



**NOTICE AND AGENDA
SOUTH OGDEN CITY COUNCIL
WORK SESSION**

TUESDAY, JULY 19, 2022- 5 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, July 19, 2022. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the EOC. The meeting is open to the public; anyone interested is welcome to attend. No action will be taken on any items discussed during the pre-council work session. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically.

WORK SESSION AGENDA

I. CALL TO ORDER – Mayor Russell Porter

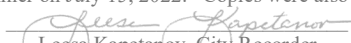
II. REVIEW OF AGENDA

III. DISCUSSION ITEMS

- A. FY2023 Budget**
 - 1. Donation to Children's Justice Center
 - 2. Sick Leave Buy-Back Benefit
- B. Parade Rules**
- C. Dogs In Parks**

IV. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on July 15, 2022. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Sick leave pay-out/buy-back benefit
AUTHOR: Steve Liebersbach
DEPARTMENT: Finance
DATE: 7/19/2022

RECOMMENDATION

Staff makes no recommendation on this benefit - providing information only

BACKGROUND

Council has shown interest in implementing a sick leave pay-out/buy back benefit program for full-time benefited employees. Council asked for more information as well as a more defined tiered benefit analysis

ANALYSIS

Based on input and Council direction the following provisions should be considered going forward:

- * all full-time employees may be eligible - - period under review is Nov. 1st through Oct. 31st
- * it is the desire of the Council to encourage employees to grow their sick leave balance as a form of protection in case of an injury or extended illness. Therefore, a minimum balance of 200 hours is required to be eligible for this benefit
- * employees have the option for a pay-out (2nd pay period in November) or buy-back with an employer 401K contribution for the same pay period
- * annual accrual for all employees is 96.2 hours. Eligible hours are based on the annual accrual less any sick hours used during the 12 month period under review based on the following ladder:
 - * < 200 = 0% employee is not eligible to participate in benefit program
 - * > 200 < 400 = 25%
 - * > 400 < 600 = 50%
 - * > 600 = 75%

SIGNIFICANT IMPACTS

Based on this scenario the financial impact would be less than \$41,000 plus applicable taxes. This number will of course fluctuate over time as employee sick leave usage and rates of pay will vary

ATTACHMENTS

No attachment

S-1230200
V-1230225

Attachment "A"

Resolution No. 00-17

20 June 2000

South Ogden Days Parade Policies, Regulations and Procedures

Parade entry requirements and information

To avoid misunderstandings and disappointment, please read this document carefully.

1. The city does not provide insurance for parade participants. **By entering into the parade, each participant agrees to insure and protect themselves and to hold harmless and indemnify the City from any and all claims arising out of their participation in the parade. _____ I agree (initial).**
2. The City reserves the right to position your entry at our discretion in the parade. We also reserve the right to deny entry into the parade based on noncompliance with policies and procedures.
3. Participants appearing in the parade should be neat and clean in appearance and present a positive image.
4. All entries must be in their designated formation area at the designated time prior to the parade.
5. The parade is not to be used as a political, religious, or protest forum. Individuals holding current elective or appointive public office may participate in the parade but electioneering or campaigning is prohibited.

I have read the above policies and procedures and agree to be bound thereby:

Name _____ Date _____

**MINUTES OF THE SOUTH OGDEN CITY COUNCIL WORK MEETING
HELD TUESDAY, JUNE 15, 2004
BEGINNING AT 5:30 P.M.**

COUNCIL MEMBERS PRESENT

Mayor George Garwood Jr., Council Members Shannon Sebahar, Alma Richins, James Minster and Vickie Mattson.

STAFF MEMBERS PRESENT

City Manager J. Scott Darrington, City Attorney Ken Bradshaw, Police Chief Val Shupe, Development Director Ken Jones, Parks Director Jon Anderson, Fire Chief David Powers, Public Works Director Paul Tippetts, Administrative Services Director Steve Liebersbach and City Recorder Dana Pollard.

CITIZENS PRESENT

Jim Pearce, others who arrived throughout the meeting.

I. CALL TO ORDER

Mayor Garwood called the meeting to order at 5:35 p.m.

Council Member Richins moved to convene into a Work Session at 5:35 p.m. Second by Council Member Mattson with all voting aye. Motion carried.

II. DISCUSSION ITEMS

A. Political Campaigning During South Ogden Days

Council Member Mattson stated that a congressional candidate had requested he be allowed to pass out brochures asked Attorney Bradshaw for clarification on political candidates campaigning during the Celebration. Attorney Bradshaw replied in the year 2000 council members adopted a policy which specifically limited any candidate from participating in the parade, but they had not discussed about what to do during the actual Celebration. The city did not have the ability to stop anyone from campaigning outside of the park, which was a First Amendment right, but inside the park they could be stopped. Council Member Mattson explained the candidate would like to pass out brochures and even be in the parade. Attorney Bradshaw explained he could be in the parade and he could not campaign. Since all of the booth space had been taken he would not be able to pass out his brochures at the park. Attorney Bradshaw mentioned he would take the information under advice and have Christy advise him accordingly, and put the item on the next agenda for discussion.

B. Funding of new building – City Manager Darrington

City Manager Darrington referred to his report provided to council members in their packets, wherein he discussed an issue they were having with the funding of the new building and had amounted to a mix up as far as some of the money that was suppose to be coming in. Attorney Bradshaw and Mr. Darrington had been working on recommendations for the council as a course of action to take on this issue, discussed it with the mayor today and with Mr.



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, JULY 19, 2022, 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled council meeting at 6 pm Tuesday, July 19, 2022. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. Call to Order – Mayor Russell Porter
- B. Prayer/Moment of Silence -
- C. Pledge of Allegiance – Council Member Strate

- II. **PUBLIC COMMENTS** – This is an opportunity to address the mayor and council with any concerns, suggestions, or praise. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RESPONSE TO PUBLIC COMMENT

IV. CONSENT AGENDA

- A. Approval of July 5, 2022 Council Minutes
- B. Set Date for Public Hearing (August 2, 2022 at 6 pm) to Receive and Consider Comments on a Proposed Increase to the Property Tax Rate

V. PUBLIC HEARINGS

To Receive and Consider Comments on the Following Items:

- A. City's Intent to Continue Not Charging Itself for Water, Sewer, and Storm Drain Used For Normal City Operations During FY2023
- B. Proposed Utility Franchise Fee Transfers from the Enterprise Funds to the General Fund

VI. DISCUSSION / ACTION ITEMS

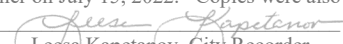
- A. Consideration of **Ordinance 22-11** – Amending the Consolidated Fee Schedule for Public Works, Ambulance Fees, and Garbage and Recycle Fees
- B. Consideration of **Resolution 22-24** – Amending the Employee Policy Manual
- C. Evaluation of Splash Pad Opening

VII. REPORTS/DIRECTION TO CITY MANAGER

- A. City Council Members
- B. City Manager
- C. Mayor

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on July 15, 2022. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Public Hearing - City Not Charging Itself
AUTHOR: Steve Liebersbach
DEPARTMENT: Finance
DATE: 7/19/2022

RECOMMENDATION

Staff recommends Council hold a public hearing on this matter as required by the State Auditor

BACKGROUND

Council does this annually to be in accordance with State Auditor requirements

ANALYSIS

The City currently does not charge itself for water, sewer and storm drain fees incurred within the City's normal course of operations

SIGNIFICANT IMPACTS

Because of the aforementioned analysis the City will book an estimated amount of revenue and corresponding amount of expense in the general fund as well as the City's Water, Sewer and Storm Drain Enterprise Funds to accommodate for this practice

ATTACHMENTS

The attached notice of public hearing lists not to exceed amounts for each enterprise fund impacted



NOTICE OF PUBLIC HEARING

Notice is hereby given that the South Ogden City Council will hold a public hearing on **July 19, 2022**, beginning at **6:00 p.m.** or as soon as the agenda permits, in the council chambers of City Hall located at 3950 Adams Avenue, South Ogden, Utah, 84403. The purpose of the public hearing is to receive and consider comments on the City's practice to not charge itself for water, sewer, and storm drain fees that will be used for normal City operations during fiscal year 2023. All interested citizens are invited to attend and offer comment. The estimated amounts of the non-charged services are as follows - water fund up to \$60,551; sewer fund - up to \$11,595; storm drain fund - up to \$16,748. The percentage of total fund expenditures this represents for each fund is as follows: water – 1.92%; sewer – 0.39%; storm drain – 0.75%.

