

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
DECEMBER 16, 2013
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Bart Hare / Bay Community Church

3. APPROVE MINUTES: Council meeting minutes / December 2, 2013
Council Work Session meeting minutes / December 9, 2013
Strategic Plan meeting minutes / December 9, 2013

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Conaway
Review minutes / December 9th

1. Financial Reports:

- Treasurers Report / October 31, 2013 & November 30, 2013
- Sales and use Tax Collection / October 31, 2013
- Lodging Tax Collection / October 31, 2013

B. BUILDINGS & PROPERTY COMMITTEE - Davis

C. PUBLIC SAFETY - Rudicell

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / December 11th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
Review minutes / December 5th

B. Downtown Redevelopment Authority – Conaway

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott

F. Recreation Board - LeJeune

G. Utility Board - Fry
Review minutes / October 30th

6. REPORTS OF OFFICERS:

A. Mayors Report

B. City Attorney's Report

Executive Session / Consider Settlement Proposal for Federal Litigation Regarding Lamar

C. Department Head Comments

D. City Clerk Report

MOTION: Change the January 20, 2014 Council meeting date for MLK Day

MOTION: Appoint City Treasurer

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

1ST READ

- a.) Amend and Reorganize Chapters One and Ten
of the City's Employee Handbook/Ordinance 2013-65

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT___	ABSENT___
COUNCILMAN RUDICELL	PRESENT___	ABSENT___
COUNCILMAN LAKE	PRESENT___	ABSENT___
COUNCILMAN SCOTT	PRESENT___	ABSENT___
COUNCILMAN LEJEUNE	PRESENT___	ABSENT___
COUNCILMAN DAVIS	PRESENT___	ABSENT___
COUNCIL PRESIDENT FRY	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**DECEMBER 2, 2013
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

Council President Fry called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Reverend Charles Jackson of the Macedonia Baptist Church gave the invocation.

COUNCIL MEMBERS PRESENT:

Tommie Conaway; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Pat Rudicell.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Mike Hinson, Finance Director; Tonja Young, Library Director; Bob Segalla, Utility Board; Larry Cooke, BZA; Al Guarisco, Village Point Foundation; Selena Vaughn, Beautification Committee and Village Point Foundation; Tomasina Werner, Beautification Committee; Andy Rutens, Attorney (AMIC) Galloway, Wettermark.

Absent: Vickie Hinman, HR Director; Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

November 18, 2013 Council meeting minutes

Councilman Scott amended the November 18, 2013 Council meeting minutes to reflect the correct spelling of Roberta Swan's name. The minutes stand approved as amended.

November 25, 2013 Strategic Plan minutes

Councilman Davis amended the November 25, 2013 Strategic Plan minutes to remove Mayor Haygood from being present as he was absent, and the minutes stand approved as amended.

PRESENTATION: Ryan Ramsay / Eagle Scout Project Flower Boxes for Olde Towne Daphne

Ryan Ramsay reported on the completion of his Eagle Scout Project building flower boxes for the Olde Towne Daphne District. He presented a slide show of the finished and placed boxes throughout Olde Towne.

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4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

No report. The next meeting will be December 9th at 4:00 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

The committee met before the council meeting, and the minutes will be in the next packet.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The November 13th minutes are in the packet. They continue to discuss speed issues at the meetings. The next meeting will be December 11th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The committee will be considering several ordinances at the next meeting which will include a proposed Community Contribution ordinance.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The November 18th minutes are in the packet along with the November 6th Beautification and November 11th Daphne Museum minutes, and the next meeting will be December 16th.

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. *Board of Zoning Adjustments* – Adrienne Jones

The next meeting will be Thursday, with one item to consider. The June 6th and November 7th minutes are in the packet.

B. *Downtown Redevelopment Authority* – Conaway

The next meeting will be Wednesday at 5:30 p.m.

C. *Industrial Development Board* – Davis

The November 25th minutes are in the packet. Lee Johnson with Baldwin County Economic Development Alliance gave an update on projects in the area. Discussion was held on the Strategic Plan, and they also discussed the treasurer's report, receiving funds quarterly, and the lodging tax. All these things will enable the IDB to move forward faster to benefit the city.

D. *Library Board* – Lake

There is a lot going on in December at the Library. There will not be a board meeting in December.

E. *Planning Commission* – Scott

The October 24th minutes are in the packet along with the summary of the November 21st meeting.

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F. Recreation Board – LeJeune

The August 14th and November 13th minutes are in the packet. The next meeting will be December 11th.

G. Utility Board – Fry

The next meeting will be Wednesday at 5:00 p.m. This is the November makeup meeting.

6. REPORTS OF OFFICERS:

A. Mayor’s Report

Mayor Haygood recognized the Daphne ROTC for winning their fourth state championship in six years. He would like to invite them to a future council meeting.

B. City Attorney’s Report

Mr. Ross requested an Executive Session at the end of the meeting to discuss pending litigation. The meeting should take about 20 minutes. There is nothing to vote on so council can adjourn into Executive Session.

C. Department Head Comments

David McKelroy – Recreation Director – reminded everyone that the Christmas parade is Saturday beginning at 11:00 a.m. He congratulated the Spanish Fort football team as they advance into the state championship game.

Margret Thigpen – Civic Center Director - reported the home school group will putting on a musical tonight and tomorrow night, the Baldwin County Youth Orchestra will perform December 9th and the Baldwin Pops will perform December 10th. There will be a wedding expo February 9, 2014.

David Carpenter – Police Chief – reported the recruits are back from the academy and have graduated. There was good reports about them, and they will finish their training and get them on the road.

City Clerk Report – Rebecca Hayes – reported that along with the Christmas parade there will be festivities at city hall beginning at 9:00 a.m. until the parade starts.

7. PUBLIC PARTICIPATION

No one spoke.

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8. **RESOLUTIONS & ORDINANCES:**

RESOLUTIONS:

No resolutions to consider.

ORDINANCES:

2ND READ

- a.) **Rescinding Ordinance 1991-12 / Providing for the Permitting of Massage Parlors within the City Limits of the City of Daphne. /Ordinance 2013-64**

MOTION BY Councilman LeJeune to wave the reading of Ordinances 2013-64 and 2013-63. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2013-64. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

9. **COUNCIL COMMENTS:**

Mayor Haygood – hoped that everyone had a happy Thanksgiving. He thanked Public Works and employees involved with “Light Up Daphne” saying it went very well. He said it will be great to see smiling faces at the Christmas parade next Saturday.

Councilman Lake said that the tree lighting was a very pretty event.

Councilman Scott enjoyed the tree lighting, it was neat and special. He appreciates the Beautification Committee and Public Works and the Mayor for making it a festive area of which to be proud. He looks forward to the Christmas parade Saturday.

Councilman Davis reported that on Tuesday, December 10th the D’Olive Watershed working group will be meeting open to the public where discussion will be held on improvements to Joe’s

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Branch. There will also be presentation on D'Olive Creek, and some of the possibilities of things to be done in that light.

Council President Fry thanked everyone involved with the tree lighting. Many merchants benefited from the event, and families had a good time. He looks forward to enhancements for next year's event. He urged everyone to come out for the parade on Saturday.

10. ADJOURN:

MOTION BY Councilman Scott to adjourn into Executive Session to discuss pending litigation, and the session will last for 30 minutes. *Seconded by Councilman Lake.*

Jay Ross, the City Attorney certified that the foregoing reason for entering Executive Session is according to the Open Meetings Act.

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Lake	Aye	Davis	Aye
Scott	Aye	Fry	Aye

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:00 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Rebecca A. Hayes,
City Clerk

Randy Fry,
Council President

**DECEMBER 9, 2013
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Charlie David, Recreation Department; Mike Hinson, Finance Director; Denise D'Oliveira, S.E.E.D.S.; Selena Vaughn, Beautification Committee and Village Point Foundation; Andy Rutens, attorney with Galloway, Wettermark (litigation).

Council President Scott called the meeting to order at 6:35 p.m.

1. APPOINTING A TREASURER

Council discussed appointing a Treasurer for the city.

Consensus was that council feels this should stay with the Finance Department, and were not opposed to Mr. Hinson serving as the Treasurer.

Council President Fry requested the appointment of a Treasurer be on the agenda for Monday's council meeting.

2. PROPOSED REVISIONS TO LODGING TAX ORDINANCE

Councilman LeJeune explained that the ordinance before council is a new version from the last work session. The revisions are listed below:

1. DRA percentage has changed from 5% to 3% due to their presentation at the last work session saying that they wanted to contribute towards the amphitheater. His assumption is that this will be an easier, cleaner way for them to show their support in giving the \$10,000 towards the amphitheater.
2. So the 2% is shifted over to Bayfront Acquisitions which is now 32%. The reason it is 32% is in the previous version debt service for Bayfront was coming separate from the total amount of the lodging tax, and then they were getting a percentage, and they had it at 15%. By combining the two it was bumped up to 32%, and now the debt service comes out of that portion and the remainder goes to Recreation
3. IDB stays at 15%
4. The calculations are based on 6% lodging tax

Councilman LeJeune said that the hotel owners were present at the last work session and were against any increase in the lodging tax, but if council decided to raise the tax they were in support of the funds going for recreation.

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Using 6% lodging tax:

1. IDB @15% would receive \$153,000 per year
2. DRA @ 3% would receive \$30,000 (*about the same as they are receiving now*)
3. Bayfront Acquisitions @ 32% would receive \$327,000
4. Taking away the debt service of \$153,000 = \$174,000
5. That is a subtraction of roughly \$57,000
6. The remaining \$500,000 going to Recreation

Council discussed the breakdown of the percentages.

Consensus of the council was to send the ordinance to the Ordinance Committee for review.

3. PROPOSED COMMUNITY CONTRIBUTION GUIDELINES ORDINANCE

Consensus of Council was to send the ordinance to the Ordinance Committee for review.

4. ANYTHING ELSE DEEMED NECESSARY

There was no other business to discuss.

8. ADJOURN

MOTION BY Councilman Scott to adjourn into Executive Session to discuss the acquisition of real property and pending litigation.

The City Attorney, Jay Ross, certified that the aforementioned reasons for going into Executive Session are according to the Open Meetings Act.

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Rudicell	Aye	Davis	Aye
Lake	Aye	Fry	Aye
Scott	Aye		

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 7:59 p.m.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes,
City Clerk

Randy Fry,
Council President

**DECEMBER 9, 2013
STRATEGIC PLAN MEETING
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.**

Councilman Davis called the meeting to order at 5:30 p.m.

COUNCIL PRESENT: Pat Rudicell; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Tommie Conaway; John Lake.

ALSO PRESENT: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Richard Johnson, Public Works Director; Mike Hinson, Finance Director; Angie Phillips, Revenue Officer.

1. PUBLIC PARTICIPATION

No one spoke.

2. PROCUREMENT OF OUTSIDE ASSISTANCE

Discussion was held regarding options for getting a consultant to get the Strategic Plan done.

Consensus was to have the Mayor and Councilman Davis scout out two or three outside consultants to help the city move forward with a Strategic Plan and council will interview the choices at a work session. Council will set the parameters and format.

Council is comfortable with the goals they have established which will help the consultant get started.

3. WHATEVER ELSE IS DEEMED NECESSARY

There were no other necessary items to discuss.

4. NEXT MEETING

There will not be any meetings until after a consultant is hired to move forward with the Strategic Plan.

5. ADJOURN

The meeting adjourned at 6:13 p.m.

