



CITY OF STURGIS
POLICY & PROCEDURES MANUAL

This manual compiles the administrative policies and procedures of the City of Sturgis. These policies may be revised by or added to by management staff as needed to achieve the policies and direction set by the Sturgis City Council. Staff makes every effort to codify in a written policy our long standing practices and procedures. On an annual basis the Council will be formally provided with a copy of the policies and procedures as part of the City Manager’s report.

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Note: Many of the policies and procedures particular to the Sturgis Liquor Store are proprietary according to SDCL Chapter 1-27 and City ordinance and therefore contained in a separate manual.

Note: The Sturgis Ambulance Service and the Sturgis Police Department have policies, procedures, and protocols specific to their departments. Many of those policies and procedures are closed according to SDCL Chapter 1-27-1.5.

Note: The Municipal Utility Board Regulations as well as the Personnel Policies & Procedures Manual are also contained in separate documents.

# General Policies

## Appointments to Boards & Commissions

The City of Sturgis maintains several standing Boards and Commissions that are required by State statute and/or City ordinance. These include the following:

- Planning Commission (*Chapter 11-6 and SDCL 11-4-11*)
- Municipal Utility Board (*Water, established 1978 via municipal election*)(Title 17)
- Parks Board (*SDCL 9-38-10 and Title 14*)
- Urban Forestry Board (*Title 14*)
- Board of Trustees of the Sturgis Public Library (*SDCL 14-2-37 and Chapter 14-2*)
- Downtown Business Improvement District Board (*Title 26*)
- Hotel/Motel Business Improvement District Board (*Title 26*)

These Boards and Commissions are composed of public volunteers. The number and membership requirements of each Board or Commission are set by State statute and/or City ordinance.

When a vacancy on a Board or Commission is open, the City will see applications.

All persons interested in serving on a Board or Commission must submit an application to the City Manager's office. Designated City staff and/or the Legal & Finance Committee will review the applications and make recommendation for appointment. Consideration shall be given to the application materials submitted as well as the applicant's availability, knowledge and interest in service on the particular Board or Commission. All volunteers considered for the Board or Commission must live in City limits or meet the residency requirements for the vacant seat.

The City Manager appoints members of the Planning Commission, Parks Board and Urban Forestry Board, Downtown Business Improvement District Board, and the Hotel/Motel Business Improvement District Board.

The Mayor appoints members of the Municipal Utility Board.

The full City Council appoints members of the Board of Trustees of the Sturgis Public Library (with seats proportionate to representatives of jurisdictions based upon funding effort of the Library).

Once appointed, the Sturgis City Council is formally notified as part of the next regular Council meeting. Once appointed, members are then confirmed annually in order to record their names and appointments in the City Council minutes for the purpose of work comp and/or liability coverage.

Once appointed, a volunteer serves for a three (3) year established term (unless otherwise set by State statute or City ordinance). A volunteer may be appointed to a second three (3) year term. There is no guarantee that the volunteer may be appointed to a second term, even if the volunteer is in good standing on the Board or Commission. No volunteer may serve more than two full consecutive terms.

If a volunteer is appointed to fulfill a partial or remaining term, that partial term does not count towards the limit of two consecutive full terms, if so appointed.

If a volunteer reaches the term limit, the volunteer must wait one full year before being appointed to serve on that same Board or Commission. However, the volunteer is eligible for immediate appointment to another City Board or Commission. A volunteer may only be authorized to sit on one of the City's boards or commissions at any given time.

Unless otherwise provided for in the Board or Commission's by-laws, City ordinance or State statute, an appointee may be removed by a vote of the full City Council for the following reasons:

- Just cause *and/or*
- Missing more than 2 meetings in a row (unless excused for illness or similar reason) *and/or*
- No longer meeting the residency requirement(s) for their seat *and/or*

- Election to the City Council.

All Board and Commission appointments must make an Oath of Office at the first regularly scheduled meeting that the appointee attends. The Oath of Office is as follows:

I, [Full Name], having been appointed by the City of Sturgis to fill a vacancy on the [Board / Commission], within and for said City of Sturgis, do solemnly swear that I will uphold the Constitution of the United States, the Constitution and Codified Laws of the State of South Dakota, and the Ordinances of the City of Sturgis. I will faithfully and impartially, to the best of my knowledge and ability, perform all the duties of that office for the City of Sturgis.

### **Council Leadership, Liaison Roles & Appointments**

At the conclusion of the “Old Business” portion of the first regularly scheduled Council meeting in May, any new City Council persons will take the Oath of Office. The Oath is both sworn and written. The signed Oath is kept on file in the Finance Office. The Oath of Office for an elected Councilperson is as follows:

I, [Councilperson’s Full Name], having been elected to the office of Alderperson Ward [X], within and for said City of Sturgis, do solemnly swear that I will uphold the Constitution of the United States, the Constitution and Codified Laws of the State of South Dakota, and the Ordinances of the City of Sturgis. I will faithfully and impartially, to the best of my knowledge and ability, perform all the duties of that office for the City of Sturgis.

Following the Oath of any new Councilpersons, the Council will elect a President and Vice-President for leadership positions on the Council. The Mayor will solicit nominations for President. Once the nominations are closed, the Councilpersons who are present will vote by secret ballot for the position of President from the nominees. The nominee that receives a majority of the quorum will be elected the President for the next year. In the case of a tie and/or a situation in which no nominee receives the majority of votes from the quorum, a run-off will be held between the two nominees that received the highest votes. The same process is followed for the position of Vice-President. No oath is required for the President or Vice-President.

At the second regularly scheduled meeting in May, following consultation with the City Manager and the Council, the Mayor will announce the appointments for various Council sub-committees as well as which Councilor will serve as the liaison to external Boards on which the City has a seat and/or sends a representative.

The current list of Council sub-committees are:

- Legal & Finance Committee
- Rally & Events Committee
- Infrastructure Advisory Committee

The Mayor, Council President and Council Vice-President have automatic seats on the Legal & Finance Committee. The Mayor also has an automatic seat on the Rally & Events Committee.

The current list of City Boards and Committees that Council sends a liaison representative:

- Parks Board
- Forestry Committee
- Planning Commission

The current list of external Boards which the Council has a seat and/or sends a liaison are the following:

- Sturgis Area Chamber of Commerce (ex-officio seat)
- Sturgis Economic Development Corporation (ex-officio seat)
- Sturgis Motorcycle Museum (voting member)
- Sturgis Motorcycle Rally, Inc. (voting member)
- Sturgis Rally Charities Foundation (voting member)
- Sturgis Public Library (voting member)
- Transportation Board (voting member)

In some cases, the appointment may identify a senior City staff person to hold the seat on an external Board.

In the case of a vacancy on the Common Council, the Council will determine the process by which it will fill the vacancy as allowed under SDCL 9-8-14.1. While the process is determined by each Council at the time of vacancy, recent practice by the Council has been to solicit applications from interested persons who are eligible to serve as a Councilperson for that vacancy (i.e. resident of the ward, etc.). Council has then selected an applicant, via a majority vote of the quorum present at a public meeting, to fill the vacancy. The Councilperson then fills the vacancy until the expiration of that term. The appointed Councilperson will take an Oath of Office. The Oath of Office for an appointed Councilperson is as follows:

I, [Full Name], having been appointed by a vote of the Council to fill a vacancy in the office of Alderperson Ward [#], within and for said City of Sturgis, do solemnly swear that I will uphold the Constitution of the United States, the Constitution and Codified Laws of the State of South Dakota, and the Ordinances of the City of Sturgis. I will faithfully and impartially, to the best of my knowledge and ability, perform all the duties of that office for the City of Sturgis.

## **Purchasing Policy**

This policy has been designed to ensure that the policies set by the City Council with regard to the expenditure of public funds are met by all City departments. If these policies are adhered to, the City will receive the maximum value for each public dollar spent.

### SECTION I: Basic Goals

The basic goals of the City's purchasing program are:

- a. To comply with the legal requirements of public purchasing.
- b. To assure vendors that impartial and equal treatment will be afforded all who wish to do business with the City.
- c. To receive maximum value for each public dollar spent.
- d. To provide City departments the required goods and services at the time and place needed in the proper quantity and quality.
- e. To purchase only goods and services for which funds have been approved and previously budgeted.

If the procedures and guidelines established in this manual are followed, each department will efficiently manage, control and plan their available resources to meet present and future departmental needs and help the City meet these goals.

### SECTION II: GENERAL GUIDELINES

These general guidelines should be considered Administrative rules and regulations and are to be adhered to as closely as possible by all departments in the procurement of goods and services.

#### 2.1 LOCAL PURCHASE PREFERENCE

It is the desire of the City to purchase from Sturgis vendors whenever possible. This can be accomplished by ensuring that local vendors who have goods or services available which are needed by the City are included in the competitive shopping process which should precede most purchases. The City has a responsibility to its residents, however, to ensure that the maximum value is obtained for each public dollar spent, the following should be considered when placing bids and making a final determination on the best bid price:

- a. If there is a savings greater than ten (10) percent on purchases of less than \$25,000 by purchasing the product outside of the City, then the purchase should be made outside of the City. Consideration should be given to shipping costs, travel time, gasoline and related expenses, etc. when making final determination on the best bid price.
- b. For purposes of this section, a local vendor must be an individual or company that, has a physical location or residence within the City of Sturgis or within a 3 mile radius of Sturgis.



c. If local vendors cannot meet product specifications and terms, then purchases may be made outside of the City.

d. Purchases from local vendors under this policy shall be deemed as lowest responsible bid.

## 2.2 PURCHASE OF AMERICAN PRODUCTS

It is the desire of the City to encourage the purchase of products manufactured, assembled, or produced in the United States, if the quality and price are comparable with other goods.

## 2.3 PLANNING

Planning for purchases should be done on both a short term and long term basis. Small orders and last minute purchases should be minimized, thereby increasing the capability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts possible. Planning will also cut down on the number of trips required to obtain materials and minimize the amount of clerical and supervisory time spent on documenting purchases. The purchasing process begins with the preparation of the Annual Budget.

## 2.4 OVERDRAFTS PROHIBITED

No purchase will be authorized which would overdraft a budgetary line item. Department Heads who are contemplating a purchase that will exceed a budgetary line item should contact the Accounts Payable Specialist to ensure that a provision is made for the necessary budget allocation prior to initiating the purchase. Documentation/calculation of the provision will be made on the AO or RO.