SOUTH OGDEN CITY COUNCIL

STAFF REPORT



SUBJECT: Public Hearing - Enterprise Fund Transfers
AUTHOR: Steve Liebersbach
DEPARTMENT: Finance
DATE: 7/19/2022

RECOMMENDATION

Staff recommends Council hold a public hearing on this matter as required by Utah Code

BACKGROUND

Council does this annually to be in accordance with State requirements

ANALYSIS

The City's General Fund charges other businesses and non-city utilities franchise and property taxes. These transfers are a means to collect the franchise & property taxes from the City operated Enterprise Funds

SIGNIFICANT IMPACTS

There is a financial impact to all funds involved

ATTACHMENTS

The attached notice of public hearing lists not to exceed amounts for each enterprise fund impacted



NOTICE OF PUBLIC HEARING

Notice of Public Hearing:

Tuesday, July 19, 2022 at 6:00 pm, or soon thereafter - Public Hearing to be held on proposed Enterprise Fund Transfers. The hearing will be held in the South Ogden City Council Chambers, 3950 Adams Avenue, South Ogden, UT 84403.

Purpose:

In accordance with Utah Code §10-6-135.5, notice is hereby given that the South Ogden City Council will hold a public hearing to receive public comment on proposed transfers from the City's Enterprise Funds, including Water, Sewer, Storm Drain and Garbage to the City's General Fund in the Fiscal Year 2023 budget. The amounts shown in this notice are the maximum amounts proposed. The actual amounts approved in the budget or transferred may be less.

Background:

In the proposed Fiscal Year 2023 budget, the City is proposing to transfer funds from the Water, Sewer, Storm Drain and Garbage Funds to the General Fund. South Ogden City accounts for these funds as Enterprise Funds which are operated and accounted for as a separate business. As with other businesses and non-city utilities, the City collects franchise and property taxes. The transfer from each of the City's Utility Funds to the General Fund acts as the City's collection of these franchise and property taxes. To be in compliance with state law, the City is providing notice of the transfers to all City Utility users.

Transfer amounts:

	Water	Sewer	Storm Drain	Garbage
Franchise/Property tax to General Fund	\$125,297	\$145,402	\$79,297	\$61,655
Percentage of total Enterprise Fund	3.98%	4.87%	3.56%	5.84%

ORDINANCE NO. 22-11

ORDINANCE OF SOUTH OGDEN CITY AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE FOR AMBULANCE, GARBAGE, RECREATION, AND PUBLIC WORKS FEES; MAKING NECESSARY CLERICAL AND ADMINISTRATIVE CHANGES; AND PROVIDING AN EFFECTIVE DATE FOR THESE ACTIONS.

SECTION I - RECITALS

WHEREAS, the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that certain fees, rates, and compensations, specifically Ambulance Fees, Garbage Rates, Recreation and Public Works Fees, should be adjusted as part of the ongoing management of the City; and,

WHEREAS, the City Council finds it is in the best interest of the citizens of the City to confirm, accept, adopt and implement the results, conclusions and recommendations of the staff by increasing Ambulance Fees, Garbage Rates, Recreation and Public Works Fees, and to make necessary clerical and administrative changes; and,

WHEREAS, the City Council finds that providing this information in the City's Consolidated Fee Ordinance is an effective way to make this information available to the public; and,

WHEREAS, the City Council of South Ogden City finds it is in the best interest of the City to again amend the consolidated fee schedule set out in prior Ordinances; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires administrative action to be taken by the City; now,

THEREFORE, BE IT ORDAINED by the City of South Ogden that:

SECTION II - AMENDMENT OF THE CITY'S CONSOLIDATED FEE ORDINANCE & FEE SCHEDULE

Based upon the recommendation of responsible city staff, and the City

Manager, and the findings of the City Council, the City's Consolidated Fee Ordinance and Fee Schedule are amended and are now constituted to incorporate those fees and changes as discussed above and the same are adopted as a part of, and will constitute their respective part of, the official fee schedule for South Ogden City shown as **Attachment "A"**, made a part by this reference and as then set out in the full Consolidated Fee Ordinance.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

That the above fees, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Ordinance be held or deemed, or shall be invalid, inoperative or unenforceable such will not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance will be effective on the 19th day of July, 2022, and after publication or posting as required by law.

DATED the 19th day of July, 2022.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

ATTESTED:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 22-11

Ordinance Of South Ogden City Amending The City's Consolidated Fee Schedule For Ambulance, Garbage, Recreation, And Public Works Fees; Making Necessary Clerical And Administrative Changes; And Providing An Effective Date For These Actions.

19 Jul 22

Ambulance Enterprise Fund Fees*

Last Amended ~~05-07 Jan-Jul 22~~ 16

Description	Amount
Advanced EMT Ground Transport	\$ 933 1,320
Advanced Ground Transport with Paramedic On-Board	\$ 1,365 1,930
Mileage Rate (see note 1 below)	\$ 31.65 38.75 per mile or fraction thereof
Fuel Fluctuation Rate (see note 1-2 below)	\$.25 per mile
Off-Road Rate (see note 2-3 below)	\$1.50 per mile
Emergency Response / Transport surcharge	\$39.75
Ambulance Waiting Time surcharge (per every 15 min.)	\$22.05
Ambulance Stand-by Fee (per hour, 2 hour minimum)	\$35
Scene Services	
Level 3	\$331.05
Level 2	\$165.53
Level 1	\$82.77
Consumable Supplies	(See explanatory notes 43 & 54, below)

*These Fees will be in effect as set herein or as may otherwise be established by the State of Utah:

1. In all cases, mileage shall be computed from the point of pick-up to the point of patient delivery.
2. When diesel fuel exceeds \$5.10 per gallon or gasoline exceeds \$4.25 per gallon as invoiced, a surcharge of \$.25 per mile of transport may be added to the mileage rate.
3. Where an ambulance is required to travel for 10 miles or more on unpaved roads, a surcharge of \$1.50 per mile traveled may be assessed.
4. Allowable base Ambulance rates are set pursuant to Utah Code §26-8a-403 (as may be amended from time to time) and Utah Administrative Code Rule R426-16, effective annually 1 July through 30 June following.
5. As set by the Fire Operations Chief subject to Utah State BEMS and City Council review and approvals.

