is to review and approve an official personnel policies manual that outlines human resources policies and procedures for the effective operation of the city's people programs and services.

FACTS: The city currently does not have a set of uniform personnel policies and procedures related workplace behaviors and programs. As such, the city is exposed to legal liability concerning employee interactions, behaviors, and performance. Additionally, the city needs a uniform document that outlines organizational expectations, highlights employee programs, and provides guidance on how to address workplace issues. The attached PPM addresses this deficiency by providing a clear set of human resources policies that employees can refer to when necessary.

OPTIONS: Approve, Deny, Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve

ATTACHMENTS: (1) Attachment 1 - Draft Personnel Policies Manual



Personnel Policies Manual

Effective January 2022

DRAFT

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SECTION 1: GENERAL PERSONNEL POLICIES

1.0 PURPOSE

- 1.0.1 These policies, in conjunction with administrative policies and procedures authorized by the City Manager, shall serve as the primary source of information related to personnel policies and procedures for administrative operations under the direction of the City of Stonecrest. These policies are enacted by the City of Stonecrest Mayor and City Council in order to further the following goals:
- a. To provide a uniform system of personnel administration throughout the City.
 - b. To ensure that recruitment, selection, placement, promotion, retention, and separation of City employees are in compliance with Federal and State laws.
 - c. To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the City.
 - d. To promote communication between Department Directors, supervisors, and employees.
 - e. To ensure, protect, and clarify the rights and responsibilities of employees.
- 1.0.2 This Personnel Policy Manual provides general information about City of Stonecrest policies, procedures, expectations, and benefits. The information in this Policy Manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Policy Manual will not apply in every situation. The City Manager shall make interpretive decisions for those situations that are not specifically covered by the provisions of this Policy Manual.
- 1.0.3 Further, in the event of conflict between these policies and a State or Federal law, the terms and conditions of that law shall prevail. In all other cases, these policies shall apply.
- 1.0.4 In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.
- 1.0.5 The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall

be deemed to create a vested contractual right for any employee to employment or to limit the power of the City Manager or Mayor and City Council of City of Stonecrest to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment. All employees are employees at will and may be terminated without cause.

- 1.0.6 This Personnel Policy Manual is intended to apply to all City of Stonecrest employees. The broad application of this Policy Manual is intended to ensure that all employees are treated equally.

1.1 EQUAL EMPLOYMENT OPPORTUNITY

- 1.1.1 City of Stonecrest is an equal opportunity employer. City of Stonecrest will provide equal employment opportunity to all qualified persons without regard to race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. This policy applies to all phases of employment, including, and not limited to, recruitment, hiring, placement, training, promotion, demotion, transfer, reduction in force, separation, compensation, and benefits.
- 1.1.2 City of Stonecrest is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments. Consistent with this policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or handicap, the City will provide reasonable accommodations to a qualified individual to allow them to perform their job, provided that the reasonable accommodations would not impose an undue hardship on City of Stonecrest or the operation of the City's business. An employee must notify the Department Director, or the employee's immediate supervisor that he or she needs an accommodation because of a disability or condition. Upon receipt of an accommodation request, the Director, or his or her designee, will consult with the HR Director, and meet with the employee to discuss and identify the precise limitation(s) resulting from the disability or condition, and the potential accommodation(s) that City of Stonecrest might make to help overcome such limitation(s).
- 1.1.3 Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of race, color, creed, religion, sex, national origin,

age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. Reasonable accommodation for applicants with disabilities may be provided upon request during an application/interview process.

1.2 ADMINISTRATION OF RECORDS

- 1.2.1 The Director of Human Resources, or his or her designee, is responsible for establishing and maintaining an official personnel file for each employee of the City.
- 1.2.2 Department Directors are responsible for forwarding documents for inclusion in the personnel files of those employees assigned to their department.
- 1.2.3 Information should be retained in the personnel file throughout the association of an employee with the City, including, but not limited to the following:
 - a. Employee application
 - b. Job description
 - c. Job performance information
 - d. Education/training information
 - e. Personnel action forms
 - f. Letters of appreciation, commendation, or discipline; and
 - g. Other appropriate information, documentation, and records for personnel administration purposes.
- 1.2.4 Access to Personnel Records - All information in an employee's personnel records shall be considered confidential, except as provided by law. Employee records may be reviewed by an employee's superiors for purposes of performance evaluation, disciplinary review, and other business purposes. In addition, employee records may be reviewed by others provided that the employee provides written authorization for same to the Director of Human Resources, or to his or her designee.
- 1.2.5 Record of Review - The Director of Human Resources shall maintain a record of each individual who reviews an employee's personnel file.
- 1.2.6 Records of Former Employees - Regulations for personnel records and access to the records shall apply to former employees as they apply to present employees.
- 1.2.7 Objections to Contents - An employee who objects to material in his personnel file may place in his file a brief statement about that which he

considers to be inaccurate.

- 1.2.8 Penalty for Unauthorized Access - Any employee who willfully allows unauthorized access to personnel records shall be subject to disciplinary action. Any employee who examines a personnel record without proper authorization shall be subject to disciplinary action.

SECTION 2: DEFINITIONS

The following words and phrases as used in these policies, unless a different meaning is required by the context, shall have the following meanings:

Absenteeism is defined as a failure to appear at work on a scheduled workday or shift exclusive of an approved leave.

Accrual: Process of earning a benefit such as vacation or sick leave.

Adverse Action: An action taken by the City Manager or Department Director that results in a suspension without pay, salary reduction, demotion, or dismissal.

City Department: An organization in City government that is responsible for the oversight and administration of specific work functions or units at the direction of the City Manager.

City Policy: A policy adopted by the Mayor and City Council or an administrative policy approved by the City Manager.

Date of hire: The effective date of the individual's employment with the City.

Department Director: Includes heads of departments. The Department Director reports to the City Manager, or designee as specified in the job description.

Discharge: Termination of an employee by the City. Discharge may be used interchangeably with Dismissal.

Doctor: A Doctor of Medicine, Osteopathy, dentist or dental surgeon currently holding an active state license.

Employee-Initiated Resignation: Voluntary separation for any reason other than formal retirement.

Exempt: Employees exempted from the

minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

Grievance: An actual or supposed circumstance regarded as just cause for complaint, such as unsafe or unhealthy working conditions; erroneous or capricious application of City policies; or unlawful discrimination.

He/His: Use of this pronoun in this document shall apply equally to both males and females.

Immediate Family: Includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee when the employee was a child.

In-Law: A relative by marriage such as mother-in-law, father-in-law, daughter-in-law and son-in-law.

Layoff: Separation of an employee by the City for lack of work, lack of funds, reorganization, or other changes that have taken place.

Manager: A Manager is the person responsible for planning and directing the work of a group of individuals.

May: The word may is conditional and implies there is discretion concerning whether a condition exists or an action will take place.

Non-Exempt: Employees covered by the Fair Labor Standards Act.

Outside Employment: Employment outside of the duties as a City employee. This shall include self-employment and other business activity, as well as working for a second employer.

Overtime: All work performed in excess of the hours permitted under the FLSA work period.

Personnel Records: Includes digital and paper personnel and medical files. An employee medical file shall be kept separate from his personnel file.

Probation: A period during which a new employee or an employee who has been transferred, promoted, or demoted is being tested on job capability and performance. Additionally a period of time allotted to an existing employee to correct identified performance deficiencies.

Probationary Employee: An employee on a trial status of probation during a period of employment. Probationary periods may be extended under special circumstances.

Regular Employee: An employee, who has successfully completed the probationary period, and is assigned to a position which is regular full-time or regular part-time.

Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year (40 hours per week).

Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours per week.

Retirement: Voluntary separation after having satisfied the age and length of employment requirements, according to the City's applicable retirement plans.

Shall/Will: These terms are unconditional and imply that a condition exists or an action will take place.

Supervisor: A supervisor is usually the lowest, or most-junior, management position. It is usually a step above lead, but below Manager.

Supervisor-Initiated Resignation: Termination requested by the supervisor, which permits the employee to resign in lieu of being dismissed.

Tardiness is defined as the failure to report to work at the time scheduled.

Temporary Full-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration, and works a shift schedule that totals no less than 40 hours per week.

Temporary Part-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours per week.

SECTION 3: CONDITIONS OF EMPLOYMENT

3.0 WORKPLACE ENVIRONMENT

- 3.0.1** City of Stonecrest is committed to ensuring that all employees enjoy a work environment free from intimidation, discrimination, harassment, and violence. These issues are discussed in more detail within this Policy Manual. If you have any concerns regarding your workplace environment, report those concerns to the City Manager, the Director of Human Resources, and/or to your Department Director.

3.1 HOURS OF WORK

- 3.1.1** The normal working hours for City administrative offices shall consist of a continuous eight (8) hour period, excluding a one(1) hour unpaid lunch, scheduled between the hours of 7:00 am and 6:00 pm, with such schedule to be established so that the needs of the department to deliver services to the citizens are met. In most cases, employees are expected to perform work during the core hours of 9:00 am to 5:00 pm.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The meal periods should be scheduled to allow for optimal staffing of offices.

- 3.1.2** The standardization of working hours is necessary to provide:
- Continuity in access by and service to the citizenry.
 - Facilitation of teamwork.
 - Facilitation of supervisory assistance.
 - Reasonable assurance of compliance with the Fair Labor Standards Act.
- 3.1.3** Occasions may arise when City services may be improved through the adjustment of an employee's work hours. Therefore, the City permits Department Directors the option of approving varying work hours or schedules within their respective departments consistent with this policy. Prior to implementing any varied work schedule, the Department Director must establish administrative standards and procedures to ensure no disruption in services provided by that department, either to the public or other employees.
- 3.1.4** The recognized varying work schedules are limited to:
- 1.** Flextime - Employees are given a choice in their report to work time and their end of work time. Flextime schedules are approved

in advance and shall not be used to tardiness or other attendance problems.

- 2.** Compressed Work Week - Employees are assigned varying hours of work during the payroll period. The typical compressed workweek consists of 4 days working 10 hours each day.
 - 3.** Split Shift – A combination of two continuous work periods, separated by a period of two or more hours, including lunch, when no work is performed.
 - 4.** Telework – Employees are allowed to work from home for the same number of hours as they would work, if physically present in their assigned workspace. Telework is a privilege, not a right of the employee. Further, a telework arraignment may be revoked if it is determined that the work suffers from such an arrangement.
- 3.1.5** When the workload and schedule permit, two 15-minute paid work breaks daily may be permitted, subject to approval by the employee's supervisor/manager.
- 3.1.6** Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the employee's past work performance and effect on the criteria enumerated in 3.1.2 above.
- 3.1.7** Employees must provide their supervisors advance notice of anticipated tardiness or notice of unavoidable tardiness within one hour of their scheduled start time. Failure to do so will be construed as an unexcused absence, and the day or time missed will not be paid for non-exempt employees. Exempt employees will have unexcused time charged to either their vacation or sick leave accumulation if vacation is not available.
- 3.1.8** Notification by another employee, friend, or relative is not considered proper, except in an emergency where the employee is physically unable to make the notification. Likewise, notices to employees other than the immediate supervisor, or above is not considered proper.
- 3.1.9** Daily attendance records will be maintained by each department, including the date and time of each absence and the reason for each absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be

cause for disciplinary action.

3.1.10 Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director.

3.1.11 The City may provide compensatory time off in lieu of cash overtime compensation for non-exempt in accordance with the FLSA.

3.2 WORK PERIODS

3.2.1 This section shall not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA. The referenced work periods may be changed to accommodate special work schedules, such as summer maintenance schedules.

3.2.2 The work period for all City employees shall be a seven (7) day period beginning on Sunday at 12:01 a.m. and continuing to Saturday at 12:00 midnight.

3.2.3 The minimum work week for full time employees shall be forty (40) hours.

3.2.4 The minimum work week to be eligible for health benefits shall be thirty (30) hours with an expectancy of working 48 weeks or more.

3.3 NEPOTISM

3.3.1 The City of Stonecrest seeks to avoid any suggestions of favoritism, discrimination, or conflict of interest in making decisions to hire, promote, and transfer staff. Because of the actual or perceived problems inherent in employing individuals with close family or other relationships, it is the City's policy that Immediate Family will not be employed in full-time or part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exists which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

3.3.2 Where business necessity requires the limitation of employment opportunity for Immediate Family members, the means chosen to meet the business

necessity shall be those which have the least adverse impact on the employees, which may include re-assignment to another department or separation of employment for one of the affected employees.

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3.3.3 The City Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not an Immediate Family member, and the relationship is unlikely to materially affect their employment.

3.4 PROBATION PERIOD

3.4.1 All employees placed in new full-time and part-time positions must serve at least a six-month period of probation. This applies to new hires, promotions, demotions, and transfers, Probation periods may also be utilized as a disciplinary measure in an attempt to improve deficient performance

3.4.2 The probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance.

Nothing in this section, including an employee being placed in a probationary status, shall limit, alter, modify, or nullify the City's employment at-will status, which includes the right to terminate employment without cause or notice.

3.4.3 If a new employee is unable to perform the work, the person may be transferred to a vacant position for which he is more qualified. If the department elects not to exercise this option, then the person should be terminated as early as possible. Prior to termination, the Department Director should review the case with the Director of Human Resources for consistency in the application of policy. Early termination saves the City both time and monetary investment, and saves the employee possible embarrassment and frustration.

If, during the probation period, an employee promoted into a new position is unable to perform the work at the expected level, such employee shall be returned to his previous position, or to a comparable position, if available.

Rejected probationers shall be notified of such action in writing by the Department Director and a copy of said notification shall be retained in the employee's personnel file.

3.4.4 It is expected that informal evaluations will be

conducted during the course of the probation period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency (ies) shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention of the person as a regular employee.

- 3.4.5 Under unusual circumstances, the probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Department Director, and approved by the City Manager. Employees whose probationary periods are being extended must be notified by the supervisor prior to the conclusion of the original period.
- 3.4.6 If the employee successfully completes the probation period, he shall automatically become a regular employee.
- 3.4.7 When an employee first becomes a regular full-time employee, he becomes eligible for vacation and other appropriate leaves retroactive to the person's beginning date of employment, but will not be able to take vacation leave until after he has been employed six months, unless authorized by Department Director. Successfully completing the probationary period will not result in additional compensation being paid to the employee.
- 3.4.8 If an individual has been transferred or promoted, he remains eligible for all fringe benefits included with the previous position during the probation period for the transfer or promotion. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon the satisfactory completion of the probation period retroactive to the date of the transfer or promotion.
- 3.4.9 If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked. In this case, the probationary period will be extended to match the time granted through the leave of absence.

3.5 RE-EMPLOYMENT

- 3.5.1 Any former regular, full-time employee who resigned from the City in good standing is eligible for re-employment.

- 3.5.2 Persons interested in re-employment should complete City application form with the Human Resources department for any advertised vacancy for which the former employee believes matches his/her qualifications. The individual will then proceed through the regular hiring procedures with other applicants.

- 3.5.3 The date of hire will take the person's previous service with the City into account for retirement service credit purposes; however, salary, benefits, and future increases will coincide with the re-employment date.

- 3.5.4 The individual's previous personnel file will be re-activated once re-employed by the City provided re-employment is within seven years after the original separation.

- 3.5.5 All individuals re-employed by the City must complete a new probationary period.

- 3.5.6 The Department Director has the discretion to re-employ an individual into any vacant position within the department for which the employee is qualified by following the prescribed recruitment process.

- 3.5.7 Re-employment of Retirees: If a bona-fide termination of employment as described in section 3.5.1 has occurred, the City may re-employ a retiree on a limited term basis. The following guidelines provide a consistent standard by which all requests for re-employment of retirees will be measured.

1. City Need - Re-employment must be as a result of City need, such as the retired employee possesses skills and institutional knowledge that the hiring department cannot otherwise obtain with equal cost effectiveness. Or, the hiring department anticipates that the Retired Employee will assist a replacement to acquire necessary skills and knowledge.

2. Break in Service - A period of at least 30 days has elapsed since the time the employee retired and the date of re-employment. Additionally, employees who have not reached normal retirement age must not engage in discussions concerning re-employment for a period of 30 days after their retirement date.

3. Re-employed Status - Unless specifically approved by the City Manager, retired employees are limited to no more than 19 hours per week, or 988 hours during any 12-month period. Re-employment into multiple part-time positions may violate the maximum hour limitation and is prohibited.

4. Compensation - Upon re-employment, the employee will be compensated at the regular rate of pay for the position rehired. The retired employee may elect to either cease or continue to receive benefits under a defined contribution plan, if applicable. If the re-employed retiree continues the benefit, there will be no further employer contributions or accrual of credited service under the plan.

If the retiree elects to cease and is rehired into a full-time position, then the employee would be paid at the regular rate, resume contributions and receive additional credited service; at the time of subsequent separation, the retirement benefit is recalculated with the additional service added.

5. Prior Approval Required - All actions to rehire a retiree must be approved by the City Manager after review and consideration of the aforementioned guidelines by the Director of Human Resources.

3.6 ELIGIBILITY FOR BENEFITS

- 3.6.1 Non-exempt employee compensation will be stated in terms of hourly wage. Exempt employees are considered salaried.
- 3.6.2 Employee's classified as regular full-time employees shall be eligible to receive all employee benefits provided by the City. Probationary employees shall be classified as regular full-time employees, for purposes of benefit eligibility and entitled to the same benefits as regular full-time employees subject to applicable eligibility provisions and time periods.
- 3.6.3 Regular part-time employees working 30 or more hours for an expected duration to exceed 48 weeks are eligible to receive health benefits in accordance with the Affordable Care Act.

3.7 HIRING PROCESS

- 3.7.1 The Human Resources Department will administer and/or coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements.
- 3.7.2 Prior to filling any vacant regular, full-time or part-time position, hiring departments must secure authorization from the City Manager, or designee, as may be modified or waived from time-to-time by the City Manager.
- 3.7.3 POSTING VACANT POSITIONS – In order to

fill any vacant or newly created position must be posted to allow for interested candidates to apply. City of Stonecrest departments have three posting options to use when filling vacant positions:

- a. In-house Posting (Departmental) – This option should be used first if departments are able to identify candidates from their current staff. The announcement of the position should be posted for a minimum of five days.
- b. Internal Posting (For City Employees Only) – This option has been established to provide City employees the first opportunity to apply for vacant positions. Internal postings are accessed via the City intranet and are not accessible to the population at large. These postings will remain open for a minimum of five days and may be updated on a weekly basis.
- c. External Posting (All Candidates Interested in City Positions) – This option allows departments to consider anyone who is interested in City positions. External postings will be posted for a minimum of 10 days or longer.

3.7.4 Applications for all advertised vacancies are to be submitted directly to the Human Resources Department in the manner prescribed by the department. Upon the position closing date, all qualified applications will be forwarded to the hiring department for review and consideration. If the posting does not provide for a closing date, the Human Resources Department shall forward applications to the hiring department as they are received.

3.7.6 Upon completion of the review process, the hiring department shall notify Human Resources of the candidate selected to fill the vacancy.

3.8 TESTING

- 3.8.1 Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available. Notice of required examinations will be included on the advertised position announcement.
- 3.8.2 The examination may consist of oral interview, application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, and/or other performance tests. In all cases, the testing will be job related and designed to determine the candidate's knowledge,

skills and abilities for the position.

- 3.8.3 The examination contents are developed by the affected department and reviewed by Human Resources for consistency with applicable employment laws. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.
- 3.8.4 The Department Director shall ensure that all testing is based on bona-fide occupational qualifications.
- 3.8.3 Upon receipt of a request for same, the Department Director shall work with the Director of Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner, unless such accommodation(s) would impose an undue hardship.
- 3.8.4 Pre-employment testing. All job applicants being considered for employment shall be required to pass pre-employment tests, which may include, but are not limited to, a drug and alcohol screening test, criminal background, medical and/or psychological exam, and credit check.
- 3.8.5 Random and periodic drug testing. The City retains the right to require all to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the Director of Human Resources.
- 3.8.6 Reasonable Suspicion Testing. A drug and/or alcohol screening test based on reasonable suspicion shall be undertaken in accordance with Section 7.1.4 of this Policy Manual.
- 3.8.7 Testing after accidents or injury. All employees involved in a work-related incident causing personal injury or property damage shall be tested promptly for drug and/or alcohol use in accordance with City policies. Any employee involved in a motor vehicle accident while driving a City vehicle on a public roadway and who is determined to have been at fault in the accident by the investigating law enforcement officer shall be tested for drugs and alcohol.
- 3.8.8 Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential.

3.9 AT-WILL EMPLOYMENT

All employees of City of Stonecrest are employees. Employment with City of Stonecrest is entered into on a voluntary basis, and all employees are employed for an indefinite time period. Either the City or the employee is free to terminate the employment relationship at any time without notice, for any reason.

The Mayor and City Council may provide a contract/letter of agreement and/or employment offer letter for positions of City Manager, Director of Finance, or any other positions reporting to the Mayor and City Council.

3.10 IMMIGRATION LAW COMPLIANCE

The City of Stonecrest is committed to full compliance with federal and state immigration laws, and will hire only individuals with the legal right to work in the United States. Pursuant to the Georgia Security and Immigration Compliance Act, all employees must complete the Form I-9 and provide legal documentation of citizenship and/or work status as set forth on the form. Within three (3) business days of hire, the City Human Resources Department electronically verifies accuracy of the employee's Social Security number and other documentation through the U.S. Department of Homeland Security verification system. The employee will be immediately notified of a non-confirmation of their Social Security number and will be provided a referral letter.

It is the employee's responsibility to resolve the discrepancy with the Social Security office within eight (8) federal government working days. On the 10th federal government working day after the date of the referral letter, the Human Resources Office will make a second inquiry to the Social Security Administration database for a final confirmation. The employee shall continue working until the confirmation process is completed, however, a final non-confirmation will result in immediate termination.

This policy and its procedures are intended to comply with the Georgia Security and Immigration Compliance Act.

Should any portion of said Act be amended, modified, revised, or repealed, or if other or additional controlling federal or state immigration laws or regulations become adopted in the future, the processes and requirements set forth in such Act, laws, or regulations shall govern.

3.11 PERFORMANCE REVIEWS

- 3.11.1 City departments shall utilize an annual

performance review process to provide employees appropriate feedback on their work performance and to communicate general competencies necessary to perform the assigned duties and responsibilities of their positions. The form and manner of reviews should be prescribed by the Human Resources Department.

- 3.11.2 Managers and supervisors shall meet with each employee within their area of supervision at least once per year to review performance.
- 3.11.3 In addition to the annual performance review period, supervisors are encouraged to establish a performance review period of a shorter duration for employees, and particularly for an employee whose performance is deemed to be unsatisfactory, who has been placed on performance probation, who has been issued a performance improvement plan, or for any reason.

SECTION 4: COMPENSATION

4.0 GENERAL

- 4.0.1 It is the policy of the City and the purpose of this plan to establish a compensation system that will allow the City to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.
- 4.0.2 The City's pay range schedules include minimum and maximum pay allowed by grade. The pay range schedules for employees shall be adopted by the Mayor and City Council.
- 4.0.3 Cost-of-Living adjustments may be granted by the Mayor and City Council upon recommendation by the City Manager. In the event a cost of living adjustment is made, the salary range allowed by grade may not change. Rather, the eligible employee's pay should be adjusted up the range to reflect the cost-of-living increase.
- 4.0.4 Classification Plan: The City administers a classification and compensation plan in which jobs with similar duties and responsibilities are assigned to the same salary grade. The Director of Human Resources may conduct an analysis of various jobs when there is an indication an employee is working above or below the established responsibilities for that position. Such review may result in the position being upgraded to a higher grade or downgraded to a lower grade within the plan.

4.0.5 Position Upgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources or City Manager and results in the position moving to a higher grade range, the employee's salary may increase by 5% or the employee may assume the entry level salary of the new range, whichever is greater, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

4.0.6 Position Downgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources or City Manager and results in the position moving to a lower grade range, the employee's salary may be reduced by 5% or more, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

4.0.7 Maintenance of the Salary Plan: The Director of Human Resources shall be responsible for the continuous maintenance and administration of the City's Compensation Plan. Reviews will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the City Manager may recommend to the Mayor and City Council changes to keep the plan current, uniform and equitable.

4.0.8 New Employees: New employees will ordinarily be paid between the minimum rate and midpoint in the appropriate salary range, depending on qualifications, and budgetary considerations.

4.0.9 The salary offered to the employee must be consistent with the salary and requirements of the position. An employee who meets only the minimum requirements for the position will start at the bottom of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills, experience, and knowledge, but in no case shall the salary be more than the midpoint level pay for the position, unless prior approval is obtained from the City Manager.

4.0.10 No employee's salary shall exceed the maximum

salary for their position. In the event an employee's salary exceeds the maximum range, he may not receive annual increases until market research warrants an increase in grade and/or range or, unless authorized by the City Manager.

4.1 OVERTIME

4.1.1 FLSA: This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work week/period, excluding exempted positions.

4.1.2 Qualification: To be eligible for overtime pay, the employee must have actually been present at work for the specified number of hours. Vacation, sick, holiday or other types of leave will not count as hours worked for calculating overtime pay.

4.1.3 The City will compensate overtime at the rate of one and one-half for hours worked in excess of the number of hours allowed per work week.

4.1.4 Compensatory Time: When applicable, compensatory time shall be earned at a rate not less than one and one-half hours for each hour of employment in excess of 40 hours worked for non-exempt employees. Accrued compensatory time shall not exceed one-hundred twenty (120) hours.

a. Any such non-exempt employee who has accrued 120 hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

b. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

c. An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:

1. The average regular rate received by such employee during the last 3 years of the employee's employment, or
2. The final regular rate received by such employee, whichever is higher.

d. An employee, who has accrued compensatory time and has requested the use of such compensatory time, shall be

permitted to use such time on the date requested by the employee, unless doing so would be unduly disruptive to the department's operations.

e. All compensatory time shall be used by the end of the calendar year, or such accrued time will be paid out in monetary compensation.

4.1.5 Call-Back Pay: If an employee is called back to work outside of normal working hours he will be paid for hours worked, or provided compensatory time, as recommended by the Department Director

4.2 DEMOTIONS

4.2.1 An employee reassigned to a position in a lower classification regardless of the reason will receive a cut in pay commensurate with the nature of the demotion as determined by the Department Director in consultation with the Director of Human Resources and City Manager and taking into account the pay scale for the position.

4.2.2 Demotions do not change the person's date of hire.

4.2.3 No employee shall be demoted to a position for which he does not possess the minimum qualifications.

4.2.4 The Department Director will provide advance notice to an employee being demoted whenever possible, except in emergency situations.

4.2.5 Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.

4.2.6 Persons demoted to new positions will be subject to the standard probationary period for the new position.

4.3 PROMOTIONS

4.3.1 The City shall attempt to fill all vacant positions with qualified City employees before advertising to the public, following a policy of upward mobility whenever possible.

4.3.2 Generally, employees are expected to serve in their current position for at least six months before being considered for a promotion or transfer.

4.3.3 Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as

time in service.

- 4.3.4 When considering the promotion (or lateral transfer) of City employees having the same or similar qualifications, the position will be filled after considering the factors listed above.
- 4.3.5 In cases where only one employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Director of Human Resources.
- 4.3.6 No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Department Director for a specified time or assignment as necessary. Such acting status appointments are made on a temporary basis and the employee returns to his regular position upon completion of the assignment. Such acting status appointments are governed by Section 4.7.1.
- 4.3.7 Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level of the new position. In the event the entry level of the new or upgraded position does not provide a salary increase, the employee may enter at the level which provides a salary increase of 5% or more with City Manager approval. However, if the employee is receiving supplemental pay for acting status pursuant to Section 4.7.1, such temporary additional compensation shall not be included in the calculation of the salary adjustment. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.
- 4.3.8 Promotions do not change the person's date of hire.
- 4.3.9 Persons so promoted will be subject to the standard probationary period for the new position.
- 4.3.10 Non-exempt employees promoted to exempt positions shall be entitled to use any accrued compensatory time prior to the effective date of the promotion. In the event that use of compensatory time is not feasible, the employee shall be paid the balance of the compensatory time prior to the effective date of the promotion.

4.4 TRANSFERS

- 4.4.1 Any current employee interested in applying for a transfer must file a completed City application form with the Human Resources Office.

- 4.4.2 If the employee meets the stated requirements for the position, he will proceed through the regular hiring procedures with all other applicants. Transfers are made only when the City's service will benefit. All else being equal, current City employees will be given priority for open positions.
- 4.4.3 Transfer employees will serve a probationary period in his new position. Transfer employees remain eligible for all fringe benefits included with the previous position. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply.
- 4.4.4 Transfers do not change a person's date of hire.
- 4.4.5 Transfers may also be initiated by the City in instances where the City's best interests may be served, without following the standard recruitment procedures.
- 4.4.6 The salary of an employee transferred to a position within the same salary grade will not change, unless prior approval is obtained from the City Manager.
- 4.4.7 Any unused accrued vacation, or sick time for which the employee has at the time of transfer, shall transfer to the new department. Any unused compensatory time will be cashed out or used prior to moving to the new department.

4.5 POSITION DESCRIPTIONS

- 4.5.1 Position descriptions shall be maintained by the Human Resource Department for all budgeted positions.
- 4.5.2 The position descriptions shall include: Position Title, Grade, Position Code, Department, FLSA Status, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications and Special Requirements.
- 4.5.3 The position description does not constitute an employment agreement between the City and employee and is subject to change as the needs of the City and the requirements of the job change.
- 4.5.4 Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

- 4.5.5 Each employee's position description is maintained as part of his personnel file. Additional copies of position descriptions may be requested through the Department Director or Director of Human Resources.

4.6 RECLASSIFICATION

- 4.6.1 Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions.
- 4.6.2 Each position of employment under the jurisdiction of the City of Stonecrest is assigned to a particular pay grade. This section allows for changing the assignment of a particular position to a different and more suitable pay grade when it is determined that the position is incorrectly assigned. This change may produce a corresponding change in the salary for the position.
- 4.6.3 A Department Director may request reclassification review to the Director of Human Resources. A Request for Reclassification shall be submitted in writing, along with a position analysis questionnaire, a detailed statement of justification for the request, and proof of budget availability to support any potential increase in salary of the affected employee. Reclassifications are justified as a result of the following:
- The position was originally assigned to an inappropriate pay grade; or
 - There has been a substantial change in the duties and responsibilities associated with a position since it was originally assigned to a particular pay grade.
- 4.6.4 Upon receipt and verification of the request, the Director of Human Resources shall conduct an analysis of the request for the purposes of determining whether the requested reclassification is warranted.
- 4.6.5 The Position Analysis Questionnaire will be reviewed using established point-factor analysis. Based on this analysis, the Director of Human Resources shall determine the appropriate pay grade for the position.
- 4.6.6 If the analysis reveals that the position should be reclassified to a pay grade that is different than the one currently assigned, the Director of Human Resources will forward this information to the City Manager for review/approval.