## 2.5 BUYING PROPER QUALITY

Quality and service are just as important as price and it is the duty of the requisitioning department to secure the best quality for the purpose intended. Quality buying is the buying of goods or services that will meet but not exceed the requirements for which they are intended. In some instances, the primary consideration is durability. With other purchases, it may be a question of immediate availability, ease of installation, frequency of repair or efficiency of operation that must be given primary consideration. In the case of motor vehicles and other capital expenditures, departments should investigate life cycle costs or mileage ratings to compare bids as opposed to utilizing the price as the criterion for determining the successful bidder. It is the responsibility of each Department Head to become familiar enough with the available equipment to determine the appropriate quality required in order to develop specifications and provide documentation

## 2.6 BRIBERY

Bribery in any form represents malfeasance in office and means that public funds are being mismanaged. Malfeasance in office is subject to disciplinary action up to and including dismissal.

## 2.7 SALES TAX

The City is exempt from paying all local and state sales tax. Make every attempt to be exempt from sales tax. Restaurants not included. The Finance Department can provide the necessary exemption documents to any vendor upon request. If the vendor is unable to remove the sales tax, the City will reimburse the employee for the sales tax if the purchase is made with the employee's personal finances.

## 2.8 PUBLIC ACCESS

All specifications, bid documents, purchase orders and supporting documents are public records which can be made available to the public upon reasonable request. All final original purchase documents must be retained by the Finance Officer. Public records are available for public review during normal operating hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. An open records request must be filled out in order to obtain the documents.

## 2.9 ENDORSEMENTS

It is City policy not to endorse, or in any way permit an employee's name, position, or the City's name to be used and advertised as supporting a product or vendor without just compensation as defined by written agreement. Such agreements must be approved by the City Council.

## 2.10 PERSONAL PURCHASES

Purchases for employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases.

### SECTION III: PURCHASING PROCEDURES

The City Council has established policies regulating the degree of formality to be followed in the purchase of goods and services, depending on the costs of the items to be purchased. The division of purchases into smaller orders to avoid these requirements is strictly prohibited.

Whenever goods or services are needed, the Department Head shall submit an Authorization Order or Requisition Order to the Finance Department for review and approval. The information on the Authorization Order or Requisition Order will be reviewed to ensure the correct account number is being used, the account has funds available and at which of the following levels the goods will be requested. If the purchase requires written quotations the Department Head will prepare and receive the quotes and this will be documented on the Requisition Order. The results will be forwarded to the Finance Office for review and approval. Once the Requisition Order has been approved, a Purchase Order will be issued by the Finance Office with the approval of the City Manager. The Department Head will be notified of the approval in a timely manner.

#### 3.1 PURCHASES OF UP TO \$1000 - AUTHORIZATION ORDERS

A Department may make purchases of supplies or materials to facilitate routine department operations to expedite the completion of a job or obtain essential supplies immediately. An Authorization Order allows purchases to be made for an amount up to \$1000.

Authorization Orders shall be processed by the Finance Office to insure proper account assignment and funds availability. Purchases should not be broken up to force a purchase to fall into one category or another. A Department Head or the Finance Office reserves the right to require stricter purchasing policies at its sole discretion or if Department is abusing the above 'no quote required' policy.

#### 3.2 PURCHASES FROM \$1001 TO \$5,000 INCLUSIVE – REQUISITION AND PURCHASE ORDER.

On a purchase from \$1001 to \$5,000, a Requisition must be submitted by the Department Head to the Finance Officer for approval **before an order is placed with a vendor**. The purchasing Department's Requisition must include three (3) written quotations for goods and services required. The quotations can be documented on the vendors' letterhead. The lowest bidder will then be awarded the bid if it meets the minimum specifications and the funds are available in the appropriate account.

#### 3.3 PURCHASES FROM \$5,001 TO \$25,000 INCLUSIVE – REQUISITION AND PURCHASE ORDER.

Purchase orders for goods having a value of \$5,001.00 to \$25,000.00 inclusive, must be submitted for approval to the Finance Officer and City Manager **prior to placing an order with a vendor**. The purchasing Department's Requisition must include three (3) written quotations for goods and services required. The quotations can be documented on the vendors' letterhead. The lowest bidder will then be awarded the bid if it meets the minimum specifications and the funds are available in the appropriate account.

The award will normally be made to the low quote meeting minimum specifications. However, there may be instances when the low quote is not from a responsible bidder. When such a situation arises, it is incumbent on the Department Head to thoroughly document the reasons why the low quote should be disqualified.

#### 3.4 PURCHASES AND PROFESSIONAL SERVICES EXCEEDING \$25,000

Any purchase or professional service agreement exceeding \$25,000 shall be authorized by the City Manager. All agreements should be presented to the City Council for motion and approval before an order is finalized or a contract is signed, unless the compensation for the professional services is within the budgeted authority of the particular department to receive those services. In that event, after the entire Council has been notified at least five (5) days prior to signing, the City Manager may execute the agreement. In an emergency situation, the City Manager may execute necessary agreements following consultation with Council leadership. Subsequent ratification of such an emergency agreement shall occur during a following City Council meeting.

#### 3.5 PURCHASE ORDERS

The City Purchase Order Form must be completed by the Finance Department and signed by the Finance Officer and City Manager, if required, under the procedures established in this manual. A purchase order is a contract between the City and

a vendor. The contract is not binding until it is accepted by the vendor. The issuance of purchase orders by unauthorized individuals will not be recognized by the City and payment of these obligations will not be approved. Unauthorized purchases are classified as personal expenses.

### 3.6 INTEREST of Local Officials in Contracts

Appointed officers of the City are barred from having an interest in any contract with the City of Sturgis. (SDCL 3-16-7, SDCL 6-1-1, SDCL 13-20-0-2.1) Department heads and law enforcement officers employed by the City of Sturgis in any manner shall not be permitted to sell any goods or services to the City of Sturgis. As used in this context, “not permitted to sell goods or services” means the individual employee cannot offer to sell to the City of Sturgis directly or indirectly, nor can any business, group, partnership, privately held corporation or other entity in which the individual has a significant financial interest, or from which the individual derives any significant financial benefit. This prohibition shall include not only the direct and indirect financial benefits or financial interest of the individual, but shall extend to and include any like business, group, partnership, privately held corporation or entity in which the spouse, child, stepchild, sibling or parent of the employee is employed, has a significant financial interest of any amount or from which any of those persons derives any significant financial benefit.

Furthermore, any employee not classified as a department head or law enforcement officer shall not be permitted to sell any goods or services to the City of Sturgis unless said goods or services are purchased by the City through the competitive bid procedures established by this policy and any applicable South Dakota Codified Laws, and that employee or family member’s relationship to the bidding entity is clearly disclosed in the competitive bid.

There are certain conditions under the rules of the South Dakota Department of Legislative Audit Bid Booklet which allow elected officers to be interested in contracts with the City of Sturgis. The primary condition is, as follows: any contract with any firm, association, corporation or cooperative association for which competitive bidding procedures are followed pursuant SDCL 5-18A, 5-18B or 5-18C, and where, as part of the bid award and contract process, at least two competitive bids are submitted and before any bid is accepted and a contract signed.

Appointed officers of the City are barred from being interested in any contract with the City of Sturgis. (SDCL 3-16-7, 6-1-1, 13-20-2.1) There are certain conditions under the South Dakota Department of Legislative Audit Bid Booklet which allow elected public officers to be interested in contracts with the City of Sturgis. The primary condition is as follows; any contract with any firm, association, corporation, or cooperative association for which competitive bidding procedures are followed pursuant to SDCL 5-18, and where more than one such competitive bid is submitted (AGR 82-22).

### 3.7 SPECIAL CIRCUMSTANCES

Repairs and purchases covered by insurance are subject to the Purchasing Policy.

Repairs, purchases, and any use of funds received from grants are subject to the Purchasing Policy as well as any stipulations written into the grant documents. In case of conflict between the Purchasing Policy and the grant documents, the stricter purchasing language shall govern.

Uniform replacement purchases for the Police Department are not subject to the Purchasing Policy so long as the total annual uniform replacement expenditure per employee is limited annually. This does not apply to purchases for Rally uniforms nor initial uniform purchases for new officers.

Departments may develop a ‘preferred provider’ list for commonly purchased items. Preferred providers must be subject to a contracted set of prices and goods. Preferred providers must be re-selected at least every two (2) years to validate ongoing cost savings. The bids for preferred provider status must follow the purchasing policy bid and selection process.

Departments are permitted to contract with another non-vendor entity to capture volume pricing. However, the Purchasing Policy still applies and efforts must be taken to verify the savings gained through the coordination of purchases with a non-vendor entity. Such a relationship must be legal and fully disclosed. Reevaluation of the purchasing relationship must be done at least every two (2) years

## SECTION IV: SPECIAL PROCUREMENT PROCEDURES

Occasionally, the City may need to purchase goods or services under circumstances which do not clearly fit the patterns of normal public procurement and for which normal competitive shopping procedures do not apply. The following guidelines are provided with regard to making such purchases.

#### 4.1 SOLE SOURCES

In the event that there is only one vendor capable of providing a particular good or service, then the competitive shopping procedures outlined in this manual may be waived by the City Manager.

Whenever a Department Head determines that, he/she must purchase goods or service from a “sole source vendor” he/she should document why only one company or individual is capable of providing the goods or services required. The documentation should be attached to the requisition. The City Manager must approve all sole source purchases.

#### 4.2 COOPERATIVE PROCUREMENT PROGRAMS

Cooperative purchasing programs should be considered whenever the desired product or services cannot be provided by a local vendor at a competitive price as determined by the Local Purchase Preference. Cooperative purchasing can prove advantageous to the City both by taking advantage of the large quantity purchases made by State Government. The City is encouraged to check with the State or other third parties regarding cooperative procurement contracts in effect prior to making any large purchase.

#### 4.3 PROFESSIONAL SERVICES

Normal competitive procedures cannot be utilized in securing professional services such as attorneys, engineers, certified public accountants, planners, and other professional people who, in keeping with the standards of their discipline, will not enter into a competitive bidding process. A Request for Proposal (RFP) can be prepared much the same way as specifications including requirements and minimum standards for the services to be provided. RFPs should be submitted to the City Manager for review and approval prior to distribution. When an RFP for professional services is approved, a limited number of qualified professionals known to the City will be invited to submit a proposal setting forth their interest, qualifications, and how they can meet the City’s needs. In securing professional services, it is the primary goal of the City to obtain the services of a professional who has a proven record of providing, in a professional way, those services required. A contract will be negotiated with the professional deemed to best meet the City’s needs.