Garbage

Garbage Pick-Up Fees^^	
Description	Fee Per Month
Garbage Can charge – monthly- per can	\$ 11. 56 17
First Can Recycling <u>Can charge</u> – monthly – per can	\$ 3.95 4.09

^^ These rates approved and adopted by ~~Resolution Ordinance 22-11 21-26 - 17-19 August~~ July 2221

Green Waste Program Fees ^{***}	
Description	Amount
Green Waste Trailer and Disposal Fee ^{**}	\$ 45 <u>50</u> for (1) day
Green Waste Roll Off Dumpster and Disposal Fee ^{**}	\$ 55 <u>60</u>
30 Yd. Roll-off Dumpster – Per Cleanup ^{****}	No charge
Refundable Deposit on Trailer or Dumpster	\$100
Mixed Waste Trailer & Disposal fee ^{*/**}	\$ 80 <u>90</u>
Mixed Waste Roll-off Dumpster & Disposal fee ^{**}	\$100

^{*} Last amended by Ord. 22-11, 19 Jul 22~~Added 2 Aug 05~~

^{**} ~~Amended 20 May 2008~~

^{***} ~~Amended 15 Jun 10 – clarifies that all green waste rentals are for two days~~

^{****} ~~Amended 14 Oct 03 to \$0.00 to correct previous error setting this at \$75.00~~

Recreation Fees

Last amended ~~April~~July 19, 2022 – Ordinance 22-~~11~~05

Description	Resident	Non-Resident
Boys Baseball	\$55	\$65
Girls Softball	\$55	\$65
Coed T-Ball	\$45	\$55
Coed Coach Pitch	\$45	\$55
Youth Tackle Football – All Players Within Our Boundaries ^{**}	\$100 refundable equip. fee*+\$125	\$100 refundable equip. fee*+\$125
Coed Flag Football	\$50	\$60
Tennis	\$45	\$55
Field Rental (With Scoreboard) – per hour rate subject to decision by Parks & Recreation Director		
Coed Volley Ball	\$50	\$60
Kick Ball	\$350 per team	N/A
Coed Soccer	\$40	\$50
Coed Basketball	\$ 45 <u>55</u>	\$ 55 <u>60</u>
Girls Basketball	\$ 55 <u>60</u>	\$ 65 <u>70</u>
Boys Basketball	\$ 55 <u>60</u>	\$ 65 <u>70</u>
Youth Comp Basketball	\$450 per team	N/A
High School Basketball	\$450 per team	N/A
Adult Men's Basketball	\$450 per team	N/A
Adult Women's Basketball	\$450 per team	N/A
Adult Coed Volleyball	\$250 per team	N/A
Adult Women's Volleyball	\$250 per team	N/A
Adult Coed Spike Ball	\$50 per team	N/A
Adult Coed Dodgeball	\$350 per team	N/A
Men's Dodgeball	\$350 per team	N/A
Women's Dodgeball	\$350 per team	N/A

Youth Futsal (Boys, Girls, Coed)	\$400 per team	N/A
Adult Futsal (Men's, Women's, Coed)	\$425 per team	N/A
Adult Ultimate Frisbee	\$350 per team	N/A
Summer Fun	\$35	\$45
Summer Camps	\$10	\$20
Ultimate Frisbee	\$50	\$60
Start Smart Program (8 classes per program)	\$35 per program	\$45 per program
Pickle Ball		
Individual	\$20	\$20
Team	\$40	\$40
Late Registration Fee	\$10	\$10

* \$100 Equipment Deposit: Refundable when all equipment is returned.

** Clarifies that the fee is \$125 for players in WFFL boundary whether they are residents or not. (15 Mar 11)

Water Shut-Off/Connection Fees	
Description	Fee
Water turn on and off fees during regular working hours – for non-payment*	\$25 30
Water turn on and off fees outside regular working hours – for non-payment*	\$50 55
For the second and third return service call within 30 days of initial call.	\$25 30
For each return service call after the third within 30 days of initial call.	\$50 55
Water Sampling Fee – Bacteria Testing – When Necessary*	\$30
Connection Fees	
5/8" x 3/4"	\$150 450
1"	\$150 562
2"	\$150 1,020
4"	\$3,200
6"	\$200 5,093
Disconnect Notice for Failure to Pay	\$25
Tapping Fees (fee was originally collected as part of the collection fees)	
3/4"	\$200 325
1"	\$225 325
1 1/2"	\$375
2"	\$400
New Meter Installation Fee **	
3/4" x 5/8"	\$25 30

3/4"	\$30 <u>35</u>
1"	\$35 <u>40</u>
1/2"	\$50 <u>55</u>
2"	\$75 <u>80</u>
3" through 4"	\$150
Fire Hydrant Use <u>Rental</u> Fee/ Construction Related Water Use Fee	
\$500 for rental of the meter, hoses, etc. plus \$100 for any water used up to and including 10,000 gallons. For water used in excess of 10,000 gallons the charge is \$2 per thousand gallons. **** <u>Fire Hydrant Meter Rental</u>	<u>\$900 deposit plus \$25 per week thereafter</u>
<u>Water Usage up to and including 10,000 gallons</u>	<u>\$ 100</u>
<u>Water Usage in excess of 10,000 gallons</u>	<u>\$4.81 per every 1,000 gals.</u>
<u>Fee for not returning meter for any reason</u>	<u>\$1,400</u>
<u>Fee for returning damaged non-repairable meter</u>	<u>\$1,400</u>
<u>Fee for returning damaged but repairable meter</u>	<u>\$ 900</u>
<u>Late fee</u>	<u>\$100 per month</u>

* The City will not accept checks as payment for Water turn on and off fees where the original shutoff was for non-payment (15 Jun 10 - Ordinance 10-06)

~~** Ordinance 08-13 removed the option of contractors installing their own meters. All will now be installed by City staff.~~

~~*** Fees Adopted 06 Feb 06~~

~~**** Amended from \$100 to \$500 by Ordinance 04-24, 1 Dec 04 See City Code 8-1-10 D to \$25 per week by Ord. 22-11, 19 Jul 22.~~

Land Drainage Fees	
Description	Amount
Curb cut fee	\$ 200 <u>250</u>
Curb replacement fee*	\$ 200 <u>250</u>
Monthly fee for drainage of impervious surfaces to curb	\$ 3
Land drainage fee	\$ 6
Permit Fee**	\$ 50 <u>55</u>

These land drainage fees apply only to those residences where roof and drainage are not being retained on the owner's property, and are being drained into City gutters. These fees do not apply to homes built prior to October 11, 1962.

* Fees apply only to buildings built since October 11, 1962

~~** Added as of 14 Oct 03~~

Driveway Approach Replacement Policy

If a homeowner would like to replace a driveway approach, the City may participate in paying for the new curb and gutter as well as necessary sidewalk replacement. The City's participation is contingent upon available funding. The homeowner is responsible for hiring a licensed contractor and responsible for the removal and disposal of the existing approach and replacement of the new approach. The City will provide sub-grade material, if needed, for sidewalk, curb and gutter. The City will replace asphalt along the new curb and gutter. Residents should contact the Public Works Department to coordinate these improvements and to learn more about this program

Resolution No. 22-24

RESOLUTION OF SOUTH OGDEN CITY APPROVING AMENDMENTS TO THE SOUTH OGDEN CITY EMPLOYEE POLICY MANUAL; AND, PROVIDING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to adopting and amending a citywide employee policy manual; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions herein contemplated,

WHEREAS, the City Council finds that the City should amend the current citywide employee policy manual to more effectively meet employee hiring, retention, and other vital City needs; and,

THEREFORE, BE IT RESOLVED by the City of South Ogden,

SECTION II - EMPLOYEE POLICY AMENDED

The South Ogden Employee Policy Manual As Attached Hereto As **Attachment"A"**, And As Otherwise Described In The Forgoing Sections Of This Resolution Are Readopted And Ratified.