Submitted by

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Randy Fry, Council President

**REPORT
OF
STANDING COMMITTEES**

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 9, 2013
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:02 p.m. Present were Councilman Joe Davis, Councilman Ron Scott, Mayor Dane Haygood, Finance Director Mike Hinson, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody. Councilman John Lake arrived at 4:25p.m. and Public Works Director arrived at 4:43p.m..

Also in attendance were Civic Center Director Margaret Thigpen, Councilman Randy Fry, and Councilman Pat Rudicell.

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman prepared the Human Resource Report that was included in the Finance Committee packet. Mrs. Henson noted that both Mrs. Hinman and Mrs. Hilburn were out of the office today and Mrs. Hinman had asked her to review the report including open position status.

Positions

Administrative Technician (Police)
Detective
Corrections Officer
Police Officer
SAIL Site Driver
SWW, Sr.
Equipment Maint. Supv.

Status

Reviewing Applications
Selected: DOH is 1/1/14
Interviewing: 12/6
Testing 12/18
Reviewing Applications
Promotion: 12/12/13
Posting: 12/9-12/23

Safety Committee Meeting:

November & December's meetings have been combined and will be held on Dec. 18th.

Next Safety Committee meeting will be January 2014.

HR projects/meetings:

- Employee Personnel Handbook Final revisions submitted to Ordinance Committee 11/13 and 12/11
- Oral Board interviews for Detectives on November 21, 2013
- Oral Board Interviews for Corrections Officer on December 6, 2013
- Written test for Police Officer December 18, 2013 in Council chambers

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: October 2013 & November 2013

The October and November final Treasurer's Reports were presented. The November report totaling \$16,449,485 which was up from Octobers total of \$16,069,377. Mr. Hinson reviewed the new report format presented and stated that the focus should be on the Unrestricted Funds balance of \$11,585,161. Mr. Hinson noted there was an increase of \$219,822 in November from Octobers Unrestricted Fund balance. Mr. Scott

noted he wanted to see a report on all Revenue collections. Mr. Hinson noted he was working on that type of report.

3. Sales and Use Taxes: October 2013

Mrs. Henson noted that sales tax collections were up approximately \$31,654.56 from budget and \$43,795.77 from FY13 collections for October.

4. Lodging Tax Collections, October 2013

The Lodging Tax Report was reviewed, \$48,382.05 was collected for October 2013. Discussion continued on Lodging Tax collections and expenditures.

5. Report: New Business Licenses – November 2013

Mrs. Angie Phillips presented an updated Business License report. Mrs. Phillips listed the new businesses located in Daphne as well as other detailed information on the new businesses opened in November and 2013. Discussion continued on how informative the new report was. The status of One Spot Tax Collections was discussed. Mr. Lake asked about small businesses Business License fees. Mrs. Phillips explained the rates for new and small businesses and compared how other municipalities set their fees. Mr. Lake, Mrs. Phillips, and Mr. Hinson discussed the need for a third employee in the Revenue Department. Mr. Hinson stated Mrs. Phillips is doing more Revenue Tech work but with a third employee could be doing more Revenue Director work.

6. Bills Paid Reports – October 2013

Mrs. Henson noted the report has been updated as a summary report with only vendor totals as requested and a detailed report was left in the Council workroom for Council's review. Mrs. Henson noted that 40% of the 1,462 invoices paid in November were from the Mechanical Department, this department submits the largest number of invoices of any City Department for payment. Mrs. Henson noted that she had placed a detailed report on the desk in the Council workroom as requested for all Council to review.

V. OLD BUSINESS

VI. ADJOURN

The meeting was adjourned at 5:01p.m.

Dane Haygood
Mayor
Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Sandi Cushway
Human Resources Assistant

December 4, 2013

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Administrative Technician (Police)
Detective
Corrections Officer
Police Officer
SAIL Site Driver
SWW, Sr.
Equipment Maint. Supv.

Status

Reviewing Applications
Selected: DOH is 1/1/14
Interviewing: 12/6
Testing 12/18
Reviewing Applications
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HR projects/meetings:

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TREASURER'S REPORT
As of October 31, 2013

Account Type/Title	Bank / Brokerage	Balance this Month 10/31/13	Balance last Month 09/30/13	Increase (Decrease) from last Month	Balance Last Year Oct 2012	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank	\$ 5,821,930	\$ 6,548,982	\$ (727,052)		
INVESTMENT FUND	Raymond James	5,158,255	5,164,072	(5,817)		
AGENCY FUNDS (Municipal Court)	Compass Bank	385,155	401,560	(16,405)		
Total Unrestricted Funds		11,365,339	12,114,614	(749,274)	\$ 11,325,157	\$ 40,182
				⊖		⊕
SPECIAL REVENUE FUNDS						
SAIL SITE	PNC Bank	6,595	5,773	822		
4 CENT GAS TAX	PNC Bank	118,964	114,037	4,927		
7 CENT GAS TAX	PNC Bank	407,247	400,971	6,277		
CREDIT CARD DONATION ACCT	Compass Bank	500	500	-		
		<u>533,307</u>	<u>521,281</u>	<u>12,026</u>	677,546	(144,239)
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank	1,616,749	1,639,013	(22,264)		
2012 CONSTRUCTION	Regions Bank	906,231	559,784	346,447		
2012 CONSTRUCTION INVESTMENT	Raymond James	-	349,158	(349,158)		
(acct closed and balance transferred to 2012 Construction)		<u>2,522,981</u>	<u>2,547,955</u>	<u>(24,974)</u>	4,271,674	(1,748,693)
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank	1,647,750	1,258,400	389,351	2,138,400	(490,650)
Total Restricted Funds		3,056,288	3,069,236	(12,948)	4,949,220	(1,892,932)
Total City Funds		\$ 16,069,377	\$ 16,442,249	\$ (372,872)	\$ 18,412,777	\$ (2,343,400)

TREASURER'S REPORT
As of November 30, 2013

Account Type/Title	Bank / Brokerage	Balance this Month 11/30/13	Balance last Month 10/31/13	Increase (Decrease) from last Month	Balance Last Year Nov 2012	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank **	\$ 6,019,013	\$ 5,821,930	\$ 197,084		
INVESTMENT FUND	Raymond James	5,159,256	5,158,255	1,001		
AGENCY FUNDS (Municipal Court)	Compass Bank	406,892	385,155	21,737		
Total Unrestricted Funds		11,585,161	11,365,339	219,822 ☺	\$ 11,177,565	\$ 407,596 ☺
SPECIAL REVENUE FUNDS						
SAIL SITE	PNC Bank	7,119	6,595	524		
4 CENT GAS TAX	PNC Bank	122,956	118,964	3,992		
7 CENT GAS TAX	PNC Bank	412,468	407,247	5,221		
CREDIT CARD DONATION ACCT	Compass Bank	500	500	-		
		<u>543,043</u>	<u>533,307</u>	<u>9,736</u>	686,966	(143,923)
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank	1,518,077	1,616,749	(98,672)		
2012 CONSTRUCTION	Regions Bank	763,659	906,231	(142,572)		
		<u>2,281,736</u>	<u>2,522,981</u>	<u>(241,245)</u>	4,080,119	(1,798,383)
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank	2,039,545	1,647,750	391,795	2,414,906	(375,361)
Total Restricted Funds		2,824,779	3,056,288	(231,509)	4,767,085	(1,942,306)
Total City Funds		\$ 16,449,485	\$ 16,069,377	\$ 380,108	\$ 18,359,556	\$ (1,910,071)

** Balances listed are believed accurate based on information available. Adjustments may need to be made after all receipts are entered and bank statements are reconciled.

SALES & USE TAXES

ACTUAL COLLECTIONS

FY 2014 BUDGET/ACTUAL COMPARISONS

	2007	2008	2009	2010	2011	2012	2013	2014	Actual-2014	Budget	Monthly Variance	YTD Variance	% of Budget
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,861.14	1,031,207	1,031,207	31,654.56	31,654.56	3.07%
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	1,011,813.96		1,028,397	1,028,397			0.00%
December	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,388.45	1,165,135.62	1,266,051.50		1,364,761	1,364,761			0.00%
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	895,717.19		969,137	969,137			0.00%
February	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	845,101.34	1,004,349.50		1,033,479	1,033,479			0.00%
March	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	1,181,007.55		1,220,063	1,220,063			0.00%
April	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	911,438.60	1,039,769.87		1,101,677	1,101,677			0.00%
May	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	911,839.30	1,098,548.05		1,114,196	1,114,196			0.00%
June	1,066,433.92	997,274.15	868,309.52	887,262.68	946,208.78	1,114,149.53	1,097,507.32		1,213,130	1,213,130			0.00%
July	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	1,010,193.08	1,065,215.02		1,143,981	1,143,981			0.00%
August	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	1,021,267.76	1,110,126.44		1,153,572	1,153,572			0.00%
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	1,004,661.04	1,058,958.43		1,125,482	1,125,482			0.00%
Totals	11,871,233.19	11,279,349.93	10,039,546.95	9,934,178.61	10,766,122.45	11,522,363.01	12,848,130.20	1,062,861.14	13,499,081	13,499,081	31,654.56	31,654.56	0.24%