#### 4.4 OPEN PURCHASE ORDERS

Open Purchase Orders are for long term contracts for goods or services specified on an “as needed” basis. Examples of Open Purchase Orders include fixed unit pricing on construction materials such as rock, concrete and asphalt, trees and other landscaping materials, automotive supplies such as tires and batteries, hardware, and office supplies frequently or routinely utilized by the city and for which the initiation of competitive shopping each time the goods or services are required would be cumbersome and inefficient.

#### 4.5 EMERGENCY PURCHASES

The bid procedures outlined in this manual may be waived under emergency conditions when a delay may threaten the basic mission of a line department. True emergency situations exist when the health or welfare of the people are involved. Given the rarity of such situations, purchasing Departments must attempt to obtain two competitive quotations and thoroughly document the emergency. Occasionally, equipment will require emergency repairs or other circumstances will necessitate emergency purchasing which cannot await compliance with these regulations. Department Heads faced with an emergency purchase are to notify the City Manager and Finance Officer as quickly as possible.

#### 4.6 PETTY CASH ACCOUNTS

Very often, there is a need for immediate availability of funds. Petty cash funds will be issued to the following departments in the amounts noted.

City Hall	\$300.00
Police	\$100.00
Animal Shelter	\$50.00
Public Works	\$ 50.00
Community Center	\$175.00

Petty cash receipts are to be completed by the person responsible for the fund in each department; these should include the amount, description of items, budget account number, and signatures of the persons receiving the funds and the person issuing the funds. Petty cash funds can be replenished up to twice monthly with the minimum of \$15.00 being replenished. Each individual receipt must be summarized on an Authorization Order. A check will then be prepared, made payable to the Department Head for that particular department's petty cash, and it will be that person's responsibility to cash the check and assure that the funds are placed into the departmental petty cash fund. The Finance Department will conduct unannounced audits of petty cash funds to assure the monies are being properly accounted for. The use of petty cash funds for personal use, even for very short periods of time, is contrary to City policy.

## SECTION V: SPECIFICATIONS

### 5.1 FORMAL COMPETITIVE BIDDING

When goods or services are bought under the formal competitive bidding process, specifications must be prepared. Specifications, regardless of the type, should do four things:

- a. Identify minimum requirements,
- b. Allow for a competitive bid,
- c. Be capable of objective review, and
- d. Provide for an equitable award at the lowest possible cost.

### 5.2 GENERAL GUIDELINES

a. Keep specifications as simple as possible while maintaining the exactness required to keep bidders from utilizing a loophole to avoid providing the quality or services required or in another fashion to take advantage of their competitors.

b. Whenever possible, identify the equipment or material required with some name brand or known standard specification already on the market. All specifications that utilize a brand must include the term "or equivalent" to avoid being restrictive and eliminating fair competition from the bidding process.

c. Specifications should promote competition. Specifications so drafted will normally allow several bidders to provide the City with alternatives and ensure that the City obtains the lowest possible price for the goods or services required.

d. Flexibility in the specifications is desirable in instances where new technologies are being sought. Specifications should be specific enough to guarantee the quality required but sufficiently flexible to allow vendors to be creative in their proposals. If a proposal does not meet the City's needs, it can be rejected and the bid which closely follows the specifications accepted. These procedures should be used sparingly and Department Heads contemplating flexible specifications should contact the City Manager to discuss the format and degree of flexibility anticipated prior to the completion of a final draft.

e. Specification should be reasonable in its tolerances. Unnecessary precision is expensive. Specifications should be written with clear, simple language, free of vague terms or those subject to variation in interpretation.

f. When purchasing off of the bid of another entity, the variance between items purchased by way of an original and then a subsequent bid may not be "material" and that the new item must be in "substantial compliance" with the specifications set out in the original bid letting.

g. Bid Bonds: Where the advertisement for bids is for the construction of a public improvement or the purchase of equipment or materials, each bid must contain a certified check, cashier's check or draft, for five percent of the amount of the bid, such check to be issued by either a state or a national bank and payable to the public corporation, or in lieu thereof a bid bond for ten percent of the amount of the bid, such bond to be issued by a surety authorized to do business in this state payable to said public corporation, as a guaranty that such bidder will enter into a contract with said public corporation (SDCL 5-18-6, 13-20-7.1). No bidder shall be required to leave his bid (surety) bond posted for a period exceeding 30 days unless he is the successful bidder. Therefore, all checks and bank drafts should be returned once a contract has been signed. (SDCL 5-18-7).

h. Performance Bonds: When any contract is entered into for the construction of a public improvement or the furnishing of any material or labor for the improvement, the contractor must furnish a performance bond in an amount equal to the contract price. This bond guarantees the faithful performance and the payment for labor and materials by the contractor. (SDCL 5-21-1, 13-20-7.1)

If the contract includes total cost bidding, the City should require a performance bond for the cost of repairs and guaranteed repurchase cost.

- a. Design Build: No person, firm or corporation may act as architect or engineer and also contractor on any public work when the amount expended will exceed \$100,000 (SDCL 5-18-15).
- b. Contracts: When any bid is accepted, a contract must be entered into with the successful bidder (SDCL 9-42-11). All contracts must be in writing showing all terms and conditions and be signed by the City Manager.

## SECTION VI: DELIVERY AND PERFORMANCE

A contract or purchase order that is complete in all respects and that is accepted by the parties concerned still must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies, or equipment. The importance of the delivery schedule should be emphasized to the vendor. Delivery requirements must be clearly written and fully understood by all contract participants. If several items are required by the contract, there may be a different delivery schedule for each item. The delivery schedule will normally be shown in calendar days from a specific date or transaction, such as receipt of order by the vendor. It is also important that you clearly show the place for delivery and the receiving time schedule at the delivery points. If there are liquidated damages for failure to deliver or late delivery, call these terms to the attention of the vendor and stress their importance. All parties should know where the material will be accepted-F.O.B. origin or destination. In determining delivery locations, you should analyze each specific location in respect to product, costs, timeliness, and other relative factors.

### 6.1 PARTIAL DELIVERIES

Some Purchase Orders may list several items. In this event, it may be possible for the vendor to complete timely delivery on some of the items, which would be referred to as “partial deliveries” on the complete bid. If these items can be used separately, partial payments can be authorized. However, if the separate items are part of a system, then partial deliveries would be of little value to the City. In this case, partial payments should not be authorized.

### 6.2 SUBSTITUTION

To meet the contractual delivery schedule, it may be appropriate in some situations to consider substitute items. The specifications should cover this eventuality and would govern the legality of the transition. However, substitutions may be necessary, regardless of the specifications, if it is absolutely necessary for the City to have the material by a specified date. Other reasons for substitution may be design changes, raw material shortages, and health and safety priorities. Whenever substitutions are necessary, due to shortcomings of the vendor, it is the responsibility of the purchaser to seek and obtain an adjustment for lower prices on the substituted items. This action will serve to meet the legal requirements of the contract and to discourage future substitutions by the same vendor. In addition, this action will serve notice on the other bidders that no favoritism was shown and that compliance with specifications is expected from all vendors.

### 6.3 NONPERFORMANCE

Should the vendor fail to meet any requirement of the specifications, the vendor can be cited for nonperformance. Any department purchasing items that don't perform should notify the City Manager and Finance Officer immediately. The seriousness of nonperformance must be evaluated based on the circumstances surrounding each violation. However, there should always be some recourse to the City when a vendor fails to perform in accordance with the terms and conditions. These recourses include:

- a. The City may exercise its rights under a liquidated damages clause or under the terms of a performance bond, or proceed under any remedy available pursuant to the law of the State of South Dakota.
- b. The City may obtain the needed items from another source and charge the delinquent vendor the excess difference in cost. (But obtaining the delinquent items from another source is not always an acceptable solution, since additional delivery time may be required. A revised delivery schedule with the vendor may be the best remedy).

c. The City may terminate the contract for default if it is in the best interest of the City, provided that the items can be obtained under more favorable conditions from other sources.

## SECTION VII: INSPECTION AND TESTING

Human lives as well as the success of expensive projects may depend upon how well the purchased items meet the design and performance specifications included in this bid package. Goods and materials should be checked at the time of receipt to detect any damage or defects. The inspection also includes assuring that the material is in compliance with the specifications. A variety of tests may be conducted as a necessity for determining if the merchandise meets specifications. Certain forms of inspection and testing will only be conducted on a percentage of the items, as the procedure followed may make the items unusable. Inspecting or testing every item received is neither economical nor practical. All requirements for inspection and testing must be clearly stated in the specifications. Both inspection and testing are costly, but the benefits far outweigh the expense when defects can be detected before they cause loss of life, injury or equipment failure. Inspection, testing, and acceptance are conclusive, except for latent defects or fraud. Any department purchasing items that don't perform should notify the City Manager and Finance Officer immediately.

### 7.1 REPORTS, REJECTION, AND RETURN AUTHORIZATION

Whenever an inspection is performed, all reports to properly support claims or actions must be thoroughly documented. Sufficient time should be scheduled to allow for an inspection immediately upon arrival of the goods, taking into consideration required tests as necessary. Goods should be inspected for damage, quantity, quality, and price and for all other requirements listed in the specifications. A copy of the inspection report will normally be used to substantiate payment for the goods and verification of receipt. In the event of rejection, for whatever purpose, certain steps must be taken to inform and to protect the rights of the vendor as well as of the City. Reasons for rejection must be listed and these reasons should reference specific requirements of the contract.

### 7.2 DAMAGE DURING SHIPMENT

One of the major reasons for inspection at the time of receipt is to detect any visible damage. It is important that all damage be completely described on the receiving report. Any evidence of concealed damage should also be noted at this time. This notation is necessary to support the filing of damage claims against the carrier. The carrier should be notified immediately, and a joint inspection should be scheduled with the carrier's representative. When it is apparent that the extent of the damage causes the goods to be worthless, they should not be accepted. If the shipment is "F.O.B. destination", the vendor is responsible for assisting with the settlement of the claim and for full replacement of the damaged items. Payment will be withheld until the claims are settled.