The foregoing recitals are incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 19th day of July, 2022, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 19th day of July, 2022.**

SOUTH OGDEN CITY

Russell Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

RESOLUTION NO. 22-11

Resolution Of South Ogden City Approving Amendments To The South Ogden
City Employee Policy Manual; And, Providing An Effective Date.

19 Jul 22

02.050 Placement

After a job applicant is approved by South Ogden City, the Assistant City Manager shall notify the successful job applicant of their conditional selection through a written Conditional Job Offer Letter. The written Conditional Job Offer Letter shall state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests and background checks). The written Conditional Job Offer Letter shall state that the offer is not accepted until the candidate signs the written Conditional Job Offer Letter and returns it to South Ogden City by the requested date. The original Conditional Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written Conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description.
- (2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for annual salary. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
- (3) The employee's job title.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- (6) The length of the employee's introductory period.
- (7) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

A. Medical Examinations. Once South Ogden City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by South Ogden City to determine a job applicant's ability to fulfill essential job related requirements. Only the Assistant City Manager may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by South Ogden City. The prospective employee must sign a written release of this information to South Ogden City.

~~B. Reinstatements. Employees reinstated into South Ogden City may maintain their original anniversary date for seniority and for those benefit programs governed by the anniversary date. The policy will be as follows:~~

- ~~(1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority if they are re-employed by South Ogden City within one (1) year after date of termination.~~

~~(2) Voluntary resignations. Employees who voluntarily terminate their employment with South Ogden City will maintain their original anniversary date, subject to City Manager approval, if they are re-employed by South Ogden City within six months after date of termination. The City Manager must approve all reinstatements.~~

~~C.B.~~ Hiring New Employees.

- (1) Required for All Employees: The Assistant City Manager is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on South Ogden City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- (2) Additional Requirement for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):
 - a. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - b. Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage and overtime provisions (currently one and one half {1/2} times the employee's regular wage after forty {40} hours worked in a workweek) of the Fair Labor Standards Act of 1938, as amended.
 - c. Employees fourteen (14) and fifteen (15) years old may not be employed:
 1. During school hours, except as provided for in work experience and career exploration programs.
 2. Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day. Over three (3) hours a day on school days.
 3. Over eighteen (18) hours a week, in school weeks.
 4. Over eight (8) hours a day, on non-school days.
 5. Over forty (40) hours a week, in non-school weeks.
 6. In any occupations found and declared to be hazardous.
 7. In the operation or tending of hoisting apparatus.
 8. In the operation or tending of any power-driven machinery.

9. Outside window washing that involves working from windowsills, and all work requiring using ladders, scaffolds or their substitutes.

~~D.C.~~ Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor shall find and by order declare to be hazardous or detrimental to their health and well-being as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupation.

~~E.D.~~ Orientation. Newly hired South Ogden City employees shall complete all required paperwork and receive an orientation on or before their first (1st) day of work.

- (1) Under the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment and provide the documentation.
- (2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- (3) All new employees should be given a tour of the work place with an overview of company rules and benefits.

02.085 Reinstatement Rights

~~Subject to position availability, and the terms and conditions of this policy, the City allows certain former, eligible employees to return to their same class, position or rank within two (2) years from the date of last separation and with credit for former service with the City. Reinstatement rights must be approved by the City Manager.~~

~~Eligible former employees are those who were, at the time of separation, full-time merit and full-time classified employees.~~

~~Employees reinstated to their former jobs and departments will receive full credit for prior employment with the City to determine compensation within a range, grade and class, and to determine their rate of accrual or vacation and sick leave benefits. Employees reinstated to their former jobs will have their appointment service date amended to be the same date as that of their former job to assure credit for prior employment. Employees involuntarily separated due to the City's layoff policy and subsequently who apply and are rehired by the City within two (2) years of the layoff, will qualify for reinstatement rights upon rehire, provided they shall have no preference in the hiring decision. Employees who are rehired by the City in a department, a field of work, or a position, that differs from their former employment with the City will not be entitled to any consideration or benefits under this Reinstatement policy.~~

Employees who are rehired by the city will be given credit for their previous years of service in regard to years of service awards.

05.125 Media Policy

South Ogden City seeks to keep residents, businesses, and visitors informed by engaging in a pro-active communications program. The City recognizes that one of the most effective ways to communicate policies and activities to citizens is by working in partnership with the news media. The City Manager or designee is the designated spokesperson for all City related business.

05.130 Social Media

For purposes of this policy, “social media” is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine content, and share content. Examples of social media include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn, and Instagram. This policy applies, but is not limited to, all posts, comments, messages, and content created, generated, produced, and/or maintained by official City social media sites. This policy does not apply to personal social media accounts, including those personal accounts that designate the elected official as an elected official for the City.¹

¹ NOTE TO ELECTED OFFICIALS: Use of personal social media platforms for official City business may convert your social media account into a public forum with First Amendment protections and restrictions, such as removing your ability to block individuals. If you wish to keep your personal social media account personal, do not use it for official City business. [If you make a post regarding the City, you must disclose that the statement is your opinion and may not reflect the position of the City.](#)

05.135 Social Media Policy

- A. All City social media sites shall be administered by the Department Directors or their designee.
- B. The City shall maintain a public comment policy, known as the South Ogden City Social Media Public Comment Policy (“Comment Policy”) that shall be accessible by the public on each City social media site (attached hereto as “Appendix A”).
- C. Comments from the public may be allowed on City social media sites if the City department [responsible for the site](#) determines it would be beneficial to accomplish the purposes of the department. Comments settings must be set so that either no public user can comment, or any public user can comment, subject to the Comment Policy.
- D. City social media sites shall generally be structured as limited public forums if comments are permitted. [Any exception shall be explicitly stated in the Comment Policy or on the site itself in a way that is viewable to the public.](#)
- E. Discussion forums may be monitored to ensure comments do not violate public comment restrictions.
- F. City departments may manage postings consistent with applicable laws, the Comment Policy, and other applicable citywide policies. Only those who are authorized may monitor City social media sites and hide or, remove content [and make postings on behalf of the City or its departments.](#)
- G. All City social media sites that allow comments shall include a link to the Comment Policy or display it in the “About” or similar section of the social media site.

- H. In addition to the Comment Policy, all City social media sites shall include a link back to the official City department page and prominently display City department contact information.
- I. All City department social media sites are subject to City IT security policies, where applicable, records retention policies, and Personnel Policies and Procedures. Anyone representing the City via social media outlets shall conduct themselves at all times as a representative of the City.
- J. The City's Communications and Events Specialist will ensure that the City social media sites and authorized users are trained and comply with any terms of service, terms of use, guidelines, or policies of the platforms, as applicable.
- K. The use of personal information, such as personal email or social media accounts and user IDs, for City department social media sites is prohibited unless specifically authorized by the City Manager.
- L. It is the responsibility of each Department Director to ensure that unauthorized persons are not allowed to make changes to City department social media sites.
- M. Social media sites or accounts owned or controlled by the City, including any social media account used by an elected official to conduct City business, constitute public records subject to the Utah Government Records Access and Management Act (GRAMA). All content placed or maintained on a City social media site or account are treated as and constitute government records. Private messages sent between a government account and a private user shall be treated as emails between a department and private citizen.
- N. Authorized users of City social media accounts, including elected officials and employees, are expected to communicate at all times in a manner consistent with the City's standards of conduct and professionalism. Authorized users should be aware that no one has any expectation of privacy in their use or participation with a City-owned or controlled social media account and should therefore refrain from posting content that is contrary to official City policies, procedures, or practices.
- O. Public Users or visitors to City-owned and controlled social media accounts should be aware that the intended purpose of these pages is to serve as a means to disseminate information from the City to members of the public. The City disclaims responsibility for materials the City deems to be inappropriate or otherwise violates the Comment Policy that are not removed in a timely manner. Comments made are the opinion of the commentator and do not necessarily reflect the opinion of the City.
- P. Official City social media accounts shall be used for official City social media communication. Public Officials and all staff shall use official social media accounts for all government business conducted on social media. The Communications and Events Specialist shall ensure that:
 - (1) Government communications do not originate from personal accounts;
 - (2) Personal communications are never made via government social media accounts; and
 - (3) Elected officials and/or employees do not use government accounts to post content reflecting the interests of political campaigns or parties.