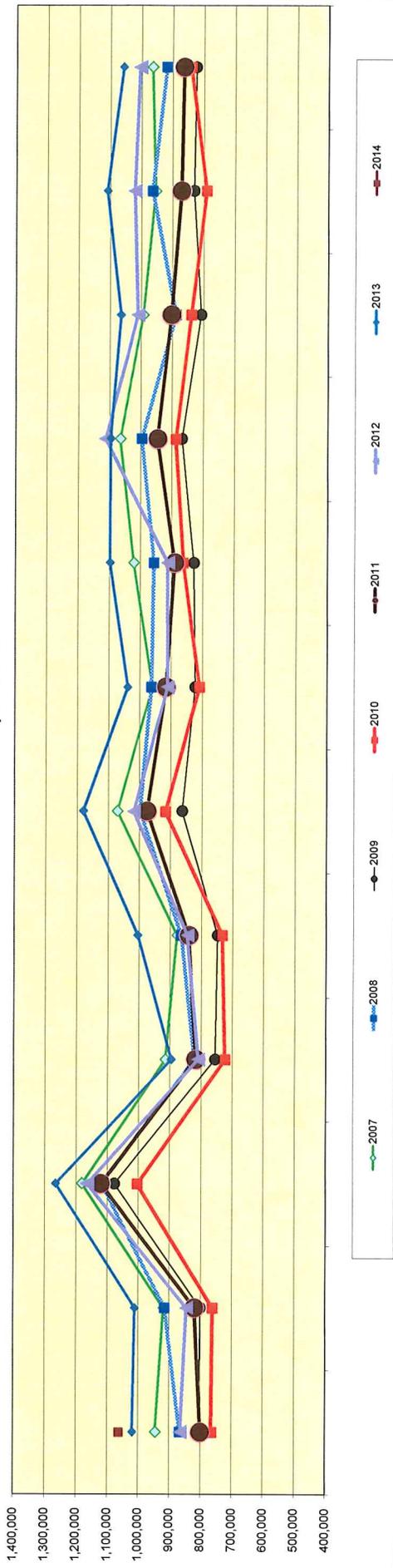
FISCAL YEAR COMPARISONS

	\$ Change	Percent Change													
		2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
October	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,215.24	154,338.10	43,795.77	43,795.77	-8.19%	-7.00%	-5.19%	4.66%	8.02%	17.85%	4.30%
November	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	166,471.51	100,915.88	100,915.88	-0.32%	-12.54%	-4.88%	7.60%	3.11%	19.69%	19.69%
December	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	43,572.17	166,471.51	100,915.88	100,915.88	-5.29%	-3.72%	-6.89%	11.69%	3.90%	8.66%	8.66%
January	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	85,931.60	85,931.60	85,931.60	-10.15%	-8.09%	-4.24%	12.95%	-0.91%	10.61%	10.61%
February	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	159,248.16	159,248.16	159,248.16	-1.41%	-13.52%	-2.04%	14.65%	0.52%	18.84%	18.84%
March	(72,982.34)	(135,080.26)	53,121.77	59,523.84	42,540.04	162,286.12	162,286.12	162,286.12	-6.81%	-13.53%	6.15%	6.49%	4.36%	15.93%	15.93%
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,097.99)	128,331.27	128,331.27	128,331.27	0.37%	-14.58%	-1.65%	13.21%	-0.56%	14.08%	14.08%
May	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	186,708.75	186,708.75	186,708.75	-6.30%	-13.38%	4.00%	3.21%	2.46%	20.48%	20.48%
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	(16,642.21)	(16,642.21)	(16,642.21)	-6.49%	-12.93%	2.18%	6.64%	17.75%	-1.49%	-1.49%
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.84	55,021.94	55,021.94	55,021.94	-10.52%	-9.07%	3.85%	7.54%	11.94%	5.45%	5.45%
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	86,858.68	86,858.68	86,858.68	1.07%	-13.75%	-4.96%	10.21%	17.19%	8.70%	8.70%
September	(46,556.20)	(93,293.41)	15,777.66	22,594.96	141,030.68	54,297.39	54,297.39	54,297.39	-4.82%	-10.16%	1.91%	2.69%	16.33%	5.40%	5.40%
Annual \$ Change	(591,883.26)	(1,239,802.98)	(105,368.34)	831,943.84	756,240.56	1,325,767.19	43,795.77	43,795.77	-4.99%	-10.99%	-1.05%	8.37%	7.02%	11.51%	0.34%

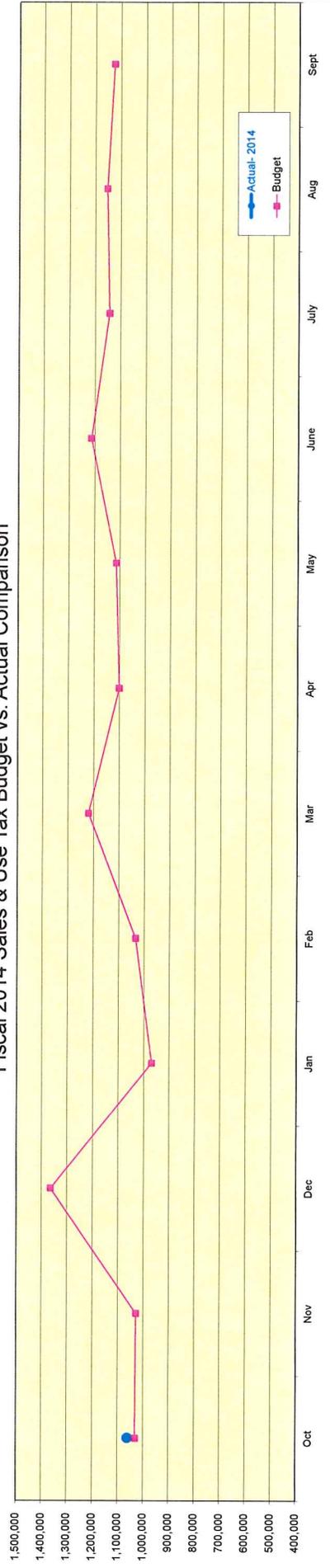
TOTAL collections thru: 11/13	1,062,861
Budgeted thru: 10/13	1,031,207
Actual Coll-(-)Budget, 10/13	31,655
% Over/(Under) Budget, 10/13	3.07%

TOTAL collections: FY 13	12,848,130
TOTAL est. bdgt coll: FY 14	13,499,081
Budgeted Dollar Variance 13 & 14	650,951
Budgeted Percent Variance 13&14	5.07%

Sales & Use Tax Comparisons



Fiscal 2014 Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14
Oct	46,543.20	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05
Nov	40,178.69	33,763.37	48,329.73	47,568.08	43,459.48	
Dec	38,144.69	31,571.38	47,210.56	42,279.22	40,495.14	
Jan	39,706.04	42,883.70	49,006.12	41,917.34	47,548.01	
Feb	46,699.01	46,998.32	43,052.68	47,346.50	54,207.03	
Mar	53,230.85	52,771.52	67,422.43	70,058.33	64,325.47	
Apr	44,277.75	41,531.05	48,487.83	51,939.06	47,434.55	
May	43,293.74	66,820.96	57,880.48	54,740.45	68,448.49	
Jun	56,494.11	79,822.84	67,544.77	69,822.91	71,090.69	
Jul	60,619.78	91,906.47	76,631.86	79,417.80	94,310.47	
Aug	44,636.82	63,323.58	52,820.33	50,417.73	52,427.99	
Sept	35,430.62	52,662.79	45,216.75	46,968.89	45,148.35	
Total	549,255.30	643,461.54	659,604.93	654,478.84	680,474.07	48,382.05

Ord 1997-28 adopted December 8, 1997, incr levy from 3% to 4%.



BUSINESS LICENSE ACTIVITY - NOVEMBER 2013

NEW BUSINESS LICENSES (BY TYPE)		
NAICS	ACTIVITY	QTY
11	Agriculture, Forestry, Fishing and Hunting	
21	Mining, Quarrying, and Oil & Gas Extraction	
22	Utilities	
23	Construction	9
31-33	Manufacturing	1
42	Wholesale Trade	
44-45	Retail Trade	5
48-49	Transportation and Warehousing	
51	Information	1
52	Finance and Insurance	2
53	Real Estate, and Rental & Leasing	1
54	Professional, Scientific, and Technical Services	3
55	Management of Companies & Enterprises	
56	Administrative, Support, Waste Mgmt, and Remediation Services	4
61	Educational Services	
62	Health Care and Social Assistance	2
71	Arts, Entertainment, and Recreation	1
72	Accommodation and Food Services	1
81	Other Services (not elsewhere specified, such as personal care)	4
TOTAL NEW BUSINESS LICENSES (BY TYPE)		34

NEW BUSINESS LICENSES (BY LOCATION)	
Daphne (physical location)*	QTY
Daphne (no physical location)	6
Baldwin County	5
Mobile County	4
In State (not including Baldwin/Mobile counties)	5
Out of State	9
TOTAL NEW BUSINESS LICENSES (BY LOCATION)	34

*NEW BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	QTY
44	Auto Maxx 29117 US HWY 98	1
44	Firestone Complete Auto Care 27370 US HWY 98	1
62	Coastal Chiropractic 6483 Van Buren St.	1
62	Edward D. Schnitzer MD 27961 US HWY 98	1
81	Bellagio Nails & Spa 28825 US HWY 98	1
81	Hairspray Salon 901 Daphne Ave.	1
*TOTAL NEW BUSINESSES LOCATED IN DAPHNE		6

CLOSED BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	QTY
72	Compleat Angler Bar & Grille 29249 US HWY 98	1
72	Old Mexico Restaurant 2101 US HWY 98	1
TOTAL CLOSED BUSINESSES LOCATED IN DAPHNE		2

NET GAIN/(LOSS) BUSINESSES LOCATED IN DAPHNE		QTY
		4

BUSINESS LICENSE COUNT	
Issued THIS MONTH:	
NEW Licenses	34
RENEWAL Licenses	73
PRIOR YEAR Licenses	5
Total Issued THIS MONTH	112
Total Issued THIS MONTH - PREVIOUS YEAR	46
Net Gain/(Loss) Current VS Previous Yr MONTH	66
	144%
Total Issued YTD	4,159
Total Issued YTD - PREVIOUS YEAR	3,753
Net Gain/(Loss) Current VS Previous Yr YTD	406
	11%

NEW REVENUE ACCOUNTS

November-13

CITY LIMITS	CONTRACTORS
RETAILERS	
FIRESTONE COMPLETE AUTO CARE 1	B&R CONSTRUCTION AND SIDING LLC 1
AUTO MAXX LLC 1	PRATT, JANET 1
HAIRSPRAY SALON 1	MCSHANE, DAVID 1
BELLAGIO NAILS & SPA 1	MCDOWELL, DAVID 1
	TAYLOR, FREDDI 1
ALL OTHER	
CROTHALL LAUNDRY SERVICES, INC 1	DOUGHAN, TIM 1
COASTAL CHIROPRACTIC LLC 1	SOUTHWOOD PROPERTIES LLC 1
DOGGONE DOGS! 1	ROOF RESCUE / MILLER, WILLIAM 1
EASTERN SHORE HOSPITALITY 1	ONLINE ALARM LLC 1
TOTAL IN CITY LIMITS 8	PROFESSIONAL SECURITY SOLUTIONS INC 1
	CHRISTMAS ELECTRIC INC 1
	AFS OF BIRMINGHAM 1
OUTSIDE CITY LIMITS	ELIJAH MATEEN PLUMBING CO. 1
EASY ICE, LLC 1	IMAGEONE INDUSTRIES INC 1
LASSERE'S CATERING, INC 1	TOTAL CONTRACTORS 14
DAY 6 ENTERTAINMENT GROUP INC 1	
DIXIE SPORTING GOODS INC 1	INSURANCE
CODE 3 ENTERTAINMENT / BISHOP, CHARLES 1	KEY RISK INSURANCE CO 1
STONCOR GROUP INC 1	TOTAL INSURANCE 1
DID LLC / DAMSEL IN DEFENSE 1	
COCHLEAR AMERICAS 1	TOTAL NEW REVENUE ACCOUNTS 50
MARIANNA INDUSTRIES INC 1	
PAVESTONE LLC 1	CLOSED BUSINESSES IN DAPHNE 0
SILVER INVESTMENT FUND LLC 1	COMPLEAT ANGLER BAR & GRILL 1
IRON MOUNTAIN MANAGEMENT SERVICES INC 1	OLD MEXICO RESTAURANT 1
IRON MOUNTAIN SECURE SHREDDING INC 1	TOTAL CLOSED BUSINESSES IN DAPHNE 2
RUSH REPAIR SERVICES 1	
FLEETNET AMERICA INC 1	
UNIV OF THE ROCKIES, LLC 1	
THE PEGGS CO INC 1	
NAVITAS LEASE CORP 1	
TRUE FOOD SERVICE EQUIPMENT INC 1	
CENTURYTEL INTERNET SVCS INC 1	
TRUE SALES COMPANY INC 1	
INTOPRINT TECHNOLOGIES INC 1	
AFA PROTECTIVE SYSTEMS INC 1	
SPANX INC 1	
CHAD STAPLETON CATERING LLC 1	
EL PALENQUE FOOD SERVICE LLC 1	
CHEM AQUA INC 1	
TOTAL OUTSIDE CITY LIMITS 27	

Code Enforcement / Ordinance Committee

Wednesday, December 11, 2013

1705 Main Street

Daphne, AL

5:30 p.m.

Councilman Ron Scott, Chairman

Councilman Robin LeJeune

Councilman Pat Rudicell

Councilman Randy Fry

I. CALL TO ORDER / ROLL CALL:

Chairman Scott called the meeting to order at 5:35 p.m.

MEMBERS PRESENT: Pat Rudicell; Ron Scott; Randy Fry.

ABSENT: Robin LeJeune.