- 4.6.7 If the analysis reveals that the position is assigned, then no further action will be taken other than to inform the Department Director of the result of the review.

- 4.6.8 The City Manager shall review, approve or disapprove recommendations of the Director of Human Resources regarding all Requests for Reclassification.

4.6.9 Treatment of Affected Employee Upon Reclassification of Position

- If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein with the corresponding status after the reclassification.
- If the position is assigned to a higher grade as a result of the reclassification, such action is considered a position upgrade. If the position is occupied at the time of an upgrade, the employee's salary shall be affected as outlined in 4.0.5.
- If the position is assigned to a lower grade as a result of the reclassification, such action is considered a downgrade of the position. If the position is occupied at the time of a downgrade, the employee's salary shall be affected as outlined in 4.0.6.
- In all cases of reclassification of a vacant position, the position shall be filled at the beginning salary of the new pay grade.

4.7 SUPPLEMENTAL PAY

- 4.7.1 *Acting Status.* When an employee is temporarily reassigned to a position that is different from the regular assignment, or when the employee is temporarily assigned a significant increase in duties and responsibilities above the employee's regular position, the Department Director may recommend to the Director of Human Resources, and City Manager that the employee's salary be increased 5% percent or to a level responsive to given responsibilities for the duration of the reassignment. All employees reassigned to acting status should meet the minimum requirements for the new position prior to the reassignment. The duration for acting status shall not exceed 12 continuous months without written approval of the City Manager. Requests to extend the 12-month limitation must be provided in writing to the City Manager.
- 4.7.2 Supplemental pay will be discontinued in the event the employee is reassigned to a different position not eligible for supplemental pay.

- 4.7.3 The City Manager reserves the right to provide supplemental pay to employees who achieve additional or special degrees and/or certifications at the request of the Department Director.

4.8 WORKER'S COMPENSATION

- 4.8.1 All employees of the City are covered by the State of Georgia Workers' Compensation Act. Workers' compensation is a benefits program created by state law that provides medical, rehabilitation, income, death and other benefits to employees and dependents due to injury, illness and death resulting from a compensable work-related injury covered by the Law.
- 4.8.2 An employee who sustains an injury on the job must, at the time of the injury, notify his or her supervisor, Department Director, or the Director of Human Resources of the injury, and must document same on forms provided by the Human Resources Department. An employee may lose the right to receive compensation if an accident is not reported promptly.
- 4.8.3 Use of Designated Physicians – If medical attention by a physician is needed, the employee must select a doctor from the approved panel of physicians provided by the City. In an emergency, the employee may receive temporary medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City of Stonecrest reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
- 4.8.4 If the injury will prevent the employee from working, the employee must submit a physician's statement verifying same.
- 4.8.5 If the injury necessitates the employee's absence from work, the employee shall receive his/her regular rate of pay for a maximum of seven (7) calendar days. Thereafter, the City's worker's compensation carrier shall determine if further compensation is required.
- 4.8.6 Effect on Leave - Time spent on Workers' Compensation leave shall not be considered "hours worked" for purposes of leave accrual.
- 4.8.7 An employee may be paid for earned sick leave while on Workers' Compensation leave. Such payment, when combined with the Workers' Compensation benefit, shall not cause the employee's salary to exceed the normal rate of pay prior to work injury.

- 4.8.8 If an employee qualifies for worker's compensation benefits, and the worker's compensation leave is for an FMLA-qualifying reason, the employee's worker's compensation leave and the FMLA leave will run concurrently.

- 4.8.9 Return to Work – Any employee who has lost time due to a work-related injury or illness must obtain a doctor's statement for the time missed and a fitness-for-duty certification to return to work. Doctor's notes that specify work restrictions must be adhered to by the employee.

- 4.8.10 A worker's compensation leave may not exceed twelve (12) months. If an employee does not return to work within twelve months from the date of injury, employment will be terminated.

SECTION 5: BENEFITS

- 5.0** City of Stonecrest offers a variety of benefits to its employees. Information in this Policy Manual is intended to only summarize those benefits. Terms of written plan documents, insurance policies or other benefits plans and policies will be the controlling documents. Employees should refer to official plan documents or policies for detailed plan or policy information. Employees should contact the Human Resources Department with any questions about City of Stonecrest's employee benefits.

- 5.0.1 In addition to approved premiums, the City may provide incentives or assess surcharges to employees for participation in wellness program initiatives.

5.1 GROUP HEALTH PLAN

- 5.1.1 The City offers to all its regular, full-time employees and their eligible dependents group health coverage. The City pays a percentage, approved by the Mayor and City Council, of premiums for those with individual, dependent or family coverage.

5.2 LIFE INSURANCE

The City provides life insurance to all its regular, full-time employees. Basic Life insurance premiums for employees may be paid in full by the City.

5.3 GROUP DENTAL PLAN

- 5.3.1 The City offers to all its regular, full-time employees and their eligible dependents group

dental coverage. The City pays a percentage, approved by the Mayor and City Council, of the premiums for those with individual, dependent or family coverage.

5.4 CREDIT UNION

- 5.4.1 City employees and their family members are eligible to participate in credit unions. Credit unions offer a variety of services to members, including savings programs, money market accounts, certificates of deposit, individual retirement accounts (IRA's), loans, check cashing, loan protection insurance, and member account insurance. All contributions are financed 100% by the employee.

5.5 457(b) - DEFERRED COMPENSATION

- 5.5.1 The City provides an option to any eligible employee to invest a portion of his present earnings in a deferred compensation (457b) plan. This is an arrangement where a percentage of an employee's salary can be designated by the employee to be withheld from his or her paycheck and invested for payment at a later date, usually at retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.
- 5.5.2 The City approved program is administered by Georgia Municipal Association (GMA). Enrollment may be arranged through the Human Resources Office, and is open to any individual who has achieved full-time employee status with the City. Contributions to the program are made by employees through payroll deductions.
- 5.5.3 Benefits received through this program are in addition to any Social Security for which the participating employee would be eligible.
- 5.5.4 The City makes no claim of profitability of investment options and is not responsible for any gains or losses that may occur as a result of individual investment choices.
- 5.5.5 The City may match up to 4% of an eligible employee's contribution to the 457(b) plan. Matched contributions will be made in the 401(a) defined contribution plan and be subject to vesting rules.

5.6 RETIREMENT – 401(a) DEFINED CONTRIBUTION PLAN

- 5.6.1 The City chooses to provide all full-time City employees a defined contribution retirement

program, and may modify defined contribution plan documents from time to time.

- 5.6.2 The City shall contribute an unmatched amount equal to 11% of the eligible employee's monthly salary into the 401a defined contribution plan.
- 5.6.3 The City may match up to 4% of an eligible employee's contribution to the 457(b) deferred compensation plan into the defined contribution plan.
- 5.6.4 City employees participating in the City's 401(a) Defined Contribution Plan, and those qualifying for matching 457(b) contributions shall vest after completion of each vesting year in the plan as follows: Year 1 – 20%, Year 2 – 40%, Year 3 – 60%, Year 4 – 80%, Year 5 – 100%. The City may allow immediate vesting for classifications listed in the plan adoption agreement.
- 5.6.5 Employees should notify the Human Resources Department at least 60 days prior to their anticipated retirement date to ensure that all paperwork can be processed in a timely manner.

5.7 FLEXIBLE SPENDING ACCOUNT

- 5.7.1 The City may provide Medical and/or Childcare Flexible Spending Accounts for its full-time employees. Employee contributions are pre-tax deductions and shall be used for reimbursement for medical and/or childcare related expenses not covered by other City healthcare plans. Employees seeking to take advantage of such flexible spending accounts are urged to give due consideration to the amount of money they wish to contribute for the subject year, because if the employee puts in more money than they use for medical and/or childcare related expenses, they may lose the unused amount.

5.8 SOCIAL SECURITY

- 5.8.1 All employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged, and supplemental security income.

5.9 UNEMPLOYMENT COMPENSATION

The City is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment under certain circumstances. The program is financed

completely by the City.

5.10 CONTINUANCE OF MEDICAL COVERAGE (COBRA)

5.10.1 Group insurance benefits will terminate upon termination of employment. However, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in loss of eligibility. Typical qualifying events include termination of employment (excluding for gross misconduct), divorce or legal separation, leave of absence, a dependent child no longer meeting eligibility requirements, or retirement. Under COBRA, the employee or dependent pays the full cost of coverage at City of Stonecrest's group rates (which includes City of Stonecrest's portion of the premium) plus an administrative fee. The City will provide a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the health plan, or upon request of the employee. Employees should contact the Human Resources Department to report any change in personal status (or qualifying event) which might affect their benefits, or for any questions about City health plans.

COBRA benefits will be discontinued when the employee becomes eligible for Medicare benefits, with the exception that where an employee's separation occurs less than 18 months after the date the covered employee became entitled to Medicare benefits, the period of coverage for qualified beneficiaries other than the employee will not terminate before the close of the 36-month period beginning on the date the covered employee became so entitled to Medicare benefits.

5.11 EMPLOYEE RECOGNITION

5.11.1 Service Awards - Employee tenure may be recognized by the presentation of a service gift. These gifts may be presented monthly to full-time employees by the Mayor and City Council or its designee. Recognition may be given every 5 years.

5.12 VEHICLE

5.12.1 City Vehicles – City of Stonecrest may provide employees with vehicles to help them in carrying out their job efficiently and effectively.

a. Personal Use - Employees shall not use a City vehicle for personal or private business. The only exception to this is commuting to and from work in a City vehicle. Employees who commute in a City vehicle shall be governed by the following guidelines.

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b. Authorization - Use of a City vehicle for commuting must be authorized by the City Manager for one of the following reasons:

1. Emergency Calls - The employee responds to emergency or after hours calls, and
2. The cost of providing the vehicle is less than the expense of mileage reimbursements for using a personal vehicle on City business

5.12.2 Additional Benefits - The City may provide a vehicle or an allowance for the use of a personal vehicle as an additional fringe benefit for selected personnel. The criteria for providing such a benefit shall be:

- a. The City receives intangible benefits from giving the employee the vehicle benefit such as the speed of response to emergencies or after hours services which justify the benefit, or
- b. Provision of the vehicle or vehicle allowance is considered to be a part of the total compensation package for the position.

5.12.3 Taxation – If the vehicle is provided to an employee and is authorized and required for commuting to and from work, there is no tax liability on part of the employee. If a vehicle is not required for commuting to and from work, the value of the use of the City's vehicle will be reported as income to the employee for tax purposes. The City will withhold appropriate taxes from the employee for the value of the vehicle's use and will pay any taxes incurred as an employer.

5.12.4 Penalty for abuse - Employees may not use a City vehicle for personal use other than authorized commuting to and from work, unless written authorization is obtained from the City Manager. Any further personal use of the vehicle will result in disciplinary action against the employee.

5.12.5 Motor Vehicle Record - It is the policy of City of Stonecrest and a requirement of employment that every employee filling a position that requires a valid driver's license have a motor vehicle record (MVR) specified grading requirements. This

MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

Employee MVR's will be examined prior to the date of employment and every year thereafter. Any job offer made where the job requires a valid driver's license will be contingent upon an MVR meeting the required standards. Continued employment with the City in a position requiring a valid driver's license will require a MVR meeting the specified standards.

All violations will be reviewed by the City Manager and Director of Human Resources and may result in disciplinary action, up to and including termination.

5.13 EMPLOYEE ASSISTANCE PROGRAM

- 5.13.1 The City may maintain for its employees and their immediate family members a counseling and treatment program, referred to as the Employee Assistance Program or EAP. This program, provided by an outside professional medical organization, assists City employees and their immediate family members with a wide range of personal problems that may have a negative effect on their well being and/or job performance. The provider will furnish an assessment for the employee or family member and make recommendations for further counseling or treatment as needed either at their facility or by making a referral to an appropriate agency.
- 5.13.2 Common problems for which employees may seek professional counseling through the Employee Assistance Program are: financial, marital, alcohol abuse, drug abuse, dealing with problem children, coping with stress, death of a family member, divorce and children with certain medical problems.

5.14 OTHER BENEFITS

- 5.14.1 The Mayor and City Council may authorize other benefits not specifically included in this policy manual to both full and part-time employees, contingent upon budgetary considerations.
- 5.14.2 Uniforms: The City may provide uniforms or an allowance for the purchase of uniforms to regular full-time employees.
- 5.14.3 Personal Safety Equipment: Employees may be eligible to purchase safety equipment through a City or State Contract. The City will pay for required personal safety equipment necessary to adhere to OSHA safety standards. Employees

wishing to enhance or purchase additional equipment may use payroll deductions to pay for these items.

5.15 BENEFITS COMMITTEE

- 5.15.1 The City Manager may create a benefits committee to advise on benefit offerings and effectiveness.
- 5.15.2 The mission of the Committee is to facilitate the provision of quality and affordable health and other benefits for City employees and their eligible dependents by acting in an advisory capacity to the Director of Human Resources and City Manager by:
- Investigating and facilitating the provision of quality and affordable benefits for City employees;
 - building a foundation for an effective health care program that encourages wellness through healthy lifestyle, including features that provide the best value for cost in the health care plan design, while reducing health care costs to employees, eligible dependents, and taxpayers;
 - relying upon a combination of initiatives for employee, dependent and providers in making health care decisions;
 - gaining employee understanding and endorsement of health, retirement, and other benefit programs; and
 - developing fact-based outcome measures for cost effective health care programs.

SECTION 6: - LEAVE

6.0 FAMILY MEDICAL LEAVE

- 6.0.1 City of Stonecrest will provide employees with up to twelve (12) workweeks of unpaid family and medical leave during any 12 - month period for the following:
- a. Birth of a child and to care for the newborn child within one year of birth;
 - b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;

- c. To care for the employee's spouse, child, or parent who has a serious health condition;
- d. A serious health condition that renders the employee unable to perform the essential functions of his or her job; and/or
- e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty; or

Twenty-six (26) workweeks of leave during a single 12-month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is the spouse, son, daughter, parent, or next of kin to the employee, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

- 6.0.2 Ordinary illnesses do not qualify for FMLA, such as the common cold, flu, ear aches, upset stomach, headaches and routine dental care. To be eligible for leave under the FMLA, an employee must have a condition that renders him or her unable to perform their essential job function.
- 6.0.3 To be eligible for leave, an employee must have worked for at least twelve (12) months for the City and for a minimum of 1,250 hours during the previous year.
- 6.0.4 Employees who take leave will be entitled to return to their positions, or positions with equivalent benefits, pay and other terms and conditions of employment, provided that the returning employee is able to perform the essential functions of the same or equivalent position upon his or her return. The City may deny restoration to a job position to employees who are among the highest paid 10 percent of the employees where the denial is necessary to prevent substantial and grievous economic injury to the operations of the City.
- 6.0.5 Employees may accrue any seniority or employment benefits during any period of FMLA leave.
- 6.0.6 The City will provide coverage under a group health insurance plan for employees who are on leave under the same conditions as coverage would have been provided if no leave had been taken.
- 6.0.7 Employees are required to provide at least 30 days notice for foreseeable events that require

leave under the FMLA.

- 6.0.8 Leave resulting from the birth of a child or the placement of a child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and the City agree on the schedule of intermittent or reduced leave.
- 6.0.9 Leave resulting from the serious illness of a child, spouse, parent or the employee can be taken intermittently or on a reduced leave schedule when medically necessary.
- 6.0.10 Concurrent Utilization of Paid Leave and/or Compensatory Time: An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA.
- 6.0.11 An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Director of Human Resources when requesting FMLA leave.

Certification shall be sufficient if it states:

- (1) The date on which the serious health condition commenced;
- (2) The probable duration of the treatment or condition;
- (3) The appropriate medical facts within the health care provider's knowledge; and
- (4) The estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Director of Human Resources has reasonable doubt as to the validity of the certification, the Director of Human Resources may require the employee to obtain the opinion of a second health care provider at the expense of the City. In any case in which the second opinion differs from the original certification, the Director of Human Resources may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Director of Human Resources and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The Director of Human Resources may also require that the employee obtain subsequent re-certification on a reasonable basis.

Health care providers who may provide certification of a serious health condition include:

- a. doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
- b. podiatrists, dentists, clinical psychologists, and optometrists, authorized to practice in the State and performing within the scope of their practice under State law; and
- c. any health care provider recognized by the City's group health plan.

6.0.11 An employee qualifying for worker's compensation leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent worker's compensation leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

6.0.12 In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City of Stonecrest, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

6.0.13 In the event that the Director of Human Resources denies, in whole or in part, a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures:

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the Director of Human Resources. The written notice of appeal shall include the request for leave and all supporting documentation provided to the Director of Human Resources. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the Director of Human Resources. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

6.0.14 Return to Duty from FMLA Leave: As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work.

6.1 BEREAVEMENT LEAVE

6.1.1 A regular full-time employee who has a member of his immediate family taken by death shall receive up to three (3) days off with pay as bereavement leave to arrange and/or attend funeral activities. If out of state travel is necessary, an additional two days may be granted with pay upon the approval of the City Manager.

6.1.2 If additional time is necessary beyond the normal three (3) days for non-travel leave, it shall be taken as vacation or sick leave (or unpaid leave if vacation or sick leave has been exhausted) with advance authorization by the appropriate Department Director or Director of Human Resources. Time for attendance at funeral of others may be granted without pay or made up within the same pay period.

6.1.3 The employee must notify his immediate supervisor upon making the determination to take time off from work.

6.1.4 Employees who fail to return to work on the date specified to the Department Director without receiving an extension are subject to disciplinary action, up to and including termination.

6.2 HOLIDAYS

6.2.1 The City may celebrate the following holidays off with pay for full-time employees, contingent upon budgetary approval by the Mayor and City Council:

New Year's Day	January 1
Martin Luther King	3 rd Monday of Jan
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	1 st Monday of Sept
Veterans Day	November 11
Thanksgiving (2)	4 th Thursday and Friday of November
Christmas (2)	December 24 and 25
New Year's Eve	December 31

- 6.2.2 In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday. Notwithstanding, New Year's Day will always be recognized on the first business day of the year.
- 6.2.3 To receive pay for an official holiday, the employee must either: 1) work the days immediately before and after the holiday, or 2) be on approved paid leave on those days.
- 6.2.4 Non-exempt employees authorized to work during any holiday as defined in Section 6.2.1, may be paid at the rate of one and one-half times the normal hourly rate for hours worked on the holiday, plus holiday pay equal to their normally scheduled hours, as approved by the Mayor and City Council and included in the annual budget.
- 6.2.5 Any employee who has accrued holiday hours shall use said holiday hours within the year earned and prior to using vacation hours.

6.3 JURY/COURT LEAVE

- 6.3.1 Any regular full-time employee who is required to serve on a jury, or as a result of official City of Stonecrest duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. A probationary employee called will have his probationary period extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his supervisor immediately in order that arrangements may be made to cover the position. The City reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.
- 6.3.2 Time away will not affect vacation or sick leave

accruals.

- 6.3.3 Employees who appear in court as the plaintiff or defendant or are otherwise subpoenaed to appear in any action not related to their official duties or City business shall not be paid for time away from work unless that time is accrued vacation or compensatory leave. In addition, an employee shall not be granted court leave for any case in which the employees is charged with a crime.
- 6.3.4 The employee may keep any court payment for services performed on the days of his regularly scheduled workday or performed while on vacation or compensatory leave.
- 6.3.5 Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his supervisor and to report to work as instructed.

6.4 MILITARY LEAVE

- 6.4.1 The authority for this policy is derived from the provisions of Georgia law § 38-2-279 and applies to all City employees who are affiliated with the United States Armed Forces, National Guard or Coast Guard.
- 6.4.2 Employer's Responsibilities:
- a. The City is obligated to release employees for service with the Armed Forces when the employee participates in:
 1. Annual Training
 2. Inactive Duty Training (Weekend drills)
 3. Involuntary call-up
 - b. Ordered military duty shall result in no loss of seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.
 - c. The City is obligated to grant Military Leave with pay to the employee for absences not exceeding eighteen (18) calendar days per year in accordance with Georgia law.. The City will not require the employee to use normal annual leave (accrued vacation) for such purposes. The employee may, however, request use of vacation, or leave without pay to supplement absences exceeding those covered by the eighteen (18) day Military Leave allowance.

- d. In the event an employee is called to active military duty, the City will provide the reservist differential pay to be the difference between the reservist's base pay with the City and the base pay, excluding benefits, for the military service. This differential pay will not be dependent upon accrued leave and will continue for the period of active duty not to exceed 365 days.

All reservists called to active duty will be required to present a payroll receipt for their military service to verify salary levels. A check will then be issued for the differential.

6.4.3 Employee's Responsibilities:

- a. The employee is responsible to provide to their Department Director copies of all military orders which will result in a leave of absence for military duty.

Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

- b. Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.
- c. Inactive duty training dates (weekend drills) should be provided to the Department Director as soon as available if the dates conflict with scheduled employment with the City.
- f. Extended leave of absence (exceeding 18 calendar day allowances) will be pursuant to State and Federal law.

6.5 SICK LEAVE

All full-time employees, whether paid on an hourly basis or by salary, shall be entitled to sick leave as follows:

- 6.5.1 A full-time employees shall be entitled to sick leave from the date of employment. Sick leave shall be granted at the rate of 3.33 hours for each pay period of service.
- 6.5.2 Employees entitled to sick leave may remain away from work with pay, where such absence is the result of personal illness or physical incapacity not job related, sickness of an

immediate family member, involuntary enforced quarantine, or death in the immediate family of such employee.

- 6.5.3 In the event of an employee's death, accumulated sick leave may be paid to the dependent spouse or child or the dependent's estate.

- 6.5.4 Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor or clergy due to family illness or emergency.

- 6.5.5 A full-time employee who is on sick leave as above specified for a period of three (3) consecutive workdays or longer shall, prior to being entitled to any compensation therefore, furnish without delay a report from a doctor which shall contain a diagnosis of the sickness, whenever possible.

- 6.5.6 Any employee who becomes ill while on a vacation status may be granted sick leave for the period of illness. This determination shall be made by the Director of Human Resources based on a written statement from the employee's doctor.

- 6.5.7 When an employee goes on Sick Leave he must notify his Department Director or designated supervisor immediately. Notification should be at least one (1) hour prior to the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he expects to return to work.

- 6.5.8 An employee who is on sick leave shall keep his supervisor advised on a daily basis as to improvement to his or her condition and expected date of return to duty. If requested, the employee shall file a doctor's certificate stating the cause of the absence and the nature of the illness before sick leave payment is authorized.

- 6.5.9 Sick leave shall be rounded off to the nearest half hour. When possible, sick leave should be taken in increments of no less than one (1) hour.

- 6.5.10 No sick leave will be given to an employee in excess of the amount earned and available to the employee. An employee may utilize vacation time when sick leave has been exhausted at the discretion of the Department Director.

- 6.5.11 An employee who separates employment with the City for any reason other than death will not be paid for sick leave earned or used up to the date

of separation.

hours.

6.5.12 Employees covered under the 401A retirement plan and who meet the qualifications for retirement, may receive pay for ½ of their accrued sick leave at time of retirement. Retirees will not receive any other compensation for accrued sick leave upon retirement.

6.6.7 Upon resignation or retirement from City employment an employee in good standing shall be paid the normal rate of pay received by the employee on his last physical date of employment for his unused annual leave.

6.5.13 Sick leave is non-transferable, except in cases of extreme life-threatening illness, such as cancer, heart attack, stroke or other major illness. Such requests will be reviewed and approved by the City Manager and Director of Human Resources on a case by case basis.

6.6.8 All vacations shall be taken at such time as shall be approved by the head of the department.

6.6.9 Annual leave shall be expended in increments of not less than 1 hour.

6.6 VACATION LEAVE

6.6.10 Vacations shall be scheduled at such times as the supervisor or Department Director finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the supervisor or Department Director prior to the commencement of the requested vacation.

6.6.1 Vacation (Annual) Leave- The City provides vacation leave with pay to each regular full-time employee for rest and relaxation.

6.6.11 The established period of determining vacation credit will be from the employee's date of hire.

6.6.2 Probationary Employees - While in a probationary period, employees shall earn vacation leave; however, an employee may not take vacation leave during his first six months of employment unless authorized by Department Director.

6.6.12 Paid holidays occurring during vacation are not charged to vacation.

6.6.3 Vacation Earned - A regular full-time employee working a forty (40) hour workweek shall earn vacation leave at the following rates:

6.6.13 Compensatory time off must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited.

<u>Service</u>	<u>Hours</u>
0 – 5 years	80 hours
6 – 14 years	120 hours
15 – and over	160 hours

6.6.14 Accrued holiday time must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited, unless the City Manager deems necessary to extend.

6.6.4 Regular part-time employees working 30 hours per week shall earn a pro-rated accrual at 75%.

6.7 EMERGENCY CLOSING COMPENSATION

6.6.5 Maximum Accumulation - Employees with an accumulated balance on December 31 may retain this balance. In no event shall annual leave be accrued in excess of 240 hours. All hours accrued above 240 hours will be forfeited and uncompensated.

6.7.1 If an official City Emergency Closing is issued by the governing authority or its designee due to natural disaster or inclement weather, employees will receive pay for their regular work hours for that day.

6.6.6 Payment for Annual Leave - An employee who is terminated shall be paid for annual leave earned up to the date of separation.

If an employee actually works on an official emergency closing day, whether required by or at the request of their supervisor or manager, he/she still will receive full pay for their regular work hours, plus compensatory time for actual hours worked (at the rate of one hour for one hour worked). Department managers and/or supervisors will be responsible for maintaining an employee log of compensatory time accrued due to working on emergency closing days.

a. On Death of Employee - The estate of an employee who dies while employed by the City is entitled to be paid for all the vacation leave in the employee's account.

If an employee does not report when requested or

b. Maximum Limit - The maximum payment for annual leave on termination shall 240

required because the employee deems the conditions to be too dangerous to travel from their home to their work location, the employee may request to telework. In such case, the manager or supervisor will review each case individually, and if deemed necessary, grant authority to telework for a specified period.

6.8 ADMINISTRATIVE LEAVE

- 6.8.1 At the discretion of the City, a full-time employee may be granted administrative leave with or without pay, in order to fulfill personal obligations not covered by any of the aforementioned leave categories, or to temporarily remove the employee from the City when it is deemed to be in the employee's and/or City's best interest.
- 6.8.2 Employees placed on Administrative Leave with pay may be required to remain at home or be otherwise available during normal work hours to assist the City, as needed.

SECTION 7: CONDUCT

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the City. Additionally, since City employment is a position of public trust, certain activities are specifically prohibited.

7.0 CODE OF ETHICS.

A. It is the policy of the City of Stonecrest to uphold, promote, and demand the highest standards of ethics from all of its employees. City employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position or powers for improper personal gain.

B. It is the intention of the Mayor and City Council that this Section be liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics.

- 7.0.1 Definitions. The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

A. "*Business*" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

B. "*Commercially reasonable loan*" means any loan between a person and employee that does not provide the employee with significant benefit, such as an unusual discount.

C. "*City employee*" means every individual hired to an office or position with the City – under the jurisdiction of the Mayor and City Council, whether such individual is paid or unpaid, or receives taxpayer funding appropriated by the Mayor and City Council. Volunteer Board/Committee Members appointed by a Councilmember, or the Mayor and City Council are considered "City employee" for the purpose of Section 7.0, Code of Ethics.

D. "*Compensation*" means payment in any form for real or personal property or services of any kind.

E. "*Gift*" means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official City business, where otherwise permitted by law.

F. "*Immediate family*" shall mean spouse, child, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee when the employee was a child.

G. "*Interest*" means direct or indirect pecuniary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act by an employee, committee, or Mayor and City Council, or action by or with the City. For the purpose of this ordinance, an employee is deemed to have an interest in the affairs of:

1. Any partner in the joint ownership of real estate with another person, excluding immediate family member;
2. The counterparty in any purchase or sale of real estate within one year before or after the employee's interaction with that counterparty on behalf of the City;
3. Any person of the employee's immediate family;
4. Any business entity in which the stock of, or legal or beneficial ownership of, excess of one percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the employee;
5. Any person with whom a contractual relationship exists with the employee; provided, that a contractual obligation of less than \$500.00, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale at prices available to the general public shall not be deemed to create an interest in violation of this ordinance.

H. "Legislation" means any ordinance, resolution, or official approved action on the part of the Mayor and City Council.

I. "Person" means any individual or corporation, business, or other entity, however constituted, organized, or designated.

7.0.2 Prohibited Conduct. The following shall constitute violations of this Code of Ethics:

A. *General Prohibition Against Conflicts of Interest.* In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no City employee should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City.

B. *Beneficial Interests in Contracts Prohibited.* No City employee shall participate in his or her capacity as a City employee in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith.

For purposes of this section, a "remote means:

1. That of a non-salaried officer of a nonprofit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a routine purchaser or seller of residential real estate within one year before or after the city employee's interaction on behalf of the City with the counterparty to that purchase or sale, where such real estate is used by the employee or his/her immediate family;
5. That of a holder of less than 1 percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

C. *Beneficial Influence in Contract Selection and Other City Business Prohibited.* No City employee shall influence the City's selection of, or its conduct of business with, a person having or proposing to do business with the City if the City employee has a financial interest in or with the person, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section. "Conduct of business" includes, and is not limited to, a City employee's exercise of judgment with regard to approving plans, making inspections, considering or approving of variances, and granting waivers. Delegation of decisions to a subordinate does not relieve a City employee's disclosure obligations under this ordinance in circumstances where it is reasonable to believe that the employee would have influence over the subordinate's decisions.

D. *Representation of Private Person at City Proceeding Prohibited.* No City employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City employee in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

E. *Certain Private Employment Prohibited.* No City employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

F. *Beneficial Interest in Legislation Prohibited.* No City employee, in appearing before the Mayor and City Council or when giving an official department or individual opinion, recommendation or stating a position before the Mayor and City Council, shall have an interest in any legislation coming before the Mayor and City Council and participate in discussion with or give an official opinion to the Mayor and City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City, prior to consideration of the legislation by the Mayor and City Council.