05.140 Prohibited Public Use

- A. When comments are permitted, City pages should be viewed as a limited public forum. City controlled social media sites should be moderated. If a public user posts a comment or link, the City reserves the right, consistent with the Comment Policy, to hide or delete said content.
- B. The City does not discriminate based on viewpoint, because a comment is posted anonymously, or merely because it expresses disagreement with City action, policy, custom, or practice. Any such content will not be flagged, minimized, hidden, or removed and no user will be blocked so long as the content complies with the Comment Policy.
- C. Violations of Comment Policy– Hiding or deleting content
 - 1. Authorized personnel may immediately hide or delete content posted by public users on City social media posts if the public user's content violates the Comment Policy.
 - 2. Within three (3) business days of content being hidden or deleted, authorized personnel shall contact the social media user through direct messaging, if possible, notify them that their content has been hidden or deleted, describe the violation, and inform them of their right to appeal the decision to hide or delete their content in accordance with subsection 3 below.
 - 3. If a comment is hidden or deleted, authorized personnel shall notify the public user through a direct message or other available means that the user may appeal the decision by sending written notification within five (5) business days to the pertinent department, official, or division. Upon timely appeal, a comment or post may be restored for public view upon a determination by the Department Director that the post does not violate the Comment Policy. If a user appeals, the City Manager and City Attorney shall be notified.
 - 4. Before hiding or deleting a comment or material, a copy of the content must be retained through a screen shot by the City department, division, committee, commission, or board who owns or controls the pertinent social media site. After the screenshot is captured, it should be sent to the City Recorder to retain.
- D. Violation of the Comment Policy – Blocking a user
 - 1. When the City determines that a public user has violated the Comment Policy on two or more occasions within a twelve (12) month rolling period, the offending user may be blocked or banned for no more than three (3) months.
 - 2. If a user is blocked, authorized personnel shall:
 - a. Notify the public user within three (3) business days that they have been blocked;
 - b. Describe the violation and the length of time the public user will be blocked; and
 - c. Notify the public user that they may appeal the decision within five (5) business days of receiving notification by sending written notification of their appeal to the pertinent department, official, or division. Upon timely appeal and a determination by the Department Director that the Comment Policy has not been violated on the current alleged violation or any subsequent violation, a user may be unblocked.

3. After the required time has passed, a blocked account may be reinstated after the blocked user sends a message to the City Communication and Events Specialist requesting that the account be reinstated.

05.145 Enforcement

Any City employee, excluding elected officials posting or commenting on their own personal or official political social media site, found to have knowingly violated this policy shall be subject to disciplinary action, up to and including termination. Any violation or cumulative violations may lead to other disciplinary action up to and including dismissal from City employment. All contractors that handle City social media shall agree to adhere to this policy and the Comment Policy. Any contractor found to have knowingly violated this policy or the Comment Policy shall be considered in breach of contract and subject to termination in accordance with the terms of their agreement with the City.

05.150 Education

Each City Department Director shall be responsible to educate staff that work with social media regarding this policy.

05.155 Records

The City, its elected officials, and all other City departments, divisions, committees, commissions, or boards who own or control a social media account from which content has been removed or a public user's access has been blocked must preserve records of the removed or blocked content for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be treated as government record and must be preserved pursuant to GRAMA. Authorized users for an elected official, or other department, division, committee, commission, or board who owns or controls the pertinent social media account must also work with the City Records Officer to ensure the records are properly retained.

The use of personal social media accounts to conduct City business is prohibited. If a personal social media account is used for government business, the content created is a public record, and the personal social media account must be managed and archived according to public records laws and these policies. Records published on social media platforms and websites do not all have the same content. The content determines the retention period. All City social media posts, comments, messages, and media shall be retained for a period as determined by the City Recorder in accordance with applicable state retention schedules.

Personal and official political social media accounts are not governed by this policy and are not government records. Use of personal or official political social media accounts for official City business may convert the personal or official political social media account into a public forum subject to this policy.

05.160 Security

The City should take all necessary steps to follow directions from the City Information Technology ("IT") personnel to ensure social media accounts are secure from accidental or intentional attacks. Passwords should be adequately complex to prevent cyberattacks. Passwords should not be sent through email but should be stored in a location that is secure yet accessible to authorized users. If a cyberattack is suspected, the department, committee, commission or board who owns or controls the pertinent social media account should immediately contact IT and attempt to remedy the security breach (e.g. shut down the account).

05.165 Disclaimers

- A. Neither the City, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee that material posted and comments on City-owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – are monitored regularly; thus, public users should not use such an account to contact or provide notice to the City, its elected officials or other departments, divisions, commissions, committee or boards, of an emergency or dangerous conditions on City property or regarding any City-related function, event, or any other dangerous circumstance. If a dangerous condition or circumstance exists, contact the appropriate law enforcement department, the fire department, public utilities, or other relevant department.
- B. Neither the City, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee the completeness or accuracy of any information posted on a social media account or site. Nonetheless, the goal of City-owned social media accounts shall be to provide information that is as accurate as possible.
- C. Information posted by the City is provided on an "as is" basis and public users assume the risk of use or reliance on such information. Neither the City, nor its elected officials, or other departments, committees, commissions, and boards are liable for any injury or damages resulting from viewing, distributing, or copying materials on City-owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – including without limitation, liability for indirect, special, incidental, or consequential damages

05.170 APPENDIX A

South Ogden City Social Media Public Comment Policy

Visitors to City-owned and controlled social media sites should be aware that the intended purpose of these pages is to disseminate information from South Ogden to members of the public. The City disclaims responsibility for materials the City deems to be inappropriate for posting that are not removed in a timely manner. Comments made by the public are the opinion of the commentator and do not necessarily reflect the opinion of the City.

As a limited public forum, this is a moderated site. If you post a comment or link, the City reserves the right to hide or delete any submission that includes:

1. Foul or profane language or content;
2. Content that promotes, fosters, or encourages discrimination against any ethnicity, race, national origin, religious affiliation, gender, sexual orientation, age, disability, or other group as defined by state or federal law or City ordinance;
3. Content that encourages or condones illegal conduct or activity [or violates any law or ordinance](#);
4. Sexual content, links to sexual content, or other obscene, indecent, or pornographic materials;
5. Content that discloses private, protected, or confidential material as defined by state or federal law or City ordinance;
6. Information that compromises public health or safety or the health or safety of public systems;
7. Slanderous or defamatory attacks of any person;
8. Content that is hateful or incites violence, or threatens to harm a person or an organization;
9. Advertisements, promotions, or solicitation regarding any service or product;
10. Content that violates a legal ownership interest of any person, including improper use of a trademark or copyrighted material;
11. Comments not topically related to the post made by the City;
12. Content, including links, that promotes the candidacy of any person, petition, or referendum; and/or

13. Spam or repetitively disruptive content.

The City does not discriminate based on viewpoint or for merely expressing disagreement with City policies or practice. Materials that are removed based on these guidelines shall be retained, including time, date, and identity of the poster if available.