Also present: Rebecca Hayes, recording secretary; Angie Phillips, Revenue Officer Captain Danny Bell, Police Department

II. APPROVE MINUTES / November 13, 2013

Motion by Councilman Rudicell to approve the November 13, 2013 minutes. Seconded by Councilman Fry.

Motion Carried Unanimously

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW

a.) Proposed Revisions to Employee Handbook / Chapters 1 & 10

The committee was in agreement with the revisions to the Employee Handbook.

Motion by Councilman Fry to send the ordinance revising Chapters 1 & 10 of the Employee Handbook with a favorable recommendation to the City Council for consideration. Seconded by Councilman Rudicell.

Motion Carried Unanimously

b.) Proposed Community Contribution Guidelines Ordinance

The committee discussed the proposed ordinance and the consensus was as follows:

1. In favor of the mayor’s proposal of setting aside ½ of 1% of the General Fund for community contributions.
2. They were also in favor of a \$5,000 maximum per organization
3. The ordinance will only apply to funds coming from the General Fund
4. Contributions coming from other funds do not apply
5. They would like the ordinance finalized by April or May so it will be in effect for the next year’s budget
6. There were some revisions to Section 6 regarding the application form, and these will be made and the ordinance will come back to the committee in January for further review

c.) Proposed Revisions to the Lodging Tax Ordinance

The committee discussed the ordinance and the consensus of the committee was as follows:

1. In favor of raising the lodging tax to 6%
2. Recreation needs to get the majority of the dollars
3. Postponed any recommendations until the January meeting since Councilman LeJeune was not present, and he was the originator of the ordinance
4. Committee be ready to make a decision on the ordinance at the January meeting
5. Invite the remainder of the council to the January meeting

V. OTHER BUSINESS

No other business to consider.

VIII. NEXT MEETING

The next meeting will be January 8, 2014

Items for consideration:

Proposed Community Contribution Guidelines Ordinance
Revisions to the Lodging Tax Ordinance

IX. ADJOURN

MOTION BY Councilman Rudicell to adjourn. Seconded by Councilman Fry.

Motion Carried Unanimously.

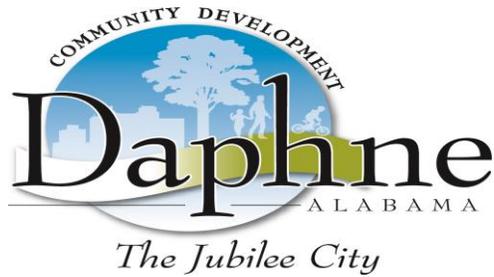
There being no further business to discuss the meeting adjourned at 7:55 p.m.

Respectfully submitted

Rebecca A. Hayes, Recording Secretary

Code Enforcement / Ordinance Committee

**REPORT
OF
SPECIAL BOARDS**



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
DECEMBER 5, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER - 6:00 p.m.**
2. **CALL OF ROLL - Present W. Robison, L. Cooke, F. Lamb, B. Mayhand, P. Durant, W. Scully, T. Warner**
3. **APPROVAL OF MINUTES - Approved**

November 7, 2013

4. **OLD BUSINESS**
5. **NEW BUSINESS - Denied due to lack of a motion**

Appeal #2013-05 Cynthia Pierce

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to create an R-1 zone parcel with nineteen thousand square feet in area in lieu of the required twenty thousand square feet. The property is 2403 Pollard Road, which is zoned R-1, Low Density Single Family Residential.

6. **ADJOURNMENT - 6:25 p.m.**

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 5, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

DRAFT

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 6:00 p.m. Let us have roll call.

Members Present:

Larry Cooke
Frank Lamb
Philip Durant
Willie Robison, Chairman
William Scully
Billy Mayhand
Thomas Warner

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary

Staff Absent:
Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the November 7th, 2013 meeting. There were no corrections, additions or deletions.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Durant** to **approve the minutes.**

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal # 2013-05 Cynthia Pierce**, a request for a variance to create an R-1 zone parcel with nineteen thousand square feet in area in lieu of the required twenty thousand square feet. The property is 2403 Pollard Road, which is zoned R-1, Low Density Single Family Residential.

Ms. Jones displayed a Power Point Presentation of 2403 Pollard Road, located on the west side of Pollard Road, south of the Park at Whispering Pines Apartments. The subject property is zoned single family residential and is surrounded by other R-1 single family residences with approximately one to two acres. Public water is available, but not sewer. The Board's approval would establish precedent which could be applied to each of the surrounding properties, and the only hardship is self-imposed.

Chairman opened the floor for discussion. The Board questioned the flag lot on the petitioners' illustration as to whether the easement had to be as shown or if there was access to the site from the rear of the property, and also, because of the absence of sewer, does Baldwin County Health require fifteen thousand square feet of property to perc (short for percolation) for a septic tank. Lastly it was asked why this variance was being requested.

Ms. Jones stated there has to be access to the property and no this particular piece could not be accessed from the rear. There is an easement on the back side of these parcels and it belongs to someone else, and as far as the perc test it is my thought that it needs that much land because of the length of the field lines, and Ms. Pierce can answer why the variance is proposed. The Chairman closed the floor for discussion and opened the floor for public participation.

Ms. Pierce, 2375 Pollard Road stated she wants to remodel the existing house and needs to subdivide it for a mortgage, but does not want to tie up all the land: four houses can fit on it. She talked to a contractor about expanding the existing 28' x 32' house into a 32' x 32' brick house and thinks there is a large amount of footage and a lot of maintenance to keep up with. She wants to divide things up deeding a piece to each child. The house belonged to her Aunt and there were eleven siblings in the original family and each one was given a piece of land. Ms. Pierce closed by saying the surrounding property owners perhaps will also want to give their children a piece of property, so there will be a precedent set.

After discussing the minimum requirements for R-2 & R-3 zoning with staff and the Board, the Chairman suggested Ms. Pierce get together with the other property owners and go before the Planning Commission to request rezoning of these properties to another zone district in the event that the property owner has more children. The Chairman asked if there was anyone that would like to speak in opposition to this appeal.

Ms. Lewis, 2405 Pollard Road, stated this property belonged to her sister who died and left it to Cynthia's mother and Cynthia's mother is her sister. She is opposed to splitting up this land. The Chairman thanked Ms. Lewis and asked was there anyone else that would like to speak. Being none, the Chair closed the floor for public participation and entertained a motion.

The appeal is denied due to the lack of a motion.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 5, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

DRAFT

Chairman called for a **Motion to Adjourn**.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Lamb** to adjourn.

The motion carried unanimously.

The meeting was adjourned at 6:25 p.m.

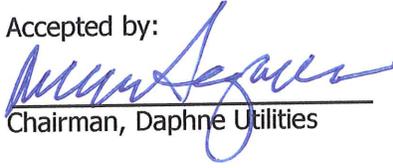
Respectfully submitted by:

Pat Johnson, Recording Secretary

APPROVED: _____, 2014

Willie Robison, Chairman

Accepted by:


Chairman, Daphne Utilities



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ October 30, 2013 ♦ 5:00 p.m.

I. Call to Order

The regular October 2013, Board meeting for the Utilities Board of the City of Daphne was held on October 30, 2013 and called to order by Chairman Robert Segalla, at 5:01 p.m., proceeded by the Roll Call:

II. Roll Call

Members Present:

Robert Segalla, Chairman
Randy Fry, Vice Chairman
Lon Johnston, Secretary/Treasurer
Fenton Jenkins
Dane Haygood, Mayor – left meeting at 6:05 pm

Others Absent:

Others Present:

Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Janice Daniel – Senior Customer Service Representative
Deloris Brown – HR Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent:

Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

A. Utilities Board Minutes from September 25, 2013:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the September 25, 2013, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for September 25, 2013 as submitted; Seconded by Randy Fry.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

V. Old Business –

A. Real Estate Properties for Purchase – (Board Action - Motion Required)

Jerry Speegle explained to the Board that Rob McElroy and Danny Lyndall have negotiated a purchase price on the proposed properties as displayed in the board book and requested that the Board approve the purchases at those prices subject only to final review by Mr. Speegle of the terms of the contract with any changes the General Manager might approve. Mayor Haygood asked about the addendums; Mr. Lyndall responded that they are counter-offers.

1. 1608 6th Street, Daphne, AL 36526

MOTION BY Lon Johnston Approve the for the property at 1608 6th Street, Daphne, Alabama for authorization to purchase based on Mr. Speegle’s review and endorsement; Seconded by Randy Fry.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA ABSENT: ABSTAIN: MOTION CARRIED

2. Douglas Road, Daphne, AL 36526

MOTION BY Lon Johnston for approval of the purchase of property at Douglas Road, Daphne, Alabama contingent upon Mr. Speegle’s review and approval; Seconded by Randy Fry.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA ABSENT: ABSTAIN: MOTION CARRIED

Mr. Fry asked for specific location of the property as it was described only as “Douglas Road, Daphne, Alabama”; Danny Lyndall explained the location of the property. Mr. McElroy explained the type of tank that will be allocated for the property, stating the benefits would be future expandability. Concerns of the visibility of both tanks were explained and pacified. Mr. Fry inquired about the Planning Commission comments. Danny Lyndall briefed the Board on the positive remarks from the Planning Commission on both properties.

Chairman Segalla then called for any other questions, then a call for a vote on the aforementioned Motion.

MOTION BY Lon Johnston for approval of the purchase of property at Douglas Road, Daphne, Alabama contingent upon Mr. Speegle’s review and approval; Seconded by Randy Fry.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA ABSENT: ABSTAIN: MOTION CARRIED

VI. New Business -

A. Proposed FY 2014 Budget (previously distributed) – (Board Action - Motion Required)

Rob McElroy advised that he received no additional feedback from the previous budget review work session held at the Central Services Facility and asked for the Board’s approval of the proposed 2013/2014 Budget for Daphne Utilities. Chairman Segalla asked for a Motion for the Approval of the FY 2014 Budget.

MOTION BY Randy Fry to Approve of the FY 2014 Budget; Seconded by Lon Johnston.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA ABSENT: ABSTAIN: MOTION CARRIED

- B. October 2013 Revisions of the Employee Handbook of Rules, Policies and Procedures and Substance Abuse Policy & Program and Alcohol Misuse Prevention Program (included separately) - (Board Action - Motion Required)

Rob McElroy clarified for the Board that the employee handbook has had several proposed revisions and a red-line draft version was delivered for the Board's review. He noted that the changes had been reviewed by himself, Danny Lyndall, Deloris Brown and Tony Hoffman from Jerry Speegle's office. The Board then examined the changes and addressed each one. Mr. Speegle affirmed that his office would note these changes and adjust accordingly where necessary. The Chairman then requested a Motion for Approval of the Revised Employee Handbook of Rules, Policies and Procedures with the aforementioned suggested changes.

MOTION BY Lon Johnston to Approve the Revised Employee Handbook of Rules, Policies and Procedures with the aforementioned suggested changes; Seconded by Fenton Jenkins.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA ABSENT: ABSTAIN: MOTION CARRIED

6:05 pm - Mayor Haygood left the meeting

The discussion then focused on the Substance Abuse Policy & Program and Alcohol Misuse Prevention Program. Chairman Segalla asked about addiction and prescription medications and when they become drug. Mr. McElroy explained that anything has the potential to become a drug; however it would be cause for alarm if it impacts adversely an employee's performance or in the opinion of a medical doctor it could. He further expounded that this would not be an issue, particularly in the case of drug testing, if an attending physician has reviewed the drug and explanation and proper documentation is presented. After further discussions of the "on-call" policy and impaired ability took place, the Chairman called for a Motion to Approve the Substance Abuse Policy & Program and Alcohol Misuse Prevention Program

MOTION BY Lon Johnston to Approve the Substance Abuse Policy & Program and Alcohol Misuse Prevention Program; Seconded by Fenton Jenkins.