### 7.3 LATENT DEFECTS

Latent defects may be the result of damages in transit or of failure of the manufacturer to conform to specifications. Consequently, it is sometimes very difficult to fix responsibility for the defective material. If the carrier is suspected to be the one at fault, then the carriers' representative should be invited to come in for a joint inspection. Subsequently, a claim describing the situation should be filed with the representative carrier. A similar procedure should be followed if the vendor/manufacturer is suspected to be at fault. The importance of "F.O.B. destination" shipments should be reiterated at this point, for on such shipments, the vendors are responsible for rectifying the situation or for the correcting the defect. If specific liability for the defect cannot be determined between the carrier, the vendor, or the manufacturer, the City may have to file a claim against all parties, seeking their cooperation in resolving the situation.

## SECTION VIII: DISPOSAL OF SURPLUS GOODS

The governing board may sell, trade, destroy or otherwise dispose of any land, structures, equipment or other property which such governing board has, by appropriate motion, determined to be no longer necessary, useful or suitable for the purpose for which it was acquired. No motion is required to sell, trade, destroy, or otherwise dispose of consumable supplies, printed text, or subscriptions. (SDCL 6-13-1)

At the City's discretion and with prior approval of the City Manager, items which have been duly surplussed and who have a value of less than \$100 can be discarded and will not sold at auction.

## SECTION IX: TRAVEL REGULATIONS AND REIMBURSEMENTS

### 9.1 GENERAL REGULATIONS

The City's goals are to allow travel arrangements that (1) conserve public funds, (2) provide equitable treatment of all personnel, and (3) allow travel in a manner that is dignified and reflects credit on the City of Sturgis. These regulations are applicable for all travel expenses incurred on behalf of the City by employees, elected officials, and Council members. Where these regulations do not adequately cover a travel situation, the City Manager may authorize exceptions. Decisions as to which trips will be authorized are generally made through the annual budget process. Attendance at other meetings outside the Sturgis area may be authorized when the Department Head is an active participant in the national and/or state organization. The City Manager must approve all requests in advance. Attendance at various local professional and technical conferences and meetings will be authorized as funds and time permit. Good judgment and a proper regard for economy are expected when incurring travel expense on behalf of the City. There is no objection to a spouse and/or other family members traveling on an official trip, but no expenses attributable to them will be reimbursed by the City.

## 9.2 TRAVEL ADVANCE

A travel advance, in an amount not to exceed the budgeted amount for the trip, may be secured by use of the Travel Advance Request Form. If the travel advance is for a conference or a training program, a descriptive brochure or announcement must accompany the request. This request must be submitted to the Finance Department no later than two weeks prior to the date of the trip in order that it may be placed on the List of Council Claims for Council approval. Such advance will be in the form of a check. Employees must turn in receipts to document all expenses related to the travel advance. Employees are responsible for any undocumented travel expenses.

## 9.3 USE OF COMMERCIAL CARRIER

Commercial carrier fares will be limited to 'coach' or 'economy' fares when such services are available. Travel to and from stations and airports may be by bus, taxi or private vehicles (for which mileage will be paid), whichever is least costly. Receipts for transportation costs are required.

## 9.4 USE OF PRIVATE VEHICLES

Private, personal vehicles may be used for travel on City business when authorized by the City Manager and no other City vehicle is available. An exception will be made for weather related requests although employees will be encouraged not to travel in such situations. Reimbursement for use of a private vehicle will only be considered if a City vehicle was not available for use. Additionally, if an employee voluntarily elects to take their personal vehicle (without any mitigating circumstances (i.e. weather)), then reimbursement will only be for the expense of gasoline.

Reimbursement will be limited to the lower of:

a. The IRS allowed mileage rate plus tolls, parking and garage, charges, or

b. The cost of air travel as provided above.

The employee is liable for any and all damage(s) that might occur in the voluntary use of their personal vehicle during City travel.

## 9.5 TRAVEL TIME EXCEEDING ONE DAY

Employees should not drive to meetings and conferences when the travel time en route to the destination requires more than one day. In such instances, no reimbursement will be made for any lodging, meals or other expenses incurred en route, unless prior approval is received from the City Manager.

## 9.6 VEHICLE RENTAL

There may be an occasion when rental of a vehicle may be required (i.e. great distance between hotel and conference sites). Prior authorization must be given by the City Manager. The actual cost will be reimbursed and written receipts will be required.

## 9.7 LODGING

Hotel or motel reservations are expected to be made well in advance to ensure that lodging is secured at moderate rates and payment for lodging should be made by direct billing to the City. (Finance Office will set up this direct billing if we don't already have it with the hotel or motel) Written receipts for lodging are required. Reimbursement of lodging will be limited to the minimum number of nights required to conduct City business. If a conference, for example, opens on Sunday evening and closes Thursday noon, reimbursement for Sunday through Wednesday night would be allowed. If an employee or City



official chooses to arrive earlier or stay later, the additional lodging and other expenses related to this decision are personal expenses and will not be reimbursed. There may be instances in which significant savings in travel expense may be achieved by taking advantage of discount fares requiring an additional night's stay. Prior authorization by the City Manager will be required to utilize this arrangement. No lodging expense will be reimbursed for meetings or conferences held in the Sturgis area unless prior approval is obtained from the City Manager.

#### 9.8 MEALS AND MISCELLANEOUS EXPENSES

For meetings and conferences held outside the Sturgis area or at such a distance that overnight lodging is required and approved by the City Manager, employees and City officials will be reimbursed for meals, tips, taxi fare and other miscellaneous business-related expense incurred. Written receipts will be required for all expenditures except tips. The City Manager may approve non-receipted expenses upon receipt of acceptable written documentation that the expenditure was incurred and that a receipt could not be obtained or was subsequently misplaced. Expenses not ordinarily allowed under the provisions of these regulations may be authorized by the City Manager when justification exists.

#### 9.9 REGISTRATION FEES

Registration and tuition fees for pre-approved professional and technical meetings and conferences will be reimbursed if not prepaid by the City. Written receipts will be required.

#### SECTION X: MEALS

In all regards, the City of Sturgis expects all of its employees and officials to be excellent stewards of the taxpayers' finances. As such, any meal purchases should be limited and infrequent. However, there are some instances when the purchasing of meals within the City of Sturgis are appropriate and help to maintain a high degree of morale and professionalism which in turn enhances the services provided to the residents of Sturgis.

In addition to the meal policy included in section 9.8 of this policy, all meal purchases inside the City of Sturgis shall meet the following requirements:

#### 10.1 BASIC REQUIREMENTS

- a. All food related purchases must be within the Council's originally adopted or supplemented line item budget for each individual department.
- b. Each Department at the discretion of the Department Head may provide one annual meal to their Department funded through the Mayor and Council budget to thank the employees for work completed throughout a significant period of time.
- c. Each Department at the discretion of the Department Head may provide an infrequent and occasional meal for employees following the successful completion of a significant work related event or achievement.
- d. Each Department at the discretion of the Department Head may provide food for employees during times of excessive work where the time away from work to get or prepare a meal would significantly deter from the delivery of public services.
- e. Each Department at the discretion of the Department Head may provide a highly occasional meal for employees during a department wide staff meeting or training session.

### **Equipment Leasing Policy**

The following policy provides guidelines and instructions for the leasing of equipment for the City of Sturgis. All equipment leases must comply with the City's Purchasing Policy.

#### **Reason for Policy**

The policy provides guidance for the use of leasing as a method of goods acquisition, emphasizing both that appropriate controls must be in place to mitigate risk relative to financial loss and that good business practices are followed.

## **What is Capital Leasing?**

Leases are legally binding, non-cancelable contracts that financially obligate the City. The Lessor owns the equipment throughout the contracted lease period and maintains a security interest or lien on the equipment. Departments have a fiduciary responsibility to safeguard the leased equipment in their care and, in the event the equipment is stolen and/or damaged, the City is responsible for the prompt replacement of the equipment. A Lease may not be canceled for any reason prior to the end of the term without incurring severe financial repercussion.

Leasing goods is subject to the same policies and procedures that would apply to the acquisition of any piece of equipment.

Leasing is a **financing mechanism**, not a funding source. The acquiring department must identify the funding source prior to entering into a lease. The primary reason to lease rather than buy an item is because the needed item's cost is prohibitive for the City or the funding source to purchase the equipment outright.

The lease or buy decision and the identification of the type of lease that would be most appropriate must take into consideration the following criteria:

- Technical and operational useful life of the item(s).
- Likelihood of continued use beyond the lease term.
- Budgeting issues
- Financing terms (term, cost of borrowing).
- Type of lease (Operating vs. Capital) and its Financial Statement impact

## **Types of Leases:**

### **I. Operating or Fair Market Value Leases:**

An Operating/Fair Market Value Lease is essentially a long term rental of equipment and/or payment for the use of equipment over a specified term. At the end of the lease term, the equipment must be either returned to the lessor or purchased for the current fair market value (FMV).

### **II. Finance or Capital Leases:**

In a Finance/Capital Lease, the payments are structured like a regular loan (with interest) under which the department owns the leased item at the end of the lease term for a nominal cost (generally a value of \$1.00).

## **What Capital/Goods are covered by the Leasing Policy?**

The types of capital equipment that are covered by this policy are typically (but are not limited to) the following:

- Equipment
- Office Equipment
- Vehicles

## **Motor Vehicle and Equipment Leases**

The lease term will be open and determined by what is being leased. In order to be considered for leasing, the item must have a value of at least \$25,000.

## **Copier / Printers / Scanners (Multi-function Device)**

Where necessary, the City strongly recommends that departments acquire a multifunction device (MFD) (i.e. copier that prints, scans and if necessary faxes). By acquiring a MFD, the department minimizes its maintenance expenditures by eliminating the need to have multiple maintenance contracts for each piece of equipment. The minimum lease term will be two (2) years and the maximum will be five (5) years. In order to be considered for leasing, the item must have a value of at least \$5000.

## **Postage Meter**

There is no minimum dollar threshold for Postage Machine leases. Due to postal regulations, postal meters may only be leased from regulated vendors. Postage meter leases include maintenance and software upgrades.

## **General Guidelines**

Departments can request leasing of equipment. Leases require a PO and must have available funds budgeted and guaranteed for the full term of the lease. Leases require receipt and acceptance. All equipment leased on the same schedule must be

located in the same address and must be delivered and installed at the same time. This is necessary to avoid lengthy delays in finalizing the lease, increased financing charges such as interim rents, and delays in payments to the equipment vendors.