If a visitor to the City's social media pages violates these terms two or more times within a 12-month period, the City may block the offending visitor. Users who have been blocked or whose posts or comments have been hidden or removed may appeal the decision in accordance with the South Ogden City Social Media Management Policy.

Comments made on this page do not constitute a legal or official notice or comment to South Ogden City and will not be regarded as a request for service.

011.070 Bereavement Leave

Employees who experience a death in their immediate family may, at the discretion of the Department Director request up to five days of bereavement leave.

Employees may apply for bereavement leave in the following manner:

- A. Up to five (5) days may be granted for bereavement leave for
 - 1. The death of an employee's spouse or child.
 - 2. following the end of the employee's pregnancy by way of a miscarriage or stillbirth;
 - 3. following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
 - (i) the employee is the individual's spouse or partner; or
 - (ii) the employee is the individual's former spouse or partner; AND
 - (iii) the employee would have been a biological parent of a child born as a result of the pregnancy.
- B. Up to three (3) days may be granted for bereavement leave for the death of an employee's parent, spouse's parent, grandchildren, or sibling.
- C. One (1) day may be used for bereavement leave for the death of the employee's grandparents, brother-in-law, or sister-in-law.

012.055 No Smoking Policy (Utah Indoor Clean Air Act)

In keeping with the Utah Indoor Clean Air Act [as set forth in Utah Code Ann. §§ 26-38-1, et seq., as amended](#) and to promote a safe and healthy work environment, it is City policy that smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. [As defined in Utah Code §§ 26-38-1, the term smoking also refers to the use of electronic cigarettes and non-tobacco shisha. \("Non-tobacco shisha" means any product that does not contain tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.\)](#) No smoking signs shall be conspicuously posted on all entrances or in a position visible on entry into any public area or building. As City vehicles are considered places of employment, it is City policy that smoking is also prohibited in all City vehicles.

Outdoor smoking is permitted only in designated smoking areas at least 25 feet from any public access entry or exit; and at least 25 feet from any open window where others are working.

This policy applies equally to all employees and members of the public. Any employee who observes someone violating this policy must bring the matter to the attention of his/her immediate supervisor or Department Director. Supervisors and Department Directors have the responsibility for enforcing the smoking policy of the City.

STAFF REPORT



SUBJECT: Personnel Policy Manual Update
AUTHOR: Doug Gailey
DEPARTMENT: Administration
DATE: 7-19-2022

RECOMMENDATION

Approve Amended policies

BACKGROUND

There are 5 policy updates for discussion. The policy updates are Placement, Reinstatement rights, Bereavement leave, No smoking policy, and a new policy for Social Media.

ANALYSIS

Policies 02.050 and 02.085 deal with reinstatement of employees who have quit and are re-employed in the same capacity within a prescribed amount of time. Under the old policy, employees who were reinstated back to their original position maintained their pay and benefits as if they had never left. Under the new policy, reinstated employees would be compensated commensurate with their job experience and be given credit for years of service towards employee recognition awards, but would not maintain their longevity benefits.

Social Media Policy 05.130 is a new policy. With the increased focus on social media, the City needs a policy that dictates how to deal with comments and unwanted posts from the public. This policy is based on best practices and has been to the City Attorney for legal review. Staff has made a change, based upon the discussion of the last meeting, which adds a cautionary statement to elected officials when making a post concerning South Ogden Cit.

Policy 11.070 is in response to SB 63, which requires Bereavement Leave for a Miscarriage or stillbirth.

Policy 12.055 has been amended to further comply with the Utah Indoor Clean Air Act. The policy has been amended to prohibit smoking or vaping in in City Buildings and vehicles.

SIGNIFICANT IMPACTS

None

Resolution No. 22-24

RESOLUTION OF SOUTH OGDEN CITY APPROVING AMENDMENTS TO THE SOUTH OGDEN CITY EMPLOYEE POLICY MANUAL; AND, PROVIDING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to adopting and amending a citywide employee policy manual; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions herein contemplated,

WHEREAS, the City Council finds that the City should amend the current citywide employee policy manual to more effectively meet employee hiring, retention, and other vital City needs; and,

THEREFORE, BE IT RESOLVED by the City of South Ogden,

SECTION II - EMPLOYEE POLICY AMENDED

The South Ogden Employee Policy Manual As Attached Hereto As **Attachment"A"**, And As Otherwise Described In The Forgoing Sections Of This Resolution Are Readopted And Ratified.

The foregoing recitals are incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 19th day of July, 2022, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 19th day of July, 2022.**

SOUTH OGDEN CITY

Russell Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

RESOLUTION NO. 22-11

Resolution Of South Ogden City Approving Amendments To The South Ogden
City Employee Policy Manual; And, Providing An Effective Date.

19 Jul 22

02.050 Placement

After a job applicant is approved by South Ogden City, the Assistant City Manager shall notify the successful job applicant of their conditional selection through a written Conditional Job Offer Letter. The written Conditional Job Offer Letter shall state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests and background checks). The written Conditional Job Offer Letter shall state that the offer is not accepted until the candidate signs the written Conditional Job Offer Letter and returns it to South Ogden City by the requested date. The original Conditional Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written Conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description.
- (2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for annual salary. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
- (3) The employee's job title.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- (6) The length of the employee's introductory period.
- (7) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

A. Medical Examinations. Once South Ogden City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by South Ogden City to determine a job applicant's ability to fulfill essential job related requirements. Only the Assistant City Manager may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by South Ogden City. The prospective employee must sign a written release of this information to South Ogden City.

~~B. Reinstatements. Employees reinstated into South Ogden City may maintain their original anniversary date for seniority and for those benefit programs governed by the anniversary date. The policy will be as follows:~~

- ~~(1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority if they are re-employed by South Ogden City within one (1) year after date of termination.~~

~~(2) Voluntary resignations. Employees who voluntarily terminate their employment with South Ogden City will maintain their original anniversary date, subject to City Manager approval, if they are re-employed by South Ogden City within six months after date of termination. The City Manager must approve all reinstatements.~~

C.B. Hiring New Employees.

- (1) Required for All Employees: The Assistant City Manager is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on South Ogden City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- (2) Additional Requirement for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):
 - a. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - b. Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage and overtime provisions (currently one and one half {1/2} times the employee's regular wage after forty {40} hours worked in a workweek) of the Fair Labor Standards Act of 1938, as amended.
 - c. Employees fourteen (14) and fifteen (15) years old may not be employed:
 1. During school hours, except as provided for in work experience and career exploration programs.
 2. Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day. Over three (3) hours a day on school days.
 3. Over eighteen (18) hours a week, in school weeks.
 4. Over eight (8) hours a day, on non-school days.
 5. Over forty (40) hours a week, in non-school weeks.
 6. In any occupations found and declared to be hazardous.
 7. In the operation or tending of hoisting apparatus.
 8. In the operation or tending of any power-driven machinery.