AYE: FRY, JENKINS, JOHNSTON, SEGALLA ABSENT: HAYGOOD ABSTAIN: MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle advised that Tommy Terrell, a director of MAWSS, contacted him to express MAWSS' desire to sell Daphne Utilities some water. Mr. Speegle informed Mr. McElroy whereby it was revealed that there are regulatory issues of mixing the treated well water with MAWSS surface water. The Chairman expressed that he did not want to be dependent on another system for our product that is sold to Daphne Utilities' customers.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial summary with the Board as the last month of the fiscal year and expressed a positive year despite being down in some metered services throughout the year and answered a few questions from the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Rob McElroy surprisingly had only one comment to inform the Board of a visit and tour from a guest from Brisbane, Australia, of our wastewater treatment plant.

B. Operations Report

Danny Lyndall pointed out and gave kudos to James McPherson of his successful test achievement for Certified Operator in the Wastewater Collection Department

C. Engineering & Consulting Reports

Melinda Immel of Volkert & Associates had nothing further to add to her report.

Ray Moore of HMR had nothing further to add to his report.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – Mr. Lon Johnston commended the administration on their excellence. Mrs. Logiotatos was prompted to advised the Board of the excellent inventory audit and credited the accounting and warehouse staff. Mr. Fry expressed that he's heard favorable comments around town with the Daphne Utilities and Algae Systems project.

XIII. ADJOURNMENT

MOTION BY Lon Johnston to adjourn the meeting.

AYE: *Fry, Jenkins, Johnston, Segalla*

NAY:

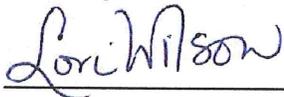
ABSENT: *Haygood*

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:31 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

**REPORT
OF
OFFICERS**

RESOLUTIONS

&

ORDINANCES

**CITY OF DAPHNE
ORDINANCE NO. 2013-65**

**AN ORDINANCE TO AMEND AND REORGANIZE CHAPTERS
ONE AND TEN OF THE
CITY'S EMPLOYEE HANDBOOK**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to Chapters One and Ten of the City of Daphne Employee Handbook are necessary for the proper administration of said Handbook and the policies contained therein;

WHEREAS, revisions to Chapters One and Ten of the Employee Handbook will enable the City to more easily facilitate and administer policies in those chapters in order to benefit the health, safety, and welfare of its employees;

WHEREAS, revisions to Chapters One and Ten of the Employee Handbook are also necessary to integrate policies adopted or revised by Ordinances 2005-56, 2012-62 and 2013-26, and further revisions of Ordinance 2005-56 are necessary as part of the integration;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

CHAPTER 1

EMPLOYMENT PRACTICES

1.1. GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES

Purpose. It is the intent and purpose of these personnel policies and procedures to establish guidelines for personnel actions within the city which will facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of the City of Daphne; and enable city employees to derive satisfaction in their work.

Pronouns. The pronouns “he, his, him” and other similar pronouns by which the male gender is normally distinguished are used at times to refer to both male or female individuals for purposes of convenience or to avoid awkward phrasing.

Contract Disclaimer. Nothing contained herein will be construed as creating any contract of employment between the City of Daphne and any individual or to restrict the right of the city to: (a) refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interest of the city; (b) decrease proportionately the compensation of all employees when determined to be necessary; or (c) use independent contractors for performance of work or rendering of services. Normally, continuation of employment with the City of Daphne will be contingent upon an individual's job performance, the need for his position, or the availability of financial resources to fund his position. However, nothing

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contained herein shall be construed as preventing the removal of any individual from employment with the city now or in the future, so long as such removal meets the intent of these policies and procedures.

Scope of Policies and Procedures. These policies and procedures apply to “employees” of the city. An “employee” includes an individual who is employed by the city (other than a temporary individual obtained through a temporary service organization) and is paid from city controlled funds and who is actively working or on authorized leave of absence from the city and whose position is being held for him pending his return. The following categories of individuals are not considered “employees” of the City of Daphne subject to these personnel policies and procedures:

- (a) elected officials;
- (b) members of appointed commissions and committees;
- (c) attorneys and similar individuals employed in their professional capacity;
- (d) judges of any court;
- (e) independent contractors under contract with the city;
- (f) students or interns assigned to the city as part of a curriculum of study in which said students or interns are engaged; and other similar categories of individuals as exempted by the city council.

Amendment or Supplementation. The mayor is responsible for the development and submission to the city council for approval such amended rules, regulations, procedures and plans as may be necessary to effectively operate the city personnel system. Such amendments will become effective only after approval by majority vote of the city council.

Operational Guidelines. The provisions contained herein are not intended to include all the guidelines which may be necessary at the operational level. Therefore, they may be supplemented by such operational guidelines as approved by the mayor to ensure efficient and effective operations at the department level. However, no such guidelines may be in conflict with the basic policies and procedures contained herein.

Responsibility for Personnel Administration. The mayor is responsible for overall operation of the city personnel system, including all adopted personnel policies and procedures. The city human resources director is responsible for day-to-day operation of the city personnel system and for providing assistance to the mayor, department heads, supervisory personnel, and employees as needed to ensure that the intent of the city’s personnel ordinance is met. The mayor may delegate to department heads or other individuals, at his discretion, responsibility for selected administrative tasks required by these guidelines. Department heads and supervisory personnel are responsible for proper support and administration of the approved personnel system. City employees are responsible for acquainting themselves with these and any other city personnel policies and procedures and for complying with them.

Appointing Authority. When used in these policies and procedures, this term means the mayor and city council in the case of unclassified employees; or the mayor, or other individuals designated by the mayor as established in the city’s personnel system for classified, part-time, and temporary employees.

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Department Head. When used in these policies and procedures, this term means an employee of the city charged with the responsibility of managing and administering activities and resources to include personnel within a defined and organized department of city government as approved by the city council.

Disciplining Individual. When used in these policies and procedures, this term means an appointing authority or department head, as designated in these policies, who is charged with the responsibility of administering discipline pursuant to these policies.

1.2. DISCRIMINATION & HARASSMENT PREVENTION POLICY

Commitment to Equal Employment Opportunities. The city recognizes and appreciates each employee's work and contribution to the city's success, and the city believes that all employees are to be treated fairly and with respect. The city provides equal employment opportunities and equal treatment in all aspects of employment to all employees and all applicants for employment without regard to race, color, religion, sex/gender, (including pregnancy, childbirth and other related medical conditions), national origin, age, physical and/or mental disability, political affiliation, and/or military obligation (except where age, sex, or physical/mental ability constitute a bona fide occupational qualification). The city is committed to making reasonable accommodations to ensure equal employment opportunities for qualified disabled individuals. Violation of this policy shall not be permitted and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

Harassment Forbidden. The City of Daphne expects all employees, including department managers and supervisors, to respect the feelings of fellow employees and to treat co-employees in a courteous and professional manner. The city shall not tolerate any form of harassment in the workplace. Specifically forbidden is harassment due to a person's race, color, religion, sex/gender, (including pregnancy, childbirth and other related medical conditions), national origin, age, physical and/or mental disability, political affiliation, and/or military obligation. Certain examples of prohibited harassment include, but are not limited to: offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs, graffiti, emails, pictures, cartoons and the like, or statements or comments that reflect upon stereotypes. Harassment of city employees is strictly forbidden and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

Sexual Harassment Forbidden. The City of Daphne requires all employees to maintain a professional workplace that is free of sexual harassment. Sexual harassment is generally defined as a continuing pattern of unwelcome sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions: (i) submission to such conduct is perceived to be a condition of employment; (ii) submission, or refusal, is perceived to be used, or might be used, as the basis of an employment decision which affects the individual; (iii) the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive; or (iv) the conduct interferes with non-employees. The City of Daphne expressly prohibits any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a department manager, supervisor, employee, any other persons so employed with

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the city, or individuals who are not employed by the city who come into contact with city employees. Some examples of prohibited conduct include the following:

- The use of profane or vulgar language;
- Unwelcome sexual flirtations, sexual advances or sexual propositions;
- Sexually oriented or suggestive jokes or comments;
- Comments implied about a person's body or sex life;
- Sexually degrading words, including sexual slang used to describe any person;
- Any physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing and/or hugging;
- The display, reproduction or transmission of sexually explicit and/or sexually suggestive images, objects, or cartoons in or about the workplace;
- Sexually suggestive or vulgar graffiti, including words and/or drawings;
- A department manager or supervisor's comments suggesting that an employee will suffer employment consequences such as demotion, discharge or denial of a pay raise if such employee does not agree to certain demands or if the employee complains about such offenses of sexual behavior or other forms of harassment;
- Comments suggesting that the employee will receive favorable treatment in exchange for sexual favors.

Department managers, supervisors, and co-employees shall not threaten or insinuate that an employee's refusal to submit to sexual advances or any other form of sexual harassment will adversely affect the employee's continued employment, pay, benefits, working conditions or job opportunities. Similarly, department managers and supervisors shall not state or imply, expressly or otherwise, that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee's employment opportunities, hours, pay, benefits and/or other terms or conditions of employment or advancement of employment. No department manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion or reducing the employee's work hours, benefits or pay because the employee refuses or has refused to submit to any sexual advances or any other form of sexual harassment. Similarly, no department manager or supervisor shall have any authority to provide an employee preferential treatment because the employee consents to the submission of sexual advances or any other form of sexual harassment. Sexual harassment of city employees is strictly forbidden and shall result in disciplinary action up to and including termination and shall otherwise be treated as a Group Two (2) offense.

Retaliation Forbidden. The City of Daphne encourages all employees of the city to immediately come forward if such employee has a discrimination or harassment complaint and the city does expressly affirm that no adverse action shall or may be taken or allowed against any employee who, in good faith, reports discrimination or harassment in the workplace. Retaliation against the employee shall be grounds for discipline and shall be considered a Group Two (2) offense.

EEO/Harassment/Retaliation Complaint Procedure. An employee must promptly report directly to the human resources director any observed or any known incidences of discrimination, harassment and/or retaliation to ensure that the city can promptly investigate, and if appropriate, take prompt and effective action. It is considered inappropriate and insufficient for an employee to report or complain only to a manager or supervisor. If a complaint involves the human

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resources director, then the employee shall promptly report said complaint to the mayor. All managers and supervisors shall have a responsibility to address any observed or reported harassment, discrimination or retaliation and shall immediately stop such misconduct if such occurs in their presence. All managers and supervisors shall have the responsibility to report observed or reported harassment, discrimination or retaliation to the human resources director, even if no employee initiates a complaint. Failure to do so may result in disciplinary action, which shall be considered a Group Two (2) offense.

Investigation. If the discrimination or harassment complaint involves the mayor, it will be forwarded to the city council for investigation and action. If the discrimination or harassment complaint involves a member of the council, it will be forwarded to the mayor for presentation to the council for action. In such cases, the council will appoint a council member or members to investigate the complaint. The human resources director will thoroughly investigate all other complaints. The complaining employee may be required to prepare a written report detailing the alleged allegation and to sign the report. To the extent practical, investigations will be confidential with extreme and due regard for the sensitive nature of such complaint. After completing an investigation, the human resources director or the mayor or council designee will determine if the complaint is valid.