The City may use government leasing contracts that are already been properly procured thru the use of the South Dakota State Bid, NJPA or Minnesota Cooperative Agreement or such programs.

Lease terms are based on equipment cost and useful operational life. A lease term may not exceed the useful operational life of the equipment.

### **Lease Documentation and Signing Authority**

Leases require extensive documentation and review in addition to approved requisitions and PO's in order to implement. The following documents are typical of leasing documentation: Lease Proposal (Lease Financing Quote or Offer), Master Lease Agreement (MLA), Lease Schedule, Delivery & Acceptance Form and Third Party Assignment.

### **Leasing Process**

The Finance Office is responsible for managing the leasing process of the City.

All leases are processed, executed, managed and paid centrally through the Finance Office. Payments are administered through the department in which the lease originated according to the Purchasing Policy. The AO or RO must be signed by the authorized officers in that Department.

Lease documents received by departments must be forwarded to Legal for review and execution. The City only enters into lease agreements totaling \$25,000 or less over the term of the entire agreement after the approval from the City Manager. Lease agreements totaling more than \$25,001 over the term of the entire agreement of the entire contract are approved by Committee and the Common Council.

### **Responsibilities**

#### **Departments that are leasing equipment**

It is the responsibility of the appropriate staff in a department to:

- Consult with the necessary vendors to obtain information necessary to evaluate and compare leasing and buying options
- Conduct a Request of Proposals (RFP) for the purchase price of the equipment
- Complete the Finance Office lease justification worksheet, which quantifies the value of a leasing item versus purchasing the item
- Request and receive all necessary approvals (prior, internal and budgetary)
- Adhere to the City's purchasing policy
- Ensure that an authorized Lease Agreement and Purchase Order is obtained prior to delivery of the equipment
- It is the department's responsibility to work with the vendor to ensure that the equipment is delivered and installed in good order.

**Finance Department** - It is the responsibility of the Finance Department to:

- Work with the department to clarify equipment cost, terms, conditions and any other requirements;
- Upon request from a department, provide financial guidance as to whether the goods should be leased or purchased;
- Work with departments to resolve any requests for leases that deviate from the guidelines contained in this policy statement;

### **Council Travel**

The following regulations will explain travel cost reimbursement for expenses incurred by Council members while on official business travel for the City.

Advance approval of travel for any one Council member is required by a simple majority of the full Council.

Council members will submit a travel request to the Mayor. A copy of the program must accompany the travel request. The Mayor will review the travel request and may approve expenses up to \$100.00 and place other requests on the Council agenda.

No Travel and Training expenditure that exceeds the Mayor and Council's budgeted Travel and Training line item may be made without prior approval of the Council. All travel will be by the most economical method.

The Mayor shall report to City Council leadership any travel which requires the Mayor to incur expenses for it in excess of \$750.

Claim requirements and expense reimbursements are governed in accordance with the City Purchasing Policy. Expenses must be accompanied by a completed travel voucher and brief description of the travel. Receipts are required for lodging, registration, rented cars and other incidental expenses charged. If a travel expense has found to be disallowed by the City Purchasing Policy as administered by the Finance Office, the Council member may appeal to the City Council and the Council shall make the final determination.

### **City Facilities as Tobacco & Nicotine Free Facilities**

Policy: This policy has been established to prohibit the use of tobacco products, including e-cigarettes, in City buildings. This policy also restricts tobacco use immediately outside those designated City buildings, which are frequently accessed by the public. This policy also conforms to applicable state laws, specifically SDCL 22-36-2 and SDCL 22-36-3.

#### Procedures: Tobacco and Nicotine Free Facilities

All City facilities are officially designated tobacco and nicotine-free facilities. No person may smoke tobacco nor carry any tobacco product inside any City facility. This prohibition includes the use of e-cigarette, vapor cigarettes, vape pens, hookah pens, and other smokeless products. This prohibition includes the buildings, elevators, restrooms, stairs, reception areas, offices, shops, vehicles, equipment, and any other indoor or enclosed area where any employee works or may work. As such, all indoor or enclosed areas of the workplace and City property are tobacco and nicotine-free, without exception.

This policy applies to all employees, elected officials, vendors, contractors, and patrons.

#### Expanded Tobacco-Free Zones

Furthermore, in an added attempt to ensure outdoor smoke-free areas where the general public (especially children and youth populations) frequently passes through, meets and/or congregates, the City has established Expanded Smoke-Free zones.

The City facilities covered by these expanded tobacco free zones are the Sturgis Public Library / City Hall and the Sturgis Community Center.

Furthermore, smoking and the use of e-cigarettes is prohibited within 25 feet of any entrance, exit, operable window, ventilation system, and any other location(s) where others would be required to walk through secondhand smoke to enter a facility covered by this policy.

“No Smoking” signs shall be clearly and conspicuously posted.

All ashtrays shall be removed from any area where smoking and tobacco use is prohibited by this policy. Smoking areas have been designated and can be found at both locations.

The City reserves the right to add other facilities to which this expanded policy shall apply.

Complaints about smoking or violations of these policies

All employees are authorized to communicate this policy with courtesy, respect, and diplomacy, especially with regard to visitors.

The staff of all City establishments will make every attempt to resolve public complaints about smoking in violation of this policy.

- Any complaints should be brought to the attention of the Department Head.
- Staff will inform the patron of the policy infraction and request the patron cease the tobacco use or move to a designated smoking area.
- In the event the visitor fails to immediately comply or there are on-going violations by a visitor, the staff will take actions as appropriate in accordance with facility policies concerning disorderly visitors.

In the case of an employee's violation of this policy, the complaint should be made to the facility's Department Head for resolution through the City's established disciplinary processes.

Tobacco Cessation Opportunities: The State of South Dakota provides tobacco cessation tools and information through its South Dakota QuitLine's toll-free number 1-866-737-8487, or by visiting the Tobacco Control Program's website at: <http://www.state.sd.us/doh/Tobacco/>.

### **Key Issuance & Return (Non-Watershed)**

Note: "Key" may refer to a key fob or an access code.

It is the policy of the City of Sturgis that other than during normal working hours all buildings shall be locked in order to maintain the safety of both the buildings and their content. Keys are issued for entry to City buildings as required by the needs of each individual Department.

When entering or leaving a locked building, you shall be responsible for securing the door and may be held responsible for any loss or damage from failure to do so.

You are responsible for your key. It is understood the key will not be loaned or made available to others.

You shall report lost or stolen keys immediately to your Department Head.

The Department Head may have further key security requirements, based upon Department need.

You are required to return your key to your supervisor or the HR Coordinator on the last day of employment. Failure to return my key will result in the employee being charged a \$35.00 lost key fee. This fee will be deducted from the employee's final paycheck.

### **Public Relations / Media Inquiries**

The City of Sturgis will generally provide a response to media inquiries within twenty-four (24) hours of receipt. The individual designated to speak on the organization's behalf is the City Manager and/or his/her duly authorized designee. No one other than these individuals (with the exceptions noted below) should represent the City's position to the media.

When inquiries require a detailed technical explanation, a spokesperson may be designated to address a particular issue. That spokesperson will usually be a senior staff person who is qualified to speak on City's behalf on the issue in question. Additionally, in emergency situations, the Mayor or his/her designee may designate a Public Information Officer (PIO) in accordance with the City's Emergency Response Plan. (For example, the Chiefs of Police or Fire may be designated as the PIO depending upon the situation.)

Any media contact not made initially through the above channel should be immediately reported to the City Manager. All press releases will be issued as deemed necessary and relevant by the City Manager. S/he shall approve all press release

prior to distribution (whether external or internal). In addition, press releases that include quotes by senior staff will be approved by the individual quoted.

Department Heads or employees, as authorized by the City Manager, shall ensure the accessibility by the public to public information as well as shall ensure the proper disclosure of public information.

### **Non-Media Information Inquires/Customer Relations**

This policy provides guidance as to what employees should do when acting in an official capacity for the City of Sturgis. This policy has been designed to achieve a balance between supporting the decisions made by the City and personal opinions.

To achieve this aim the following actions shall be taken:

- 1) If an entity, group or individual makes an enquiry about City policy or decisions while the employee is acting in an official capacity for the City, the employee shall:
  - a) Explain the rationale of the decision or policy without personal stances being said.
  - b) If the employee feels he/she cannot do this, the employee shall refer the entity, group or individual to their immediate supervisor to provide the rationale of the decision or policy without personal stances being included.
  - c) It is not required that employees promote the City policy or decision.
- 2) Conduct will be professional and courteous during the enquiry contact time.
- 3) Any media questions will be immediately referred to the City Manager or his/her duly authorized representative.

### **Open Door Policy**

The purpose of this policy is to encourage open communication between employees and management as well as to foster feedback and discussion about any matter of importance to an employee. Employees should feel free to talk with their supervisor or manager at any time in order to provide suggestions, comments, observations, or complaints. Employees should also use this channel of communication to provide constructive criticisms as well as to make suggestions or observations regarding City procedures so as to improve the City's efficiency in providing services to the general public.

#### **EMPLOYEE RESPONSIBILITIES**

If any area of an employee's work or work environment is causing concern(s), the employee has the responsibility to address the concern with management. The City encourages employees to speak with their Department Head as the most direct way to resolve a problem, confusion, or complaint. However, should the employee not feel comfortable with this approach, then the employee should speak with the City Manager or Human Resources.

When utilizing the open door policy, the employee is not relieved of the obligation to respect all other City policies and procedures while communicating the problem. Additionally, the Open Door Policy does not condone discrimination or harassment in any way.

Further, it is important that the employees understand that while they will assuredly be heard, their view or opinion regarding the resolution of the problem will not always prevail.

The City encourages its employees to bring forth complaints, concerns and suggestions in a timely manner in order to more efficiently resolve any concerns.

#### **EMPLOYER RESPONSIBILITIES**

All supervisors and Department Heads of the City of Sturgis will be accessible to discuss employee concerns. Management will work with the employee to listen, clarify confusions, and/or suggest alternatives or solutions. If management commits to any follow-up, it will be conducted within a reasonable period of time given the circumstances.

Should an employee wish to speak at an inconvenient time (i.e. due to meetings, deadlines, or other conflicts), the supervisor, manager or department head will schedule a time to meet with the employee as soon as reasonably possible. This allows the employee and manager to schedule a time that is convenient to both parties and which also ensures the manager's undivided attention and sufficient time to discuss the employee's problem or concern. Management will make every effort to keep all appointments.