9. Outside window washing that involves working from windowsills, and all work requiring using ladders, scaffolds or their substitutes.

~~D~~.C. Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor shall find and by order declare to be hazardous or detrimental to their health and well-being as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupation.

~~E~~.D. Orientation. Newly hired South Ogden City employees shall complete all required paperwork and receive an orientation on or before their first (1st) day of work.

- (1) Under the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment and provide the documentation.
- (2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- (3) All new employees should be given a tour of the work place with an overview of company rules and benefits.

02.085 Reinstatement Rights

~~Subject to position availability, and the terms and conditions of this policy, the City allows certain former, eligible employees to return to their same class, position or rank within two (2) years from the date of last separation and with credit for former service with the City. Reinstatement rights must be approved by the City Manager.~~

~~Eligible former employees are those who were, at the time of separation, full-time merit and full-time classified employees.~~

~~Employees reinstated to their former jobs and departments will receive full credit for prior employment with the City to determine compensation within a range, grade and class, and to determine their rate of accrual or vacation and sick leave benefits. Employees reinstated to their former jobs will have their appointment service date amended to be the same date as that of their former job to assure credit for prior employment. Employees involuntarily separated due to the City's layoff policy and subsequently who apply and are rehired by the City within two (2) years of the layoff, will qualify for reinstatement rights upon rehire, provided they shall have no preference in the hiring decision. Employees who are rehired by the City in a department, a field of work, or a position, that differs from their former employment with the City will not be entitled to any consideration or benefits under this Reinstatement policy.~~

Employees who are rehired by the city will be given credit for their previous years of service in regard to years of service awards.

05.125 Media Policy

South Ogden City seeks to keep residents, businesses, and visitors informed by engaging in a pro-active communications program. The City recognizes that one of the most effective ways to communicate policies and activities to citizens is by working in partnership with the news media. The City Manager or designee is the designated spokesperson for all City related business.

05.130 Social Media

For purposes of this policy, “social media” is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine content, and share content. Examples of social media include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn, and Instagram. This policy applies, but is not limited to, all posts, comments, messages, and content created, generated, produced, and/or maintained by official City social media sites. This policy does not apply to personal social media accounts, including those personal accounts that designate the elected official as an elected official for the City.¹

¹ NOTE TO ELECTED OFFICIALS: Use of personal social media platforms for official City business may convert your social media account into a public forum with First Amendment protections and restrictions, such as removing your ability to block individuals. If you wish to keep your personal social media account personal, do not use it for official City business. [If you make a post regarding the City, you must disclose that the statement is your opinion and may not reflect the position of the City.](#)

05.135 Social Media Policy

- A. All City social media sites shall be administered by the Department Directors or their designee.
- B. The City shall maintain a public comment policy, known as the South Ogden City Social Media Public Comment Policy (“Comment Policy”) that shall be accessible by the public on each City social media site (attached hereto as “Appendix A”).
- C. Comments from the public may be allowed on City social media sites if the City department [responsible for the site](#) determines it would be beneficial to accomplish the purposes of the department. Comments settings must be set so that either no public user can comment, or any public user can comment, subject to the Comment Policy.
- D. City social media sites shall generally be structured as limited public forums if comments are permitted. [Any exception shall be explicitly stated in the Comment Policy or on the site itself in a way that is viewable to the public.](#)
- E. Discussion forums may be monitored to ensure comments do not violate public comment restrictions.
- F. City departments may manage postings consistent with applicable laws, the Comment Policy, and other applicable citywide policies. Only those who are authorized may monitor City social media sites and hide or, remove content [and make postings on behalf of the City or its departments.](#)
- G. All City social media sites that allow comments shall include a link to the Comment Policy or display it in the “About” or similar section of the social media site.

- H. In addition to the Comment Policy, all City social media sites shall include a link back to the official City department page and prominently display City department contact information.
- I. All City department social media sites are subject to City IT security policies, where applicable, records retention policies, and Personnel Policies and Procedures. Anyone representing the City via social media outlets shall conduct themselves at all times as a representative of the City.
- J. The City's Communications and Events Specialist will ensure that the City social media sites and authorized users are trained and comply with any terms of service, terms of use, guidelines, or policies of the platforms, as applicable.
- K. The use of personal information, such as personal email or social media accounts and user IDs, for City department social media sites is prohibited unless specifically authorized by the City Manager.
- L. It is the responsibility of each Department Director to ensure that unauthorized persons are not allowed to make changes to City department social media sites.
- M. Social media sites or accounts owned or controlled by the City, including any social media account used by an elected official to conduct City business, constitute public records subject to the Utah Government Records Access and Management Act (GRAMA). All content placed or maintained on a City social media site or account are treated as and constitute government records. Private messages sent between a government account and a private user shall be treated as emails between a department and private citizen.
- N. Authorized users of City social media accounts, including elected officials and employees, are expected to communicate at all times in a manner consistent with the City's standards of conduct and professionalism. Authorized users should be aware that no one has any expectation of privacy in their use or participation with a City-owned or controlled social media account and should therefore refrain from posting content that is contrary to official City policies, procedures, or practices.
- O. Public Users or visitors to City-owned and controlled social media accounts should be aware that the intended purpose of these pages is to serve as a means to disseminate information from the City to members of the public. The City disclaims responsibility for materials the City deems to be inappropriate or otherwise violates the Comment Policy that are not removed in a timely manner. Comments made are the opinion of the commentator and do not necessarily reflect the opinion of the City.
- P. Official City social media accounts shall be used for official City social media communication. Public Officials and all staff shall use official social media accounts for all government business conducted on social media. The Communications and Events Specialist shall ensure that:
 - (1) Government communications do not originate from personal accounts;
 - (2) Personal communications are never made via government social media accounts; and
 - (3) Elected officials and/or employees do not use government accounts to post content reflecting the interests of political campaigns or parties.

05.140 Prohibited Public Use

- A. When comments are permitted, City pages should be viewed as a limited public forum. City controlled social media sites should be moderated. If a public user posts a comment or link, the City reserves the right, consistent with the Comment Policy, to hide or delete said content.
- B. The City does not discriminate based on viewpoint, because a comment is posted anonymously, or merely because it expresses disagreement with City action, policy, custom, or practice. Any such content will not be flagged, minimized, hidden, or removed and no user will be blocked so long as the content complies with the Comment Policy.
- C. Violations of Comment Policy– Hiding or deleting content
 - 1. Authorized personnel may immediately hide or delete content posted by public users on City social media posts if the public user's content violates the Comment Policy.
 - 2. Within three (3) business days of content being hidden or deleted, authorized personnel shall contact the social media user through direct messaging, if possible, notify them that their content has been hidden or deleted, describe the violation, and inform them of their right to appeal the decision to hide or delete their content in accordance with subsection 3 below.
 - 3. If a comment is hidden or deleted, authorized personnel shall notify the public user through a direct message or other available means that the user may appeal the decision by sending written notification within five (5) business days to the pertinent department, official, or division. Upon timely appeal, a comment or post may be restored for public view upon a determination by the Department Director that the post does not violate the Comment Policy. If a user appeals, the City Manager and City Attorney shall be notified.
 - 4. Before hiding or deleting a comment or material, a copy of the content must be retained through a screen shot by the City department, division, committee, commission, or board who owns or controls the pertinent social media site. After the screenshot is captured, it should be sent to the City Recorder to retain.
- D. Violation of the Comment Policy – Blocking a user
 - 1. When the City determines that a public user has violated the Comment Policy on two or more occasions within a twelve (12) month rolling period, the offending user may be blocked or banned for no more than three (3) months.
 - 2. If a user is blocked, authorized personnel shall:
 - a. Notify the public user within three (3) business days that they have been blocked;
 - b. Describe the violation and the length of time the public user will be blocked; and
 - c. Notify the public user that they may appeal the decision within five (5) business days of receiving notification by sending written notification of their appeal to the pertinent department, official, or division. Upon timely appeal and a determination by the Department Director that the Comment Policy has not been violated on the current alleged violation or any subsequent violation, a user may be unblocked.