G. *Disclosure of Confidential Information Prohibited.* No City employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

H. *Improper Use of Position Prohibited.* No City employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

I. *Improper Use of City Personnel Prohibited.* No City employee shall employ or use any person under the employee's official control or direction for the personal benefit, gain, or profit of the employee, or another.

J. *Improper Use of City Property Prohibited.* No City employee shall unreasonably use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by administrative order of the City Manager; provided, the use of a City vehicle by a City employee participating in a carpooling

program established by the City, and for any purpose authorized under such program, shall not be considered a violation of this section or of any other provision of this section.

K. *Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.* No City employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the employee's services with the City of Stonecrest, except this prohibition shall not apply to:

1. Attendance of a City employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate;
2. An award publicly presented in recognition of public service; or
3. Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the action, judgment of the employee, or be considered as part of a reward for action or inaction.

L. *Political Activities.*

1. City of Stonecrest employees are encouraged to exercise their right to vote and, on their own time, if they so desire, to take part in political activities on the local, State and Federal levels as long as such activities do not interfere with the performance of their job. However, no City employee may engage in political activities at the workplace or during working time. Further, no City employee may make use of City time, equipment, or other resources to aid a political candidate, political party, or political cause; nor may any employee use his or her position or official authority or influence to persuade, coerce, influence, or intimidate any person in the interest of a political candidate, party or cause, or for the purpose of interfering with or affecting the result of an election for Mayor, or a position on the City of Stonecrest City Council, or any elected office in City of Stonecrest. All City employees should be free of any and all political persuasion or coercion in relationship to their employment, and/or from their supervisors and co-workers, and should report any such activity to their supervisor, the Director of Human Resources, or City Manager if the same should occur.

2. No employee shall use or authorize the use of the facilities or resources of the City for the

purpose of assisting a campaign for the election of any person to any office, or for the promotion or opposition to any ballot proposition.

3. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the United States of America.

7.0.3 Employment of Relatives. It is the City's policy that immediate family members (relatives) will not be employed in regular full-time or part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exists which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own, in the opinion of the City Manager, including but not limited to safety, efficiency, morale, or effective administration of the department's operation.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or members of either sex, which may include re-assignment to another department or separation of employment for one of the affected employees.

If it is determined that continued employment of an immediate family member within the same department is in conflict with any of the above listed factors (Section 7.0.3 a-c), one of the two employees must competitively transfer to another City department or be terminated from City employment within six months from date of such determination.

The City Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not a relative, and the relationship is unlikely to materially affect their employment.

7.0.4 Complaint Process

A. A complaint that this Code of Ethics has been

violated shall be filed with the City Manager with the Director of Human Resources, who shall promptly provide same to the City Manager.

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B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.

C. Upon receipt of the complaint, the City Manager may designate an individual to conduct an investigation of the matters set forth in the complaint. The individual designated to conduct the investigation shall complete the investigation and prepare written findings and conclusions, which shall be provided to the City Manager within fifteen (15) working days, unless an extension of time for completion of same is granted by the City Manager.

D. Upon completion of the investigation, and upon receipt of review of the designated investigator's written findings and conclusions, as well as consideration of any other facts and information deemed appropriate by the City Manager, the City Manager shall render a final decision on the complaint and shall provide a copy of same to the party complained against at their last known addresses.

E. A finding by the City Manager that an employee has violated the Code of Ethics as set forth in the Policy Manual may result in disciplinary action, up to and including immediate termination of employment

7.1 DRUG FREE WORKPLACE

7.1.1 City of Stonecrest has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution, or presence in the body of illegal drugs or alcoholic beverages while on City property and/or on City work time. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol.

7.1.2 Scope of Policy and Prohibitions. This policy applies to all City employees, volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. The

policy applies to all off-site meal breaks or rest breaks when an employee is scheduled to return to work, as well as to all work, activities, and occupation and use of City property and facilities.

- 7.1.3 Prohibitions. The City prohibits all employees from engaging in the following conduct or behavior while performing City business, while on City property, while in use of City property, or while operating or riding in a City vehicle and/or conducting City business:

1. The use or consumption of illegal drugs, controlled substances, and/or alcohol;
2. The possession of illegal drugs, controlled substances, and/or alcohol;
3. The abuse of prescription medications and over the counter medications;
4. Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
5. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
6. The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

- 7.1.4 Definitions. For purposes of this Drug-Free Workplace policy, the following definitions apply:

Alcohol – Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Illegal Drugs (includes Controlled Substances) – Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, “look-alikes,” “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages,

marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person’s perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

Impaired – The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

Legally Obtained Drug – Includes prescription drugs and over-the-counter medications.

Over-The-Counter Medication – Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person’s ability to perform.

Prescription Drug – Any drug or substance that is attainable only by lawful prescription from a licensed physician.

Reasonable Suspicion – A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-

related accident, and/or deviation from safe working practices.

7.1.5 Use of Legally Obtained Drugs

City employees must not be on the job, be on City property, operate a City vehicle, or operate any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the City's opinion, the employee's use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.

An employee who is using legally obtained drugs must notify his or her immediate Supervisor or Department Director, of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee's failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. An employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.

Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

The abuse and/or inappropriate use of legally obtained drugs while on the job, while on City property, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination.

7.1.6 When Testing is Required

- 7.1.6.0 All applicants for full-time and part-time positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time positions of employment will be tested for drugs after a conditional offer of employment has been extended in the discretion of the City Manager, depending on the nature of the temporary position. The cost of a pre-employment drug test shall be the responsibility

of the applicant and will be deducted from the first check of the employee.

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- 7.1.6.1 All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the Human Resources Department and shall seek confirmation of the observations from the Director of Human Resources or another employee with Reasonable Suspicion training before transporting the employee for testing.

- 7.1.6.2 Drug and alcohol testing must be performed when any employee, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City of Stonecrest business, is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s) shall be completed within eight hours of an accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

7.1.7 Procedures for Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.

All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or

alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing.

- 7.1.8 **Test Refusal.** The City has a zero tolerance policy regarding test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when an employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed the employee to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of

the verification process;

- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); and/or
- If the MRO reports that there is verified adulterated or substituted test result Failure or refusal to sign Step 2 of the alcohol testing form.

- 7.1.9 **Investigation of Prohibited Drug and Alcohol Use and Searches.** All City-issued equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued property. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities.

- 7.1.10 **Discipline.** An employee who violates any provision of this policy is subject to discipline, up to and including termination.

The following actions shall be presumed to result in immediate termination of an employee:

- Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, while on City property, while in operation of a City vehicle, or while in operation any other equipment or vehicle while in performance of City business;
- Refusing to consent to or to take a drug or alcohol test pursuant to this policy, or failure to appear at the designated collection site to take a drug or alcohol test when so directed; and/or
- A confirmed positive test for drugs and/or alcohol.

- 7.1.11 **Treatment.** Employees who have a problem with drugs and/or alcohol are urged to seek help before the problem adversely affects their health, relationships, or work performance, or before it results in a violation of this policy.

7.2 GARNISHMENTS

Employee indebtedness is a personal concern, but multiple garnishments of an employee's salary may lead to disciplinary action. No employee shall allow his personal finances to hamper the performance of his job or create undue administrative problems for the City. A history of garnishments may be viewed adversely.

7.3 HARASSMENT/SEXUAL HARASSMENT

The City is committed to maintaining a work environment that is free of inappropriate or unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client or customer of the City. Likewise, the City expressly prohibits such actions by employees against others, including vendors, clients, citizens, or customers of the City.

- 7.3.1 Prohibited Conduct. Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status or activity (e.g. opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. This includes conduct by someone to another of the same gender.

The City will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. No supervisor or City employee has authority to engage in such conduct.

If an employee feels they have been subject to the type of conduct prohibited by this policy, they must report this conduct. They are specifically authorized to bypass their supervisor and directly file an EEO complaint with the Human Resources Department as provided for in this policy. If an employee complains to their supervisor and no action is taken, they are directed to report the conduct as described below to the Human Resources Department. An employee should report any improper conduct before it becomes severe or pervasive and does not have to wait until it rises to the level of an unlawful action.

- 7.3.2 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the

conduct is an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

- 7.3.3 What is Not Harassment. Harassment does not include the normal and lawful exercise of supervisory responsibilities, including direction, counseling, and discipline when necessary.

- 7.3.4 Retaliation. The City will not tolerate any retaliation against anyone pursuing in good faith the objectives or acting in accordance with this policy. Any complaints of retaliation should be reported to the Director of Human resources in the same manner as violations of these policies are to be reported. Any employee found by the City to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action ranging from written reprimand up to and including termination.

- 7.3.5 Complaint Procedure. All employees should help to assure that we avoid any form of unlawful or inappropriate treatment. If you feel that you have experienced or witnessed harassment, discrimination or unlawful or inappropriate treatment, you are to notify immediately (preferably in writing within 24 hours) the Department Director.

If the employee is not contacted promptly about their complaint, they are to re-file it with the Director of Human Resources. The address and telephone number for the Human Resources Department is 3120 Stonecrest Blvd, suite 190, Stonecrest, GA 30038, (470) 727-0070.

The City forbids retaliation against anyone who has made a complaint or provides information related to a complaint.

The City will undertake an objective and appropriate review of any complaint. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as it determines is appropriate, including such

discipline up to and including immediate termination of employment.

The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint. If you have any questions about the status of your complaint, you should contact the Director of Human Resources at the above telephone number and address.

- 7.3.6 Malicious or Bad Faith Complaints. The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding misconduct or this policy with the Director of Human Resources or higher level officer.

7.4 CONFIDENTIALITY

As public servants, City of Stonecrest employees should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential City-related or employee-related documents while others handle sensitive matters, such as health records and investigations. Consequently, employees should maintain the confidentiality of matters they handle assuring information about these activities is made public only upon appropriate authorization.

7.5 OUTSIDE EMPLOYMENT

The City is sympathetic to the fact that employees may find it necessary to engage in outside employment. However, each City full-time employee position should be considered the employee's primary employment. Therefore, City employees should carefully evaluate other employment that interferes with the employee's duties and obligation as a City employee, involves a potential conflict of interest, or in any way compromises the integrity or credibility of the department or City government.

- 7.5.1 Prohibitions. All City employees should avoid the following outside employment situations:

1. Outside employment with any entity that conducts business with the City without full disclosure and satisfactory management of any conflict of interest.

2. Outside employment which can be accomplished outside of the Employee's normal working hours or is otherwise incompatible with the performance of the Employee's duties by placing the employee in a position of conflict between the Employee's position with the City and the Employee's position with the outside employer/employment.

3. Outside employment which exploits the Employee's position with the City or the confidential information acquired in the performance of City duties.

4. Outside employment which the public may reasonably view as work on behalf of the City.

Due to the importance of the public's perception of the City of Stonecrest government, all employees who engage in outside employment must disclose such work to the Supervisor, Department Head and Director of Human Resources. Outside employment is subject to review for conformance with this Policy. Employees engaged in outside employment determined not to be in conformance may be required to cease such outside employment

7.6 EMPLOYEE DISCLOSURE

Due to the importance of the public's perception of the City of Stonecrest government, all Department Directors, managers, and supervisors shall disclose all outside interests and financial relationships that may place the employee in conflict with each person's obligations to the City and to his or her profession. Timely and complete disclosure of potential conflicts of interest protects employees from suspicion and accusations of breach of professional integrity. Disclosure forms are available in the Human Resources Department.

7.7 WORKPLACE SAFETY

- 7.7.1 It is the policy of City of Stonecrest that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, and proper materials, and to establish and insist upon safe methods and practices at all times. It is the basic responsibility of every employee to make safety a part of their daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common-sense safety practices. Employees should always be conscious of the safety of

others, as well as themselves. Employees should always observe the following guidelines:

1. Observe all safety rules, practices, and procedures.
2. Promptly report any unsafe conditions, accidents, damaged or malfunctioning vehicles or equipment, any employee who is performing his or her job in an unsafe manner, or any other type of hazardous situation.
3. Only operate equipment assigned to the employee and for which the employee has received full training.
4. Use proper safety clothing, equipment, and personal protective equipment wherever provided, assigned, or required, as designated for the work performed.
5. Wear a seat belt when in a City of Stonecrest vehicle, when driving on City of Stonecrest business, or when operating any vehicle on City of Stonecrest premises.
6. Use appropriate, safe methods to lift heavy objects, and use back braces, handcarts, or other devices to assist with lifting or moving activities.
7. Never endanger themselves or other individuals through inappropriate actions, horseplay, practical jokes, or by taking unnecessary chances.
8. Be prepared for fire or other emergency situations. Know what to do, what actions to take, where to go, and the location of exits, firefighting equipment, and alarm pulls within the work environment.
9. Observe proper maintenance practices to keep work areas, vehicles, tools, or other equipment in a clean, safe, and operable condition.

7.7.2 Reporting Safety Hazards or Deficiencies – Any employee who believes that a safety or health risk exists must report the matter to their supervisor so that the City may take appropriate action. The employee should make this report immediately upon detection of the safety or health risk. A safety or health risk may consist of, among other things, a condition in the workplace or the work methods of other employees.

7.7.3 Reporting Employee Injuries or Accidents – All workplace injuries and accidents must be reported immediately to the employee's immediate Supervisor, or Department Director. This ensures prompt and appropriate medical treatment, allows for timely completion of reports as required by

law, and enables eligible employees to qualify for coverage as quickly as possible. Except for emergencies (in which case the employee should seek emergency treatment), if medical attention by a physician is needed, the employee must use one of the physicians specifically listed on the Workers' Compensation Notice posted by City of Stonecrest in a conspicuous place and on the City internal website (intranet). Failure to report an injury or to receive medical treatment from a physician on the posted panel may jeopardize payment of medical bills or other benefits under workers' compensation insurance.

7.7.4 Response to Emergency Situations* – Employees should become familiar with emergency plans established within their assigned department or work area, as well as with their assigned role in the event of an emergency situation.

***A call to 9-1-1 may be appropriate first, in the judgment of the staff or managers involved.**

Decisions may need to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

7.7.5 Safety Violations – Accidents, injuries, damaged equipment, or destruction of materials or property can cause needless suffering, inconvenience, and expense to City of Stonecrest or its employees. As a result, any such actions by employees that could be avoided by utilizing appropriate safety practices may result in disciplinary action up to, and including, termination.

7.7.6 Office Closings – Information about reporting procedures when the City of Stonecrest closes (or postpones opening) due to inclement weather or other situations, will be posted on the internal site and communicated to all employees.

7.7.7 Risk Management/Safety Committee – The City Manager has the discretion to create a Risk Management/Safety Committee to provide oversight of a risk management program for the City of Stonecrest or to participate in a risk management program established by an approved municipal association. The purpose of the risk management program is to minimize the adverse effects of loss through identification and assessment of actual and potential losses, loss prevention, risk financing, and claims control.

7.8 WORKPLACE VIOLENCE

- 7.8.1 The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City, and consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are strictly prohibited and will not be tolerated. All reports of incidents or perceived incidents of workplace violence or threats of workplace violence will be taken seriously and addressed appropriately. This policy concerns prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures.

Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his or her personal safety or the safety of family, friends, or property. Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

1. Threats of any kind (veiled or direct, verbal or non-verbal); intimidation or attempts to instill fear in others.
2. Physically aggressive, hostile, or violent behavior.
3. Behavior that suggests a propensity for violence, such as belligerent speech, excessive arguing or swearing, or sabotage or threats of sabotage of City property.
4. Intentional damage or destruction of City property or of another's property.
5. Harassing or threatening physical, verbal, written, or electronic communications, including comments, phone calls, emails, letters, faxes, website materials, diagrams or drawings, gestures, or any other form of communication that causes a reasonable fear or intimidation response in others.
6. Stalking (defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails, or any other type of correspondence sent by any means).
7. Unauthorized or illegal possession of firearms, ammunition, explosives, knives, or weaponry of any type on City property is strictly prohibited. A lawfully possessed firearm may be stored within a

personal vehicle that is locked out of sight the trunk, glove box, or other enclosed compartment or area within such vehicle.

- 7.8.2 Reporting Incidents – Any employee who is subjected to, observes, hears of, or becomes aware of any of the above actions or behavior by an individual in the City workplace must immediately report such incident to a Supervisor, Manager, or the Department Director.

All acts of violence, or threats thereof, should be reported no matter how minor or insignificant they may appear. If an employee does not feel he or she can discuss an act or threat of violence with his or her immediate Supervisor, or if an employee is not satisfied with the manner in which a complaint was handled, the employee should contact the Department Director directly. Failure to report any threats or acts of violence in violation of this policy appropriately is in itself a violation of this policy, and may subject any employees involved to disciplinary action, up to and including termination.

- 7.8.3 Investigations – All reports of acts or threats of violence will be promptly investigated. The City may consult with law enforcement authorities or other resources as it deems appropriate. To the extent possible, identities of the reporting employee, any witnesses, and any individuals alleged to be involved in actual or threatened violence will be protected against unnecessary disclosure. All persons involved in the investigation are expected to refrain from discussing the matter with any person outside the investigation process. All employees – whether complainant, witness, or accused – are required to be truthful, accurate, and cooperative during a City investigation. The Department Director will decide whether the workplace violence policy has been violated and, based upon his or her findings, will take appropriate preventive, corrective, or disciplinary action, up to and including termination.

- 7.8.4 Consequences – Any employee found by the City to have engaged in violence or threats of violence will be subject to immediate and appropriate disciplinary action, ranging from a written reprimand up to and including termination.

- 7.8.5 Non-Retaliation Policy – Retaliation will not be tolerated against an employee for reporting in good faith a suspected act or threat of violence, or for providing information in good faith regarding a report made by another employee. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported. Any employee found by the City to

have retaliated against another employee for these reasons will be subject to appropriate disciplinary action, ranging from a written reprimand up to and including termination.

Conversely, an intentional or malicious false accusation could have a serious effect on an individual who has been falsely accused, and any individual found to have knowingly made false complaints will be disciplined based on the extent of the false accusation, up to and including termination.

- 7.8.6 Searches and Inspection – All City equipment, property, and facilities (including, but not limited to, desks, workstations, file cabinets, lockers, computers and computer-stored information, email, voicemail, business records, vehicles, or any other property or equipment owned, leased, or provided by the City) are subject to inspection at any time and for any reason. No employee shall have any privacy interest or reasonable expectation of privacy whatsoever in any City equipment, property, or facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, such evidence may be used to support disciplinary action up to and including termination. In cases involving suspected illegal activity, the evidence may be provided to the proper law enforcement authorities. Further, if the City reasonably suspects that an employee has violated a policy that directly affects the safety or security of City employees, patrons, or facilities, the City will take appropriate actions (such as contacting law enforcement officials, placing employee on administrative leave while an investigation is conducted, or other actions as deemed appropriate).

7.9 USE OF CITY PROPERTY

The purpose of this section is to provide a broad overview of guidelines for the use of City property, including property related to information technology.

- 7.9.1 City Property. All computers, telephones, facsimile machines, copiers, communication systems, electronic equipment, and/or any other material, property, or equipment provided by the City and used in the course of employment is property that is exclusively owned, leased, borrowed, and/or held by the City. Such property is, or for the purposes of this Policy shall be deemed and considered, exclusively the property of the City. City employees should have no expectation of privacy with respect to same.
- 7.9.2 Telephone Use. When making personal local

telephone calls from the workplace, and/or a City mobile phone or similar device, employees must use judgment and discretion to limit the number and/or length of any calls. Personal long-distance calls are not permitted on City telephones. Excessive or unauthorized telephone use may subject an employee to disciplinary action, up to and including termination. Upon separation of employment, employees must return any mobile phone or device issued for City business. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.

- 7.9.3 Communication Systems. The City provides a variety of channels for communication to promote the efficient operation of City business. These communication systems include, and are not limited to, voicemail, email, facsimile, computer networks, internet connections, online services, computer files, telephone systems, mobile phones, and similar devices. All information transmitted by, received from, or stored in these systems is the sole property of the City, and an employee should have no expectation of privacy related thereto.
- 7.9.4 Email and Internet Access and Code of Conduct. Access to email and the Internet is provided by the City to its employees for the benefit of City employees and patrons, and as valuable sources of information to allow for the provision of better and more efficient services. It allows employees to connect to information resources around the state, the country, and the world. Every employee has a responsibility to maintain and enhance the City's public image and to use the internet in a productive manner.
- 7.9.5 Confidentiality, Privacy, and Monitoring. As set forth herein, all City computer systems, including email, internet connections, instant messaging, and similar protocols, are the property of the City. All documents, information, and data created in, stored in, and/or copied to City computer systems are the property of the City and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the City. Employees using the City's computer systems are cautioned that email and internet systems do not provide complete confidentiality and employees have no right to privacy when using same. The City has the right to access, monitor, and disclose the contents of any file or electronic message composed, sent, received, or viewed on City computer systems, for any business purpose, including but not limited to investigating potential security breaches, policy violations, or misuse of computer systems or email. Employees should be

aware and understand that the use of personal email accounts to engage in City business may result in those personal accounts being subject to the provisions of the Georgia Open Records Act and/or other statutes pertaining to access to government records.

7.9.6 Email Communications. All employees are responsible for the content of all text, audio, or images that they place or send via email or over the internet. Fraudulent, harassing, or obscene messages are prohibited. Information published on the internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language may be transmitted through the system. Notwithstanding the City's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them. Employees should not attempt to gain access to another employee's messages without the employee's permission, except as expressly authorized elsewhere.

7.9.7 Prohibited Activities. City employees are strictly prohibited from using City email, internet, communication systems, computers, electronic equipment, or other City property to engage in the following activities (except where expressly authorized elsewhere):

1. Sending, retrieving, or storing offensive, obscene, or defamatory material;
2. Engaging in illegal, fraudulent, or malicious conduct;
3. Transmitting or receiving messages containing derogatory, harassing, or inflammatory remarks about an individual's or a group's race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy or related condition, physical attributes, or sexual orientation;
4. Working for or on behalf of another employer, business, association, or organization, without obtaining prior supervisor approval;
5. Sending uninvited email of a personal nature;
6. Personal activities that incur additional costs to the City or interfere with an employee's performance;
7. Sending City proprietary or confidential information and/or materials to anyone not entitled to know or receive same;
8. Monitoring or intercepting the files or

electronic communications of employees or of third parties;

9. Obtaining illegal or unauthorized access to another person's or entity's computer system;
10. Using another individual's account or identity without authorization;
11. Attempting to test, circumvent, or defeat the security or auditing systems of the City or any other person or organization or to otherwise "hack" into a City file or system that the employee is not authorized to access.
12. Distributing or storing chain letters, jokes, solicitations, or offers to buy or sell goods; or Downloading files or programs not authorized by the City.

7.9.8 Software. To prevent software compatibility issues, licensing infractions, and security or privacy concerns (such as computer viruses being transmitted through the system), there will be no unauthorized installations of any software. All software downloads must first be authorized by the Department Director. Employees with any questions should contact their supervisor or the IT Department. The City reserves the right to remove any programs that have been installed or downloaded without authorization.

7.9.9 Security. All messages created, sent, or retrieved via email or over the internet are the property of the City. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications may be disclosed by the City to law enforcement or other third parties without the prior consent of the sender or the receiver.

7.9.10 Use of City Property in General. All City property, including and not limited to, all electronic property (such as computers, telephones, facsimile machines, copiers, communication systems, mailing systems, and electronic equipment) and non-electronic property (such as vehicles, buildings, furnishings, fixtures, furniture, books, supplies, and materials), shall be used in the manner for which it is intended and treated by City employees with care and due regard. City employees should keep in mind that they are the trustees, caretakers, and beneficiaries of such property, which has primarily been purchased, leased, or provided via public funding. No City employee shall abuse or misuse City property. Employees must return all City

property that is in their possession or use upon separation of employment, or immediately upon request. Violation of this policy may result in disciplinary action, up to and including termination. Further, the City may also take all action lawful and deemed appropriate to recover or protect its property.

- 7.9.11 Passwords and Access. Access to computers, email, voicemail, and select applications may be password protected. Such passwords, access, and accounts, and any other types of authorization employed by the City, are confidentially assigned to individual employees and may not be shared with others. Each employee is responsible for any access to and use of his or her assigned computer, email, voicemail, and applications. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.
- 7.9.12 Employer Monitoring. City employees should not expect privacy with respect to their work-related activities. Video surveillance may be used by the City to monitor job performance, monitor interaction and communication with the public, assure conformance with safety procedures, and guard against employee misconduct. However, no video surveillance will occur in City restrooms.
- 7.9.13 Violations. Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If deemed necessary or appropriate, the City may advise appropriate legal officials of any perceived illegal activities or violations via use of City communication systems.

7.10 SMOKE-FREE ENVIRONMENT

City of Stonecrest complies with the Georgia Smoke free Air Act of 2005. All City buildings and vehicles are designated as smoke-free and tobacco-free areas. Neither smoking nor tobacco use is permitted within 25 feet of any City building entrance or exit. This policy applies to the use of any tobacco product, including smokeless tobacco, and applies to both employees and visitors of the City.

Further, smoking (which means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance) is strictly prohibited in all privately-owned vehicles while used in the course of City work whenever other City employees or persons are present in the vehicle, regardless of whether the vehicle's windows are open. Smoking and/or tobacco use in privately-owned vehicles is otherwise permissible, provided that it is done

within the vehicle and is not within 25 feet of City building entrance or exit.

The City understands that tobacco is a legal product and further recognizes that, as an employer, the City may not require that employees or prospective employees refrain from tobacco use when not at work.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. All City employees are responsible for following and helping to enforce this policy, and should report any problems or violations to a supervisor. Violations of this policy will subject an employee to disciplinary action, ranging from an oral reprimand up to and including termination.

7.11 PROPER WORK ATTIRE AND STANDARDS FOR DRESS

- 7.11.1 Dress Standards – To maintain a public image consistent with a professional organization, the City adopts a conservative business casual dress code. (For purposes of this policy, the term “conservative” refers to modest clothing that is in keeping with traditional standards for business attire.) When away from work, an employee's choice of attire is a matter of personal preference. However, when the employee is working, attire must be within parameters that reflect the professional, neutral environment that the City strives to provide. If an employee must conduct personal business that involves non-professional apparel before or after work, the employee should plan to change clothes.
- 7.11.2 Guidelines for Attire – The goal is for each employee to present a neat, clean, well-groomed, appearance while at work. Rather than focusing on individual items of clothing, the employee should consider the overall image that he or she presents. It is possible for one aspect of an outfit to be considered somewhat casual, but when paired with professional clothing the overall appearance may be professional.

No dress code can address all contingencies, and this policy does not attempt to itemize all current and future clothing options. Employees are expected to use judgment in selecting work attire.

Following are guidelines to assist employees in determining whether attire is acceptable.

- Business casual shall be the standard dress.
- Clothing that is see-through is unacceptable.
- Clothing should cover the chest, back, and midriff (including when standing, sitting,

stooping, while arms are extended over the head or while bending over), and should not reveal undergarments.

- Pants made of blue denim (or fabric that resembles blue denim) may be allowed, as approved by the Department Director. Other pants may be acceptable if the overall image the employee presents is professional.
- Solid T-shirts may be allowed, but shirts printed with political or social leanings, sayings, or graphics should not be worn (unless related to a City-approved activity).

7.11.3 Shoes and Footwear – Flip-flops are not allowed. Clean athletic shoes are acceptable.

7.11.4 Personal Grooming, Accessories, and Use of Fragrances – Good personal hygiene is expected at all times. Clothing should be clean, neat, and well kept (no holes, tears, patches, fading, or frayed areas). Facial hair should be clean and neatly trimmed. Fragrances, if used, must be mild; patrons and other employees may be allergic or sensitive to perfumes, colognes, or other fragrant products.

7.11.5 Compliance. Dressing appropriately is a condition of employment with the City. Failure to adhere to the dress code will be addressed as a policy violation. Repeated or obvious violations of this policy will result in disciplinary action, up to and including termination. In extreme cases, the City reserves the right to require an employee to leave work to change into appropriate clothing. Any time spent away from work would be without pay.

Employees are expected to comply with the above standards and should not put their Supervisors in the position of having to police attire. If there is any doubt as to whether an aspect of attire is appropriate, the employee should assume it is not. Employees with questions about what is appropriate for their positions should contact their Supervisor or the Department Director. The City reserves the right to prohibit certain articles of clothing. The Department Director may approve dress code exceptions in certain circumstances, and will consider such instances on a case-by-case basis.

As stated above, no dress code can address all contingencies. The City reserves the right to interpret what is acceptable in the matter of overall appearance, and to interpret and apply this policy to other aspects of appearance not specifically covered in this policy.

7.12.0 As a part of the commitment to maintaining a professional work environment, all employees in leadership positions as determined by the City Manager shall adhere to the following Professional Honor Code.

“The City of Stonecrest Leadership Professional Honor Code assures our valued residents, visitors, and co-workers that when they place their trust in us, they can expect a high standard of professional excellence, integrity, tolerance and optimism – all within a framework that emphasizes respect for the people we work with and for. I acknowledge that I am expected to:

- uphold and promote the City of Stonecrest Code of Ethics;
- serve the people I work with and for with integrity, competence, objectivity, independence and professionalism;
- ensure that considerations of personal benefit will never override my focus on the interests of the people I work with and for;
- exemplify the values I publicly espouse in making this pledge. I will be equally vigilant in ensuring the professional behavior of my co-workers and subordinates within my department, or the entire organization, and will bring to the attention of my supervisor any violation of this shared professional oath of honor;
- treat all persons fairly and equally regardless of race, gender, nationality, religion, politics, sexual orientation or social status. I will be respectful of those whose wellbeing may be contingent on any decisions or advice;
- diligently apply objective judgment to all assignments;
- continually invest in professional development to keep abreast of evolving knowledge within my profession and in my areas of technical expertise; and
- recognize that my status and privileges as a professional – a leader of City government stem from the respect and trust that I must earn each and every day; and I accept my responsibility to employ, protect and develop the above standards to enhance that respect and trust.”

7.12 PROFESSIONAL HONOR

SECTION 8: DISCIPLINE

8.0 DEFINITION

As an At-Will employer, the City reaffirms its authority to terminate employment with or without cause, with or without notice. However, there are times when the City recognizes that it is in its best interest to attempt to take rehabilitative actions to positively affect employee behavior and performance. In so doing, the City may utilize progressive discipline. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The City may use a policy of progressive discipline when applicable. An employee who fails to perform assigned duties adequately or who violates City policies will be disciplined. Disciplinary actions taken may depend on the degree and circumstances of the violation and will be determined on a case-by-case basis.