Remedial Action. Prompt and appropriate remedial or disciplinary action up to and including discharge will be taken against the person or persons engaged in misconduct, depending upon the severity of the violation. If appropriate, the city has the discretion to provide counseling services, referrals and medical assistance for employees. Employees who have reported violations of this policy will be notified, subject to confidentiality, of how their reports were investigated and what actions were taken, within thirty (30) calendar days of the filing of said complaint.

Appeal of Findings and Action. The complainant or the accused employee may appeal the findings or remedial action imposed in accordance with the procedures established in Chapter 8 of this Employee Handbook, if he believes that the complaint has not been satisfactorily resolved or if he believes the discipline imposed is too severe.

1.3. DRUG AND ALCOHOL POLICY

Purpose. The welfare and success of the city depends upon the physical and psychological health of its employees. The abuse of drugs or alcohol poses a serious threat to both the city and its employees. It is the responsibility of both the city and its employees to maintain a safe, healthful and efficient drug-free working environment.

Prohibited Activities. An employee's possession, manufacture, use, sale, or purchase of alcohol, unauthorized drugs, or illegal drugs on city premises or while on city business (unless while performing the duties associated with one's job) is prohibited. An employee must not report for work or work under the influence of any drugs or alcohol which impairs judgment, performance, or behavior.

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Testing. The city has a number of jobs which present special safety considerations to employees and to the public. These considerations include the use of moving machinery, operation of vehicles, handling of chemicals, law enforcement, fire suppression and other similar activities. The city may require that any employee involved in such activities may be tested periodically on a random basis for the use of drugs and/or alcohol. The city may also require that other employees be tested when there is reasonable cause to suspect that they may be violating the city's policy against drug/alcohol use. An employee with positive test results may be found disqualified to work in such job and may be subject to discipline, to include separation unless the positive test results are due to medication prescribed by a medical authority.

Pre-employment Testing. The city may also establish procedures to test prospective employees for the use of drugs as part of their pre-employment medical examinations. In such situations, positive test results will be considered in employment decisions and may result in a decision that the applicant is unqualified for employment.

Prescription Medicine Reporting Responsibility. Each employee is responsible for promptly reporting to his immediate supervisor any use of prescribed medication which may affect the employee's judgment, performance, or behavior.

Enforcement and Discipline. The city will establish and append to these policies and procedures those guidelines necessary to enforce this policy effectively. Any employee who violates this policy or those guidelines or refuses to cooperate with the City's attempt to enforce this policy or those guidelines will be subject to discipline, to include separation.

1.4. POLITICAL ACTIVITY POLICY

Not To Affect Employment. No individual will be appointed, promoted, demoted, dismissed, or otherwise harassed because of his political opinions or affiliations.

Improper Use of Influence. No individual connected with the city will use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing his vote, political action, or any other consideration.

Participation Rights. No law enforcement officer, firefighter, peace officer, or any other person in the employment of the City of Daphne, when off duty, out of uniform, and acting as a private citizen, shall be denied the right to participate in political activities to the same extent as any other citizen of the State of Alabama. These policies and procedures must not be interpreted or enforce in any way as to interfere with or inhibit any city employee's right to vote in any municipal, county, state or national election.

On-the-Job Political Activity Prohibited. Employees must refrain from engaging in political activities during an employee's working time. Working time is for work and should be spent performing job assignments and duties. The City expressly prohibits employees from soliciting financial contributions, distributing political literature, wearing political buttons or similar insignia during an employee's working time. The City also prohibits employees from distributing political literature or material in working areas at any time or in non-working areas

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while the employee distributing the literature or material or the employee who is the intended recipient is supposed to be working.

Use of City Resources for Political Activity Prohibited. Employees must not use any City funds, property, or time, for any political activities. Employees are prohibited from using the City's electronic media and equipment (such as, electronic mail, Internet, voice-mail, telephones, computers, or other related equipment) for the purpose of soliciting others for political activities or for preparing, duplicating, or distributing political literature or materials to other employees or non-employees.

Political Activity While in Uniform Prohibited. Uniformed officers and employees are prohibited from wearing City-issued uniforms while engaging in any political activities, whether on or off duty, or during working or non-working time.

Election to Political Office. Any City employee who qualifies to seek any local, state or federal elective political office must take a leave of absence from the date the employee qualifies to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. This leave of absence is unpaid, except the employee may use available unused paid vacation leave. Violation of this subsection by the employee shall be considered a "voluntary quit" and/or grounds for immediate discharge. An employee elected to a political office shall immediately submit a notice of resignation from employment with the City.

Appointment to Political Office. An employee appointed to a political office (for example, chief of staff for an elected official) of any other local, state or federal government entity shall immediately submit a notice of resignation from employment with the City.

Other Off-Duty Political Activity. The Mayor may require an employee to take leave without pay during the term of off-duty non-elective political activity, appointment or other party or non-partisan assignment if, in the judgment of Mayor, the conduct might interfere with the employee's work or cause harm to the programs or other activities of the City.

Reporting Violations. Any employee who witnesses or experiences a violation of this policy must immediately report the incident to the mayor or the human resources director for investigation and implementation of any necessary remedial action.

Discipline. Any employee who violates this policy will be subject to discipline, to include separation.

1.5. WORKPLACE VIOLENCE POLICY

Prohibited Activities. The city does not tolerate unjustified acts of violence committed by or against city employees and strictly prohibits employees from making threats of, or engaging in, violent behavior except in cases of legitimate self-defense or defense of others or as part of law enforcement or public safety duties. Workplace violence includes unjustified actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. It can occur inside or outside the workplace. Such threats include threats by employees, by customers, vendors, solicitors or other members of the public and fears of

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being stalked and/or attacked in the workplace. Threats of violence may also include a co-worker discussing violence toward himself in the form of a suicidal plan. Workplace violence also includes the following unjustified actions:

- Intentionally injuring another employee or person;
- Expressly or implicitly threatening physical injury to another person or employee;
- Otherwise engaging in behavior that creates reasonable fear of physical injury to another person or employee or that subjects another individual to severe or extreme emotional distress or mental anguish;
- Brandishing, or using a firearm, knife or other weapon while on city premises or engaging in city business, or threatening to use or utilizing any other object as a weapon;
- Threatening to damage, or intentionally damaging, real or personal property;
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

Reporting Responsibilities. If an employee feels threatened or in danger of violent behavior, or believes a co-worker is in danger or has been threatened or is making suicidal self-threatening comments, he must immediately advise his supervisor and/or department manager and then promptly report the threat to the human resources director. It may also be necessary to contact the Daphne Police Department. All threats of, or actual violence, both direct and indirect, shall be reported as soon as possible, and no later than twenty four (24) hours after occurrence. When reporting a threat of violence, the employee should be as specific in detail as possible. Employees are also encouraged to review the procedures entitled **Security Measures in Case of Workplace Violence** for additional information on how to respond to a crisis situation.

Investigation and Remedial Action. The city shall thoroughly investigate all complaints and violations of workplace violence. The complaining employee may be required to prepare a written report describing the alleged violation and will be required to sign the report. If, after completing the investigation, the human resources director and/or mayor determine that a complaint is valid, the human resources director and/or mayor shall take prompt disciplinary action, up to and including discharge against the employee or employees engaged in the misconduct, depending upon the severity of the violation. Non-employees engaged in violent acts on the city's premises will be reported to law enforcement for consideration of prosecution. Employees who have reported violations of this policy shall be notified by the human resources department, subject to confidentiality, of the status of their report, and that it was investigated and what actions were taken by the city, within thirty (30) calendar days of the complaint. The city will actively intervene at any indication of possible hostility or a violent situation.

Victim Assistance. The city is committed to the safety and well-being of its employees, and for this reason, the city may provide, through the health insurance provider, counseling services, referrals and/or medical assistance for employees who have been victims of violence, as well as employees who are in need of help in dealing with personal or work related problems that generate anger, hostilities, or self-harm ideas.

1. 6. PRIVATELY-OWNED FIREARMS & AMMUNITION IN THE WORKPLACE

Definitions. The following terms used in this policy are defined as follows:

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Firearm – This term will have the same meaning as the term is defined in Alabama Code §13A-8-1(4), and in 18 U.S.C. §§926B(e), as those statutes currently exist or are later amended.

Ammunition – Any propellant used in firearms or ammunition including but not limited to bullets, fixed cartridge ammunition, shotgun shells, individual components of fixed cartridge ammunition, or projectiles for muzzle-loading firearms

Pistol - A firearm with a barrel of less than 12 inches in length.

Long Gun - A firearm with a barrel of 12 or more inches in length (*e.g.*, a shotgun or rifle).

Qualified Police Officer - A police officer employed by the City who is in compliance with the Police Department’s “Firearms Policy” (SOP 4.11), as such policy currently exists or is later amended, and who meets the definition of “qualified law enforcement officer” as defined by 18 U.S.C. §§926B(c), as such statute currently exists or is later amended.

Carrying of a Firearm On Duty. Except for qualified police officers, the City prohibits all employees, including those with a concealed weapons permit or hunting license, from carrying privately-owned firearms or ammunition while on duty on the City’s facilities, while on duty in City-owned vehicles, while in any part of City facilities not open to the general public, or while engaged in work duties on or off City property. Qualified police officers may carry privately-owned firearms in these areas and at these times as authorized by the Police Department “Firearms Policy” (SOP 4.11) as such policy currently exists or is later amended, and as authorized by 18 U.S.C. §§926B, as such statute currently exists or is later amended.

This policy does not alter or limit the rights and responsibilities of an employee as a citizen to transport or store lawfully-possessed firearms or ammunition on City property while the employee is off duty and not engaged in work activities. The same regulations applicable to all citizens coming onto City property with firearms and ammunition apply to employees who are off duty and not engaged in work activities.

Transportation of Firearms & Ammunition upon City Employee Parking Lots. While an employee is at work or engaged in work duties, the City does not restrict the transportation or storage of a lawfully possessed, privately-owned firearm or ammunition in an employee’s privately-owned motor vehicle while the vehicle is parked or operated in a City parking area or where the vehicle is otherwise permitted to be upon City property subject to the following:

The ownership, possession, or use of the firearm or ammunition must not otherwise be prohibited by state or federal law.

An employee previously convicted of a crime of violence, or who has documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury, or who is subject to a domestic violence court order, may not transport, store, or possess a prohibited firearm on City property.

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An employee possessing a valid concealed weapons permit or an employee who is a qualified police officer may store or keep a lawfully possessed, privately-owned pistol or a long gun and/or ammunition in his or her locked personal vehicle.

An employee possessing a valid Alabama hunting license may, during hunting season, store or keep a lawfully possessed, privately-owned unloaded long gun (not a pistol) which is legal for hunting and/or ammunition in his or her locked personal vehicle.

To reduce the likelihood of theft and to prevent the display or viewing of the firearm or ammunition as be construed as a threat or intimidation, employees must take the following precautions. If a vehicle is attended by the employee, the firearm or ammunition must be kept from ordinary observation within the vehicle as well as to those outside the vehicle. For an unattended vehicle, the firearm or ammunition must be kept from ordinary observation and locked within the interior of the vehicle (or otherwise secured in locked compartment/container which is located in the interior of the vehicle or is permanently affixed to the vehicle).

Firearm & Ammunition Policy Inspection & Discipline. If the City believes any employee presents a risk of harm to himself or others, the City may ask the employee whether he has a firearm or ammunition in his vehicle or otherwise upon City property. If the employee's response indicates the possibility that firearms or ammunition is present on City property, the City may take further action to ensure the employee is in compliance with the above provisions. If the employee is not in compliance, the City at its discretion may discipline the employee up to an including separation from employment.