Any complaint regarding harassment, discrimination, or retaliation will be treated pursuant to the procedures outlined in the City's anti-discrimination and non-harassment policies. As required, management will conduct necessary investigations. Confidentiality will be maintained throughout any investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

## GRIEVANCES

The Open Door Policy provides both a formal and informal communication channel but it does not replace the formal grievance process, as outlined in applicable collective bargaining agreements. Employees are encouraged to use the Open Door Policy to address concerns prior to escalation to a grievance.

## **Ethical Conduct Policy**

### **1. PURPOSE:**

City staff will maintain the highest ethical standards in the conduct of City affairs. Intent of this policy is that each employee will conduct the City's business with integrity and comply with all applicable laws in a manner that excludes considerations of personal advantage or gain.

Applicable laws include but are not limited to SDCL 6-1-17, SDCL 6-1-2, as well as Attorney General opinions.

The following is a summary of the City's policy with respect to potential conflicts of interest and certain other matters.

### **2. GENERAL POLICY APPLICATION:**

**A. Gifts, Favors, and Payments by the City:** Acceptance of cash, cash-equivalent, fee, gift, meal, or other item of monetary value in exchange for products, services, favorable consideration, preferential treatment, employment preference, or business with City is prohibited.

Nominal gifts may be given to others at the City's expense, if they are consistent with accepted business practices, are of sufficiently limited value and in a form that will not be construed as a bribe or payoff, are not in violation of applicable law and generally accepted ethical standards; and they are approved by the City Manager (under \$250) or the Council (over \$250).

Employees may accept for themselves common courtesies usually associated with customary business practices. A strict standard is expected with respect to gifts, services, discounts, entertainment or considerations of any kind from suppliers or vendors. When in doubt, an employee should discuss with their Department Head or the City Manager.

These include but are not limited to:

- Occasional lunch and/or dinner with vendors (sometimes including spouses) is permitted as long as the invitation is extended by the vendor.
- Gifts of small value from vendors such as calendars, pens, pads, knives, etc. is permitted.
- Tickets to events (such as sports, arts, etc.) are acceptable if offered by the vendor and the vendor accompanies the employee to the event. These are not to be solicited by the employee and must be approved in advance by the City Manager.
- Overnight outings are acceptable under the condition that individuals from either other companies or the vendor are in attendance. The participating employee must have prior approval from the City Manager.
- The receipt of alcoholic beverages is discouraged.
- Gifts of perishable items usually given during the holidays such as hams, cookies, nuts, etc., are acceptable.

- Day outings such as golf, fishing, and hunting are acceptable with prior approval from the City Manager. The vendor must be in attendance and participation by the employee's family members is not acceptable.

Use of vendor's facilities (vacation homes, etc.) by employees or their families for personal use is prohibited.

It is never permissible to accept a gift in cash or cash equivalent.

### **B. Conflicts of Interest:**

Employees should avoid any situation which involves or may involve a conflict between their personal interest and the interest of the City. As in all other facets of their duties, employees dealing with customers, suppliers, contractors, competitors or any person doing or seeking to do business with the City are to act in the best interest of the City. Each employee shall make prompt and full disclosure in writing to their Department Head (or the City Manager) of any potential situation which may involve a conflict of interest. Such conflicts may include:

- Ownership by employee or by a member of their family of a significant interest in any outside enterprise which does or seeks to do business with or is a competitor of the City.
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise which does or is seeking to do business with the City.
- Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving the City or its interests.
- Any other arrangements or circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of the City.
- Situations where the perception of a conflict of interest may be detrimental to the City's interests.

### **C. Compliance:**

Any violation of this policy will subject the employee to disciplinary action, up to and including termination. Any City employee having knowledge of any violation of the policy shall promptly report such violation to the City Manager (or the City Attorney, if the violation is by the City Manager). Each Department Head is responsible for compliance in their area of responsibility. When questions arise concerning any aspect of this policy, contact the Human Resources.

### **Conceal Carry Policy**

The City recognizes the right to bear arms in accordance with state and federal laws afforded by the Second Amendment of the United States Constitution and Article VI, Section 24 of the South Dakota Constitution. This policy establishes the City's expectations of municipal employees who may wish to carry a concealed pistol while engaged in the duties of municipal employment.

**The City is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed pistol. Unless specific job duties require it (i.e. law enforcement), the ability to carry a concealed pistol is not within the scope of employment and is not a condition of employment. Nothing in this policy should be interpreted to require or encourage or endorse any employee to lawfully possess or carry a concealed pistol nor, if they should decide to do so, to use it in defense of others.**

### **Eligibility to Conceal Carry**

An employee may carry a concealed pistol while performing his or her job duties so long as that employee can legally carry a concealed pistol ("eligible employee"). It is the responsibility of the employee to understand state and federal laws and to know whether and where he or she can legally carry a concealed pistol.

### **Requirements of Conceal Carrying**

An eligible employee must comply with all requirements of the law when carrying a concealed pistol. The employee must always keep the pistol completely concealed, except for those instances where necessary for self-defense or transferring to locked storage. Pistols must always be in the immediate control of the eligible employee in a Level 2 holster (or higher) or in locked storage, and the employee cannot leave his or her pistol unattended in or on his or her workstation or in a purse, bag, desk, filing cabinet, or other storage container left behind at the employee's office.



An eligible employee who wishes to carry a concealed pistol while engaged in his or her duties of employment outside of his or her primary office location may do so, but the pistol must be completely concealed at all time. The pistol must always be in the immediate control of the employee except as provided by this policy. This includes work related travel in a personal vehicle. In addition, the employee must comply with any laws, rules, or policies related to that specific location.

### **Prohibited Acts**

The City will not tolerate any inappropriate displaying or use of a firearm and any such display or use will result in disciplinary action being taken against the employee, up to and including termination. In addition, a violation of any portion of this policy will result in disciplinary action, up to and including termination.

### **Private Use of City Property by Recognized Religious, Political, Fraternal or Other Similar Organizations**

It is the policy of the City of Sturgis to allow representatives of a recognized religious, political, fraternal or other organization to hand out information, collect signatures, or otherwise approach visitors to a City facility so long as the activity happens in an outdoor space along these access paths to the facility and those activities do not impede normal use of the facility or pedestrian traffic. Such representatives must acknowledge, as part of their use of City property for their private purpose, that attempts at contact that are perceived as intimidating or threatening may result in reports to law enforcement for further response.

The designated area at City Hall/Library for such private use is the outside patio area to the north of the main Harley-Davidson entrance.

The designated area at the Community Center for such private use is on the grass on the west side of the primary front walkway (but not under the entrance overhang).

Additionally, indoor City facilities at the Community Center and Armory as well as picnic shelters may be leased for religious, political, fraternal or other services or activities. Such lease is subject to the normal lease request process and payment of any applicable fees.

*For additional reference and restrictions related to funerals, reference the City's policy on "Accommodation of a Funeral or a Memorial Service".*

# **Financial Policies**

## **Internal Controls**

The Finance Officer maintains internal controls to audit financial processes and mitigate risk. These internal controls also enforce Council policies related to all Departments of the City. These internal controls are reviewed at least annually and updated as required. The Internal Controls are maintained in a separate document.

City staff is highly encouraged to identify new risks to ensure internal controls are kept current and to appropriately mitigate the identified risk. Failure by management to enforce their departmental internal controls (or to knowingly ignore a risk) is subject to disciplinary action, up to and including termination. Failure by staff to adhere to their departmental internal controls is also subject to disciplinary action, up to and including termination.

## **Investment Policy**

### 1. SCOPE

This investment policy applies to all financial assets of the City that are in the custody and control of the City Finance Officer. These funds are accounted for in the City's annual financial report and include:

- General Fund
- Special Revenue Fund
- Enterprise Funds – including: Water, Wastewater, Liquor, Ambulance and Sanitation
- Trust and Agency Funds
- Any new fund created by the City unless specifically exempted by the City Council

### 2. OBJECTIVE

The primary objective of the City's investment program is the preservation of capital and protection of investment principle. Sufficient liquidity shall be maintained to meet the funding needs of the City as they arise. The City's investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. All participants in the investment process shall act responsibly as custodians of the public trust. The Finance officer shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

### 3. INVESTMENT POLICY

Pursuant to SDCL 4-5-8 it is the policy of the City to temporally invest public funds in a manner to meet the daily cash flow demands of the City with the primary objectives, in priority order, being: a) Safety of Principle b) Liquidity and c) Return on Investments.

#### A) Safety of Principle

Safety of principle is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate the following risks.

##### 1. Credit Risk

The City will minimize credit risk, which is the risk of loss due to the failure of the investment issuer or backer, by limiting the portfolio to the types of investments listed in section 5. Authorized and Suitable Investments of this policy and diversifying the investment portfolio to diminish the impact of potential losses from any one type of investment or from any one individual issuer.

##### 2. Interest Rate Risk

The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the portfolio to meet the cash requirements of ongoing operations, thereby mitigating the need to liquidate securities at a loss prior to maturity.

##### 3. Concentration Risk

The City will minimize concentration of Credit Risk, which is the risk of loss due to having a significant portion of resources invested in a single issuer, by diversifying the investment portfolio as described in section 9. Diversification so that the impact of potential losses from any one type of security or issuer will be minimized. Investments issued or explicitly guaranteed by the U.S. government and investments in mutual funds, external investment pools, and other pooled investments are excluded from this requirement.

#### 4. Custodial Credit Risk

The City will minimize Custodial Credit Risk for deposits, which is the risk that in the event of the failure of a depository financial institution the deposits or collateral securities that are in the possession of an outside party would not be able to be recovered, as addressed in section 6. Collateralization.

The City will minimize Custodial Credit Risk for investments, which is the risk that in the event of the failure of the counterparty to a transaction the value or collateral securities that are in the possession of an outside party would not be able to be recovered, as addressed in section 10. Safekeeping and Custody.

#### B) Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

#### C) Return

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

### 4. DELEGATION OF AUTHORITY

The Finance Officer is the chief financial officer and the designated investment officer for the City. The Finance Officer may delegate daily investment operations to any qualified employee of the Finance Office, but the management responsibility for the investment program remains with the Finance Officer. The Finance Officer acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

In case of extended leave of absence, the City Council shall appoint a replacement Officer.