8.1 CAUSES FOR ACTION

Certain actions or forms of behavior are considered unacceptable in the workplace. In general, conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public is not tolerated. While it is not possible to list all of the actions considered unacceptable, the following are examples of conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

1. Theft, abuse, misappropriation, or misuse of City property or vehicles; failure to report damage or destruction of City property to a supervisor; loaning City property or equipment without permission or proper authority; negligence or improper conduct leading to damage of property.
2. Theft, destruction, unauthorized use, or inappropriate removal or possession of property of other employees, patrons, or others doing business with the City.
3. Unauthorized use of, or access to, City computer systems or communication systems (such as computers, databases, email, internet, telephones, cell phones, voicemail, postal or interoffice mail), and/or violation of City policies governing the use of City property (including telephone, Internet, and electronic property and equipment).
4. Falsification or destruction of official records or documents.

5. Willfully giving false statements to supervisors, officials, or the public.
6. Careless, negligent, or inappropriate handling of City funds or financial records; failure to follow laws or procedures governing the reporting or use of funds.
7. Violation of City policies regarding business ethics, conflict of interest, or acceptance of gifts or gratuities.
8. Use of official position for personal benefit, profit, or advantage.
9. Any use, threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to promotion, transfer, change of pay rate, leave of absence, or character of work.
10. Violation of traffic laws while driving a City vehicle; failure to report to a supervisor any traffic violation or citation issued while on official City business.
11. Conviction of a felony or a crime involving moral turpitude.
12. Violation of a crime or City Ordinance that tends to bring discredit upon the City.
13. Acts during duty hours which are incompatible with public service;
14. Failure to do work at an acceptable level of competence as determined by the City.
15. Wasting time, inefficiency, sleeping while at work, and/or loitering during working hours.
16. Behavior reflecting conduct and misconduct identified in the City's policy against workplace violence.
17. Disorderly conduct or violence in the workplace, including fighting, threatening, abusing, or intimidating other individuals; using physical force against another individual except in self-defense; provoking a fight; causing a disturbance; engaging in horseplay or boisterous, disruptive activity; engaging in lewd, obscene, or otherwise inappropriate conduct.
18. Use of profane, obscene, or abusive language or discourteous treatment of the public or other employees; use of any form of physical abuse of the public or other employees or making threats to the public or other employees.
19. Engaging in obscene or offensive conduct.
20. Insubordination or uncooperative behavior

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attitude, including, and not limited to, disrespect to a supervisor, co-worker, or the public.

21. Failure to follow the lawful orders or direct instructions of a Supervisor.
22. Carelessness or negligence with the monies or other property received by the City.
23. Failure to cooperate during an internal investigation of the City.
24. Excessive absenteeism or tardiness; unexcused absence, absence without notice, or failure to notify employer of absence or tardiness in a timely manner; absence when employee does not have sufficient accrued paid leave to accommodate the absence; leaving a scheduled work shift without authorization; absence due to incarceration.
25. Failure to report an occupational injury or accident during the shift on which it occurred.
26. Failure to disclose criminal records on employment applications, and/or to report criminal convictions and arrests as required by this Policy Manual.
27. Violation of City policies against discrimination and harassment.
28. Violation of City policies for workplace safety and workplace security.
29. Violation of City policies for a drug and alcohol free workplace.
30. Failure to adhere to City dress code and guidelines for acceptable attire and personal grooming.
31. Unauthorized solicitation or distribution or posting of materials at or in City work areas.
32. Unauthorized public statements to the media pertaining to the City Manager, Mayor, a Council member or the City Council, the employees of the City, or the work and/or operations of the City.
33. Unauthorized statements to any City Board or Committee member or body reflecting discredit upon the City, Mayor, a Council member, the City Council, City Manager, Department.
34. Negligence, inefficiency or inability to properly perform assigned duties.
35. Misconduct.
36. Violation of any City policies or provisions of this Manual.

37. Any other action or inaction not in the City's interest.

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38. Violation of any Administrative Policy and Procedure adopted by the City Manager.

Off-Duty Conduct – In general, the City will only apply its disciplinary policies to any off-duty conduct that affects City's business interests. Off-duty conduct such as membership in organizations to promote civil rights, religious practices protected by law, smoking, or other lawful off-duty conduct is not a matter of concern to the City. While it is not possible to list all of the potential off-duty conduct that may affect City interests, below are examples of off-duty conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

- Off-duty sexual harassment of City employees.
- Off-duty illegal conduct that occurs on City property.
- Off-duty illegal conduct that indicates the potential for violence.
- Off-duty illegal conduct that causes the employee to be unable to perform his or her essential job functions.
- Off-duty disruptive actions at a City-sponsored event.
- Off-duty conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public, including, but not limited to, arrests for alleged criminal conduct.

8.2 TYPES OF ACTIONS

Disciplinary actions fall into two general classes: reprimands and adverse actions:

- 8.2.1 Reprimands - A reprimand is a formal means of advising the employee that a problem exists and must be corrected.
 - a. Oral Reprimand (referred to as a counseling session) - A verbal explanation of a problem with an employee and what must be done to correct the problem. This discussion should be between the immediate supervisor, department manager, or Department Director and the employee in a private setting. A written record shall be maintained for all oral reprimands for inclusion within the departmental personnel file.
 - b. Written Reprimand - A written statement of a problem with an employee and what must be done to correct the problem. The reprimand

should also reflect the likely result of not correcting the problem. The employee should be given a copy of this reprimand in a private interview with the immediate supervisor, department manager, or Department Director. A written record shall be maintained and submitted to Human Resources for inclusion within the employee's personnel file.

8.2.2 Adverse Action - An action taken by the City Manager, or Department Director, that results in a suspension without pay, salary reduction, demotion, or dismissal.

- a. Suspension Without Pay - An employee may be suspended without pay, not to exceed 30 days, for a violation of policies governing performance and conduct.
- b. Salary Reduction - An employee's salary may be reduced for disciplinary purposes. A salary reduction is not a demotion in pay grade.
- c. Demotion - An employee may be demoted for disciplinary or other involuntary reasons if a) a lower position is open, and b) the employee is qualified to perform the work at the lower position. A disciplinary demotion must include a decrease in salary as outlined in Section 4.2.
- d. Dismissal - An employee may be dismissed for disciplinary or other involuntary reasons. A dismissal may also take place if the employee must be removed from the work place immediately and/or permanently.

8.2.3 Emergency Action - The City Manager and/or Department Director may take immediate action against an employee under emergency situations. Immediate action shall be to place the employee on Administrative Leave with or without pay until an investigation can be conducted. For the purpose of this policy, an emergency situation may include but is not limited to the following:

- a. an employee commits a crime of moral turpitude. For the purpose of this policy, moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty or good morals, and may include but is not limited to the following:
 - Making false representation
 - An intent to defraud
 - The actual act of committing fraud
 - Arson
 - Blackmail

- Burglary
- Embezzlement
- Extortion
- Forgery
- Larceny (grand or petty)
- Malicious destruction of property
- Receiving stolen goods (with guilty knowledge)
- Theft (when it involves the intention of permanent taking)
- Assault
- Contributing to the delinquency of a minor
- Gross indecency
- Kidnapping
- Lewdness
- Manslaughter
- Murder
- Pandering
- Prostitution
- Rape (including "Statutory rape" by virtue of the victim's age);

- b. when an employee may harm himself, fellow workers or the general public;
- c. when an employee may damage public property; and/or
- d. when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of policy for a drug and alcohol free workplace.

8.2.4 Notice of Pending Action: For disciplinary actions listed under Section 8.2.2 (a-d), the immediate supervisor shall advise the employee in writing of his/her intent to recommend disciplinary action be taken against the employee. The written notice shall include the specific policy violation, performance deficiency, or inappropriate behavior exhibited by the employee, and schedule a date and time for a pre-disciplinary meeting with the employee and Department Director.

8.2.5 In the pre-disciplinary meeting the employee will have the opportunity to respond to the pending disciplinary action and provide relevant witnesses.

8.2.6 After hearing the evidence presented by the supervisor and the response by the employee, the Department Director shall render a decision on the recommended action and provide both parties with a written record of the decision. If the decision is to uphold the recommendation to discipline the employee, a copy of the decision shall be provided to the Director of Human

Resources for inclusion within the employee's personnel file.

- 8.2.7 The decision of the Department Director shall be final, unless the action taken results in a termination of employment. In the event that the action taken results in a termination of employment, the employee may utilize the grievance procedure as outlined in Section 8.3.5, Step 3.

8.3 GRIEVANCE

An employee may file a written grievance with his Department Director, Director of Human Resources, or City Manager, in accordance with the process/policies defined as follows:

- 8.3.1 Grievance shall be defined as a claim by an employee declaring:

- a. Unsafe or unhealthy working conditions;
- b. Unlawful discrimination; or
- c. Application of City policies in violation of this Policy Manual.
- d. Disciplinary demotion, a disciplinary reduction in pay, or termination.

- 8.3.2 The following areas are **NOT** grievable:

- a. Issues which are pending or which have been concluded by other administrative or judicial procedures;
- b. Management's rights to assign work and/or establish work processes;
- c. Disciplinary actions that do not result in a termination, demotion or salary reduction;
- d. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- e. The content or rating of a performance evaluation;
- f. The selection of an individual by the Department Director, or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;

- g. Any matter which is not within the jurisdiction or control of the City;

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- h. Internal security practices established by the City Manager and/ or Mayor and City Council; and

- i. Decisions, practices, resolutions, or policies made or passed by the Mayor and City Council or City Manager.

- 8.3.3 Managers and supervisors are responsible for ensuring that the grievance is fully processed. No employee shall be retaliated against for using the City grievance procedures.

- 8.3.4 Any complaint shall follow the procedure outlined below and shall refer to the provision or provisions of City policy, shall identify the manner in which City policy is alleged to have been applied in violation of this Policy Manual, shall identify the practice, procedure, rules or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation.

- 8.3.5 Any grievance submitted shall be dated and signed by the employee. Any decision shall be written to the employee and shall be dated and signed by the City representative at that step.

Step 1. The employee shall present a grievance or complaint in writing to his/her department director within five (5) working days from the date that the grievable action or violation occurs. Discussions shall be informal for the purpose of settling the issue in the simplest and most direct manner. The department director shall reach a decision and communicate in writing to the employee within five (5) working days from the date that the grievance was presented. If there is no applicable Department Director, the employee shall proceed directly to Step 2 within five (5) working days from the date that the grievable action or violation occurs.

Step 2. If the employee is not satisfied with the decision in Step 1, and the action taken results in termination of employment or the grievance contends a violation of State or Federal law, the employee may appeal the decision in writing within five (5) working days of the Step 1 decision to the Director of Human Resources and City Manager.

- a. Included in the appeal shall be:

- 1. The specific violation contended within the original grievance,

2. A complete copy of all of the grievance materials generated through Step 1, and
3. Specific information that establishes that a termination is not warranted or supporting the employee's position that the aggrieved matter constitutes a violation of State or Federal law.

shall not affect the validity of any other part of this Ordinance.

- b. The Director of Human Resources shall review the appeal on its merits and, if appropriate, meet with the employee within ten (10) working days after receipt of the appeal. The Director of Human Resources shall investigate the contentions and forward his review of facts to the City Manager. The City Manager will review the facts and communicate a decision to the grievant within twenty (20) working days from the date the grievance was received by the Director of Human Resources and City Manager. The decision of the City Manager shall be final, without further right to appeal.

8.3.6 The time limit at any step set forth in Section 8.3.5 may be extended by the City Manager or mutually agreed to by all parties involved. A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the City's representative to answer within the time limit set forth may entitle the employee to proceed to the next step.

*Adopted by the City of Stonecrest City Council
this ____ day of ____, 2021.*

SECTION 9: REPEAL/SEVERABILITY/ ACKNOWLEDGEMENT

Mayor Pro-Tempore

9.0 REPEALER

ATTEST:

All provisions of the ordinances of City of Stonecrest in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Stonecrest, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Acting City Clerk

9.1 SEVERABILITY

It is the intention of the City of Stonecrest that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY MANUAL

By signing below, I acknowledge that I have received a copy of the City of Stonecrest Personnel Policy Manual. I understand that it is my responsibility to read and comply with the policies contained in this Manual as well as any revisions made to it. I also understand that if I need additional information, or if there is anything I do not understand in this Manual, I should contact my immediate supervisor, or other appropriate City management personnel, or the City Manager.

I understand that the City of Stonecrest is an "at will" employer and, as such, employment with City of Stonecrest is not for any definite period of time and may be terminated at the option of either me or the City, with or without cause, and with or without prior notice. I also understand that nothing contained in this Policy Manual may be construed as creating a promise of future benefits or a binding contract with the City for employment, benefits, or any other purpose.

In addition, I understand that this Manual reflects policies, practices, and procedures in effect on the date of publication, and that it supersedes any prior policy manual, handbook, work rules, benefits, and practices of City of Stonecrest. I further understand that the rules, policies, benefits, and practices referred to in this Manual are continually evaluated and may be modified, reduced, or discontinued at any time by City of Stonecrest, in its judgment and discretion, with or without notice.

RECEIVED BY:

(Print employee name)

(Employee signature)

(Date signed)

Return signed Acknowledgment page to Human Resources



CITY COUNCIL AGENDA ITEM

SUBJECT: American Rescue Plan Act Management Presentation

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☒ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☐ DECISION ☒ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s):

Current Work Session: Monday, December 13, 2021

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: In preparation for the distribution of the American Relief Plan Act of 2021 funds, the City determined that it would solicit a qualified vendor to perform the management of the ARPA funds. Public health and economic impacts, premium pay, revenue loss, and investments in water, sewer, or broadband infrastructure are the four broad categories of eligible uses. The Finance Department published solicitation number 2021-22 on August 24, 2021. On September 21, 2021, two (2) bids were received via electronic submission. After the proposals were evaluated by the evaluation committee, cost was factored in by procurement, references were checked and a request for clarification were asked of the vendors to ensure they had the capacity to perform the requested services. The Finance Director is recommending Berry Dunn as the consultant for the management of the ARPA funding. The vendor will provide guidance and advisory services regarding all legislation, regulations, policies, and rules related to ARPA funds. The Fiscal recovery funds must be incurred/obligated by December 31, 2024 and the all projects must be completed by December 31, 2026. The initial annual cost is \$128,520.00. The funding for this contract will be paid with the ARPA funding.

FACTS:



CITY COUNCIL AGENDA ITEM

OPTIONS: Discussion only

RECOMMENDED ACTION:

ATTACHMENTS:

- (1) Attachment 1 - Berry Dunn_RFP 2021-22ARPA Consultant Proposal
- (2) Attachment 2 - Bid Summary_ARPA



PROPOSAL TO
City of Stonecrest, Georgia

TO PROVIDE
**American Rescue Plan Act
Consultant Services**

BerryDunn

2211 Congress Street
Portland, ME 04102-1955
207.541.2200

Bill Brown, Principal

bbrown@berrydunn.com

Steven Whitney, Project Manager

swhitney@berrydunn.com

Proposal Submitted On:

September 21, 2021 before 2:00 p.m. EST
in response to RFP #2021-22

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1. Cover Letter

September 21, 2021

City of Stonecrest
Department of Purchasing and Contracting
Attn: Joyce Carter, Procurement Manager
3120 Stonecrest Blvd.
Stonecrest, GA 30038

Dear Ms. Carter:

BerryDunn McNeil & Parker, LLC (BerryDunn) is pleased to submit this proposal to the City of Stonecrest (City, Stonecrest) in response to request for proposal (RFP) #2021-22. The City is looking for expertise to augment the City's capabilities to set priorities and ensure compliance with federal regulations, while maximizing the recovery of and beneficial uses of the American Rescue Plan Act (ARPA) dollars in the local community.

BerryDunn is an independent consulting and certified public accounting firm with extensive experience in managing grants like ARPA. The compliance and consulting services sought by the City are a core strength of our firm and work we engage in every day.

Our approach is simple:

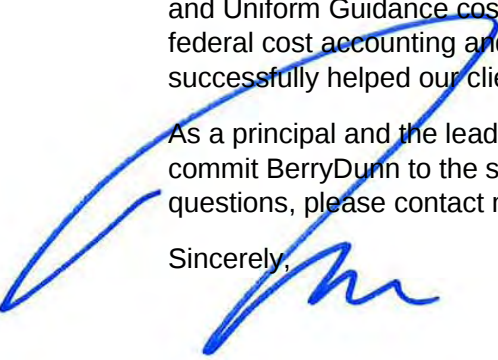
Consistently provide high-quality services, strive for unparalleled client satisfaction, and deliver both at a reasonable cost.

Our staff has extensive experience reviewing 2 CFR Title 2, Subtitle A, Chapter II, Part 200.430 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance).

You can feel confident selecting BerryDunn. We have the demonstrated experience in helping clients manage their federal grants—our team is knowledgeable about ARPA grant management and Uniform Guidance cost accounting requirements. Our proposed team has deep expertise in federal cost accounting and grant management requirements governing ARPA funds. We have successfully helped our clients manage COVID-related funding and cost accounting.

As a principal and the leader of our Government Assurance Practice Group, I am authorized to commit BerryDunn to the services, pricing, and other statements made herein. Should you have questions, please contact me.

Sincerely,



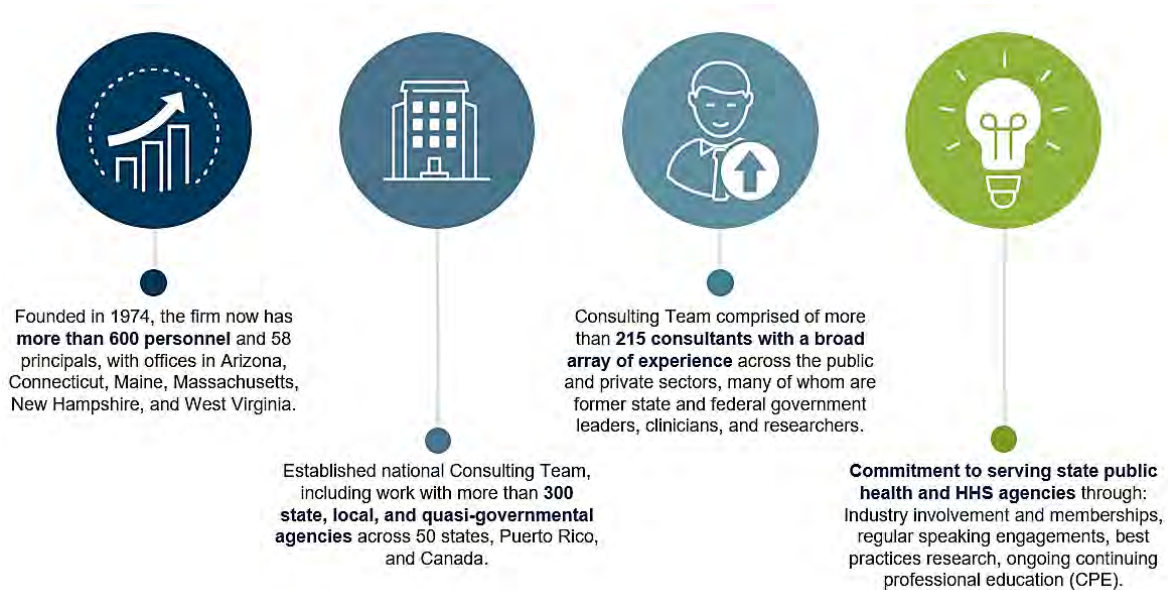
Bill Brown, Principal
2211 Congress Street
Portland, ME 04102
207-541-2208 | bbrown@berrydunn.com

2. Qualifications and Experience

2.1 Firm Overview

BerryDunn has nearly 50 years of experience in accounting, auditing, and consulting for state and local agencies. We employ more than 600 staff members (including over 215 on our Consulting Team), and we have a long and successful history of working with state and local governmental agencies and their community partners. **Figure 1** highlights our experience.

Figure 1: BerryDunn Firm Experience



Federal Grant Management and Monitoring

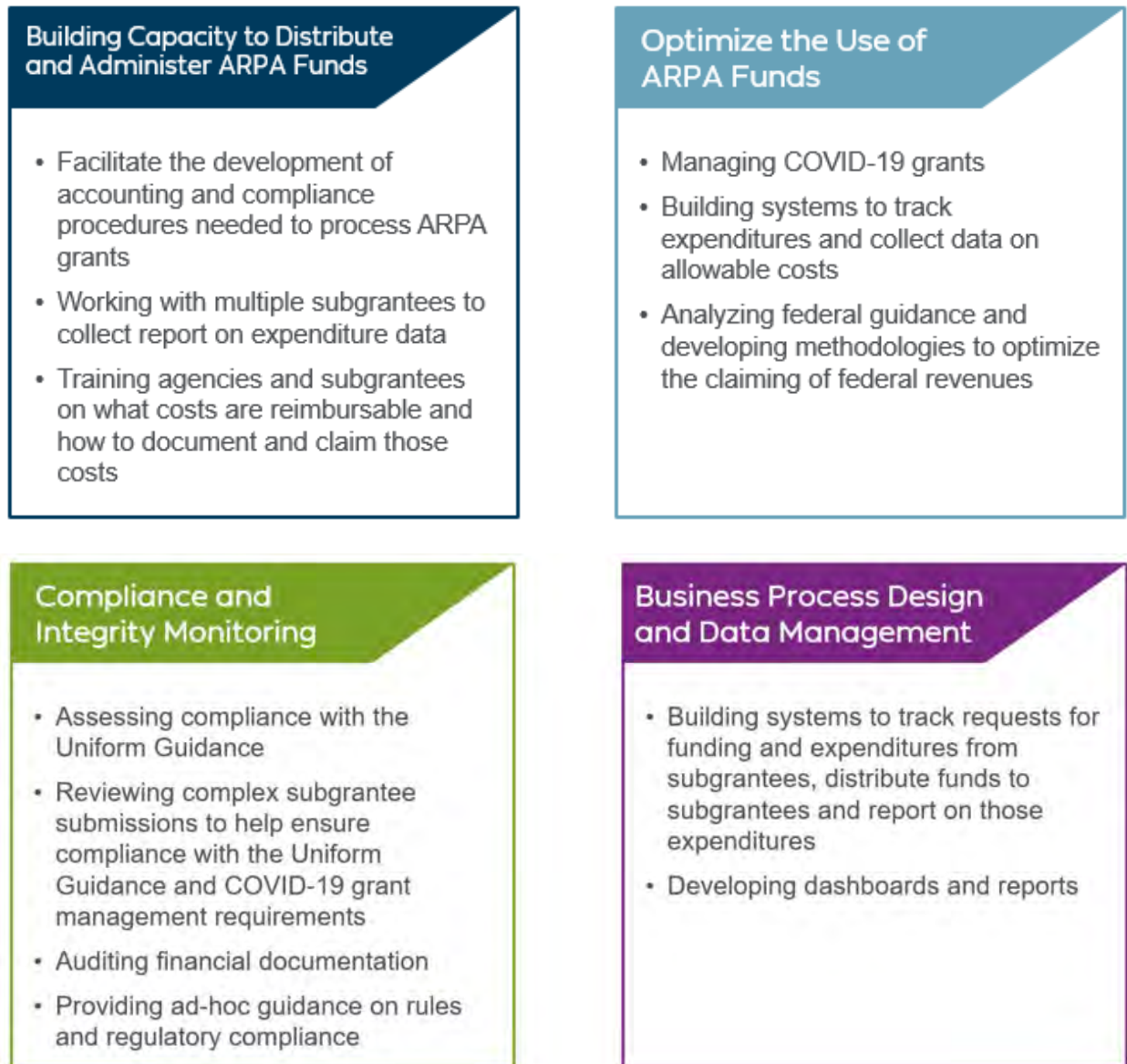
We are proud of our record helping state and local agencies better manage their federal grants and monitor grant subrecipients. For example, we recently helped the State of New Hampshire design, develop, implement, and administer a methodology to claim and distribute approximately \$3 million to its cities and towns under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support their 2020 elections. We have become specialists in helping city, county, and state agencies manage their federal grants. Our staff bring deep experience and skills in helping public clients like the City meet federal cost accounting and grant management requirements for federal grants like those under ARPA.

We can provide the City with many different types of resources to meet the challenges related to:

- Determining how to allocate the \$9.7 million in ARPA funds you will receive
- Distributing those funds to subrecipients and City agencies
- Compiling the reports needed to meet ARPA cost accounting and grant management requirements

Figure 2, on the next page, shows the type of COVID-19 grant management expertise we can bring to support the City on this important project.

Figure 2: BerryDunn COVID-19 Grant Management Expertise



Alignment with Accounting Process and Procedures

We are prepared to serve the City and provide the resources you have requested in this RFP, and we have the capacity to support you in whatever needs may arise in the future. Between our accounting, auditing, and consulting groups, we have extensive experience helping city, county, and state governments develop cost accounting processes and procedures, and administer federal grants that are compliant with the 2 CFR Title 2, Subtitle A, Chapter II, Part 200.430 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance). We perform more than 100 Uniform Guidance audits a year, and our staff

regularly present at conferences to state and local government finance officers on Uniform Guidance cost accounting and federal grant management requirements. We have deep knowledge and understanding of the requirements for managing and accounting for federal grants. Our project team will help the City comply with ARPA funding requirements. In particular, our staff have successfully helped our clients:

- Analyze and account for costs
- Develop and administer cost reporting systems
- Work with and support subgrantees
- Assess compliance with the Uniform Guidance and other federal cost accounting and grant management requirements

Our project team has helped many different types of government agencies comply with eligibility requirements and optimize the recovery of a wide variety of federal grants. For example, many of our proposed project team members served lead roles on a project to help New Hampshire identify the costs and claims available under the CARES Act to administer the 2020 elections.

As a certified public accounting firm with government accounting, auditing, and consulting practices, we bring a unique set of skills and experience that can help you determine how to administer these funds. Below, we summarize the skills, knowledge, and experiences we can bring to this important project.



Federal Grant Cost Accounting Expertise

We have CPAs and attorneys that are experienced in helping government agencies comply with the Uniform Guidance and other federal cost accounting and grant management requirements. Our staff understand how to manage the disbursement of ARPA funds to agencies and subgrantees, track the funds, and report the expenditures. Our staff understand how to review US Treasury and other federal guidance to assess what costs can be claimed, and how those costs should be documented to meet federal cost accounting and grant management requirements.



COVID-19 Cost Accounting Experience

BerryDunn performed similar work for the New Hampshire's Secretary of State. That project is one example of how we are helping our clients:

- optimize the use of COVID-19 funding, and
- ensure compliance with Uniform Guidance requirements for cost accounting.

Under the federal CARES Act, states received grants to help them fund increased costs associated with administering the 2020 elections during the COVID-19 public health emergency. We assisted the New Hampshire Secretary of State to develop a methodology to identify and account for the additional costs cities and towns incurred to process significantly higher volumes of mailed-in ballots.

We built a process to track the costs incurred by 384 cities and towns to administer the 2020 elections and claims for reimbursement under the State's \$3 million grant for elections support under

the CARES Act. We then tracked the expenditures incurred by the cities and towns, and assisted the State in filing claims for the disbursements made by the State to the cities and towns.



Expertise in Optimizing Federal Revenues

Our staff has many years of experience in:

- analyzing expenditures incurred by government agencies to identify costs that are allowable under a federal grant, and
- building systems to collect data on the amount of allowable costs incurred.

Strategic Planning and Community Engagement

Central to our firm's service offering is our focus on providing a broad range of organizational development project support, including:

- Enterprise and Departmental Strategic Planning
- Organizational Change Management
- Organizational, Operational, and Staffing Analyses
- Leadership and Organization Development
- Performance Analyses
- Business Process Reviews and Redesign
- Master Planning
- Cost of Service and Fee Studies
- Software Planning and Procurement
- Software Implementation Project Management and Oversight
- Project Assessments and Remediation
- IT Assessments
- IT Strategic Planning

As a result, we have become experts at engaging diverse stakeholders and stakeholder groups in ways that maximize creativity and innovation, and inspire collaboration and consensus as it relates to goal achievement and vision realization. Our process emphasizes the importance of gaining support and commitment from stakeholders and defining a unified vision for planning efforts and the future.

We design and conduct planning processes that use data and personal knowledge to assess our clients' environment. Our team uses the Institute of Cultural Affairs' (ICA) Technology of Participation (ToP®) facilitation methodology to help ensure planning efforts are highly collaborative and inclusive of all stakeholders. The ToP® methodology emphasizes structured participation that pulls information into the group's thinking process and creates a clear intention, helping members of the group align with one another and reach consensus.

We understand that the City is seeking a process that engages participants to provide a shared sense of responsibility for what the group decides together. To achieve optimal ideas for inclusion, we will use values-based planning combined with participatory activities that are part of the ToP® methodology, to inspire creative ideas from those in the process. The ToP® methodology is designed to help ensure all voices are heard and consensus is gained quickly. We augment our facilitation with various applications that further facilitate group participation, as well as techniques that promote alignment across organizational priorities, including programmatic funding considerations. These techniques also include several strategies to effectively engage and collect data and information from the public and other stakeholders, including developing communications, conducting interviews

and focus groups, facilitating community visioning forums, and creating an interactive project landing and engagement Social Pinpoint websites.

Social Pinpoint is a customizable community engagement platform that is used to inform stakeholders of project goals, objectives, and progress, and provide opportunities to interact and gather information. This comprehensive tool has several features that we use frequently and as needed throughout strategic planning projects, as illustrated in **Figure 3**.

With this tool, we will easily be able to set-up a landing page and sub-pages for the City to capture the culture of the community, its staff, residents, business owners, and other stakeholders, providing opportunities for participants to contribute to the City's priorities. We will also be able to track analytics and progress in real-time, promote participation, and set-up email notifications to help ensure that, even in a remote environment, effective engagement activities can take place.

Figure 3: Social Pinpoint Features



Social Pinpoint Usage Examples: We recently developed fully customized Social Pinpoint sites to support the strategic planning efforts of the City of Westminster, Colorado and the City of Milton, Georgia. As a result of using Social Pinpoint as a landing page for Milton's strategic planning project, for example, in just two weeks the City was able to drum up 2,000 site visits from 672 unique users since the site's launching; Milton's Social Pinpoint site also received 190 survey responses and 32 visioning ideas

In closing, it is important that the City selects a firm with the right expertise, established methodologies, deep experience in grant management and compliance to partner with for this work. In the regulatory maze, it is easy to lose sight of the fact that these funds are to be used in service of families, essential workers, and critical providers. Our team is well-equipped to help the City navigate compliance while holding your community members at the center of this project.