1.7. ACCESS TO CITY PREMISES AND WORK SITES

Persons who are not employees of the city will not be permitted to come on, or remain on, city premises except for city related reasons. Access to city premises and work sites for the purpose of making solicitations or posting/distributing cards, literature, notices or other material of any kind is specifically denied unless approved in writing beforehand by the human resources director. The presence of any unauthorized person(s) on city premises or work sites must be reported immediately by employees to their department heads.

1.8. RESIDENCY REQUIREMENTS

Residency within the city's service area will not be required unless, in the judgment of the mayor or city council, the employee's job requires that he live within such area. However, all employees will be expected to carry out the duties and responsibilities of their job. This may require that an employee live within a reasonable distance of his work station. This determination will be made as needed.

1.9. EMPLOYEE REFERENCE INQUIRIES

All personal, telephone, and written inquiries from individuals regarding employment, personal references, or other personal information concerning current or former employees must be referred to the human resources director.

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1.10. ANTI-NEPOTISM POLICY

No individual will be employed by the city, if he would be subjected to administrative or supervisory control by a member of his immediate family. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, and the like relationship of the individual's spouse. An individual who was currently employed in such situation in 1994 at the time of adoption of this provision remains exempted from its restriction. If such relationship is created between two employees after they are employed, one of the employees may be transferred to another position, as determined by the mayor, if the mayor determines that a conflict or the appearance of a conflict might occur. If a transfer is not possible, the mayor may direct that one of the employees resign. If the employee does not resign, the mayor will initiate action to dismiss one of them.

1.11. MOONLIGHTING

Employment with the City of Daphne will be considered by all unclassified and classified employees as their primary jobs. Therefore, such employees may not commit themselves to second jobs that might conflict with the city's demand on their availability for work or reflect unfavorably upon the city. If an employee engages in a second job that conflicts with his employment with the city, the mayor may direct the employee to terminate the second job. If he refuses, the mayor may terminate the employee. Such termination will be in accordance with the provisions of these policies and procedures.

1.12. ATTIRE

All employees are expected to dress appropriately for work. The mayor will set an appropriate dress standard, to include wearing uniforms when required, for all employees. In setting this standard the following will be considered:

- (a) nature of the work;
- (b) safety considerations;
- (c) nature of the employee's public contact;
- (d) prevailing practices of other workers in similar jobs; and
- (e) type of image the city wishes to project.

The dress standards for women will be, to the extent that it is practical, comparable with that for men. When a work uniform is provided an employee, it will not be worn if the employee works for gain at outside work, unless approved by the employee's department head. A city provided uniform will not be worn by an employee in any situation that would reflect unfavorably upon the city.

1.13. SMOKING POLICY STATEMENT

The city recognizes the need for employees to work in an environment free of tobacco smoke. The city also respects the rights of those employees who choose to smoke to make such personal decisions without interference, as long as they do not interfere with the rights of other employees. However, the city urges those employees who smoke to contact an appropriate association, such as the American Lung Association, to obtain information about smoking cessation programs.

1.14. VEHICLE AND EQUIPMENT USAGE PROVISIONS

City vehicles and equipment shall not be used to do private work. Driving city vehicles after work hours will be limited to those employees assigned to on-call duty. Individuals who are not on official city business will not be transported in city vehicles, since they are not covered by the city's insurance.

1.15. SOCIAL MEDIA POLICY

Definitions. "Social media activity" includes, includes all types of postings on the Internet, including but not limited to, postings on social networking sites, (such as Facebook, MySpace or LinkedIn); blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter®; and postings of video or audio on media-sharing sites, such as YouTube®. "Social media activity" also includes permitting, or failing to remove, posts by others where the employee can control the content of postings, such as on a personal page or blog.

Application. Employees who engage in social media activity should be aware that their postings, even if done off premises and while off duty, could have an adverse effect on the City's interests. To reduce that risk, the city has adopted this Policy which is applicable to all City employees and to all social media activity of such employees even if the activity is done off duty, while using personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym. Employees who are expressly authorized to engage in social media activity on the City's behalf are required to comply with separate guidelines. In the event an area is not covered specifically by this policy, the City relies on the professionalism and judgment of its employees to ensure that social media activity is used appropriately.

Guidelines and Prohibitions. All social media activity will be subject to all City policies, rules, regulations, and guidelines. In addition, the City adopts these specific guidelines and prohibitions:

- The City prohibits employees from engaging in social media activity while on duty during working time, which excludes meal breaks or other break periods when employees are not expected to be working.
- The City prohibits employees from engaging in social media activity utilizing any of the City's electronic resources, unless specifically authorized in writing by the City.
- The City prohibits employees from texting or other social media activity while driving on City business or while driving any City vehicle, whether the employee is on duty or off duty.
- Supervisory employees must not gain access to the restricted social media page of a subordinate (for example, by sending or accepting a "friend" request) unless there is a valid City business purpose for doing so. Any such access to a subordinate's restricted social media page should be limited to that which is necessary to accomplish the City's business purpose. Any employee may reject, without fear of retaliation, any request from any other

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employee, or manager, or supervisor that, if accepted, would permit access to a restricted social media page (such as a “friend” or “like” or connection request).

- Employees are prohibited from acting as or purporting to act as a spokesperson on behalf of the City or posting comments as a representative of or purporting to be a representative of the City without express written authorization. Employees must make clear to their readers that the views expressed in any posting are their views alone and do not reflect the views of the City.
- Employees are prohibited from disclosing information of the City that is confidential and/or proprietary when engaging in social media activity.
- Employees are prohibited from posting images or videos of other employees/co-workers taken or made while the employee/co-worker is working or otherwise in their employment capacity.
- Employees are prohibited from posting any nonpublic, confidential, and/or proprietary images of any City premises and property.
- While engaged in social media activity, employees are prohibited from displaying the City of Daphne logo or letterhead or using materials belonging to the City, including promotional and marketing materials, without express written permission or authorization.
- Employees are prohibited from using use a City-issued email address to register for any social media account or site, or as an identifier needed to participate in any social media activity, or otherwise while engaging in social media activity for non-business purposes; provided, however, employees may reference the City as their employer and include contact information (including City-issued email addresses) on social and professional networking sites only, such as LinkedIn.

Enforcement. The City may view and monitor any employee’s publicly-accessible website, web blog, or other social media forum for which the employee is responsible at any time. The City will, in its discretion, review social media activity to the fullest extent permitted by applicable law. If an employee engages in social media activity in violation of this Policy anonymously or using a pseudonym, the City will, in appropriate circumstances, take steps to determine the employee’s identity. Employees will be held accountable for engaging in social media activity that violates this Policy. Failure to comply with this Policy may result in disciplinary action up to and including, termination of employment. The City also reserves the right to report suspected unlawful conduct to appropriate law enforcement authorities and take any other available legal remedy.

SECTION II: REVISION TO CHAPTER 10

That all Sections of Chapter Ten of the Employee Handbook be and are hereby revised as follows:

CHAPTER 10

COMPENSATION AND BENEFITS

10.1. GENERAL PROVISIONS

General. The city will, so far as financially practical, provide its employees fair and equitable compensation that will be established and maintained in accordance with the guidelines of this chapter. An employee's compensation will be comprised of his wages and city provided benefits.

Responsibility. The mayor is responsible for ensuring that every employee's pay and benefits, as provided for herein, are established and maintained fairly, equitably, and consistently within the intent of these guidelines. The mayor will periodically review and evaluate the effectiveness of the city's compensation system and recommend needed changes to the city council for approval.

Deviations Not Authorized. Deviations from the city's approved compensation plan will not be authorized. If warranted, the compensation plan will be changed as required.

No Pay Advances. It is the city's policy to refuse all requests for pay advances.

Payroll Deductions. Normally, the city will make payroll deductions from each employee's pay only as required by law and as necessary to pay the employee's portion of his employee benefits. However, an interested employee should check with the human resources director to determine if the city will approve an item for withholding from his pay. With respect to absences from work, the city will deduct pay from an exempt employee's salary under the following limited circumstances: (i) one or more full day absences for personal reasons; (ii) one or more full day absences for illness, injury or sickness (after exhausting any paid sick leave); (iii) one or more full day disciplinary suspensions; and (iv) partial or full day absences during an approved leave covered by our *Family and Medical Leaves of Absence (FMLA) Policy*. Except for partial day intermittent medical leave absences, the city will not deduct pay from an exempt employee's salary if the employee has a partial day absence. If an exempt employee believes the city made an incorrect or improper salary deduction, the employee must promptly report the deduction to the human resources director for investigation. If the deduction from an exempt employee's salary was improper or incorrect, the city will reimburse the employee for the deducted pay.

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Entry Level Pay for Temporary Employees. The level of pay for temporary employees will be established by the mayor and the city council based upon the content of the job at the time the position is authorized at an hourly rate which is equal to or greater than the minimum hourly wage required by the FLSA.

10.2. JOB DESCRIPTIONS

Each unclassified, classified, and part-time service job will have a written job description. . The approved job description will identify the representative duties and tasks, along with the job-related knowledge, skills and abilities that are required for proper performance of the job. The approved job description will be used by the human resources director and the mayor to assign a pay grade level in the Pay Scale. When a new job is established or a substantial change is made to an existing job in the unclassified, classified, or part-time service, the human resources director will prepare a new/revised job description, in coordination with the appropriate department head.

10.3. EMPLOYEE ANNIVERSARY DATE

Establishment. Each unclassified, classified, and part-time employee will have an anniversary date established based on his date of employment. The purpose of the employee anniversary date is to establish a point from which all employee personnel decisions that are based on years of service can be based. An employee's anniversary date will be used to determine his eligibility for longevity pay increases, benefits, and other areas, which are related to an employee's years of service.

Break in Service. If an individual is separated and subsequently re-employed as an unclassified, classified, or part-time employee, his new employment date will be established as his anniversary date. But if such break is less than ninety (90) calendar days, his employment date will not change. If an employee is placed in leave without pay status for more than ninety (90) calendar days, his anniversary date will be adjusted to reflect his break in service.

10.4. PAY PERIOD

Generally. The city has established a bi-weekly pay period for all employees. All pay earned during the pay period will be paid to the employee on the Wednesday following the end of the pay period. If this day is an official holiday, the last work day before the holiday will be observed as the pay day.

Beginning Point and Length of Pay Period. The bi-weekly pay period for all city employees except fire fighters begins on Thursday at 6:00 a.m. and runs for fourteen (14) consecutive twenty-four (24) hour days. The bi-weekly pay period for fire fighters begins on Thursday at 7:00 a.m. and runs for fourteen (14) consecutive twenty-four (24) hour days.

10.5. CALL-IN DUTY PAY

Call-in-Duty. Every employee is expected to respond to requests to work from his supervisor, even without pre-arrangement. Department heads will establish written procedures for notifying employees to report for duty in a call-in situation. Non-exempt employees who respond to requests from their department head to work at a time other than their scheduled work hours will

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be considered to be in a call-in status. Exempt employees who are required to work outside their normal work schedule will not be considered to be in a call-in status.

Call-in Duty Pay. A non-exempt employee who is in a call-in status will be paid during the call-in pursuant to the following guidelines:

Travel time spent on reporting to a call-in will be considered as work time for purposes of this policy. The employee in a call-in status will be paid for the time he works during a call-in and for the reporting-in travel time. If the length of time the employee actually works during a particular call-in including reporting-in travel time is less than two (2) hours, he will be paid for two (2) hours for the first two call-in's within each 24 hour period. If an employee is called in again during the same 24-hour period, only the actual time spent working including the reporting travel time will be paid, even if such total time for the call-in is less than two hours.