### 5. AUTHORIZED FINANCIAL DEALER AND INSTITUTION

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
- Certification of having read and understood and agreeing to comply with this investment policy.
- At the first meeting in May the council will designate the financial institution depositories for the upcoming year.

### 6. AUTHORIZED AND SUITABLE INVESTMENTS

The City is empowered by statute to invest in the following types of securities:

- Interest bearing checking accounts
- Savings accounts
- United States Treasury bills, bonds and notes (SDCL 4-5-6)
- United States Government Agencies (SDCL 4-5-6)

Securities issued by government-sponsored enterprises (GSEs) or federally related institutions that are guaranteed directly or indirectly by the US Government. Securities issued by the Government National

Mortgage Association (GNMA or Ginnie Mae) are an example of securities directly guaranteed by the government. Securities issued by other GSEs may be allowable.

- Certificates of Deposit (CDs) (SDCL 9-22 municipalities)
- Certificates of Deposit (CDs) purchased through CDARS® (Certificate of Deposit Account Registry Service) (SDCL 4-5-6.1)\*
- Money Market Mutual Funds - open-end, no-load (SDCL 4-5-6)  
Mutual and money market funds that invest in US Treasury securities or securities issued by GSEs or federally related institutions that are guaranteed directly or indirectly by the US Government.
- Repurchase Agreements fully collateralized by allowable securities (SDCL 4-5-6)
- Local Government Investment Pool (SD FIT)

\*When investing in Certificates of Deposit (CDs) public funds will be invested at the highest rate of interest possible after attempting to secure three (3) quotes.

The above listed authorized deposits will be kept in banks in South Dakota as required by SDCL 9-22-6.

## 7. COLLATERALIZATION

In accordance with the SDCL 4-6A and 51A-10-9 Qualified Public Depositories will furnish collateral in the sum equal to one hundred percent (100%) of the public deposit accounts that exceed deposit insurance. The financial institution shall submit a copy of their collateralization report to the Finance Officer.

SDCL 4-6A-3 requires that collateral be segregated by each depository in such manner as approved by the South Dakota Public Deposit Protection Commission. Collateral may not be held in any safety deposit vault owned or controlled either directly or indirectly by the pledging financial institution but must be deposited for safekeeping in a financial institution that is a member of the Federal Reserve.

## 8. REPORTING

The Finance Officer shall prepare an investment report not less than quarterly, which provides a clear picture of the status of the current investment. The report will include the following: (Pie or Bar Chart)

- Percent invested in each security type (CD, US Treasury, money market funds, etc).
- Listing of investments by maturity date.
- Percent held by each financial institution.

## 9. INTEREST EARNED

The interest earned from investments and Tax Increment Financing (TIF's) shall be credited to the General Fund, except Agency funds or those required to be deposited in separate funds due to alternate agreements made by the City. (SDCL 4-5-9)

**Exceptions:** Debt Service Fund SDCL 9-22-12 (cities) and SDCL 7-24-19 (counties) and Perpetual Care Fund SDCL 9-32-18 (cities). The interest earned from investments made with funds from these accounts shall be credited in accordance to the respective statutes.

## 10. SAFEKEEPING AND CUSTODY

### Internal Controls

The Finance Officer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed by the governing board. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the entity.

## **General Fund (Reserves) Balance**

This policy is meant to coincide with the Government Finance Officers' Association's (GFOA) best practices regarding fund balances. The General Fund Balance is defined as the net assets of the governmental funds of the City as calculated in accordance with generally accepted accounting principles (GAAP). This is an important variable with which outside

agencies rate the City's ability to repay both short term and long term debt. In addition, this policy will better equip the City to face potential emergency situations which may arise. The GFOA recommends a fund balance that is at least equal to two months of regular general fund operating revenues or regular general fund operating expenditures. To achieve this recommendation the following actions shall be taken:

1. All interest earned on City accounts and investments, whether from financial institutions or inter fund loans (except those restricted by statute, ordinance or contractual obligations) shall be deposited into the general fund.
2. No budget shall be proposed by the City Manager which includes expenditures from the fund balance unless the general fund balance exceeds 20% of budgeted regular annual expenditures for that year.
3. When the general fund balance is less than 20% of budgeted regular annual expenditures the following shall occur:
  - a. Expenditures shall be less than anticipated revenue for each annual budget proposed by the City Manager
  - b. No capital improvement project shall be budgeted from the General Fund

### **Cash and Debit Card Acquisition**

Petty cash is controlled by the Finance Office and internal controls are established by the Finance Officer to ensure proper accounting and tracking of petty cash allocations and expenditures.

The City does not permit in-person cash withdrawals at the bank from any City bank accounts. Cash required for ATMs and petty cash will be withdrawn using a City check that has been processed like all other claims and has the appropriate signatures.

The City will not have debit cards issued from City checking and savings accounts.

**A change in this policy requires Council authorization and cannot be made at the administrative level.**

### **Credit Card Acquisition and Use**

#### General Administration of the Credit Cards

The Finance Officer has been designated to be responsible for the City of Sturgis's credit card issuance, accounting, monitoring, retrieval, and for general oversight compliance with this Credit Card Use Policy. A current list of all credit cards, authorized users, and credit limits shall be kept on file. The total combined, authorized credit limit of all credit cards issued by the City of Sturgis shall not exceed thirty-eight thousand dollars (\$38,000 US). The credit limits for each individual credit card shall be pre-determined by the City Manager. The balance under the credit card arrangement shall be paid within thirty (30) days of the initial statement date. The City will make every effort to minimize the need to extend credit and incur the corresponding interest charge(s).

Questions regarding the administration and use of the credit card shall be directed to the Finance Officer.

#### Designated Credit Cardholders

City Departments and the Mayor of the City of Sturgis may be hereby authorized to acquire and use a credit card for the purchase of supplies or other transactions authorized in accordance with the City's Comprehensive Purchasing Policy for the benefit of the municipality. Before receiving the card for use, the cardholder must read, agree to and sign the Credit Card Issuance Agreement. Cardholders shall surrender the City credit card immediately upon termination.

#### Authorized Uses of the Credit Cards

The credit card account shall only be used for the purchase of meeting registration, meals, motel room guarantees, and/or other purchases that cannot be accomplished by direct billing to the City to be paid in the normal process, unless it is more economically advantageous to pay by credit card. Cards may be used to pay for pre-authorized purchases through the Internet, if it is the only means of payment accepted by the vendor. The use of the credit card does not exempt the cardholder from requirements to obtain quotes for goods or services, as mandated by the Purchasing Policy.

#### Documentation, Verification, and Authorization of Credit Card Purchases

All purchases made with said card shall be accounted for with purchase receipts retained from the point of sale at which the item(s) were purchased. The cardholder initiating the purchase must notify the vendor or merchant that the credit card

transaction should be exempt from South Dakota sales tax if it is used for the purchase of goods or services in the State of South Dakota. (Supporting documentation can be received from the Finance Office.) The cardholder will also list the item(s) acquired on the purchase receipt and their purpose to assist in the proper expense coding.

Once yearly the department head, with the permission of the City Manager, may use the credit card (if direct billing is not an option) to spend up to \$15 per employee for an appreciation meal for exemplary service of the department or individual. If the meal is for several employees the money can be pooled to purchase a meal for all people involved.

Additional meals for employees may be purchased when members of the Department or the Department as a whole have completed a significant task (such meals must receive prior authorization from the City Manager and be within the Department's budget).

The individual credit card shall be administered by the cardholder at all times. However, the cardholder may assign a sub-administrator (i.e. an administrative assistant) to oversee the usage, limits, and documentation for the department. The cardholder (or sub-administrator) shall reconcile the credit card statement and forward to the Finance Office all original receipts, invoices, quotes, and any other supporting documentation for processing, approval and payment.

Even if a sub-administrator is designated, the cardholder is ultimately responsible for any and all purchases made with the credit card as well as all documentation requirements. Therefore, the cardholder will verify all purchases are necessary and to the benefit of the City of Sturgis. **Charges submitted without the proper documentation to the Finance Office for payment will not be processed and may become the responsibility of the cardholder through garnishment.**

#### Misuse of the Credit Card

Personal use of the credit card is strictly prohibited. Taking a cash advance is also not permitted (even for City reasons). Misuse of credit card or repeated failure to provide proper documentation will be the responsibility of the cardholder and will be considered grounds for disciplinary action up to and including termination and any restitution.

Any perks, points, credits or items of value earned because of the use of said cards shall only be used for the benefit of the City and not for that of any cardholder, with the exception that frequent flier credits may accrue to the cardholder actually incurring the credit, in accordance with Official Opinion No. 90-04 of the SD Office of the Attorney General.

In the event the card is lost or stolen, the cardholder will immediately notify the Finance Department as well as the issuing credit card company.

#### Electronic payments (ACH and Credit Card)

Some expenses such as bond payments are taken electronically out of the City's bank account when payment is due. The City has a new program in which the Finance Officer will be paying some vendor bills with an Accounts Payable Credit Card. This new program could potentially bring in revenue to the General Fund.

### **Credit Card Processing**

We accept MASTERCARD, VISA & DISCOVER. We can also take credit card payments through the Xpress Bill Pay system. The Citizenserve land management software used by the Planning and Permitting Department utilizes Xpress Bill Pay as its credit card processor.

When a Customer is **not** making a purchase through our Xpress Bill Pay System, the following security precautions must be taken:

- The credit card information must be obtained from the customer by landline telephone only. We do not accept credit card information via our cell phones (either text or phone call).
- Either the customer calls in with their credit card information or we follow up by calling them to obtain their credit card information.
- We do not accept credit card information via email or fax machine.
- Complete the credit card processing form.
- **Never** write down customer's credit card information on the duplicate telephone message pads.

- Once the credit card payment has been processed, shred the processing form that has their credit card information.

Temporary Rally Staff is also reminded to never write down a customer's credit card information.

If credit card information must be mailed, use FedEx courier service to track transit and delivery of package.

(i) Credit Card Terminals: The Sturgis Community Center and Sturgis Rally & Events Department takes credit cards payments via a credit card processing terminal attached to a dedicated phone line. The Community Center accepts payments for membership fees, programming fees, miscellaneous merchandise related to concessions and gym supplies, etc. The Rally & Events Department accept credit cards for products, advertising services, sponsorships, etc.