2.2 Relevant Project Experience

BerryDunn brings a blend of federal grant management, COVID-19 fund management, compliance reviews, business process analysis, and subject matter expertise to our clients to help them create, grow, and protect what they value most. We stress planning and collaboration so our clients get the most out of the services we provide. The City will benefit from our team of professionals who combine industry expertise with years of experience helping clients meet their reporting and regulatory obligations. Our experience, tools, and refined project approach will provide the City with a streamlined and efficient process that delivers the reporting and actionable analysis to maintain integrity and improve business functions and operations.

In **Table 1**, we show a representative sample of projects where we performed compliance reviews for cities, counties, and state agencies.

Table 1: Project Team Experience and Project Work

Client	Project
Alaska Division of Legislative Audit	Examined the applications and services that make up Alaska's Integrated Resource Information System (IRIS). Reviewed the DLA's IRIS operations and controls via documentation review, a physical walkthrough, and technical discovery.
City of Alexandria, VA	Performed activity-based cost analysis and business process improvement activities for community-based mental health and substance abuse services.
Colorado Department of Human Services	Identified and developed algorithms to calculate the level of funding each county should receive to meet its specific workloads, demographics (including local county-based poverty statistics), and state and local economic models. The funding model also contained a module that awards a portion of the funds based upon how counties performed on the following two-outcome measurement.
Colorado Department of Human Services	Evaluated alternative approaches to modernize the Colorado Automated Support and Enforcement System's (ACSES') financial subsystem to help the Division of Child Support Services (DCSS) make timely payments to families, operate efficiently, accurately account for incoming and outgoing funds, and comply with all Federal and State laws governing the allocation, distribution, and disbursement of child support payments.
Colorado Division of Child Support Enforcement	Conducted an assessment of the financial controls in Colorado's Child Support Enforcement system.
Colorado Division of Youth Services (DYS)	Assessed Judicial Districts (JDs) compliance with youth diversion program requirements under State Bill 94 (SB94) and the JDs contract with DHS.
Colorado Office of the State Auditor	Conducted an evaluation of the Colorado Department of Revenue's (Department) oversight and monitoring of the retail and medical cannabis industry. We inspected cannabis businesses, interviewed staff, and reviewed documentation to evaluate how effectively the Department monitored the retail and medical cannabis businesses.
Colorado Office of the State Auditor	Conducted an independent evaluation of the State Office of Information Technology (IT) programs, processes, and resources.
Health Benefit Exchanges	Performed financial and programmatic compliance reviews of health benefits exchanges since 2015. We have conducted audits of health benefit exchanges in Minnesota, Nevada, Pennsylvania, Rhode Island, Vermont, and Washington to assess their compliance with the Affordable Care Act.
Metropolitan Government of Nashville Davidson County	Conducted assessments with internal audit on the Sheriff's Office and Water District's security controls. Currently working to develop the Metro's Information Security Development Program.

Client	Project
Missouri Department of Social Services (DSS)	Conducted review of 40 Residential Treatment Providers to assess their compliance with program requirements as identified in their contracts with DSS and State regulations.
New Hampshire Liquor Commission	Conducted a performance review of the agency's current processes and procedures in place to prepare for, and assessed the efficiency and effectiveness of its financial operation, and provided short-term and long-term business process improvement recommendations.
New Hampshire Secretary of State	Developed a methodology to claim elections assistance funds under the CARES Act; identified costs eligible for reimbursement under that methodology; and claimed those costs to the federal grant. We worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines.
Rhode Island Administrative Office of the State Courts	Agreed upon Procedures review of the State Judiciary's case management system.
Virginia Department of Behavioral Health and Developmental Services (DBHDS)	Developed a Public Assistance Cost Allocation Plan (PACAP) for DBHDS, which oversees and administers public behavioral health, intellectual disability, and substance use disorder (SUD) services. These services are provided through 13 facilities. Services are also provided through approximately 40 locally run community services boards.
Washington State Auditor's Office	Assessed the Information Technology (IT) security controls for multiple government agencies throughout the state.
Washington Health Care Authority	Developed a model to define what total medical expenditures are and how to collect data on those expenditures. The team developed strategies to sustain the Healthier Washington Initiative under the HCA's State Innovation Model (SIM) grant. Our team helped the State to define sustainability by developing a working definition of sustainability for this initiative by determining how the initiative could continue after SIM grants were no longer available. In addition, the team developed a methodology for identifying, collecting, and organizing total medical expenditures, so that the State can track per capita growth in healthcare costs versus the State Domestic Product.

Organizational Development Planning

Below, we provide a representative list of clients for whom we have recently performed organizational development and/or strategic planning services. These projects include an emphasis on broad stakeholder engagement and organizational alignment, helping to ensure proper funding and resource prioritization. We will leverage our experience and lessons learned from this background in our work with the City.

- Association of Oregon Counties
- City of Beaverton, Oregon
- City of Cooper City, Florida
- City of Groveland, Florida
- City of Milton, Georgia
- City of Redlands, California
- City of Tacoma, Washington
- City of Wausau, Wisconsin
- City of Westminster, Colorado
- Lake County, Illinois
- Lane County, Oregon
- Metro Parks Tacoma, Washington
- Oregon Department of Environmental Quality
- Oregon Department of Human Services
- Oregon Harbor of Hope
- San Mateo County, California
- Tualatin Hills Parks and Recreation District, Oregon
- Washington State Traffic Safety Commission

2.3 Our Project Team's Qualifications and Experience

We have assembled a team of professionals with the range of skills and management experience required to successfully perform a review and audit of grant applications submitted for the ARPA Business Support program. Our project team brings a unique combination of skills, experiences, and capabilities that meet the City's goal to help ensure that the grants under the Business Support program meet federal cost accounting and grant management requirements. Our staff will work effectively with City and subgrantee staff to assess whether grants meet ARPA grant and other cost accounting requirements.

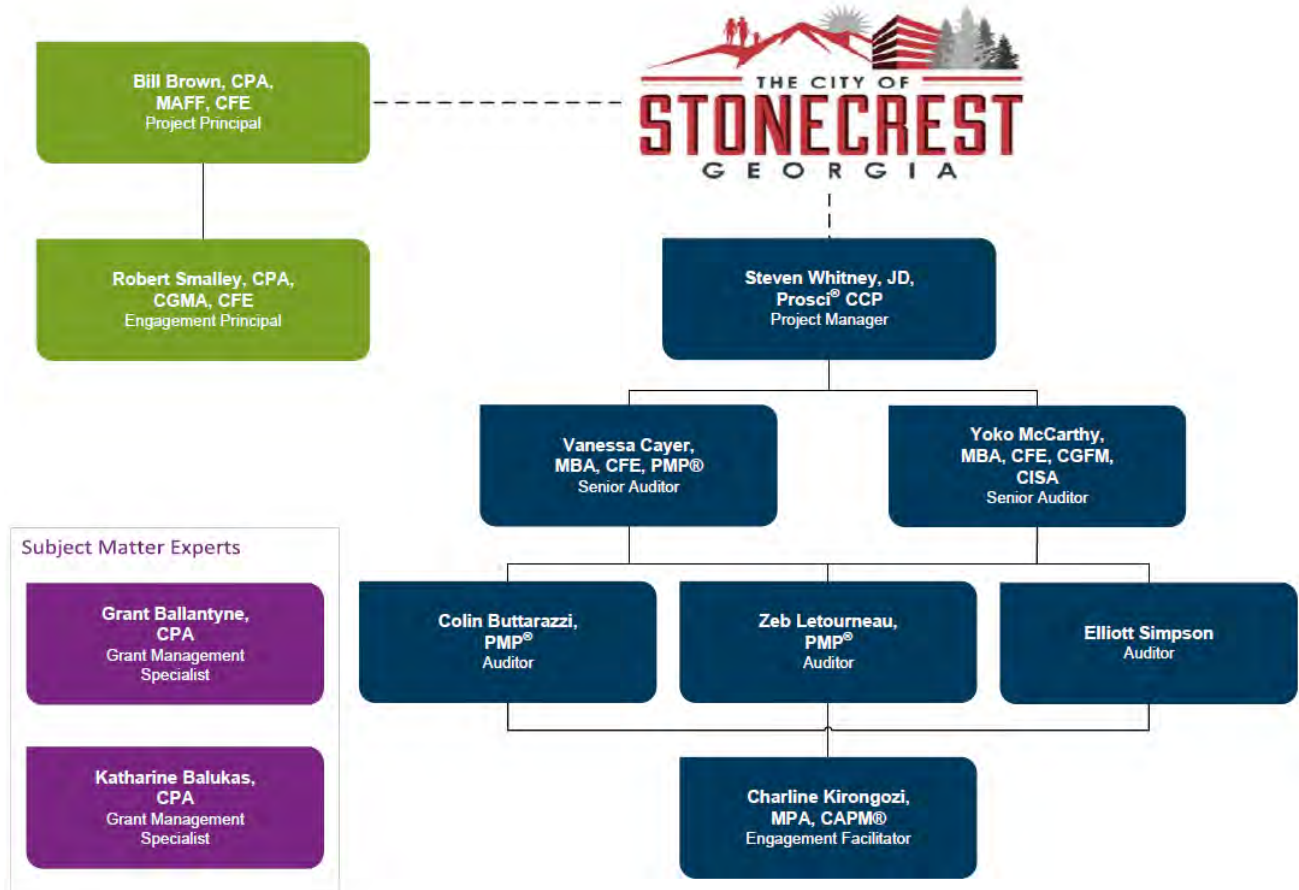
Our team for this project includes:

- ▲ **Senior leaders** who bring strong knowledge of ARPA, federal grant management, uniform guidance and other federal cost accounting requirements. This knowledge is balanced with practical, real-world application as former state public health and Health and Human Service agency leaders and healthcare providers, and with a deep respect for local culture, needs, and preferences.
- ▲ **Experienced professionals** who not only have certifications from the most respected professional organizations and academic institutions, but also have years of practice honing the following core capabilities essential for successful project execution:
 - o Cost and data analysis;
 - o Project management;
 - o stakeholder engagement; and
 - o document review.

- Supporting team members who bring valuable policy, research, and data analysis skills, and editorial/quality assurance (QA) expertise.

Figure 4 shows the overall organizational structure of the project team selected for this consulting services project with the City.

Figure 4: Project Organizational Chart



As a certified public accounting firm with a robust government consulting practice, we bring a unique set of skills to this project. BerryDunn staff are knowledgeable in conducting program and financial compliance audits and assessments that evaluate organizations' cost accounting and compliance with federal grant management and cost accounting requirements. For example, many of our proposed project team members provided guidance on a project to help New Hampshire identify the costs and prepare claims under the CARES Act to administer the 2020 elections.

On the next page, **Table 2** provides an overview of the BerryDunn project team and includes the member's role and experience. Full resumes are provided in section **2.4 Project Team Resumes**.

Table 2: BerryDunn Project Team with Role and Experience

Title/Name	Project Role and Experience
Principals	
 Bill Brown, CPA, CFE, MAFF	Bill is a principal and leads BerryDunn's Government Assurance Practice Group. Bill will serve as the principal in charge of this project. In this role, he will work with our project manager to monitor the progress of the project, track the initiation and completion of tasks and milestones, and oversee the quality and timeliness of all deliverables. Highlights of Bill's experience include: • 33 years of cost accounting, and compliance assessment experience • Principal on NH CARES Act grant management project • Principal on NH State Liquor Commission and Child and Family Services of New Hampshire projects • Principal on large grant management projects including Missouri Local Public Health Agencies and Colorado Department of Human Services projects
 Robert Smalley, CPA, CGMA, CFE	Rob is a principal and leads BerryDunn's Financial Services Practice Group. He is based out of our Manchester New Hampshire Office. Rob has expertise in Uniform Guidance and grant management. He will serve as principal, working with Bill to help ensure that the project team follows best practices for assessments of federal grant applications. Highlights of Rob's experience include: • 17 years of cost accounting, grant management, and compliance assessment experience • Engagement manager on NH CARES Act grant management program • Engagement manager on the Uniform Guidance and cost accounting projects with the Community College System of New Hampshire, New Hampshire State Liquor Commission, and Pease Development Authority • Engagement manager on project to assess cost accounting and financial controls in Colorado's child support enforcement system

Title/Name	Project Role and Experience
Project Manager	
 Steven Whitney, JD, Prosci® CCP	Steven is a senior manager in BerryDunn's Government Assurance Practice Group. He will serve as project manager and BerryDunn's primary point-of-contact. Steven will monitor project progress, track the initiation and completion of tasks and milestones, and oversee the work of the project team. He will facilitate meetings and information-gathering activities, and lead the development of project deliverables. In this role, Steven will work with the team to identify and prioritize permissible uses for ARPA funds, as well as to develop guidelines and recommendations for the proper administration of those funds (disbursement, tracking, and reporting.) Highlights of Steven's experience include: • Over 35 years of cost accounting, grant management, and compliance assessment experience • Project manager on NH CARES Act grant management project • Project manager on cost accounting projects in Colorado for funding child welfare and financial controls in processing child support • Project manager on compliance assessment and review of financial controls in Colorado's marijuana industry • Project manager on assessments of health benefits exchanges in Washington and Rhode Island

Title/Name	Project Role and Experience
Senior Cost Analysts	
 Vanessa Cayer, MBA, CFE, PMP®	Vanessa is a manager in BerryDunn's Government Assurance Practice Group. She will serve as a senior auditor and help manage the team of auditors assessing the ARPA grant applications. Vanessa will participate in reviewing grant applications and documentation, interviewing staff, developing findings, and leading the report writing. Highlights of Vanessa's experience include: • Over seven years of experience in cost analysis, data analysis, cost compliance, and risk management • Co-leads BerryDunn's Compliance and Risk Management practice with Yoko McCarthy • Project manager on the assessment of Maricopa County's procurement of voting systems equipment • Lead analyst on the assessment of Maricopa County's Sheriff's Office's Bonds, Fine, and Court Order processes and procedures • Lead analyst on a compliance assessment and review of financial controls in Colorado's child support enforcement system
 Yoko McCarthy, MBA, CFE, CGFM, CISA	Yoko is a senior manager in BerryDunn's Government Assurance Practice Group. She will serve as a senior auditor and help manage the team of auditors that will be assessing the Business Support grant applications. Yoko will also participate in reviewing grant applications and documentation, interviewing staff, developing findings, and leading the report writing. Highlights of Yoko's experience include: • Over 17 years of experience in cost analysis, data analysis, cost compliance, and risk management • Co-leads BerryDunn's Compliance and Risk Management practice with Vanessa Cayer • Lead analyst on New Hampshire State Liquor Commission compliance reviews • Served as project manager on assessments of Maricopa County's elections processes and procedures; and the Bonds, Fine, and Court Order processes and procedures project for the Sheriff's Office

Title/Name	Project Role and Experience
Cost Analysts	
 Zeb Letourneau, PMP®	Zeb is a senior consultant in BerryDunn's Government Assurance Practice Group. He will serve as an auditor with responsibility for assessing grant applications, documenting findings and recommendations, and maintaining detailed work papers. Highlights of Zeb's experience include: • Lead analyst on the NH CARES Act grant management project • Project manager on the compliance audit of Rhode Island's health benefit exchange • Project manager on financial and cost compliance review of Colorado Youth Services' community based judicial districts • Lead analyst on the compliance audit of Washington's health benefits exchange
 Colin Buttarazzi, PMP®	Colin is a senior consultant in BerryDunn's Government Assurance Practice Group. He will serve as an auditor with responsibility for assessing grant applications, documenting findings and recommendations, and maintaining detailed work papers. Highlights of Colin's experience include: • Lead analyst on the NH CARES Act grant management project • Lead analyst on assessments of multiple state health benefit exchanges • Lead analyst on the assessment of financial controls in Colorado's child support enforcement system
 Elliott Simpson	Elliott is a senior consultant in BerryDunn's Government Assurance Practice Group. He will serve as an auditor with responsibility for assessing grant applications, documenting findings and recommendations, and maintaining detailed work papers. Highlights of Elliott's experience include: • Lead analyst on the NH CARES Act grant management project • Lead analyst on assessments of multiple state health benefit exchanges • Lead analyst on the assessment of the Department of Revenue's administration of Colorado's marijuana industry • Lead analyst on the financial and cost compliance review of Colorado Youth Services' community based judicial districts

Title/Name	Project Role and Experience
Engagement Facilitator	
 Charline Kirongozi, MPA, CAPM®	Charline is a senior consultant in BerryDunn's Local Government Practice Group. She will help ensure that the City's engagement is approached in a way that promotes creativity and innovation and yields tangible results and contributions. She will also place an emphasis on considering diverse perspectives and promoting buy-in in the process. Highlights of Charline's experience include: • Several years of public-sector experience, supporting and conducting research, data collection, organizational reporting, gap analysis, and recommendations development • Well-versed in providing engagement and strategic planning support, including organizing and leading groups through the adoption of new ideas and concepts • An expert in community engagement and outreach through her experience facilitating stakeholder interviews, serving as producer on community forums, and creating engagement landing pages, via Social Pinpoint, in collaboration with her clients to promote a comprehensive and inclusive engagement process
Subject Matter Expert (Grant Management)	
 Grant Ballantyne, CPA	Grant is a senior manager in BerryDunn's Financial Services Practices Group. He will serve as a grant management subject matter expert. Grant will provide advice on Uniform Guidance cost accounting requirements. Highlights of Grant's experience include: • Over 13 years of experience helping clients comply with federal cost accounting and grant management requirements • Served as federal cost accounting specialist on the NH CARES Act grant management project • Published articles and presented at conferences on issues related to Uniform Guidance and other federal cost accounting requirements

Title/Name	Project Role and Experience
Subject Matter Expert (Grant Management)	
 Katharine Balukas, CPA	Katharine is a senior manager in BerryDunn's Financial Services Practices Group. She will serve as a grant management subject matter expert. Katharine will provide advice on Uniform Guidance cost accounting requirements. Highlights of Katharine's experience include: • Over 12 years of experience helping clients comply with federal cost accounting and grant management requirements • Served as federal cost accounting specialist on the NH CARES Act grant management project • Lead role on Uniform Guidance review of Community College System of New Hampshire and Pease Development Authority

2.4 Project Team Resumes



Bill Brown, CPA, MAFF, CFE **Project Principal**

Bill is a principal leading BerryDunn's Government Assurance Practice Group, bringing 33 years of cost accounting, and compliance assessment consulting experience. He oversees performance and information technology (IT) audit engagements for state and local governments, as well as program integrity, fraud, and risk audits.

Relevant Experience

BerryDunn (07/1988 to present)

New Hampshire Secretary of State – CARES Act Grant Management

Bill is the engagement principal on a project to help the State of New Hampshire to identify and claim costs under the CARES Act to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. The team identified costs eligible for reimbursement and claim those costs to the federal grant, and is working with a wide variety of cities and towns.

City of Alexandria, VA – Review of Community Based Mental Health and Substance Abuse Services

Bill was the engagement principal on a project to review the City's community services board (CSB), which oversees the use of public funds to provide mental health, intellectual disability, and substance abuse services through the Department of Community and Human Services (DCHS). BerryDunn developed a report of recommendations to assist DCHS with the implementation of a more sustainable and efficient process.

Alaska Division of Legislative Audit (DLA) Bill was principal on the following projects:

- *Medicaid and CHIP Program Eligibility Determinations and Best Practices* - Redetermination of eligibility for Medicaid and CHIP members to identify whether Alaska is appropriately granting eligibility according to federal and state regulations and statutes
- *Exam of ARIES General and Application Controls*
- *Exam of IRIS and ALDER General Controls* - Identification and examination of the IT general and application controls in Alaska's Integrated Resource Information System (IRIS)

Colorado Department of Human Services (CDHS) – Funding Model Development and Reports

Bill served as the project principal reviewing assumptions made pertaining to workloads, demographic data (including local county-based poverty statistics), and the state and local economic models CDHS used to develop previous funding models.

Colorado Division of Youth Services (DYS) – Program Audit and Monitoring Services.

Under the Senate Bill 94 program, DYS contracts with 22 judicial districts for services intended to prevent juveniles from being held in detention or committed to the Department of Human Services. Bill was the principal on an audit that examined the Judicial Districts' compliance with contract and program requirements and conducted financial reviews of contractors and subcontractors.

Minnesota Health Benefit Exchange (MNSure) – Programmatic Audit

Principal on the programmatic audit of the State's health insurance exchange. Helped develop a staggered audit methodology for measuring program compliance that CMS approved and which decreases risk to CMS and cost to MNSure.

Missouri Department of Social Services (DSS) – Financial Reviews of Residential Treatment Facilities

Bill is the project principal on a project to review case files of over 40 different residential treatment

facilities that serve the DSS' child welfare program . Bill is supporting a team that is reviewing records and assessing whether the facilities are complying with state requirements and properly billing the DSS for the services they provided to children under their care. .

Missouri Local Public Health Agencies (LPHA) – Revenue Optimization

Bill was the project principal to help LPHAs develop Health Services Initiatives (HSIs) under the Children's Health Insurance Program (CHIP) to improve the health of children through both direct services and public health initiatives. Bill supported a team that developed HSIs to improve the health of CHIP eligible children and helped enroll eligible children in Medicaid or CHIP. The team worked with LPHAs to optimize the use of existing HSIs and developed new HSIs to recover revenues under CHIP.

University of Nevada School of Medicine – Medicaid Rate Review and Recommendation Report

Bill supported a team that analyzed the mental health services provided by Mojave Mental Health, which is operated by the Nevada School of Medicine. Through this initiative, the team assessed the costs associated with each mental health service offered by Mojave Mental Health to identify the costs and revenue associated with each service. As part of this project, the team developed recommendations to reduce costs, increase revenue, and improve the cost effectiveness of Mojave Mental Health.

Virginia Department of Behavioral Health and Developmental Services (DBHDS) – Public Assistance Cost Allocation Plan (PACAP)

Bill is project principal on a project to develop a PACAP for DBHDS, which oversees and administers public behavioral health, intellectual disability and SUD services. These services are provided through 13 facilities: eight behavioral health facilities for adults, two training centers, a psychiatric facility for children and adolescents, a medical center, and a center for behavioral rehabilitation. Services are also provided through approximately 40 locally run community services boards (CSBs).

Washington Health Care Authority (HCA) – Developed a model to define total medical expenditures and how to collect data on those expenditures

Bill was project principal on a project to develop strategies to sustain the Healthier Washington Initiative under the HCA's State Innovation Model (SIM) grant. Our team helped the State to define sustainability by developing a working definition of sustainability for this initiative by determining how the initiative could continue after SIM grants were no longer available. In addition, the team developed a methodology for identifying, collecting, and organizing total medical expenditures, so that the State can track per capita growth in healthcare costs versus the State Domestic Product.

Washington Health Benefit Exchange (WAHBE) – Financial and Programmatic Audit

WAHBE operates the State-Based Health Insurance Exchange in Washington. Bill, alongside Sarah Belliveau, leads the team conducting financial and programmatic audits to assess whether WAHBE's program has complied with the requirements for State-Based Health Insurance Exchanges under the Affordable Care Act, as well as a Single Audit.

Education, Certifications, and Memberships

BS, Accounting, University of Southern Maine

Certified Public Accountant (CPA)

Master Analyst in Financial Forensics (MAFF)

Certified Fraud Examiner (CFE)

American Institute of Certified Public Accountants

Maine Society of Certified Public Accountants

Association of Certified Fraud Examiners

Association of Government Accountants



Robert Smalley, CPA, CGMA, CFE Engagement Principal

Rob is a principal in BerryDunn's Financial Services Group and he provides audit, accounting, and consulting services to governmental and higher education clients. Rob has worked on audit and accounting engagements for several colleges, universities, and governmental organizations, including the NH Elections CARES Act Grant Management, Community College System of New Hampshire, Maine Community College System, Colby Sawyer College, Vermont State Colleges, the Vermont Student Assistance Corporation, Pease Development Authority, and the New Hampshire Liquor Commission.

Areas of Expertise

- Audit and Accounting
- Governmental Consulting

Publications and Presentations

- *Hidden Danger in Choosing a College*
- *New Accounting Pronouncements and Proposals*
- *Fair Value and Financial Instruments: Past, Present, and Future*
- *Accounting for Other Real Estate Owned*
- *Recent Accounting Developments*
- *The Materiality Box – GASB*
- *Fraud: What's New and What To Do About It*

In 2011, Rob received national recognition by being selected to participate in the AICPA's prestigious Leadership Academy.

Relevant Experience

Rob's work with BerryDunn includes the following:

- Governmental and higher education accounting
- Consulting on fraud risk and mitigation
- Internal control audit and consulting
- GASB Accounting Standards

New Hampshire Secretary of State – CARES Act Grant Management

On the CARES Act Grant Management project for the New Hampshire Secretary of State, Rob is helping the State to identify and claim costs under the CARES Act to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. Rob helped identify costs eligible for reimbursement and claim those costs to the federal grant. He worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines. Rob helped develop a methodology to calculate a standard cost rate for processing the additional absentee ballots that resulted from voters' reaction to the COVID-19 pandemic.

Education, Certifications, and Memberships

BBA, Accounting, University of Maine

MS, Accounting, University of Maine

Certified Public Accountant (CPA)

Chartered Global Management Accountant (CGMA)

Certified Fraud Examiner (CFE)

American Institute of Certified Public Accountants

New Hampshire Society of Certified Public Accountants, past president;

Audit and Accounting Committee; Financial Careers Committee

Association of Certified Fraud Examiners



Steven Whitney, JD, Prosci® CCP Project Manager

Steven is a senior manager with BerryDunn and an attorney with over 35 years of experience helping state and local governments comply with state and federal program requirements; to better manage federal grants; account for costs and allocate costs to benefitting programs; to increase the recovery of federal revenues; and to develop process and performance improvements.

Relevant Experience

BerryDunn (2014 to present)

New Hampshire Secretary of State – CARES Act Grant Management

Steven led a project to help the State identify and claim costs under the CARES Act to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. Steven led a team that identified costs eligible for reimbursement and claim those costs to the federal grant. He worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines. Steven developed a methodology to calculate a standard cost rate for processing the additional absentee ballots that resulted from voters' reaction to the COVID-19 pandemic.

City of Alexandria, VA – Review of Community Based Mental Health and Substance Abuse Services

Steven was the project manager on a project to review the City's community services board (CSB), which oversees the use of public funds to provide mental health, intellectual disability, and substance abuse services through the Department of Community and Human Services (DCHS). BerryDunn developed a report of recommendations to assist DCHS with the implementation of a more sustainable and efficient process.

Colorado Department of Human Services – Develop Child Welfare Funding Model

The Colorado child welfare program is supervised by the State's Division of Child Welfare, but administered by 64 counties within the State. Steven was the Project Manager for an initiative to analyze the costs in each county and develop a model to calculate the levels of funding needed for each County. Steven led a team that identified and developed algorithms to calculate the level of funding each county should receive to meet its specific workloads, demographics (including local county-based poverty statistics), and state and local economic models. The funding model also contained a module that awards a portion of the funds based upon how counties performed on the following two-outcome measurement.

Colorado Department of Human Services (DHS) – Operational, Financial, and Account Review of Automated Support and Enforcement Processes and System

Steven was the Project Director on a project to modernize the Colorado Automated Support and Enforcement System (ACSES). Steven led a team that evaluated alternative approaches to modernize ACSES' financial subsystem to help DCSS make timely payments to families, operate efficiently, accurately account for incoming and outgoing funds, and comply with all Federal and State laws governing the allocation, distribution, and disbursement of child support payments.

Colorado Division of Youth Services (DYS) – Program Audit and Monitoring Services

Under the Senate Bill 94 program, DYS contracts with 22 local judicial districts for services intended to prevent juveniles from being held in detention or committed to the Department of Human Services. Steven led a team that examined the Judicial Districts' compliance with contract and program requirements, and conducted financial reviews of contractors and subcontractors.

Colorado Office of State Auditor – Assessment of Colorado's Administration of the Marijuana Business

Steven served as project manager on an evaluation of the Colorado Department of Revenue's (DOR)

administration of the marijuana industry to identify opportunities for the DOR to better use marijuana inventory tracking data to inform, direct, and target the DOR Marijuana Enforcement Division's (MED) inspection and enforcement activities and the DOR Tax Division's audit activities. Steven assessed DOR controls to minimize the risk of tax evasion and the diversion of marijuana products.

Missouri Department of Social Services (DSS) – *Financial Reviews of Residential Treatment Facilities*

Steven is the project manager on a project to review case files of over 40 different residential treatment facilities that serve the DSS' child welfare program. Steven is leading a team of cost analysts that are reviewing records and assessing whether the facilities are complying with state requirements and properly billing the DSS for the services they provided to children under their care.

Missouri Local Public Health Agencies (LPHA) – *Revenue Optimization*

Steven was a project manager on a project to help LPHAs develop Health Services Initiatives (HSIs) under the Children's Health Insurance Program (CHIP) to improve the health of children through both direct services and public health initiatives. Steven developed HSIs that directly improved the health of CHIP eligible children and helped enroll eligible children in Medicaid or CHIP. Steven worked with LPHAs to optimize the use of existing HSIs and developed new HSIs to recover revenues under CHIP.

University of Nevada School of Medicine – *Medicaid Rate Review and Recommendation Report*

Steven analyzed the mental health services provided by Mojave Mental Health, which is operated by the Nevada School of Medicine. Through this initiative, Steven assessed the costs associated with each mental health service offered by Mojave Mental Health to identify the costs and revenue associated with each service. As part of this project, Steven developed recommendations to reduce costs, increase revenue, and improve the cost effectiveness of Mojave Mental Health.

Virginia Department of Behavioral Health and Developmental Services (DBHDS) – *Public Assistance Cost Allocation Plan (PACAP)*

Steven is project manager on a project to develop a PACAP for DBHDS, which oversees and administers public behavioral health, intellectual disability and SUD services. These services are provided through 13 facilities: eight behavioral health facilities for adults, two training centers, a psychiatric facility for children and adolescents, a medical center, and a center for behavioral rehabilitation. Services are also provided through approximately 40 locally run community services boards (CSBs).

Washington Health Care Authority (HCA) – *Developed a model to define total medical expenditures and how to collect data on those expenditures*

Steven led a project to develop strategies to sustain the Healthier Washington Initiative under the HCA's State Innovation Model (SIM) grant. Our team helped the State to define sustainability by developing a working definition of sustainability for this initiative by determining how the initiative could continue after SIM grants were no longer available. In addition, the team developed a methodology for identifying, collecting, and organizing total medical expenditures, so that the State can track per capita growth in healthcare costs versus the State Domestic Product.