3. After the required time has passed, a blocked account may be reinstated after the blocked user sends a message to the City Communication and Events Specialist requesting that the account be reinstated.

05.145 Enforcement

Any City employee, excluding elected officials posting or commenting on their own personal or official political social media site, found to have knowingly violated this policy shall be subject to disciplinary action, up to and including termination. Any violation or cumulative violations may lead to other disciplinary action up to and including dismissal from City employment. All contractors that handle City social media shall agree to adhere to this policy and the Comment Policy. Any contractor found to have knowingly violated this policy or the Comment Policy shall be considered in breach of contract and subject to termination in accordance with the terms of their agreement with the City.

05.150 Education

Each City Department Director shall be responsible to educate staff that work with social media regarding this policy.

05.155 Records

The City, its elected officials, and all other City departments, divisions, committees, commissions, or boards who own or control a social media account from which content has been removed or a public user's access has been blocked must preserve records of the removed or blocked content for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be treated as government record and must be preserved pursuant to GRAMA. Authorized users for an elected official, or other department, division, committee, commission, or board who owns or controls the pertinent social media account must also work with the City Records Officer to ensure the records are properly retained.

The use of personal social media accounts to conduct City business is prohibited. If a personal social media account is used for government business, the content created is a public record, and the personal social media account must be managed and archived according to public records laws and these policies. Records published on social media platforms and websites do not all have the same content. The content determines the retention period. All City social media posts, comments, messages, and media shall be retained for a period as determined by the City Recorder in accordance with applicable state retention schedules.

Personal and official political social media accounts are not governed by this policy and are not government records. Use of personal or official political social media accounts for official City business may convert the personal or official political social media account into a public forum subject to this policy.

05.160 Security

The City should take all necessary steps to follow directions from the City Information Technology ("IT") personnel to ensure social media accounts are secure from accidental or intentional attacks. Passwords should be adequately complex to prevent cyberattacks. Passwords should not be sent through email but should be stored in a location that is secure yet accessible to authorized users. If a cyberattack is suspected, the department, committee, commission or board who owns or controls the pertinent social media account should immediately contact IT and attempt to remedy the security breach (e.g. shut down the account).

05.165 Disclaimers

- A. Neither the City, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee that material posted and comments on City-owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – are monitored regularly; thus, public users should not use such an account to contact or provide notice to the City, its elected officials or other departments, divisions, commissions, committee or boards, of an emergency or dangerous conditions on City property or regarding any City-related function, event, or any other dangerous circumstance. If a dangerous condition or circumstance exists, contact the appropriate law enforcement department, the fire department, public utilities, or other relevant department.
- B. Neither the City, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee the completeness or accuracy of any information posted on a social media account or site. Nonetheless, the goal of City-owned social media accounts shall be to provide information that is as accurate as possible.
- C. Information posted by the City is provided on an "as is" basis and public users assume the risk of use or reliance on such information. Neither the City, nor its elected officials, or other departments, committees, commissions, and boards are liable for any injury or damages resulting from viewing, distributing, or copying materials on City-owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – including without limitation, liability for indirect, special, incidental, or consequential damages

05.170 APPENDIX A

South Ogden City Social Media Public Comment Policy

Visitors to City-owned and controlled social media sites should be aware that the intended purpose of these pages is to disseminate information from South Ogden to members of the public. The City disclaims responsibility for materials the City deems to be inappropriate for posting that are not removed in a timely manner. Comments made by the public are the opinion of the commentator and do not necessarily reflect the opinion of the City.

As a limited public forum, this is a moderated site. If you post a comment or link, the City reserves the right to hide or delete any submission that includes:

1. Foul or profane language or content;
2. Content that promotes, fosters, or encourages discrimination against any ethnicity, race, national origin, religious affiliation, gender, sexual orientation, age, disability, or other group as defined by state or federal law or City ordinance;
3. Content that encourages or condones illegal conduct or activity [or violates any law or ordinance](#);
4. Sexual content, links to sexual content, or other obscene, indecent, or pornographic materials;
5. Content that discloses private, protected, or confidential material as defined by state or federal law or City ordinance;
6. Information that compromises public health or safety or the health or safety of public systems;
7. Slanderous or defamatory attacks of any person;
8. Content that is hateful or incites violence, or threatens to harm a person or an organization;
9. Advertisements, promotions, or solicitation regarding any service or product;
10. Content that violates a legal ownership interest of any person, including improper use of a trademark or copyrighted material;
11. Comments not topically related to the post made by the City;
12. Content, including links, that promotes the candidacy of any person, petition, or referendum; and/or

13. Spam or repetitively disruptive content.

The City does not discriminate based on viewpoint or for merely expressing disagreement with City policies or practice. Materials that are removed based on these guidelines shall be retained, including time, date, and identity of the poster if available.

If a visitor to the City's social media pages violates these terms two or more times within a 12-month period, the City may block the offending visitor. Users who have been blocked or whose posts or comments have been hidden or removed may appeal the decision in accordance with the South Ogden City Social Media Management Policy.

Comments made on this page do not constitute a legal or official notice or comment to South Ogden City and will not be regarded as a request for service.

011.070 Bereavement Leave

Employees who experience a death in their immediate family may, at the discretion of the Department Director request up to five days of bereavement leave.

Employees may apply for bereavement leave in the following manner:

- A. Up to five (5) days may be granted for bereavement leave for
 - 1. The death of an employee's spouse or child.
 - 2. following the end of the employee's pregnancy by way of a miscarriage or stillbirth;
 - 3. following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
 - (i) the employee is the individual's spouse or partner; or
 - (ii) the employee is the individual's former spouse or partner; AND
 - (iii) the employee would have been a biological parent of a child born as a result of the pregnancy.
- B. Up to three (3) days may be granted for bereavement leave for the death of an employee's parent, spouse's parent, grandchildren, or sibling.
- C. One (1) day may be used for bereavement leave for the death of the employee's grandparents, brother-in-law, or sister-in-law.

012.055 No Smoking Policy (Utah Indoor Clean Air Act)

In keeping with the Utah Indoor Clean Air Act [as set forth in Utah Code Ann. §§ 26-38-1, et seq., as amended](#) and to promote a safe and healthy work environment, it is City policy that smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. [As defined in Utah Code §§ 26-38-1, the term smoking also refers to the use of electronic cigarettes and non-tobacco shisha. \("Non-tobacco shisha" means any product that does not contain tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.\)](#) No smoking signs shall be conspicuously posted on all entrances or in a position visible on entry into any public area or building. As City vehicles are considered places of employment, it is City policy that smoking is also prohibited in all City vehicles.

Outdoor smoking is permitted only in designated smoking areas at least 25 feet from any public access entry or exit; and at least 25 feet from any open window where others are working.

This policy applies equally to all employees and members of the public. Any employee who observes someone violating this policy must bring the matter to the attention of his/her immediate supervisor or Department Director. Supervisors and Department Directors have the responsibility for enforcing the smoking policy of the City.