Only that time actually worked after arriving for the call-in will be used in determining the total hours worked for the purpose of calculating overtime pay. Stated otherwise, time paid for travel and the time "rounded up" to two hours will not count towards the overtime pay calculation.

If the employee is called-in prior to the starting time of his regularly scheduled work day and continues working through his starting time, he will be paid for all time worked and will not be paid for travel time or otherwise be eligible to receive call-in pay.

If the employee continues working through his normally scheduled quitting time, he will be paid for all time worked and will not be paid for travel time or otherwise be eligible to receive call-in pay.

10.6. EMERGENCY DUTY PAY

Additional Emergency Duty Pay For Exempt Employees. In the event the mayor declares a local State of Emergency affecting the City of Daphne, and directs or requires a salaried exempt employee to work beyond the exempt employee's usual or customary hours of work on duties or tasks related to the State of Emergency, the mayor may in his discretion direct payment to the exempt employee additional compensation for each hour worked in excess of 40 hours during workweek(s) of the State of Emergency. The rate of pay for this additional emergency duty compensation will be equal to one and one-half (1^{1/2}) times the exempt employee's "calculated hourly rate" which will be determined by dividing the exempt employee's annual salary by 2080.

Emergency-Related Administrative Pay For Non-Exempt Employees. In the event the mayor declares a local State of Emergency affecting the City of Daphne, and due to emergency conditions non-exempt employees are unable to report for work or are required to arrive at work late or to depart work early, the mayor may in his discretion direct that non-exempt employees so affected be paid emergency-related administrative pay at the employee's regular rate of pay for the time the non-exempt employee is not working due to the emergency. Payment of emergency-related administrative pay will not be counted as *hours worked* in the calculation of hours eligible for overtime compensation.

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10.7. PAY SCALE

Overview. The city has an established Pay Scale containing 25 Steps which applies to positions in the unclassified, classified, and part-time services. The Pay Scale is available for review by employees in the human resources department.

Pay Rates. Employee pay rates are set on the Pay Scale at an hourly rate, which is the regular rate of pay for an hourly-paid non-exempt employee in the position. Employees who are assigned to jobs that have been determined to be exempt from the overtime provisions of the FLSA and such other non-exempt employees who have been designated by the mayor as salaried employees will be paid a salary each pay period. Such salary will be based upon the hours that the employee is normally expected to work during the pay period and the approved hourly rate of pay for his job as determined from the Pay Scale. Normally, this will be forty (40) hours, however, in those situations where an employee is expected to work more or fewer hours per pay period his salary will be based upon the expected hours of work.

10.8. COST OF LIVING ADJUSTMENTS

In order to combat the Pay Scale becoming outdated and non-competitive with other employment opportunities and to slow the advancement of employees to the maximum pay step, the Mayor and City Council shall utilize Cost of Living Adjustment (“COLA”) to amend the Pay Scale as the means to provide salary increases to all employees.

A COLA may be approved with the adoption of the annual budget, or at any other such time as the Council may determine appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly. Enactment of a COLA shall not have an effect on the grade or step of employees but shall alter the pay of each step for all grades as specified in the adopted COLA.

The primary method of implementing said salary increases shall be accomplished through a COLA approved with the adoption of the budget. Said COLA for Salary Increases shall not be limited to being adopted as part of the budget process but may be approved and adopted at any such time as the Mayor and City Council may determine it appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly, but may be implemented as a percentage based increase or an increase in a fixed amount that is applied to all pay grades and steps within the Pay Scale.

10.9. MERIT-BASED PAY INCREASES

Individual employee pay scale step increases shall be limited to performance or merit based pay increases. Employees are from time to time evaluated on their job performance. A Department Head may request a merit based step increase for employees demonstrating exceptional job performance. Merit increases shall be awarded to employees in the form of a one-step pay increase.

Funding for the one-step merit pay increases shall be subject to appropriated funds in the annual budget, as adopted or amended from time to time by the City Council. The annual budget shall

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include a line item to provide allocation, if any, for one-step merit pay increases. The allocation amount, number of requests, and performance demonstrated by the employee shall be among the factors considered in awarding merit-based increases. Upon the award of a merit step increase by the Mayor, funding to cover the increase in salary for the award shall be transferred from the one-step merit pay allocation to the corresponding city department's personnel budget.

Documentation of approved merit step increases shall be forwarded to the Human Resource Director for inclusion in the employee's file. Such documentation shall include the basis upon which the merit pay increase is awarded.

10.10. ENTRY LEVEL PAY FOR NEWLY-HIRED AND PROMOTED EMPLOYEES.

General Rule – New Hires. The entry-level rate of pay for a new salaried or hourly employee in the unclassified, classified, or part-time service will be established at the minimum level of pay for the employee's job as authorized in the Pay Scale. But in order to ensure adequate opportunity for performance based salary advancement for all employees, including exceptional situations, the entry pay grade for an employee shall not exceed a Step Sixteen.

General Rule - Promotions. When an employee is promoted to another job, the default pay will be established at the entry level of the new pay grade. In the event the entry level of pay for the new pay grade is less than the pay associated with a four-step increase from the previous position, the pay established shall be the first step in the new pay grade greater than a four-step increase from the previous position.

Exceptional Circumstances – Higher Pay Rate. The city recognizes that there are hiring and promotion situations which require additional pay considerations beyond what is normally allowed. When these situations occur it will be the appointing authority's responsibility to document the applicant's or employee's qualifications and any other exceptional circumstances surrounding the hiring or promotion decision. The Mayor can review the information and decide if the pay step recommendation is appropriate. The Mayor shall have the final authority to approve entry-level pay for newly-hired or promoted employees not to exceed a Step Twelve, with no further action required by the City Council, provided that funds are available in the City's personnel budget. An appropriation by the City Council shall be required should adequate funds not be available. Should the pay requirements further exceed the maximum step for which the Mayor can approve, the Mayor may request the City Council to review the qualifications for step placement between Step Twelve and Step Sixteen.

Exceptional Circumstances – Lower Pay Rate. If the appointing authority determines that a newly-hired or promoted employee does not fully meet the job-related qualifications (including required certification and licensure) for his job, he may approve a lower entry level of up to four (4) steps below the minimum level that is established for the job. When an employee's entry level pay is established at below the minimum level established for his job, his appointing authority will provide him written notification of the conditions and time frame which he has to meet the required job standards. Such notice will also inform the employee that if he does not meet the established conditions, he may be separated or returned to the original job, if available.

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Documentation. All circumstances outlined and included herein shall be fully documented and provided to Human Resources for inclusion in personnel files.

10.11. PAY LEVEL AFTER OTHER REASSIGNMENTS

Transfer. When an employee is transferred to another job, his pay will remain the same as before his reassignment. However, any adjustments that are required due to a change in the hours that a salaried employee is expected to work during the pay period will be made.

Demotion. When an employee is demoted to a new job, his pay will be established at the same relative position in the pay range of the pay grade for his new job that it was in the pay range of the job he held prior to his demotion. Such pay will be at least two (2) steps below the pay he received prior to the demotion. However, under no circumstances will a demoted employee's pay exceed the maximum level of pay or be less than the minimum level of pay authorized for the pay grade of his new job.

Return to Old or Comparable Job Before Completing Probationary Period. If a promoted employee is returned to his old job, or a comparable job, prior to completing a required probationary period, his pay will be returned to the pay it was prior to his promotion. However, the employee's pay will be increased or decreased to reflect any general adjustments applied to other employees that would have otherwise affected his pay.

10.12. PAY LEVEL AFTER LEAVE WITHOUT PAY ABSENCE

An employee who returns to work after a leave without pay will have his pay established at the same level of pay he was paid prior to the leave without pay, if he is placed in a job in the same pay grade level that he previously held. If he is placed in a job of a lower pay level than he previously held, his pay will be adjusted to the same relative place in the range for his new job as it was in his old pay range. However, the employee will receive any general pay adjustments provided to other employees while he was in a leave without pay status to which he would have been otherwise entitled.

10.13. PAY RATE FOR CERTAIN REHIRED FORMER EMPLOYEES.

If a former unclassified, classified or part-time employee who left the city in good standing is rehired to a vacant position in the unclassified, classified, or part-time service after a break in service of less than 180 days, the Department Head may request to the mayor that the pay of the employee be established at the same relative rate in the pay range of the pay grade level for the job as it was before the employee's break in service.

10.14. EMPLOYEE GROUP INSURANCE BENEFITS

Overview. The city provides life insurance, health insurance, and disability insurance coverage for all unclassified and classified employees under the employee group insurance program as part of their overall compensation. In addition, a covered employee's dependents may also be eligible for health insurance coverage. The actual entitlement and eligibility requirements for each benefit will be in accordance with the criteria established for such benefits. Additional information may be found in the city's benefit manual that is provided each eligible employee.

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If an employee has a specific question about a particular benefit, he should contact the human resources director. The information presented herein is general in nature and is presented to provide employees with an overview of such benefits. Eligibility requirements and benefits associated with each insurance plan are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements which are on file in the human resources director's office. Should any question ever arise about the nature and extent of a plan's benefits, the formal language of the plan document will govern.

Costs. The cost associated with the employee's coverage is paid by the city as part of the employee's compensation package. The cost associated with a dependent's coverage will be paid by the employee. The premium costs associated with the employee group insurance program will be determined on a periodic basis in accordance with the terms of the specific insurance contract. The costs (if any) associated with an employee's coverage under any of the specific plans (life, health, disability) will be determined by city council annually.

Continuation Coverage. In some situations, an individual or his dependents may be eligible to continue his insurance during a leave of absence or upon separation in accordance with federal law and the provisions of the applicable policy. Such coverage and the cost associated thereof will be in accordance with the provisions of the applicable policy.

10.15. ON-THE-JOB INJURY/ILLNESS BENEFITS

Overview. If an employee is injured on the job or develops an illness directly related to employment with the city which causes the employee to be unable to perform job duties, the employee may be eligible for worker's compensation in the form of a weekly wage replacement benefit. The amount and duration of this weekly benefit is established by law. If an employee is injured on the job or develops an illness directly related to employment with the city, the city also will pay for covered medical expenses relating to the illness or injury as provided by law. Benefits and eligibility in each case will be determined in accordance with the criteria specified in Title 25 of the Code of Alabama. No employee will receive any city-provided compensation while he is receiving or eligible to receive worker's compensation wage-replacement benefits, except as provided in the Sick Leave Policy in Chapter 9.

Reporting Requirements. All job-related injuries or illnesses must be reported immediately by an employee through his supervisor to his department head. In addition, a written report will be completed by the employee and his supervisor and submitted in accordance with the guidelines established by the human resources director. Failure to do so may result in loss, or delay, of receipt of any authorized benefits. If deemed necessary, the department head may require the employee to see a city approved doctor at the city's expense.

Loss of Eligibility/Disciplinary Consequences. Workers' compensation benefits and payment for covered medical expenses are not available if the injury or illness is caused by the employee's willful misconduct, by the employee's willful failure or refusal to use a safety device, or by the employee's intoxication or impairment by alcohol or illegal drugs. Any falsification or misrepresentation of information concerning an accident, injury or illness also may cause a loss of these benefits, and is also grounds for discipline, up to and including discharge.

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SECTION III: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION IV: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA HAYES, CITY CLERK