MAXIMUS (1994 to 2013)

Steven led MAXIMUS' Financial Services consulting group, which provided federal grant management and cost accounting, revenue optimization, rate setting, cost allocation, and cost recovery services to over 1,000 county and state agencies.

Education and Certifications

JD, Cum Laude, Suffolk University Law School

BS, Biochemistry, Cornell University

Prosci® Certified Change Practitioner (Prosci® CCP)



Vanessa Cayer, MBA, CFE, PMP® Senior Cost Analyst

Vanessa is a manager with experience as a lead analyst and project manager for several projects specializing in audit and financial compliance. Vanessa's focus is on compliance with federal cost accounting requirements and financial process improvement. She has strong planning and managing skills, as well as a detailed understanding of accounting and financial procedures.

Relevant Experience

BerryDunn (09/2014 to present)

New Hampshire Liquor Commission (NHLC) – Audit Readiness and Business Process Improvement

Vanessa was a lead auditor as part of BerryDunn's team providing process improvement and audit readiness services. This role included leading on-site interviews and review of documentation. Vanessa assisted in drafting the findings and recommendation report.

City of Alexandria, VA – Review of Community Based Mental Health and Substance Abuse Services

Vanessa was a lead on a project to review the City's community services board (CSB), which oversees the use of public funds to provide mental health, intellectual disability, and substance abuse services through the CSB. She helped to identify opportunities to improve the collection of revenue from third-party sources, the submission and monitoring pre-authorization requests to third-party pay sources, and the management and determination of patient payment responsibilities. Vanessa helped to develop a report on how to improve DCHS' grant management practices and optimize the claiming of federal revenues.

Alaska Division of Legislative Audit (DLA)

- *General Controls / Application Controls Examination*
Vanessa is leading BerryDunn's team assisting the DLA in the identification and examination of the IT general controls and application controls related to Integrated Resource Information System (IRIS), with a goal of compliance and attestation of the general and application controls.
- *Exam of Alaska's Resource for Integrated Eligibility Services (ARIES) General and Application Controls*

City and County of Denver, CO Auditor's Office – Performance Audit

Vanessa led a performance audit to the Denver Economic Development and Opportunity Division of Small Business Opportunity department. Vanessa's work evaluated the performance of processes and systems that supported small business enterprises.

Colorado Department of Human Services (DHS) – Operational, Financial, and Account Review of Automated Support and Enforcement Processes and System (ACSES) Vanessa was a lead analyst assisting DHS in modernizing its financial system and reconciliation process within ACSES. Vanessa was specifically responsible for documenting the current reconciliation process, leading testing activities, and creating a report outlining project results. She also assisted the team in providing recommendations to the State in hopes of modernizing its current approach.

Maricopa County, AZ, Internal Auditor's Department (IAD)

- *Assessment of Sheriff's Office Bonds, Fines and Court Orders Processes and Procedures*
Vanessa was a lead analyst on BerryDunn's project to assess the Office's controls for administering bonds, fines, and court orders.
- *Assessment of the County's procurement of Voting System Equipment*
Vanessa was the project lead on BerryDunn's project to assess the County's processes and procedures for procuring voting system equipment

Massachusetts HIX/IES Entities – IV&V Services

BerryDunn provided IV&V for Massachusetts' HIX/IES implementation. As part of our work, BerryDunn reviewed financial management tools and processes to monitor the integrity of the financial data, along with the efficiency of the financial management process. During her time with the project, Vanessa provided assistance in the financial analysis and monthly financial status reporting.

Metropolitan Government of Nashville and Davidson County (Metro), TN Office of Internal Audit (OIA) – Program Audit and Monitoring Services

For this engagement, Vanessa provided a review of purchasing and contract compliance of construction vendor contracts within the county.

Minnesota Health Benefit Exchange (MNSure) – Programmatic Audit

Vanessa serves as a lead auditor for the financial and programmatic portions of the State's audit. In this role, Vanessa is responsible for reviewing documentation and conducting tests to assess whether MNSure's Health Benefit Exchange (HBE) program is compliant with all federal requirements.

Newport School District – Process and System Assessment

Vanessa assisted in the assessment of processes, policies, technology, internal controls, and staffing related to the District's finance and human resource functions.

Rhode Island Administrative Office of the State Courts – Financial and System Assessment.

Vanessa assisted in this engagement providing assessment and examination of the Odyssey case management system and financial controls.

Vermont Department of Vermont Health Access – Financial and Programmatic Audit

Vanessa is serving as lead auditor and business analyst for the State's Health insurance Exchange audit. Vanessa assisted in on-site interviews and observations of exchange processes. Vanessa also conducted a review of pertinent documents relating to processes and procedures to determine whether Vermont Health Connector (VHC) was in material compliance with 45 CFR 155.

West Virginia Bureau for Medical Services (BMS)

- *EHR Provider Incentive Payment (PIP) Audit*

Vanessa is managing BerryDunn's team that is providing expertise and assistance in performing a Medicaid EHR Incentive Program Audit. BerryDunn's team helped to develop an audit strategy, perform risk assessments to identify a sample selection, and conduct both desk and field audits of an identified sample selection. Vanessa is very knowledgeable with the program guidelines and specific rules set by CMS.

- *Disproportionate Share Hospital (DSH) Payment Audit*

Vanessa led BerryDunn's team that is providing audit services to the State's DSH program. Vanessa was involved in planning, coordinating, and assisting in conducting audit procedures. The audit procedures include both desk and field audit processes, as well as hospital outreach.

Education and Certifications

MBA, concentration in Business Analytics, Bentley University, McCallum Graduate School of Business
BS, Business Administration, concentration in Accounting, minor in Sociology Service Learning, Bryant University

Certified Fraud Examiner (CFE)

Certified Project Management Professional®, Project Management Institute® (PMP®)



Yoko McCarthy, MBA, CFE, CGFM, CISA Senior Cost Analyst

Yoko is a senior manager specializing in financial compliance, risk management, project management, audit, and information security. She is a highly motivated leader with strong skills in data analysis, planning and organization, and change management. She brings a thorough understanding of business goals, objectives, and processes to each project.

Relevant Experience

BerryDunn (10/2012 to present)

Alaska Division of Legislative Audit (DLA) – General Controls / Application Controls Examination

Yoko assisted the DLA in the identification and examination of the information technology general controls and application controls related to Alaska's Integrated Resource Information System (IRIS) with a goal of compliance and attestation of the general and application controls of IRIS. DLA used the results of the review to plan the audit of the State's financial statements and single audit for fiscal years 2016 and 2017.

Children and Family Services of New Hampshire – Forensic Accounting Services

Yoko led BerryDunn's team, providing forensic accounting services to Children and Family Services of New Hampshire, a nonprofit organization. The project included drafting initial findings and preparing a final audit report.

HealthSource Rhode Island (HSRI) – Financial and Programmatic Audit

Yoko serves as the engagement manager for the programmatic audit of Rhode Island's health insurance exchange, which is conducted in compliance with 45 CFR 55 to help ensure that internal controls and processes governing eligibility determination and enrollment are maintained.

Maricopa County, AZ, Internal Auditor's Department (IAD)

- *Assessment of Sheriff's Office Bonds, Fines and Court Orders Processes and Procedures*
Yoko was the project manager on BerryDunn's project to assess the Office's controls for administering bonds, fines, and court orders.
- *Assessment of Recorder's Office Elections Processes*
Yoko was the project manager on BerryDunn's project to assess the Office's process for planning and executing Election Day activities for the 2018 primary election.

Massachusetts HIX/IES Entities – IV&V Services

Yoko led the Financial Review task area for IV&V services, providing monthly financial status reporting, documenting cost allocation methodologies, reviewing System Integrator's invoices, and assisting with change request review. Her major responsibilities include review of the financial management process and tools for this large-scale project to help ensure integrity of the financial data, correct use of various funding sources based on the approved cost allocation methodology, and to help ensure efficiency of the financial management process. In addition, her team has assisted with the development of IAPD-US, which have resulted in the Commonwealth receiving over \$110 million in federal funds under Title XIX.

Minnesota Health Benefit Exchange (MNSure) – Programmatic Audit (09/2015 to present)

Yoko is currently serving as project manager for the programmatic audit of Minnesota's health insurance exchange, which is conducted in compliance with 45 CFR 55 to help ensure that internal controls and processes governing eligibility determination and enrollment were maintained.

Missouri Department of Social Services (DSS) – Financial Reviews of Residential Treatment Facilities

Yoko is a lead on a project to review case files of over 40 different residential treatment facilities that

serve the DSS' child welfare program . Yoko is reviewing records and assessing whether the facilities are complying with state requirements and properly billing the DSS for the services they provided to children under their care.

Missouri Department of Social Services – Independent Security Assessment (ISA) for Missouri Eligibility Determination and Enrollment System (MEDES) Yoko served as a project manager for BerryDunn's engagement to conduct an Independent Security Assessment of the MEDES required for Missouri's continued Authority to Connect with the Federal Data Services Hub. Identified and assessed security risks related to the development and operation of MEDES and to the confidentiality, privacy, integrity, and availability of personally identifiable data.

New Hampshire Liquor Commission – Audit Readiness and Business Process Improvement Yoko provided process improvement and audit readiness services. BerryDunn's team reviewed the processes and procedures in place to prepare for, and respond to, the annual Comprehensive Annual Financial Report (CAFR) audit prepared using GASB standards.

Vermont Department of Vermont Health Access – Financial and Programmatic Audit

Yoko is currently serving as project manager for the financial and programmatic audit of Vermont's health insurance exchange. BerryDunn is providing a Yellow Book audit in compliance with 45 CFR 55 to help ensure that internal controls and processes for eligibility determinations and enrollments were maintained. Yoko manages all phases of the engagement including developing and maintaining the work plan. She coordinates and monitors the internal resources and participates in fact-finding meetings.

Washington Health Benefit Exchange (WAHBE) – Financial and Programmatic Audit

Yoko serves as project manager for the financial and programmatic audit of WAHBE, which is conducted in compliance with 45 CFR 55 to help ensure that internal controls and processes governing eligibility determination and enrollment were maintained. Yoko performs the eligibility and enrollment testing.

Massachusetts Office of the State Auditor (OSA) (04/2004 to 09/2012)

Yoko served OSA for eight years, with responsibility for the following activities:

- *Data mining and analysis for the Medicaid Audit Unit*
Yoko analyzed Medicaid data, EBT card transactions data, and lottery winner data for welfare fraud analysis for the Bureau of Special Investigations; prepared quarterly reports for the legislature; served as a member of the OSA data mining committee; and analyzed the results of surveys.
- *Management of Payroll and Personnel Data*
Yoko managed the budget projections for personnel expenses that account for 85% of the total \$17.2 million budget of five accounting lines through ongoing financial analysis; prepared cost allocation reports; helped ensure the accuracy of the payroll and reconciled it on a biweekly basis; and assisted in the preparation of annual spending plans for the Governor's Office and fiscal budget maintenance documents for the House and Senate Ways and Means Committees.

Education, Certifications, and Memberships

MBA, Finance, Information Systems, and Supply Chain Services Management, University of Massachusetts

BA, Economics, Kobe College, Hyogo, Japan

Certified Fraud Examiner (CFE)

Certified Government Financial Manager (CGFM)

Certified Information Systems Auditor (CISA)

Member of Association of Government Accountants, and the Association of Certified Fraud Examiners



Colin Buttarazzi, PMP® Cost Analyst

Colin is a senior consultant with experience in communicating and executing strategic plans, coordinating membership development for various groups, and coordinating finance activities. He has worked on a wide range of projects with a focus on programmatic audit, forensic audit, financial process improvement, invoice review, and data analysis. He is a certified Project Management Professional®.

Relevant Experience

BerryDunn (05/2015 to present)

New Hampshire Secretary of State's Office – CARES Act Grant Management

As the senior cost analyst, Colin helped New Hampshire identify and claim costs under the CARES Act to prevent, prepare for, and respond to COVID-19 for the 2020 federal election cycle. Colin assisted with identifying eligible costs for reimbursement and how to claim those costs to the federal grant. He coordinated with cities and towns to respond to requests for information and data under very short and non-negotiable timelines. Colin also supported the development of a methodology to calculate a standard cost rate for processing the additional absentee ballots.

City of Alexandria, VA – Review of Community Based Mental Health and Substance Abuse Services

Colin worked on this project to review the City's community services board (CSB), which oversees the use of public funds to provide mental health, intellectual disability, and substance abuse services. BerryDunn reviewed the CSB's processes for third party billing to identify opportunities to improve the effectiveness of identifying and collecting revenues from third-party sources, submitting and monitoring pre-authorization requests to third-party pay sources, and management and determination of patient payment responsibilities. Colin performed data analysis and reviewed documents to ensure compliance with federal and state regulations. Helped to develop a report of recommendations to assist with the implementation of a more sustainable and efficient process.

Alaska Division of Legislative Audit (DLA) – Medicaid and Children's Health Insurance Program (CHIP) Eligibility Determinations and Best Practices

Colin worked as a senior analyst conducting redeterminations of eligibility for Medicaid and CHIP members to identify whether the Alaska Department of Health and Human Services (DHSS) agency was appropriately granting eligibility according to federal and state regulations and statutes.

Colorado Department of Human Services (DHS) – Operational, Financial, and Account Review of Automated Support and Enforcement Processes and System (ACSES) Colin was an analyst assisting the Division of Child Support Services (DCSS) in modernizing their financial system and reconciliation process within ACSES. Colin was responsible for identifying program requirements through researching and documenting applicable federal and State laws. He also helped research and write the final deliverable that will provide recommendations to the State in hopes of modernizing their current approach.

Maine Department of Environmental Protection (DEP) – Enterprise Licensing Planning

Colin is working on the BerryDunn team that is assisting the DEP in planning for the replacement of its Enterprise Licensing System. This project involves the development of functional and technical requirements, performing research on licensing systems in peer states and conducting an analysis of the overall cost of acquisition. At the conclusion of the project, BerryDunn will present a comprehensive business case for the acquisition and implementation of a next generation licensing system to executive

bodies. Colin is primarily assisting with the return on investment document that will help the DEP anticipate costs of implementing a modern licensing system.

Massachusetts HIX/IES Entities – IV&V Services

BerryDunn provided IV&V for Massachusetts' HIX/IES implementation. Colin assisted with financial review, provided monthly financial status reporting, documented cost allocation methodologies, reviewed System Integrator's invoices, and assisted with change request review. Colin's main role was to perform a monthly analysis of all expense reports and compile a detailed deliverable invoice review.

Pennsylvania Health Insurance Exchange Authority (PHIEA) – Programmatic Audit

PHIEA operates the State-Based Health Insurance Exchange in Pennsylvania. Colin is a senior auditor and project lead on the team that conducts the programmatic audits of PHIEA's program to assess whether the program has complied with the requirements for state-based Health Insurance Exchanges under the Affordable Care Act. Colin is responsible for preparing interview scripts, conducting interviews, developing the document request list, tracking and maintaining documents, performing requirements review, preparing engagement forms, and assisting with the completion of the final audit report.

Silver State Health Insurance Exchange (SSHIE) – Programmatic Audit

SSHIE operates the State-Based Health Insurance Exchange in Nevada. Colin is a senior auditor and project lead on the team that conducts the programmatic audits of SSHIE's program to assess whether the program has complied with the requirements for state-based Health Insurance Exchanges under the Affordable Care Act. Colin prepares interview scripts, conducts interviews, develops the document request list, tracking and maintaining documents, performing requirements review, preparing engagement forms, and assisting with the completion of the final audit report. The BerryDunn team will report on SSHIE's compliance with programmatic requirements under 45 CFR 155, Subparts C, D, E, K, M, and F.

Vermont Department of Vermont Health Access – Vermont Health Connect (VHC) Financial and Programmatic Audit

As a project lead, Colin assists with on-site interviews and observations of Exchange processes, deliverable creation, and oversees the Security and Privacy, Eligibility Determination, Enrollment, and Appeals subpart audits. Colin is responsible for preparing interview scripts, conducting interviews, developing the document request list, tracking and maintaining documents, performing requirements review, and assisting with the completion of the final audit report.

Washington Health Benefit Exchange (WAHBE) – Financial and Programmatic Audit

WAHBE operates the State-Based Health Insurance Exchange in Washington. Colin is a senior auditor on the team that conducts financial and programmatic audits of WAHBE's program to assess whether the program has complied with the requirements for state-based Health Insurance Exchanges under the Affordable Care Act. Colin leads many of the programmatic audit tasks including requesting, tracking, and reviewing supporting documentation, conducting interviews with key staff, reviewing compliance with requirements, preparing engagement forms, performing data verification, and writing the final audit report.

West Virginia Bureau of Medical Services (BMS) – EHR Provider Incentive Payment (PIP) Audit

Colin is a project lead on BerryDunn's team that is providing expertise and assistance in performing annual Medicaid EHR PIP Audits. He develops an audit strategy, performs risk assessments to identify the sample selection, communicates with providers and hospitals, and conducts both desk and field audits of an identified sample selection.

Education and Certifications

BS, Economics and Business Management, University of Maine
Project Management Professional (PMP®)



Zeb Letourneau, PMP® Cost Analyst

Zeb is a senior consultant providing comprehensive support to clients on audit and financial compliance projects. He brings expertise and experience in cost allocation, rate setting, cost accounting and recovery, data analysis, and programmatic auditing.

Relevant Experience

BerryDunn (06/2016 to present)

New Hampshire Secretary of State's Office – CARES Act Grant Management

As the senior cost analyst, Zeb helped New Hampshire identify and claim costs under the CARES Act to prevent, prepare for, and respond to COVID-19 for the 2020 federal election cycle. Zeb assisted with identifying eligible costs for reimbursement and how to claim those costs to the federal grant. He coordinated with cities and towns to respond to requests for information and data under very short and non-negotiable timelines. Zeb also supported the development of a methodology to calculate a standard cost rate for processing the additional absentee ballots.

City and County of Denver, CO Auditor's Office – Performance Audit

Zeb was the lead analyst on a performance audit for the Denver Economic Development and Opportunity Division of Small Business Opportunity Department. Zeb's work papers showed the client the amount of city projects achieving project specific goals, and assessed certified small business enterprises' ability to meet individual and cumulative citywide project goals and ratios. Zeb's work also helped the client assess the sufficiency of systems that certified and verified small business enterprises.

Alaska Division of Legislative Audit (DLA) – Medicaid and Children's Health Insurance Program (CHIP) Eligibility Determinations and Best Practices

Zeb worked as a senior analyst conducting redeterminations of eligibility for Medicaid and CHIP members to identify whether the Alaska Department of Health and Human Services (DHSS) agency was appropriately granting eligibility according to federal and State regulations and statutes.

Colorado Department of Human Services (DHS) – Funding Model for Child Welfare Services

The Colorado Child Welfare Program is supervised by the state Division of Child Welfare, but administered by local county agencies. Zeb assisted in developing a model to fund child welfare services and allocate those funds to 64 counties. The model informed the General Assembly, Governor, and Colorado Department of Human Services (DHS) on the funding levels necessary to deliver child welfare services compliant with State and federal requirements.

Colorado Division of Youth Services (DYS) – Program Audit and Monitoring Services

Under the Senate Bill 94 program, DHS contracts with 22 judicial districts for services intended to prevent juveniles from being held in detention or committed to the Department of Human Services. Zeb served as the project manager examining the Judicial Districts' compliance with contract and program requirements, led the fieldwork team, and conducted programmatic and financial reviews of contractors and subcontractors to help ensure compliance with State statutes and DHS policy.

Maricopa County, AZ, Internal Auditor's Department (IAD)

- *Assessment of Sheriff's Office Bonds, Fines and Court Orders Processes and Procedures*
Zeb was a lead auditor on BerryDunn's project to assess the sheriff's office's controls for administering bonds, fines, and court orders
- *Assessment of the County's procurement of Voting System Equipment*

Zeb was a lead auditor on BerryDunn's project to assess the County's processes and procedures for procuring voting system equipment

Metropolitan Government of Nashville and Davidson County (Metro), TN Office of Internal Audit (OIA) – Program Audit and Monitoring Services

Zeb worked as a project lead and senior auditor on two vendor audits structured as Agreed-Upon Procedure (AUP) engagements for the OIA. Zeb conducted testing to confirm that classifications for staff billed on invoices to the city were supported by professional licenses or experience. Zeb also performed on-site interviews so that the client could identify whether noncompliance occurred with the Metropolitan Nashville Government's policies for employee ethics, purchasing, conflicts of interest, and acceptance of gifts standards.

Missouri Department of Social Services (DSS) – Financial Reviews of Residential Treatment Facilities

Zeb is a lead on a project to review case files of over 40 different residential treatment facilities that serve the DSS' child welfare program. Zeb is reviewing records and assessing whether the facilities are complying with state requirements and properly billing the DSS for the services they provided to children under their care.

Missouri Department of Health and Senior Services – Local Public Health Agency (LPHA) Revenue Maximization

Zeb is a project lead helping LPHAs develop Health Services Initiatives (HSIs) under the Children's Health Insurance Program (CHIP) to improve the health of children through direct services and public health initiatives. Zeb is assisting in developing HSIs that will directly improve the health of CHIP-eligible children and help enroll eligible children in Medicaid or CHIP. Zeb is working with LPHAs to optimize the use of existing HSIs and develop new HSIs to recover revenues under CHIP.

Minnesota Health Benefit Exchange (MNSure) – Programmatic Audit

Zeb's work assisting with the State's Health Insurance Exchange audit helped ensure it was in compliance with federal regulations. Zeb administered five programmatic subpart audits to confirm compliance with 45 CFR 55 and CMS policy. He also conducted testing to help ensure that the client maintained internal controls and processes governing eligibility and enrollment determinations.

Vermont Department of Vermont Health Access – Financial and Programmatic Audit

Zeb served as an auditor for the State's Health Insurance Exchange audit. Zeb helped conduct testing to confirm that VHC maintained internal controls and processes governing eligibility and enrollment determinations. Zeb also administered four subpart audits to confirm that VHC followed CMS policy.

Virginia Department of Behavioral Health and Developmental Services (DBHDS) – Public Assistance

Cost Allocation Plan (PACAP) Zeb is lead analyst on a project to develop a PACAP for DBHDS, which oversees and administers public behavioral health, intellectual disability and SUD services. These services are provided through 13 facilities: eight behavioral health facilities for adults, two training centers, a psychiatric facility for children and adolescents, a medical center, and a center for behavioral rehabilitation. Services are provided through approximately 40 locally run community services boards (CSBs).

Washington Health Benefit Exchange (WAHBE) – Financial and Programmatic Audit

Zeb assisted on a Yellow book audit of the State's Health Insurance Exchange to help ensure that WAHBE maintained internal controls and processes governing eligibility and enrollment determinations. Zeb administered the cash audit, assisted with eligibility and enrollment testing, and oversaw five subpart audits to confirm that the client was in compliance with 45 CFR 155 and CMS policy.

Education and Certifications

BS, Management and Marketing, University of Maine

Project Management Professional (PMP®)



Elliott Simpson Cost Analyst

Elliott works with BerryDunn's Government Assurance Group assisting clients with enhancing their compliance with laws and regulations.

Relevant Experience

BerryDunn (05/2017 to present)

New Hampshire Secretary of State's Office – CARES Act Grant Management

As a senior cost analyst, Elliott helped New Hampshire identify and claim costs under the CARES Act to prevent, prepare for, and respond to COVID-19 for the 2020 federal election cycle. Elliott assisted with identifying eligible costs for reimbursement and how to claim those costs to the federal grant. He coordinated with cities and towns to respond to requests for information and data under very short and non-negotiable timelines. Elliott also supported the development of a methodology to calculate a standard cost rate for processing the additional absentee ballots.

Alaska Division of Legislative Audit (DLA) – General Controls/Application Controls Examination

Elliott reviewed state provided data to examine whether established procedures for the information technology system were followed.

City and County of Denver, CO Auditor's Office – Performance Audit

Elliott provided performance audit services to the Denver Economic Development and Opportunity Division of Small Business Opportunity department. He analyzed policies and procedures to evaluate compliance with federal regulations and municipal code. He met with other municipalities with similar programs in order to incorporate common successful practices in the recommendations.

Colorado Department of Human Services – Develop Funding Model for Child Welfare Services

The Colorado child welfare program is supervised by the state Division of Child Welfare, but administered by local county agencies. Elliott was an analyst on a project to develop a model to fund the child welfare services and allocate those funds to Colorado's 64 counties. The models will be used to inform the General Assembly, Governor, and Colorado Department of Human Services (CDHS) on the funding levels necessary to deliver child welfare services compliant with State and federal requirements.

Elliott identified and reviewed the assumptions made pertaining to workloads, demographic data (including local county-based poverty statistics), and state and local economic models CDHS used to develop previous funding models. The team analyzed the costs incurred by Colorado's 64 counties and developed a model to compare and analyze those costs and create an annual budget for all counties.

Colorado Division of Youth Services (DYS) – Program Audit and Monitoring Services

Under the Senate Bill 94 program, DYS contracts with 22 judicial districts for services intended to prevent juveniles from being held in detention or committed to the Department of Human Services. Elliott serves as auditor on a BerryDunn team examining the Judicial Districts' compliance with contract and program requirements, and conducting financial reviews of contractors and subcontractors.

Colorado Office of State Auditor – Evaluation of the Department of Revenue's Administration of the Marijuana Business

Elliott was an analyst on an evaluation of the Colorado Department of Revenue's (DOR) administration of the marijuana industry to identify opportunities for the DOR to better leverage and use marijuana inventory tracking data to inform, direct, and target the DOR Marijuana Enforcement Division's (MED) inspection and enforcement activities and the DOR Tax Division's audit activities.

HealthSource Rhode Island (HSRI) – Financial and Programmatic Audit

Elliott examined client provided documentation, policies, and procedures to determine whether HSRI complied with applicable sections of the Affordable Care Act, and other applicable Federal Laws, and Regulations, including assessing whether the Exchange properly determines eligibility for Medicaid or subsidized insurance.

Metropolitan Government of Nashville and Davidson County (Metro), TN Office of Internal Audit (OIA) – Program Audit and Monitoring Services

Elliott worked as a project lead and senior auditor on two vendor audits structured as AUP engagements for the Office of Internal Audit. Elliott led interviews, performed invoice and labor testing, reviewed contracts, and assisted with the development of the final report for the Office of Internal Audit.

Minnesota Department of Health Office of Medical Cannabis – Medical Cannabis Price Study

Elliott conducted an analysis of medical cannabis prices in multiple states to analyze prices in comparison to those charged in Minnesota. He also analyzed data sets of cannabis sales to give insight into the medical cannabis market in Minnesota.

Minnesota Management Analysis and Development – Review of Accounting and Financial Management Processes

Elliott analyzed the agency's current internal financial management processes, and internal agency workflows. He assisted in the performance of gap analysis and the creation of recommendations for improvement. Elliott created new documentation covering internal financial management processes that improve accuracy, timeliness, and transparency in financial reporting.

Minnesota Health Benefit Exchange (MNsure) – Programmatic Audit

Elliott examines client provided documentation, online application system, and procedures to determine whether MNsure complied with applicable sections of the Affordable Care Act, and other applicable Federal Laws and Regulations, including assessing whether the Exchange properly determines eligibility for Medicaid or subsidized insurance. He also drafts sections for the final audit report.

New Hampshire Department of Health and Human Services (DHHS) – Public Assistance Cost Allocation Plan (PACAP) Elliott analyzed methods and rationale for allocating DHHS administrative costs to the programs benefitted.

Vermont Department of Vermont Health Access – Vermont Health Connect Financial and Programmatic Audit

Elliott examines client provided documentation and procedures in order to determine whether Vermont Health Connect complied with applicable sections of the Affordable Care Act, and other applicable Federal Laws and Regulations, including assessing whether the Exchange properly determines eligibility for Medicaid or subsidized insurance.

Washington Health Benefit Exchange (WAHBE) – Financial and Programmatic Audit

Elliott examines client provided documentation in order to determine whether the exchange complied with applicable sections of the Affordable Care Act, and other applicable Federal Laws and Regulations, including assessing whether the Exchange properly determines eligibility for Medicaid.

West Virginia Bureau for Medical Services (BMS) – EHR Provider Incentive Payment (PIP) Audit

Elliott reviewed documentation submitted by eligible providers as part of the Promoting Interoperability Program (CMS EHR Incentive Program). He reviewed documents to determine eligibility and compliance for the program. In addition, he analyzed cost reports from eligible hospitals to determine whether the EHR incentive payments were correctly calculated, in accordance with Medicaid requirements.

Education

BS, Accounting and Finance, University of Maine



Charline Kirongozi, MPA, CAPM® Engagement Facilitator

Charline is a senior consultant in BerryDunn's Local Government Practice Group with four years of public-sector experience. She focuses on assisting public-sector clients with research and current environment analysis support. She has extensive experience with field research, data collection, organizational reporting, and gap analysis and recommendations development.

Relevant Experience:

Community Outreach and Engagement: Charline is heavily involved with community outreach and engagement on strategic planning projects. She helps facilitate stakeholder interviews, serves as producer on community forums, and creates Social Pinpoint sites in collaboration with clients to help ensure a comprehensive and inclusive process.

Project Management and Support: Charline has experience as an immigration paralegal, which heavily involved preparing, reviewing, and filing visa petitions, advocating and communicating on behalf of her clients, and overseeing the flow of information, processes of the cases, and adhering to the policies set forth by immigration officials.

Business Process Improvement: Charline has in-depth experience with an international perspective conducting field research. This involved collecting data and developing reports, as well as identifying gaps in policies and processes. These gaps translated into developing ways to streamline processes and increase efficiencies.

Public-Sector Research and Analysis: Charline worked on the behalf of the City of Worcester, MA to establish best practices for sustainability of the Worcester/Green Worcester Working Group (Group). Through this work, she led her team through the research of over 30 cities. She reported biweekly status reports/updates, presented findings, identified risks, and made recommendations to the Group. Because of her efforts, Charline received an award from the Massachusetts Chapter of the American Society for Public Administration for best Capstone Project Presentation.

Select Clients:

City of Allen, TX	City of Mansfield, TX	Galveston County, TX
City of Brighton, CO	City of Milton, GA	Hamilton County, IN
City of Cooper City, FL	City of Wausau, WI	Louisville/Jefferson County
City of DeSoto, TX	City of Worcester, MA	Metro Government, KY
City of Groveland, FL	City-County Information	Monroe County, FL
City of Lawrence, KS	Technology Commission, WI	

Education:

BA, Political Science, Clark University
MPA, Clark University
Certified Associated in Project Management (CAPM®)



Grant Ballantyne, CPA Grant Management Specialist

Grant has spent his entire career at BerryDunn, becoming the go-to expert on the complexities of regulations specific to compliance audits resulting from federal and state governmental funding. He specializes in serving not-for-profit organizations throughout Maine, New Hampshire, and Vermont, and understands their unique challenges, especially regarding compliance with federal and state grant requirements. Grant currently works with several not-for-profit organizations, including NH Elections CARES Act Grant Management.

Areas of Expertise

- Audit and Accounting
- Uniform Guidance Audits

Publications and Presentations

- *Uniform Guidance Overview – Human Services Finance Officer (HSFO) 2018 Annual Conference*
- *Uniform Guidance – Subrecipient Cost Accounting – HSFO 2019 Annual Conference*
- *OMB Circular A-133 and the Yellow Book, presented at The Maine Association of Non Profits Camp Finance*
- *New MAAP Rules for You to Implement*
- *A Runner's Guide to Uniform Guidance, Years One and Two*
- *Not-for-Profit News You Need: Clarification to ASU 2014-09 Regarding Revenue Recognition*

As a senior manager in the firm's Healthcare/Not-for-Profit Practice Group, Grant focuses on audits in accordance with *Maine Uniform Accounting and Auditing Practices for Community Agencies* (MAAP) and OMB Circular Uniform Guidance, and audits in accordance with *Government Auditing Standards* (the Yellow Book). As part of Grant's expertise in assurance, he provides clients advice on improving their internal controls and processes, and he helps his not-for-profit clients balance sometimes limited staff with the best practices of separation of duties. Grant also audits employee benefit plans in compliance with AICPA and DOL standards.

Relevant Experience

Grant's work with BerryDunn includes the following:

- Audits, reviews, and compilations
- Compliance audits under the Uniform Guidance and MAAP
- Federal and state grant compliance
- Employee benefit plan audits
- GASB statements and Yellow Book audits
- Bond compliance consultation

New Hampshire Secretary of State – CARES Act Grant Management

On the CARES Act Grant Management project for the New Hampshire Secretary of State, Grant is helping the State to identify and claim costs under the CARES Act to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. Grant helped identify costs eligible for reimbursement and claim those costs to the federal grant. He worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines. Grant helped develop a methodology to calculate a standard cost rate for processing the additional absentee ballots that resulted from voters' reaction to the COVID-19 pandemic.

Education, Certifications, and Memberships

BS, Accounting, cum laude, University of New Hampshire

Certified Public Accountant (CPA)

American Institute of Certified Public Accountants

Healthcare Financial Management Association, Audit Committee Chair



Katharine Balukas, CPA Grant Management Specialist

Katharine is a senior manager for BerryDunn and works with governmental and higher education clients. Prior to joining BerryDunn, she spent five years at a public accounting firm serving governmental clients throughout the Northeast. Katharine has worked on audit and accounting engagements for several governmental organizations, including the NH Elections CARES Act Grant Management, Community College System of New Hampshire, Vermont Student Assistance Corporation, Pease Development Authority, and the New Hampshire Liquor Commission.

Areas of Expertise

- Audit and Accounting

Publications and Presentations

- *Uniform Guidance Overview – Human Services Finance Officer (HSFO) 2018 Annual Conference*
- *Beyond Right Now, presented at the New Hampshire Society of CPAs Leadership Program*

As part of Katharine's expertise in assurance, she has provided clients advice on improving their internal controls and processes, and she assists her governmental clients with the unique challenges surrounding compliance with federal and state grant requirements. In 2015, Katharine received national recognition by being selected to participate in the AICPA's prestigious Leadership Academy.

Relevant Experience

Katharine's work with BerryDunn includes the following:

- Financial statement audits and reviews
- Compliance audits for Uniform Guidance
- Federal and State grant compliance

New Hampshire Secretary of State – CARES Act Grant Management

On the CARES Act Grant Management project for the New Hampshire Secretary of State, Katharine is helping the State to identify and claim costs under the CARES Act to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. Katharine helped identify costs eligible for reimbursement and claim those costs to the federal grant. She worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines. Katharine helped develop a methodology to calculate a standard cost rate for processing the additional absentee ballots that resulted from voters' reaction to the COVID-19 pandemic.

Education, Certifications, and Memberships

BA, Accounting, Saint Anselm College

Certified Public Accountant (CPA)

American Institute of Certified Public Accountants

New Hampshire Society of Certified Public Accountants

3. Methodology

3.1 Project Management Approach

Overseeing and administering the distribution and claiming of ARPA funds will be a complex undertaking. BerryDunn will work with many different City and subgrantee staff and agencies to help ensure the success of this project. Given the number of City departments and subgrantee organizations that will receive ARPA funds, and the number of projects funded by ARPA, the City will require a robust grant management program.

To help ensure that project objectives are met and project work is conducted in a timely manner, this project will be led by Steven Whitney, who has over 35 years of experience managing similarly complex projects. Steven and the rest of the team follow project management best practices from the Project Management Institute's (PMI®) Project Management Body of Knowledge® (PMBOK®), Version 7. Several members of our project team are certified Project Management Professionals (PMP®), a designation of the PMI®. Our approach includes applying standard processes across the project management life cycle, as shown in **Figure 5**.

Our experienced project team will work together to execute a solid Project Work Plan supported by well-tested project management tools that will be tailored to the City's specific needs. A pillar of our project success relies on BerryDunn's approach to project management and a critical component to keeping our projects on time and within budget. Our approach to project management is derived from established and proven project management methodologies and the experience we have garnered as best practice for all the services provided by BerryDunn.

We pride ourselves with adhering to established timelines, with efficient and effective communication practices implemented at every stage. BerryDunn will be responsible for all tasks related to managing the project and the change necessary to help the City meet its objectives and reporting requirements for this project.

BerryDunn has adopted the Prosci® change management methodology and trained **over 100 consultants to become Prosci® Certified Change Practitioners (CCPs), including three of our proposed project team members**. A central focus of the Prosci® change management approach is the belief that, in order for change to work in an organization, individuals must be willing to make change and understand the change. Based on this belief, Prosci® developed the Awareness, Desire, Knowledge, Ability, and Reinforcement (ADKAR) change management approach (defined in **Figure 6** on the next page), which we use to help us properly engage stakeholders.

Figure 5: Project Management Life Cycle



Figure 6: ADKAR Change Management Approach



Our change and project management tools and processes are designed to fit the needs of the project. Our work on this project will be accomplished through a combination of:

- Video conferencing (e.g. Zoom, Microsoft Teams, Google Meets, or other video technology depending on the City's preferences)
- Collaboration tools (e.g. Microsoft's SharePoint and/or Teams)
- On-site meetings

We will provide regular process updates throughout the course of the project. We will schedule all meetings, prepare meeting minutes, and distribute those minutes within one week after the meeting.

We will follow all federal cost accounting and ARPA grant management requirements, and will submit reports for the City's review and approval 30 days prior to when the report is due. We will participate in any audit of ARPA or other federal funds for which we provided program administration, monitoring, and reporting services.

3.2 Understanding of the Project

We understand that the ARPA funds are intended to help the City recover from the pandemic and address conditions that have caused COVID-19 to have a disproportionately severe impact in our community. BerryDunn will work to identify priorities for how these ARPA funds can be used to stimulate the economy and help those most impacted by the pandemic. We understand that the City wants to have a transparent, objective process that will ensure ARPA funds—and future City resources—are applied in service of a clear, shared set of goals. We will work with the City and stakeholders to develop a clear and open plan for communicating project goals, objectives, status, issues, and risks.

In **Figure 7**, we have provided an overview of our proposed Project Work Plan. BerryDunn strives to be flexible when it comes to the development and execution of an effective management plan. We understand that no two projects are exactly alike, and believe that one of the primary reasons we have been successful is our willingness to be flexible in adapting to our clients' unique needs.

The benefits of our rigorous project management approach include:

- A methodology based on a successful and proven grant management process used with other clients
- Built-in project management and change management best practices focused on keeping the project on time and on budget, and progressing at a healthy pace

Figure 7: Overview of Our Proposed Project Work Plan



BerryDunn proposes that in the first month of the project, we do a thorough assessment of the City's current processes and procedures for identifying, claiming, and documenting costs and services eligible under ARPA. We will review the City department and subgrantee requests for ARPA funds. We will assess whether processes and procedures are in place to document that costs are allowable under ARPA and compliant with federal grant management requirements.

3.3 Detailed Work Plan and Project Schedule

3.3.1 Detailed Work Plan

In this section, we describe:

- How we will perform/satisfy each requirement
- What obligations or resources will be required of the City
- Time frames to complete each requirement
- Applicable payment milestones

PHASE 1: Project Planning, Set-Up, and Management

This phase will allow both the City and BerryDunn to align project scope and objectives, and refine the ARPA Grant Program plan. Tasks in this phase will include:

Task 1.1: Conduct Planning Meeting with the City

We will meet with the City project manager via teleconference to confirm and clarify goals and objectives, identify known project constraints, and refine dates and/or tasks, as appropriate.

In addition, we will discuss with the City's project manager our approach for managing communications between BerryDunn, the City management team, City departments, and City subgrantees, as well as our approach to scope, risk, and resource management. We will work with the City project manager to request names and contact information for key project stakeholders. In addition, we will discuss the types of information and documentation that exist for documenting City and subgrantee expenditures, as well as the desired involvement of City staff. We will also confirm with the City's project manager what services they have identified to date as being eligible for reimbursement under ARPA, and what steps the City has taken to develop processes and procedures to obtain or create the documentation needed to back up claims under ARPA.

Task 1.2: Conduct Entrance Conference

The project team will schedule and conduct an entrance conference with the City project manager and other appropriate stakeholders. This will enable our project team to better understand potential issues we may encounter in our review of the City's processes and procedures. We will identify who the key stakeholders are for the project, their contact information, and how they should be involved with the financial monitoring and compliance reviews. In addition, project participants will have an opportunity to ask questions about the overall project approach and schedule.

Task 1.3: Develop Updated Action Plan

Based upon feedback from the planning meeting and the entrance conference, we will update the action plan we provided in this proposal. The updated Action Plan will include project phases, major tasks, responsibilities to be undertaken by BerryDunn and City staff, and milestone objectives.

Task 1.4: Conduct Assessment of the City's Grant Management Processes and Procedures

Under this task, we will gather the data and documentation needed to understand which City departments and subgrantees will receive a portion of the over \$9.7 million in ARPA funds. The City will be able to use these funds for one or more of the following purposes:

- **Support Public Health Services**, including COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- **Address Negative Economic Impacts** caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- **Replace Lost Public Sector Revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic. (We will assist the City and provide guidance on how to calculate revenue losses in a manner that complies with U.S. Treasury's rules.)
- **Provide Premium Pay for Essential Workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors
- **Invest in Water, Sewer, and Broadband Infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet

Given that there is such a wide variety of services and programs that can be funded under the ARPA grant, it is likely that the demand for ARPA funds will exceed the \$9.7 million grant to the City. BerryDunn will help create a

Phase 1 Objectives

- Refine scope and objectives
- Establish relationships
- Collect initial set of documents
- Perform assessment and develop recommendations for steps to improve the City's management of the ARPA grant

PHASE 1: Project Planning, Set-Up, and Management

process to prioritize requests and identify back-up projects if some projects expenditures are lower than expected. Such a process will answer questions such as:

- What services does the City provide that could be eligible for reimbursement under ARPA?
- What services do subgrantees of the City provide that could be eligible for reimbursement under ARPA?
- What costs and services has the City identified as claimable under ARPA, and are there ways to increase the recovery of funds under ARPA?
- What processes and procedures has the City identified for claiming and documenting the costs and services that are eligible under ARPA?
- What are the City's priorities for spending?

Task 1.5: Prepare for Analysis of Current City Program Costs and Claiming Processes and Procedures

We will work with the City to develop a list of City departments and subgrantees that will receive ARPA funds, and how much each program within those City departments will receive. Our first step will be to identify what are the points of contact for stakeholders within the City and its subgrantees, and discuss the following types of questions with them:

- How has the COVID-19 public health emergency impacted the City's programs and economy?
- What costs has the City incurred as a result of the ongoing public health emergency?
- What are the needs of City residents and what is the best way to use ARPA funds to meet those needs?
- How do we identify and track the costs of the City programs impacted by the COVID-19 public health emergency?

We will work with the City project manager to identify the City and subgrantee staff that should participate in meetings. Based upon our initial review of the documents provided and our discussions with the City project manager, we will develop a web-based survey to get feedback from the City and subgrantee staff about how their current programs have been impacted by the COVID-19 public health emergency. We will focus on identifying the City programs that were most impacted by the ongoing public health emergency and what additional costs the City has incurred to address those impacts.

Task 1.6: Identify Key Stakeholders, Schedule Meetings, and Establish Process to Support Stakeholders

We will work with the City project manager to identify the City and subgrantee staff that should receive the survey forms. We have allocated four weeks for fact-finding meetings, surveys, and analyses to develop an understanding of what City programs have been impacted by the COVID-19 public health emergency. We will work with the City to develop a list of City departments and subgrantees that will receive ARPA funds, and the amount of ARPA funds each program and service will receive.

Our project manager, Steven Whitney, will work with the City project manager to identify the City and subgrantee staff that should be invited to the meetings, and schedule the meetings. We will work with the City project manager to develop a draft set of interview questions. We will analyze the results from our survey and revise the interview questions for City and subgrantee staff based upon the feedback from the survey. The meetings will be an opportunity to review the issues identified in the survey in a more in-depth and interactive process.

Task 1.7: Develop a Comprehensive Recovery Portfolio

We will work with the City to develop a comprehensive recovery portfolio by reviewing multiple funding streams from various federal, state, and local programs, particularly those identified in COVID-19 related legislation. We will assist with program identification, partner/stakeholder mapping, and community messaging related to these programs. We will develop a list of who has received or will receive COVID related funds. We will focus on ARPA funds since those funds can be spent on COVID related expenses through 2024. We will develop a list of which City agencies and subgrantees will receive funds, what projects/services for each agency and subgrantee will be funded, and what level of funding each agency and subgrantee will receive. As part of this task, we will:

- Design a process for potential recipients to submit applications for ARPA funding
- Review requests for funding projects from outside entities to determine eligibility and conformity under ARPA guidelines

PHASE 1: Project Planning, Set-Up, and Management

- Review with Department Heads proposals requesting ARPA funding for projects and/or services to determine eligibility and conformity under ARPA guidelines

To develop a comprehensive list of projects/services that will receive ARPA funding, we will perform the following subtasks:

Task 1.7.1: Issue Survey to City and Subgrantee Staff

We will issue a survey to City and subgrantee staff identified in collaboration with the City project manager as described above in Task 1.6. We will distribute the survey forms to the identified City and subgrantee stakeholders. We have found that soliciting input via a web survey allows us to collect information from a broad sampling of stakeholders and provide them an opportunity to express their opinions, at their convenience, with minimal disruption to daily activities. We will review the survey responses prior to our regional meeting, which will allow our project team to better prepare and tailor our interview questions based on trends identified in review of the survey data. Prior to administering the survey, we will review the content with the City project manager and make any recommended changes.

We have extensive experience using web-based surveys, including using similar surveys in our projects with the City of Alexandria, Virginia, to improve the delivery of behavioral health, Substance Use Disorder (SUD), and other social services; the West Virginia SUD and behavioral health rate setting; and many other projects. In addition, our staff have experience in developing initiatives to increase the recovery of federal revenues for a wide variety of city, City, and state programs. Our staff understands City programs and how best to structure a web-based survey so we get accurate and relevant data about costs and the impact of the COVID-19 public health emergency on City programs.

Task 1.7.2: Conduct Meetings with City and Subgrantee Staff

We will use the information collected in the survey forms to identify how the City programs have been impacted by COVID-19. We will conduct a series of fact-finding meetings to:

- Learn about historical demands, the current scope of City services, and how they changed since March 2021
- Understand how costs have increased, and how we can identify what costs were unexpected and not included in the City's recent budget
- Collect information on what services and costs the City has already identified as claimable under ARPA
- Collect cost of services data and the sources for that data

Task 1.7.3: Prepare List of Potential ARPA Grants to City Departments and Subgrantees

After we complete the survey and interviews, we will assemble all of the data, information, and the results of our analysis. We will prepare an Excel tracking worksheet that lists the City departments and subgrantees that are potential candidates to receive ARPA funds. We will develop a summary tab that shows the total grants for each City department and subgrantee. In addition, we will have a tab for each City department and subgrantee that lists, by program and service, the amount of ARPA funds each entity will receive. For each program, we will provide a description of:

- The program
- The estimated costs to be funded by ARPA
- Why the program costs are eligible under ARPA
- The desired and expected qualitative and quantitative benefits of the program
- How the proposed programs relate to longer term priorities independent of the ARPA timeline and program

We will develop recommendations for which programs and services should receive ARPA funds. Our recommendations will be based upon an objective methodology to identify, prioritize, and assign funds to discrete programs or categories. We will work with the City to develop an allocation methodology that reflects the community's unmet needs with an eye toward maximizing long-term impacts and achieving program objectives.

Task 1.7.4: Develop Recommendations for Administering, Documenting, and Reporting on ARPA Funded Programs

We will review the ARPA grants list with City stakeholders to determine which of the programs will receive ARPA funds. In performing this task we will identify the desired and expected benefits of each program or category being funded with the ARPA grant. We will document both the qualitative and quantitative benefits from using ARPA funds to support these programs. We will provide expert guidance and advisory services regarding all applicable legislation, regulation, policies, and rules related to ARPA funds. This should include review and understanding of U.S. Treasury's final rules, once released.

We will identify best practices for the administration of funds, and, in close coordination with the City's Finance Director, develop processes and procedures to ensure transparency, comply with all legal requirements, and communicate results/benefits of the program both to the community and the U.S. Treasury. We will align the proposed programs using the ARPA funds to the City's longer-term priorities that are outside of the scope and timeline of the ARPA.

Once we have confirmed with the City what agencies, subgrantees, programs, and services will receive ARPA funds, we will develop a plan to gather the expenditure data and documentation needed to meet the cost accounting and grant management requirements under the:

- U.S. Treasury's Guidance, Frequently Asked Questions (FAQs), and Final Rule
- Uniform Guidance
- Federal Funding Accountability and Transparency Act
- ARPA

Task 1.8: Develop Scope of Work for Projects to Administer, Document, and Report on ARPA Programs

We will review the list of programs and recipients who will receive ARPA funds with the City, and identify what activities the City wants us to perform in administering, documenting, and reporting on ARPA-funded programs and recipients. We will work with the City to develop a detailed list of deliverables and schedule for performing the activities necessary to comply with federal cost accounting and ARPA grant requirements. As part of this task we will develop:

- A format and process for compiling data necessary to support reconciliations
- A process to track all ARPA funding receipts and expenses
- Policies and procedures for appropriate document retention and reporting with the Federal Financial Accountability and Transparency Act and/or U.S. Treasury Office of Inspector General
- Proper accounting and reporting internal control mechanisms to record, track, and disperse funds according to all federal, state, and local law and regulations including, but not limited to: Uniform Guidance; Generally Accepted Accounting Principles (GAAP); and the City's internal fund(s) based accounting policies and procedures
- A process to review applications for completeness and compliance to support final eligibility determinations made by the City
- A process to identify, report, and remediate potential fraud, waste, and/or abuse
- Processes and documentation requirements around subrecipient risk assessment, monitoring, and management, including training of subrecipients on grant requirements
- A process for subrecipient review and monitoring process/checklist

Under this task we will develop a Matrix of Unmet Needs. The matrix will identify those programs that will be funded with ARPA grants, and the goals and parameters for the ARPA program. In addition, we will provide assistance and guidance on how the City can access other ARPA funding streams and programs. For example, through the State Small Business Credit Initiative funding under ARPA, the State of Georgia will receive approximately \$117.8 million that should be used as seed money to generate \$1.18 billion in loans for small businesses in Georgia. We will work with the City and the State to make sure that small businesses in Stonecrest can access these loans. We will also periodically review with the City how the process is working and make adjustments as needed to optimize performance and the use of the funds.

PHASE 1: Project Planning, Set-Up, and Management

Task 1.9: Develop Final Report for Stonecrest ARPA Program

Within 90 days after initiation of the project we will develop and submit to the City a Final Report that will summarize the process that we followed to identify the programs that will receive ARPA funds. In the report we will describe:

- Communications with stakeholders
- Activities we performed to identify which programs City Departments and subgrantees should receive ARPA funds
- Programs and Subgrantees that will receive ARPA funds
- Recommendations for how to administer the ARPA grants

Task 1.10: Conduct Biweekly Project Status and Other Meetings

Clear and open communication is vital to the success of any project and, given the numerous stakeholders that will have to be coordinated during this project, status reporting will be especially important. Our intent is to involve City personnel when needed and make their roles and responsibilities clear, while minimizing the impact on their daily activities. We will conduct regular meetings with key City staff to discuss the status of the project, issues and risks, activities completed during the past two weeks, and activities planned for the next several weeks.

We will schedule periodic status update meetings with the City project manager and other stakeholders. We recommend biweekly status update meetings, but will work with the City project manager to determine the frequency of meetings that best meet the City's needs and objectives.

At status update meetings, we will report on the activities and accomplishments for the reporting period, plans for the upcoming two weeks, problems encountered during the reporting period, and anticipated problems that may impact any project milestones and deliverables.

We will provide support and participate in discussions and meetings with the City, as needed, throughout the project. We will report on financial performance to date and model projections for future performance. The status reports will be transparent and address issues associated with the City's distribution and use of ARPA funds. We will share preliminary findings with the City's project manager and will immediately notify him or her of any problems or delays in gathering information, completing the work, and communicating with the City Departments and subgrantees.

We will attend meetings regarding collaborative efforts for regionally eligible ARPA projects on behalf of the Stonecrest and attend meetings with other agencies, as necessary on behalf of the City and City Administrator.

Milestone 1: Planning Meeting

Milestone 2: Entrance Conference

Milestone 3: Completion of Unmet Needs Matrix and Fund Distribution Approach (includes program goals and parameters)

Deliverable 1: Updated Action Plan

Deliverable 2: Unmet Needs Matrix and Fund Distribution Approach

Deliverable 3: Final Report for Stonecrest ARPA Program

Deliverable 4: Bi-Weekly Status Reports

PHASE 2: Communication and Coordination

During this phase, we will develop a plan for communicating with project stakeholders. Successful engagement of City and subgrantee staff will be an important element of project success. We will work with the City's project manager to develop a comprehensive list of all City and subgrantee staff that will be points of contact for ARPA grants and who will be responsible for ensuring that their organizations complete all of the forms needed to manage the grants. Our approach on this project will be to engage stakeholders from the beginning, and throughout the project, in a meaningful way.

We will develop a detailed plan for stakeholder engagement that identifies what stakeholders will participate in this initiative, and the contact information for that initiative. We will use a wide variety of tools to engage stakeholders, including:

- Surveys
- In-person meetings
- Zoom, or other web-based video conferencing meetings
- E-mail

As part of our communication and coordination activities we will:

- Provide expert guidance regarding federal/City regulations including analysis of federal guidance and interpretation and relay to City officials as requested and required
- Communicate with City staff, leadership, and other stakeholders regarding priorities, planning, and implementation of ARPA program
- Help educate and train staff that will be involved with various aspects of this initiative to administer and properly use the ARPA funds
- Provide guidance to staff and department heads in how to define and identify COVID-19-related lost revenues and identify projects that may be eligible for ARPA funding
- Provide guidance on community outreach and input for the City's ARPA allocations
- Identify resources to inform the public of where to look for ARPA funding opportunities exclusive and inclusive of City ARPA funds
- Create synergies with local communities for consistency in administration of ARPA funding
- Participate in community engagement meetings as required by City

We understand that the success of this project will largely be dictated by how effectively we identify and engage stakeholders, and obtain their buy-in to the processes and procedures that will be needed to claim ARPA funds. For example, there will be a variety of documents that stakeholders will have to process in order for them to receive ARPA grants. In addition, there will be documentation that the City departments and subgrantees will have to provide on a quarterly basis to claim and receive their allotment of ARPA funds

Stakeholders' willingness to adopt new processes and accept recommendations plays a significant role in the success—or failure—of projects. We will work with the City to proactively integrate change management into our ARPA grant management processes and procedures by:

- Engaging stakeholders at the right level throughout the project—from initial planning through implementation—to build an understanding of the need for change, and to gain support from the people who will be using the future solutions and are the most familiar with current processes
- Developing and executing a communications plan that considers the information needs of each stakeholder group
- Documenting current business processes, and working with stakeholders to understand how their work will be performed in the future environment

Phase 2 Objectives

- A defined process to communicate with City staff and other stakeholders
- Engagement of City and subgrantee staff
- Clear and concise communications that:
 - o Addresses policy and regulatory issues
 - o Informs City departments and subgrantees of the requirements for ARPA grants

PHASE 2: Communication and Coordination

Task 2.1: Engage Stakeholders

Proper stakeholder engagement is key for success of an ARPA grant management program, and we will engage the stakeholders throughout the project life cycle. Stakeholders could influence the project either positively or negatively. We will work to identify any unavailable or constrained stakeholders early on, as failing to do so could adversely impact the schedule and could cause delays in the management of ARPA grants.

We will use the following PMBOK® processes to engage stakeholders:

- 2.1.1 Identify Stakeholders** – We will develop and maintain a stakeholder registry throughout the life of the ARPA grant management program. We will identify a point of contact for each City department and subgrantee that will receive ARPA funds. We will develop an ARPA grant management email list to facilitate communications.
- 2.1.2 Plan Stakeholder Engagement** – We will work with the City project manager to develop strategies to engage stakeholders throughout the project based on needs, interests, and potential impact to the project. Following this process will provide a clear, actionable plan to interact with City and subgrantee staff in an effective manner. Our planning for stakeholder management will be an iterative process, and we will review and refine our plans based upon our experiences during the project and discussions with the City project manager and others.
- 2.1.3 Manage Stakeholder Engagement** – In order to successfully manage stakeholder engagement, we will communicate and work with stakeholders to meet their needs/expectations, address issues, and foster appropriate stakeholder engagement in grant management activities. Based on our experience, this helps to increase support, minimize potential resistance, and leads to project success. Techniques we will use to manage stakeholder engagement will include:
 - Engaging stakeholders at appropriate grant management stages, so we can obtain or confirm their continued commitment to the success of the project
 - Managing stakeholder expectations through clear and consistent communication
 - Addressing concerns and anticipating problems that stakeholders might raise
 - Clarifying and resolving issues
- 2.1.4 Monitor Stakeholder Engagement** – Throughout the project, we will monitor stakeholder engagement and adjust our strategies and plans for engaging them. We will use the following techniques:
 - Develop a template and procedure for stakeholders to report issues
 - Solicit input from stakeholders about how the project is progressing and whether communications are clear and concise
 - Facilitate status review meetings and/or one-on-one discussions to exchange and analyze information about stakeholder engagement
 - Review performance data, including status of deliverables and milestones, and forecasted estimates to complete the project

Deliverable 5: Communication and Coordination Plan

PHASE 3: Cost Tracking and Reporting

During this phase, we will perform the work needed to claim the \$9.7 million under the City's ARPA grant. During this phase, we will:

- Provide expert guidance regarding federal/City regulations, including analysis of federal guidance and interpretation, and relay to City officials as requested and required
- Perform reconciliations of funding provided (obligations, disbursements) with accounting systems and the federal reporting portal
- Review contracts and purchasing documentation to ensure recovery of costs and compliance of expenditures using federal funds
- Assist with subrecipient monitoring – audit invoices for project eligibility and review for content prior to submission through the federal reporting portal
- Assist in tracking submitted documentation to help ensure that all eligible expenditures are claimed for reimbursement
- Maintain records of documentation related to processing of expenditures funded by the ARPA grant, claims to that grant, and reimbursements for ARPA-related expenditures
- Assist City staff in organizing, reviewing, evaluating, auditing, and tracking City and subgrantee requests for ARPA reimbursements
- Identify allowable costs, reporting requirements, and other requirements that might be issued by federal awarding agencies
- Identify tracking mechanisms that the city will need to put in place to support allowable costs
- Identify other policies or procedures that the city will need to have in place in relation to managing ARPA dollars
- Reconcile City and subgrantee invoices with City ARPA reports

Phase 3 Objectives

- Complete all required documents for ARPA grant
- Identify and collect eligible cost data
- Document eligible costs
- Prepare and file quarterly claims for ARPA funds

To support the City's cost reporting, we will perform the following tasks under this phase:

Task 3.1: Prepare and Execute ARPA Grant Documents

We will meet with City finance staff to obtain copies of standard agreements and forms that are used when the City is providing funds to other government and non-government entities. We will research State and City statutes, regulations, and policies that regulate the granting of City funds to other public sector agencies, and develop a set of documentation that each subgrantee must complete in order to receive ARPA funds.

Since it is likely that there will be more requests for funding than can be supported under the City's \$9.7 million grant, we will define the amount of ARPA funds the subgrantee will receive, and what programs will be financed with those funds before we distribute the grant documents. We will review the documentation with the City and, once the packet is finalized and approved by the City, we will distribute the forms to the subgrantees. We will track the distribution and completion of these documents. We will follow up with subgrantees who have not completed and signed all required documents. We will not allow subgrantees to submit requests for reimbursement unless, and until, they have completed, signed, and submitted all required documents.

Task 3.2: Organize, Review, Evaluate, and Track Requests for ARPA Funds

We recognize that there is currently no structure to capture subgrantee costs, so we will work with the subgrantees and City to develop a mechanism to capture eligible subgrantee costs. We will build templates that City departments and subgrantees can use to submit monthly expenditures to be claimed under ARPA. BerryDunn will assist the City with reviewing ARPA reimbursement requests. Regular reconciliations will be performed to confirm accuracy and consistency with tracking of reimbursements.

PHASE 3: Cost Tracking and Reporting

Task 3.3: Gather and Track Expenditure Data

We will identify best practices for the administration of funds. In coordination with the City's Finance Director, we will develop processes and procedures to ensure that the ARPA funds are administered in a manner that is transparent and compliant with all legal requirements. We will establish a structure to communicate results/benefits of the program, both to the community and to the U.S. Treasury Department and other federal agencies.

We will use multiple channels to collect expenditure data. We will accept data in any format that can be loaded into Excel worksheets. We will use this data to track expenditures and reimbursement and generate reports.

We will maintain a tracking workbook: in one tab we will track the required grant management documents; in another tab we will track the expenditure data needed for quarterly claims of ARPA funds; and a third tab will track all requested and disbursed reimbursements. We will reconcile these tracking sheets; e.g., no entity will receive any payments unless and until they have completed all required grant documentation. In addition, we will track how much reimbursement each entity has received year-to-date, ensure that reimbursements do not exceed the documented expenditures, and confirm that total reimbursements are less than the maximum allotted amount for each program and for each entity.

Deliverable 6: ARPA Grant Management Documents Executed by Subgrantees

Milestone 4: Quarterly processing of reimbursement requests

Milestone 5: Quarterly processing of ARPA claims

PHASE 4: Reporting and Compliance Monitoring

Providing clear, consistent, and transparent reporting to City, state, and federal agencies, as well as to the general public, will be important. In this phase, we will perform the tasks necessary to help ensure that ARPA grant management program is in compliance with federal requirements. We will also report on how the \$9.7 million in ARPA funds will be, and are, distributed. Under this task we will perform the following activities:

- Provide advice to the City about accounting and compliance procedures related to federal grants
- Compile data in required reporting format and perform upload/entry into federal reporting portal by key deadlines, i.e., Interim Report(s), Project and Expenditure Report(s), Recovery Plan Performance Report(s), as required
- Assist with responding to requests for audit information, and assist with preparing responses to audits
- Assist in determining strategies to leverage funding requests and ensuring compliance with awards to avoid U.S. Treasury recoupment of ARPA funds
- Resolve any requests for information, justification, audit findings, and eligibility appeals
- Provide and present comprehensive financial reports and analysis to present to the City Board and/or Committees
- Assist with developing closeout strategies and procedures for the City, and assist the City with implementation of those strategies and procedures

Phase 4 Objectives

- Advise the City on accounting procedures and documentation needed to meet federal grant management requirements
- Support claims for reimbursement under ARPA
- Provide comprehensive reports on ARPA fund requests, expenditures, and claims

PHASE 4: Reporting and Compliance Monitoring

- Work with the City's external auditors, who represent the City as Compliance Officers, for the City's Single Audit Reports

Task 4.1: Accounting and Compliance Procedures

We will conduct research regarding record-keeping requirements and accounting of COVID-19-related costs and reimbursements. We will meet with appropriate City staff to understand the current cost accounting processes, and assess what documentation is available to verify that costs were incurred to address the public health emergency caused by COVID-19. Our project team will create a standard guide that outlines how departments and subgrantees should record and maintain accounting information. We will use this guide to help City departments and subgrantees establish or enhance compliance procedures.

BerryDunn will work with the City to respond to any audit request related to work performed during the contract period.

Task 4.2: Federal Grant Funding Compliance

BerryDunn will research the requirements for using ARPA funds and assist the City departments and subgrantees with identifying, documenting, and tracking eligible costs.

We will work with City departments and subgrantees to help ensure that there is adequate documentation to support claims for ARPA funds and to show that the costs are consistent with one of the ARPA-eligible categories. We will work with City departments and subgrantees to help ensure that they are maintaining documentation sufficient to support the claims for ARPA funds in any subsequent federal audits.

The ARPA grants can be used to cover expenditures from March 3, 2021 through December 31, 2024, and all funds must be spent by December 31, 2026. The City must file a quarterly ARPA expenditures report with the U.S. Treasury – the initial report is due by October 31, 2021. Then subsequent reports must be filed by 30 days after the end of each quarter, as a result, the City could potentially have to file expenditure reports from this October through January 2027.

The City will not be required to file an annual Recovery Plan Report as these reports are only required for cities, counties, and states with more than 250,000 residents.

We will work to ensure the City is compliant with all ARPA reporting requirements.

Task 4.3: Reporting

BerryDunn will provide the City with a quarterly status report that shows requests for ARPA reimbursement, ARPA eligible expenditures, and claims for ARPA funds, including the total:

- Reimbursement requested
- Expenditures by Project Worksheet
- Number of Project Worksheets
- Reimbursement requested by category type
- Reimbursement requested by small or large projects
- Other relevant data

At the end of the project, we will provide a closeout report that shows the final figures for the above items. We will make presentations of our reports to the City Board and other stakeholders.

Task 4.4: Project Closeout

We will assist the City with developing closeout strategies and procedures, and assist the City with implementation of those strategies and procedures.

Milestone 6: Project Close-Out

Deliverable 7: Quarterly Reports on ARPA requests for reimbursement, ARPA eligible expenditures, and ARPA claims

Deliverable 8: Closeout Report

3.3.2 Project Schedule

Our team is available to begin work by November 1, 2021, provided the contract is signed by October 29, 2021. We have an efficient project team and effective methodology that can achieve a successful project outcome. We will work with City staff and other stakeholders, while being considerate of the time required of your personnel and stakeholders.

Table 3 shows our proposed project schedule for conducting the ARPA Grant Program. We will adjust the work schedule back or forward, depending on when we have a signed contract and your authority for us to proceed.

This is our initial suggestion for a work plan. During the first few weeks of the project, we will meet with City staff to discuss the proposed work plan and identify what, if any, changes should be made to the work plan. We will update the work plan as appropriate throughout the course of the project.

Table 3: Project Schedule

Task Name	Start Date	Completion Date
Phase 1: Project Planning, Set-Up, and Management	November 1, 2021	October 31, 2023
1.1: Conduct Planning Meeting with the City	November 1, 2021	November 5, 2021
1.2: Conduct Entrance Conference	November 8, 2021	November 12, 2021
1.3: Develop Updated Action Plan	November 8, 2021	November 19, 2021
1.4: Conduct Assessment of the City's Grant Management Processes and Procedures	November 15, 2021	December 3, 2021
1.5: Prepare for Analysis of Current City Program Costs and Claiming Processes and Procedures	November 15, 2021	December 3, 2021
1.6: Identify Key Stakeholders, Schedule Meetings, and Establish Process to Support Stakeholders	November 15, 2021	December 3, 2021
1.7: Develop a Comprehensive Recovery Portfolio	November 29, 2021	January 14, 2022
1.7.1: Issue Survey to City and Subgrantee Staff	November 29, 2021	December 17, 2021
1.7.2: Conduct Meetings with City and Subgrantee Staff	November 29, 2021	December 17, 2021
1.7.3: Prepare List of Potential ARPA Grants to City Departments and Subgrantees	December 20, 2021	December 31, 2021
1.7.4: Develop Recommendations for Administering, Documenting, and Reporting on ARPA Funded Programs	January 3, 2022	January 14, 2022

Task Name	Start Date	Completion Date
1.8: Develop Scope of Work for Projects to Administer, Document, and Report on ARPA Programs	January 3, 2022	January 14, 2022
1.9: Develop Final Report for Stonecrest ARPA Program	January 17, 2022	January 28, 2022
1.10: Conduct Biweekly Project Status and Other Meetings	November 12, 2021	October 31, 2023
Phase 2: Communication and Coordination	November 1, 2021	October 31, 2023
2.1: Engage Stakeholders	November 1, 2021	October 31, 2023
2.1.1: Identify Stakeholders	November 1, 2021	November 19, 2021
2.1.2: Plan Stakeholder Engagement	November 1, 2021	November 19, 2021
2.1.3: Manage Stakeholder Engagement	November 22, 2021	October 31 2023
2.1.4: Monitor Stakeholder Engagement	November 22, 2021	October 31 2023
Phase 3: Cost Tracking and Reporting	January 31, 2022	October 31, 2023
3.1: Prepare and Execute ARPA Grant Documents	January 31, 2022	February 25, 2022
3.2: Organize, Review, Evaluate, and Track Requests for ARPA Funds	January 31, 2022	March 11, 2022
3.3: Gather and Track Expenditure Data	January 31, 2022	October 31 2023
Phase 4: Reporting and Compliance Monitoring	January 31 2022	October 31, 2023
4.1: Accounting and Compliance Procedures	January 31, 2022	October 31 2023
4.2: Federal Grant Funding Compliance	January 31, 2022	October 31 2023
4.3: Reporting	January 31, 2022	October 31 2023
4.4: Project Closeout *	October 1, 2023	October 31, 2023

*The City only asked for pricing for the first and second years. However, as described above, the City can use ARPA funds on costs incurred through December 31, 2024. The funds must be fully expended by December 31, 2026. Therefore, you will have cost gathering and reporting activities beyond the first two years of this project, we are ready, willing, and able to provide such support at a mutually agreed upon scope and cost.

3.4 Profiles of Similar Projects

In **Table 4**, we further demonstrate our relevant experience by providing a description of some projects with cities, counties, and state agencies in which we helped them to:

- Manage their budget
- Optimize their recovery of federal revenues
-  Comply with federal cost accounting requirements
- Manage their grants
- Effectively engage their stakeholders

Table 4: Examples of Grant Management Projects

Client – Project	Description
New Hampshire Secretary of State – Managing Election Assistance Grant Under the CARES Act	We helped the New Hampshire Secretary of State develop a methodology to claim elections assistance funds under the CARES Act; identify costs eligible for reimbursement under that methodology; and claim those costs to the federal grant. We worked with a wide variety of cities and towns with varying degrees of capacity to respond to requests for information and data under very short and non-negotiable timelines. We calculated a standard cost rate for processing the additional absentee ballots that resulted from voters' reactions to the COVID-19 public health emergency. To be fully compliant with federal cost accounting requirements, we developed a methodology that calculated the costs associated with additional: • Postage • Staff to process absentee ballots (e.g., review ballots for completeness and proper signature) • Time and materials to print ballots and stuff them into envelopes We prepared all of the documentation needed to comply with disbursements of federal grants to subgrantees like the New Hampshire cities and towns. We worked with the cities and towns to obtain the completed and executed agreements, as well as data on the number of absentee ballots processed. We then assisted the State with preparing the financial reports needed to document the allowable elections costs under the CARES Act. In addition, we supported the State in its negotiations with the Elections Assistance Commission's review of the cost accounting and claims methodology. Bill Brown, Robert Smalley, Grant Ballantyne, Katharine Balukas, Zeb Letourneau, Colin Buttarazzi, and Elliot Simpson served key roles on this project.

Client – Project	Description
Missouri Local Public Health Agencies – Optimizing Revenues and Improving Compliance with Federal Grants	We are helping the Missouri Department of Health and Senior Services (DHSS) and Local Public Health Agencies administer a variety of federal grants (Medicaid, CHIP, and CARES Act) to fund the following services to limit the spread of COVID-19 and other communicable diseases. • Investigations • Screens • Education • Case management activities/support • Contact tracing • Appropriate preventive measures • Interviews of parents/guardians and staff regarding onset date and type of symptoms • Collection and analysis of specimens • Administration of antibiotics, vaccine, or immune globulin • Review of cleaning, sanitizing, disinfecting, and handwashing procedures We developed processes and procedures for claiming the costs of these services to a Health Services Initiative grant and are supporting the Local Public Health Agencies in preparing the quarterly claims under the grant. Bill Brown, Steven Whitney, and Zeb Letourneau served key roles on this project.
Colorado Department of Human Services (CDHS) – Child Welfare Funding Model	We analyzed the expenditures incurred by all 64 county-based child welfare programs within the State and developed budgets to fund those programs. The Colorado child welfare program is supervised by the state Division of Child Welfare, but is administered by local county agencies. Our team gathered expenditure data on what it costs to operate the child welfare programs in all 64 counties in Colorado. We built a model to analyze and compare the costs from county to county, and used this data to build a model to budget for child welfare services in each of the 64 counties. This cost/budget model is used by the Child Welfare Allocation Committee, General Assembly, Governor, and CDHS to identify the funding levels necessary to deliver child welfare services compliant with State and federal requirements. In the budget model, our team identified and developed algorithms to calculate the level of funding each county should receive to meet its specific workloads, demographics (including local county-based poverty statistics), and state and local economic models. The budget model also contained a module that awards a portion of the funds based upon how counties performed on the following two outcome measurements: • Are out-of-home placements being reduced? • Are fewer children and families entering child welfare than exiting sustainably? The budget model accounts for the diversity between urban, rural, and frontier areas, such as large urban counties like Denver, El Paso, and Arapahoe, and rural or frontier counties like Yuma, Kit Carson, and Cheyenne. We developed mechanisms within the budget model to address the challenges in funding services in Colorado's eastern and western rural and frontier counties where there are limited providers of therapeutic services. Also, the rates for those services are driven by larger and more expensive urban counties.

Client – Project	Description
	We reviewed the assumptions made for the claiming of costs to a variety of federal grants to assess the impact on the county programs. We developed processes to optimize the recovery of federal funds and help ensure compliance with federal cost accounting requirements under those federal grants. We interviewed stakeholders and gathered cost data to identify the metrics needed to develop the budget model. We reviewed demographic data, such as poverty statistics and local economic drivers to assess what metrics will accurately and equitably identify the level of funding each county's child welfare program should receive. We built an Excel workbook that contains all of the economic, demographic, and cost data needed to develop the funding model. In addition, we created functions with the model that allowed CDHS to assess the impact of different assumptions such as staffing ratios, workload, demographics, economic indicators, and the recovery of federal revenues. Bill Brown, Steven Whitney, Zeb Letourneau, and Elliot Simpson served key roles on this project.
City of Milton, Georgia – Strategic Planning	BerryDunn recently concluded the City's strategic planning process. Phases in this process included project initiation and planning, an Environmental Scan, community visioning, and strategic plan development. Most of this project took place remotely and utilized tools, such as Social Pinpoint, to boost information sharing and community engagement efforts. The City Council Strategic Planning Retreat and team building with executive leadership was conducted on-site. Also part of this engagement was an emphasis on preservation related to its reputable high quality of life and current and anticipated growth. The most challenging aspect of this engagement was increasing the racial and ethnic diversity of the City's community engagement effort. Milton is becoming a more diverse community, and the City wanted to engage the participation of residents who have been under-represented or not invited to participate in the past. BerryDunn worked with the City to identify new individuals and organizations and conducted persistent outreach efforts to make sure these voices were an integral part of the planning process. The final plan has an updated vision and mission for the City, a new set of organizational values developed by the Council and City staff, strategic priorities, current and future state descriptions of each priority, strategic goals, short term objectives, and outcome measures.

4. Cost

American Rescue Plan Act - RFP No. 2021-22				
Cost Proposal Form				
(Provide a cost for all the services referenced below.)				
Item No.	Service Descriptions	Year 1 - Monthly Cost	Year 2 - Monthly Cost	Extended Cost
1	Project Management Services	\$1,090	\$725	\$21,780
2	Financial Advisory Services	\$3,200	\$2,130	\$63,960
3	Communications	\$395	\$265	\$7,920
4	Audit Services	\$2,840	\$4,265	\$85,260
5	Cost Tracking, Accounting & Reporting	\$3,270	\$4,900	\$98,040
6	Total Annual Cost Year 1 and Year 2	\$129,540	\$147,420	\$276,960
Company Name: BerryDunn				
Authorized Company Official: (print name) William Brown				
Authorized Company Official Signature: 				
Date: September 21, 2021				

5. References

In **Table 5**, we provide references to demonstrate relevant experience and the quality of our past work. We include contact information for projects of that are similar in scope and size to the City's project. These contacts are able to speak to the quality and timeliness of our services and communication.

Table 5: Client References

Name of Organization	Contact Information	Project Title and Dates
New Hampshire Secretary of State	Mr. Orville (Bud) Fitch Elections Legal Counsel, Assistant Secretary of State Secretary of State's Office 603-271-5335 Orville.Fitch@sos.nh.gov	CARES Act Elections Assistance Grant Management: developed a methodology to claim elections assistance funds under the CARES Act; identify costs eligible for reimbursement under that methodology; and claim those costs to the federal grant. 06/2020 – 06/2021
Missouri Department of Health and Senior Services – Local Public Health Agencies	Ms. Lori Brenneke Deputy Director Center for Local Public Health Services 573-751-1928 Lori.Brenneke@health.mo.gov	Optimizing Revenues and Improving Compliance with Federal Grants for Local Public Health Agencies: Assisting local public health agencies with budget analyses, grant management, revenue optimization and compliance with federal cost accounting requirements to develop and implement processes to claim federal funds to support the State's response to COVID-19 and other public health issues. 09/2019 – 06/2021
Colorado Legislative Joint Budget Committee	Ms. Robin J. Smart Joint Budget Committee Staff Colorado General Assembly 719-661-4404 robin.smart@state.co.us	Colorado Child Welfare Budget Model: Assisted 64 county child welfare programs with budget analyses, grant management, and cost analyses to develop a model to fund those counties' child welfare programs 06/2019 – 06/2020
City of Alexandria – Community Services Board	Ms. La'Keisha Kennedy-Flores* Director of Behavioral Health Business Operations 804-304-6764 lakeisha.flores@fairfaxcounty.gov	Community Services Board (CSB) – Improved Grant Management: Budget Analysis, grant management and revenue optimization 07/2015 – 02/2016

* Ms. Flores was the project manager of the CSB project and began a new position in Fairfax County after the project's completion.

6. Forms

Certification of Sponsor Drug-Free Workplace

REQUEST FOR PROPOSAL NO. 2020-010

I hereby certify that I am a principle and duly authorized representative of Berry Dunn McNeil & Parker, LLC d/b/a BerryDunn, ("Contractor"), whose address is 2211 Congress Street, Portland, Maine 04102

_____, and I further certify that:

- (1) The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and
- (2) A drug-free workplace will be provided for Contractor's employees during the performance of the Agreement; and
- (3) Each Subcontractor hired by Contractor shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. Contractor shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with Contractor, NA certifies to Contractor that a drug-free workplace will be provided for the Subcontractor's employees during the performance of this Agreement pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated, Section 50-24-3"; and
- (4) The undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Agreement.

CONTRACTOR: BerryDunn

Date: September 21, 2021

Signature: _____

Title: Principal

Request for Proposal Application

REQUEST FOR PROPOSAL APPLICATION

This form must be completed by Responders of this RFP. Attach additional information, as needed, or as required. If you attach confidential material, clearly identify if the attachments are proprietary.

Applicant Name Berry Dunn McNeil & Parker, LLC d/b/a BerryDunn

Applicant Address 2211 Congress Street, Portland, Maine 04102

Applicant Phone 207-541-2208 Email bbrown@berrydunn.com

The Contractor) is a Legal Entity:

- ☐ Individual(s) If multiple, identify
- ☐ Corporation
- ☒ LLC
- ☐ Joint Tenants
- ☐ Tenants in Common
- ☐ Partnership
- ☐ Other (Identify Other) _____

If not a Georgia corporation/partnership, state where organized: Maine

(Attach current corporation documentation.)

Management TEAM

Sno L. Barry, Renee Bishop, Sarah L. Belliveau, William H. Brown, John M. Chandler,

Eduardo G. Daranyi, Clinton E. Davies, David A. Erb, Tracy W. Harding, James P. Highland,

Mary E. Jalbert, Michael F. Jurnak, Janice D. Latulippe, Charles K. Leadbetter, Timothy F. Masse,

Connie J. Ouellette, Kathy Parker, Steven Rodman, Charles D. Snow, Jeffery D. Walla

Other Members _____

Other Members _____

3120 Stonecrest Blvd, Stonecrest, Georgia, 30038 • 770-224-0200 • www.stonecrestga.gov 14

Conflict of Interest Disclosure

CONFLICT OF INTEREST DISCLOSURE

The following information must be disclosed:

1. List the names of all persons having a financial interest in the consultant's business.

William Brown

2. If any person identified pursuant to (1) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

N/A

3. If any person identified pursuant to (1) above is a nonprofit organization or a trust, list the names of any person serving as director of the nonprofit organization or as trustee or beneficiary or trustor of the trust.

N/A

4. List the address of any property owned by the Consultant or principals identified in (2) that is located in Stonecrest and/or DeKalb County.

N/A

(NOTE: Attach additional pages, as necessary.)

Person is defined as: Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver, syndicate, this and any other group or combination acting as a unit.

Authorized Signature of Responder

September 21, 2021

Date

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Certificate and Acknowledgement

CERTIFICATE AND ACKNOWLEDGEMENT

Applicant certifies that it as individual or member of a corporation or partnership is not now and will not be at contract execution in violation of the following policies:

- ☐ YES ☒ NO Delinquent in the payment of taxes due to the City of Stonecrest;
- ☐ YES ☒ NO Building or health code violations on property owned that is not being actively abated;
- ☐ YES ☒ NO Been convicted of a felony crime that affects property or neighborhood stability or safety;
- ☐ YES ☒ NO Have any outstanding judgments or debts to the City;
- ☐ YES ☒ NO Have no past due loan(s) with the City;
- ☐ YES ☒ NO Been subject to a foreclosure within the previous ten (10) years;
- ☐ YES ☒ NO Been involved in litigation relating to a project either voluntary or involuntary within the past five (5) years; and
- ☐ YES ☒ NO Been adjudged bankrupt either voluntary or involuntary within the past ten (10) years.

I/We acknowledge understanding of the above policies and certify that none of the individuals or members of a corporation or partnership are in violation. I certify that this information is true and correct.

I/We further certifies that the information and exhibits comprising this RFP are true and correct. Unsigned/undated submissions will not be considered.

CERTIFICATION OF AUTHORIZED REPRESENTATIVE:

I William Brown as Authorized Representative for Berry Dunn McNeil & Parker, LLC

hereby certify that all information and materials submitted in response to this RFP are true and accurate to the best of my knowledge and belief. I understand that any attempt to falsify information in this application shall result in disqualification. Further, I hereby consent to requests that the City may make of third parties for information to substantiate information provided in this RFP, and I authorize third parties to release such information to the City.

Authorized Signature of Responder

September 21, 2021
Date

William Brown, Principal
Print or type name

Authorized Signature of Responder

Date

Print or type name

Appendix I – City of Stonecrest Contract Agreement (Exceptions to)

We take exception to the indemnification/insurance language in **General Terms and Conditions, 15, n** (page 10), and **Insurance, 11** (page 21).

Our firm carries a \$10 million professional liability policy which protects us and our clients from claims of negligence in professional services. However, the policy itself contains language within it that states that it will not apply to a project when we take on additional liabilities, such as an agreement to indemnify for something other than negligence, or costs, or attorneys' fees under a contract.

We would like to use the following language: *"BerryDunn agrees, to the fullest extent permitted by law, to indemnify and hold harmless the City against damages, liabilities, and costs arising from the negligent acts of BerryDunn in the performance of professional services under this Agreement, to the extent that BerryDunn is responsible for such damages, liabilities and costs on a comparative basis of fault and responsibility between BerryDunn and the City. BerryDunn shall not be obligated to indemnify the City for the City's own negligence."*

We take exception to the Force Majeure language in **General Terms and Conditions, 15, q** (page 11).

We prefer the following language be used. "Neither party shall be responsible for any delay or failure ..."

We take exception to the **Causes for Termination, 17** (page 11) language. We would require clarity and specificity of the following sentence: "the contract can be terminated for ...failure to cooperate upon receiving any reasonable request for information or service ..." Any such requested service should be based upon the mutual agreement of both parties.

Appendix II – Georgia Security and Immigration Compliance Act Affidavit



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name: Berry Dunn McNeil & Parker, LLC d/b/a BerryDunn

Address: 2211 Congress Street

Portland, ME 04102

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Stonecrest has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Stonecrest within five (5) business days after any subcontractor(s) is/are retained to perform such service.

166359
E-Verify™ Company Identification Number

11/21/2008
Date of Authorization

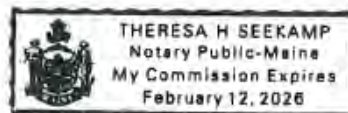
[Signature]
BY: Authorized Officer or Agent
(Name of Person or Entity)

9/20/2021
Date

SUBSCRIBED AND SWORN BEFORE
ME ON THIS THE

20th DAY OF September, 2021

[Signature]
Notary Public



[NOTARY SEAL]

My Commission Expires: 2/12/2026

* or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603

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AMERICAN RESCUE PLAN ACT RFP No. 2021-21		BERRY/DUNN	GRANT WORK
Evaluator One		970	437
Evaluator Two		940	885
Evaluator Three		940	760
Evaluator Four		910	845
Total Points		3760	2927
Average Technical Score		940.00	731.75
Cost Points			
Total Points		940.00	731.75



CITY COUNCIL AGENDA ITEM

SUBJECT: Fleet Policy Approval

AGENDA SECTION: *(check all that apply)*

- ☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

CATEGORY: *(check all that apply)*

- ☐ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

ACTION REQUESTED: ☐ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Current Work Session: Monday, December 13, 2021

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Gia Scruggs, Finance Department

PRESENTER: Gia Scruggs

PURPOSE: In preparation for the pending transition of municipal government services to be performed by City of Stonecrest employees, the City of Stonecrest needs a policy to govern the use of the fleet vehicles. The Finance Department in conjunction with the City's legal department has drafted a fleet policy that incorporates the processes and procedures that will be required for fleet management for the City of Stonecrest. The initial draft of the policy was presented at the work session on December 13, 2021. After input from Council, there were some minor edits done to some language for consistency throughout the document, a separate acknowledgement for take home vehicles was added, and there was a section to address service animals.

FACTS: [Click or tap here to enter text.](#)

OPTIONS: [Choose an item. Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve, deny, or defer



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

(1) Attachment 1 - Fleet Policy



CITY COUNCIL AGENDA ITEM

SUBJECT: Legal Services – City Attorney Contract Approval

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☐ RESOLUTION ☒ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, December 20, 2021

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The City Attorney shall be the legal advisor of the City and render advice on all legal questions affecting the City whenever requested to do so by the Mayor, City Council, or City Manager. Legal Services for the City of Stonecrest are currently provided by Fincher Denmark.

FACTS: During the annual budget process, the Acting City Manager and the Finance Director began discussions with Fincher Denmark regarding the delivery of services. The City Attorney, Acting City Manager and Finance Director have implemented a process to increase the effectiveness of the time that the City Attorney devotes to the City of Stonecrest. As a result of those discussions and a change in process, a contract with Fincher Denmark is now presented to Mayor and Council for approval. The funding for this contract was included in the Legal Services line item in the FY22 budget. This contract will be reviewed on an annual basis and funding will be determined in the annual budget process.

OPTIONS: Approve, Deny, Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Fincher Denmark Contract
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

CITY ATTORNEY AGREEMENT

THIS AGREEMENT is entered into between the CITY OF STONECREST, GEORGIA (the “City”) and FINCHER DENMARK LLC (the “Attorney”) for Attorney to serve as city attorneys for the period commencing on January 1, 2022 and ending on December 31, 2022. This Agreement shall supersede any and all prior Agreements.

1.

FINCHER DENMARK LLC, as Attorney for the City, shall, among other things, serve as legal advisor to the Mayor, City Council, the City Manager, and to City Department Heads on all matters pertaining to their public duties and the affairs of the City; draft all contracts, resolutions, ordinances, leases, policies, agreements, or other documents required by the City; and render such other legal services as may be required by the Mayor, City Council, and/or City Manager.

2.

The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the City is or may be a party, or in which the City may be interested, or which may be brought against any officer of the City relating to their public duties, whether individually or in the capacity of such officer as an official of the City. This Agreement recognizes the right of the City’s insurance carriers to designate other legal counsel to represent the City in certain legal actions to which the City may be a party.

3.

It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the City and of all similar interlocutory orders.

4.

The Attorney shall be the legal advisor of the City and shall render advice on all legal questions affecting the City whenever requested to do so by the Mayor, City Council, or City Manager. Upon request by the Mayor, City Council, or City Manager, the Attorney shall reduce any such opinion to writing.

5.

It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

6.

It shall be the duty of the Attorney to draft or supervise the drafting of all contracts, leases, or other documents or instruments to which the City may be a party and, upon the request of the Mayor and Council, to draft ordinances covering any subject within the power of the City.

7.

(a) In consideration of the payment for legal services, the Attorney shall perform the following General Legal Services, which shall be performed after receiving the approval of the Mayor, City Council, or the City Manager:

- (1) Attend regularly scheduled office sessions at City Hall for the purpose of consultations and advice with the City Manager, and Department Heads;
- (2) Prepare and/or review all contracts, leases, ordinances, policies, agreements and any other instruments relating to the affairs of the City;
- (3) Attend work sessions, regular or special called meetings of City Council;
- (4) Provide telephone consultation and advice to the Mayor, City Council, and City Manager, and provide written legal opinions as requested;

- (5) Perform all other non-litigation legal tasks, as directed by the Mayor, City Council, or City Manager;
 - (6) Review all agenda items and supporting documentation prior to publication of the agenda for work sessions, regular, or special called meetings of the Mayor and City Council and;
 - (7) Submit agenda cover memos and supporting documentation to the City Clerk by the deadline prescribed for all staff by the City Manager.
- (b) For General Legal Services, the Attorney shall not bill the City on an hourly rate or based on the number of hours expended. Rather, the City shall pay Attorney a Flat Monthly Fee in the amount of Thirty-Seven Thousand Dollars (\$37,00.00) for such General Legal Services, irrespective of the number of hours expended by Attorney on such matters in a given month. General Legal Services shall not include bond and public finance matters, for which the Attorney shall charge the customary fees.
- (c) Litigation Legal Services performed by the Attorney shall not be included in the Flat Monthly Fee specified herein. Litigation Legal Services shall be billed separately, and the Attorney shall be compensated at the rate of \$185.00 per hour for attorneys and \$100.00 per hour for paralegals. These services shall be performed after receiving the approval of the Mayor, City Council, or the City Manager.
- (d) Litigation Legal Services shall consist of the following services;
 - (1) Initiating and prosecuting lawsuits or other legal actions on behalf of the City or any of its officials;
 - (2) Investigating and responding to ante litem notices or other demands for payment or notices of claim;

- (3) Defending lawsuits brought against the City or any of its officers;
- (4) Handling employment or other administrative proceedings before local, state, or federal boards, agencies, or commissions.

8.

This Agreement shall become effective on the commencement dated stated herein and shall remain in full force until December 31, 2022, unless extended or terminated between the parties hereto. Notice of extension or termination shall be in writing and not less than thirty (30) days prior to the effective date for such extension or termination.

WITNESSED AND EXECUTED THIS ____ DAY OF _____, 2021.

CITY OF STONECREST

, Mayor/Mayor Pro Tem

FINCHER DENMARK LLC

Winston Denmark, Attorney

ATTEST:

City Clerk