These departments do not accept credit card information via email nor via fax transmission. Staff swipes the card or enters credit card information using a credit terminal that is attached to a dedicated telephone (analog) line. Occasionally, staff may accept a credit card over the phone. At the Community Center, the employee directly enters the information into the terminal while the customer is on the phone. (This is rare and is usually handled by the Director or Office Manager.) At the Rally Department, staff may write the information down on the credit card processing form in order to collect the information necessary to process the payment at the terminal (which may be located in another office). The payment is processed as soon as possible (preferably while the person is on the telephone). The processing form is shredded as soon as the credit card transaction is complete.

(ii) The Sturgis Finance Office, the Animal Shelter and the Ambulance Service take credit cards in person for department fees, payments for services, fines, etc. They do not accept credit card information via email nor via fax transmission. These Departments use the Xpress Bill Pay online portal to process credit cards. In situations where they take a number over the phone, they may write the information down on paper in order to process the payment at the terminal. The payment is processed as soon as possible (preferably while the person is on the telephone). That piece of paper is shredded as soon as the credit card transaction is complete.

(iv) The Sturgis Liquor Store is a single location, retail store environment. They accept credit and debit cards for the sale of alcohol and other miscellaneous food and merchandise. There are three terminals used to process credit card payments. The terminals are associated with a point of sale system. The software for the POS system is PA DSS compliant. The POS system immediately transmits the credit card information for payment at the time of sale. (It does not batch them.) In extremely rare cases, the store's General Manager may accept a credit card over the phone, but in that case, he directly enters the information into the point of sale terminal for immediate processing. He does not write down the number. All users of the point of sale system have individual log-ins.

These are the processes to close out the credit card machine or Xpress Bill Pay at the end of the day or at the end of a shift. These must be completed and all associated receipts and reports must be sent to the Finance Office for reconciliation.

### **Official Record Keeping Policy**

All official documents including personnel, insurance, agreements, bids and like records shall be maintained and stored in the Finance Office located in City Hall. Each department shall be responsible for furnishing the signed, original copy of any recordable document to the Finance Office who is the official records and retention department pursuant to SDCL 9-14-17 which reads as follows:

SDCL 9-14-17 states "Records maintained by finance officer--Warrants on treasury--Expense estimates--Contracts. The municipal finance officer shall keep an office at a place directed by the governing body. The finance officer shall keep the corporate seal, all papers and records of the municipality, and a record of the proceedings of the governing body, whose meetings the finance officer shall attend. The finance officer shall draw and countersign all warrants on the treasury in pursuance of orders or resolutions of the governing body and keep a full and accurate account of all such warrants in books provided for that purpose. The finance officer shall make or cause to be made estimates of the expenses of any work to be done by the municipality and countersign all contracts made on its behalf and certificates of work authorized by any committee of the governing body or by any municipal officer. However, the finance officer may destroy any record which

the records destruction board, acting pursuant to § 1-27-19, declares to have no further administrative, legal, fiscal, research, or historical value.”

This following is a non-conclusive list of records which shall be kept at the Finance Office: bids, contractual agreements, purchase agreements, lease agreements, ordinances, minutes, memorandums of understanding, loan, purchasing agreements, personnel records, grievances, etc.

The Finance Officer shall authorize destruction of any records after the requesting department has submitted a list to the Finance Office. Only the Finance Officer can dictate the destruction of any records. Any litigation hold documents, electronic or paper, must be kept until the litigation item has been resolved.

## **Public Records and Documents**

**Policy:** It shall be the policy of the City of Sturgis to implement a procedure for inspection and copying of public records and documents as required by SDCL 1-27. Consistent with that statute, the City Finance Officer shall be the Public Records Officer for the City of Sturgis.

### **Procedures:**

The Finance Officer as the Public Records Officer is tasked with ensuring public records and documents are appropriately maintained for inspection and copying.

By law (Chapter 1-27), most Sturgis public records and documents are open to inspection and copying through application to the Sturgis Finance Office. By practice, the City also maintains a municipal website ([www.sturgis-sd.gov](http://www.sturgis-sd.gov)). All records and documents available on this municipal website are considered open public records and documents. No written request is required to access the public records and documents provided on the municipal website. A user without internet access may use a computer at the Sturgis Public Library free of charge to access the municipal website.

All persons asking to examine or copy a public record or document must submit a written “Request for Public Records & Documents” form. On this form, the applicant shall clearly outline the scope and extent of the public record(s) and/or document(s) that the applicant wishes to inspect and/or copy. This form can be submitted electronically or physically delivered to the Finance Office.

All requests will be reviewed within 5 business days by the Finance Officer and a written response regarding the status of the requested record(s) and/or document(s) will be emailed to the applicant to the email address provided. (Mailed notification may be requested by the applicant, if they do not have a valid email address. Such mailed notifications may extend the notification time period due to mailing delays.)

If the record or document is defined as “non-open” in accordance with SDCL 1-27-1, the City will provide such written notice to the applicant and reference the appropriate subsection.

If the public record or document is determined to be “open” and available for inspection and/or copying within the statutory definition of open record, a written notice shall be emailed to the applicant to the address provided. The written response will provide notice should additional time or costs be required to complete the applicant’s request.

Mailed notification may be requested by the applicant, if they do not have a valid email address. Such mailed notifications may extend the notification time period due to mailing delays.)The eligible record(s) and/or document(s) shall be made available to the applicant at the Sturgis Finance Office within 5 business days of such written notice. The applicant can inspect the requested public record at the Finance Office during their regular business hours. In some cases, the Finance Office may require additional time to copy the requested open public record, especially in cases of an extensive request.

The City will charge copying or printing fees of \$0.10 (B&W) or \$0.25 (color) per page for the copying services. No copies will be provided to applicant until all copying charges have been paid in full. Prepayment is needed for any copying fees above \$50.00. For an additional fee, the records can be sent to the applicant for the cost of shipping.



As provided by SDCL 1-27, the City will not provide an open public record or document in any format other than the one(s) which the City maintains. For open public records and documents maintained by the City in an electronic format, the City will provide, at the applicant's request, a printed version of the requested record or document upon payment of a printing fee.

Scanning, editing, researching or redacting records or documents is not within the scope of the City's procedures to handle public record or document request, and is not required to be provided by municipalities under SDCL Chapter 1-27.

Some public records and documents have been determined by the City to not be open public records or documents under both State codified law and City ordinance. These include the following: (i) Sponsorship agreements; (ii) Ambulance contracts for service to third parties; and (iii) Rally Vendor database.

The Rally Vendor Database is a record of a proprietary activity of the City. However, a Vendor List consisting of the non-proprietary contact information for each licensed temporary Rally vendor is available after August 20th for the preceding Rally as an open public document for a fee of \$20.00 (\$23.00 if mailed) to cover the costs of preparing the data and printing the list. Application must be made in writing to the Finance Office.

Similarly, the City has determined that all information related to a Code Enforcement investigation (including names and contact information of persons making a complaint) are a closed record. City Ordinance Title 36 does not obligate Code Enforcement staff to provide any additional documents as part of the City's internal "appeal" process. The Code Enforcement maintains the identity of the reporting person(s) within a separate "notes and working papers" section within the case management system. As such, the complainant's identity is maintained as a closed public record, pursuant to SDCL 1-21.5 (12) which specifically exempts, among other items, the disclosure of memos, working papers and records of telephone calls of city officials and employees.

The City will comply with all federal laws and regulations (i.e. HIPAA) regarding personal health information (PHI), including annual training refresher requirements.

The City follows the guidelines established by the State Bureau of Administration's Records Management Program for all municipal offices in South Dakota. The purpose of this guide is to provide uniform retention and destruction schedules so that municipal records can be managed efficiently and in compliance with state law. All destruction of records must be approved by City Manager prior to destruction and the City Finance Officer maintains a list of documents, which were destroyed.

Should an employee have any questions or concerns about the disclosure, maintenance, or destruction of a document, record or information, s/he must speak with the Finance Officer. Employees are also required to report the improper disclosure, nondisclosure retention, or destruction of public or nonpublic documents, records, or information.

Any failure to properly maintain documents, records, and information is subject to disciplinary action, up to and including termination.

### **Digital Audio Files of Council Meetings**

This policy provides for the systematic retention of digital audio files created by the City of Sturgis in connection with the meetings of the Sturgis City Council. This policy covers these audio recordings and contains guidelines for how long these files are kept. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records, and to facilitate the City of Sturgis's operations by promoting efficiency and freeing up valuable storage space.

#### **Official Record:**

The official record of the meeting remains the official minutes, per SDCL Chapter 1-27. In addition, it is understood and accepted that the format that the recordings are currently stored as may become inaccessible as technology changes or becomes obsolete.

#### **Format and retention:**

Audio recordings will not be transcribed.

Recordings will only exist in the digital format that is most universally used at the time of creation.

The City Council will record all open meetings. Once created, audio recordings will be converted into the most common universally recognized audio format (currently .mp3) in order to allow for the upload to the City's website or other document retention portal. The original digital file will be destroyed. These recordings are considered an 'open record' in accordance with SDCL Chapter 1-27. These recordings will be made available via the City website for public download for a minimum period of two (2) years. Files may be available longer depending upon space allocation and availability on the City website.

The records will then be removed from the City website and archived by the Public Information Officer onto the City server. These files are retained permanently. However, at any time, interested persons may request a copy of the recording for a fee through the Public Records/Document Request Form. They will be provided the requested recording(s) on a standard storage format (currently CD or DVD).

### **Sale of the (Rally) Vendor List**

1. All requests shall be addressed to the Finance Office, shall be made in writing and include all required information.
2. The Finance Office will process the request within two business days. No requests will be processed between July 20<sup>th</sup> and August 15<sup>th</sup>.
3. The Rally Vendor List will not be available until August 20<sup>th</sup> for that year's Rally data.
4. The public, non-proprietary information which will be provided include the name of the vendor's business, owner's name, applicant's address and applicant's phone number, and a general summary of products or services sold.
5. Vendors shall be advised that the information included this list may be provided to the public.
6. A charge of \$20.00 shall be assessed for providing any portion of the non-proprietary vendor list, whether partial or full, printed or electronic pdf. If the vendor list is to be mailed, the cost shall be \$23.00.
7. Telephone inquiries shall be limited to a maximum of 3 individual vendors per day. If information regarding additional vendors is desired, a written request shall be delivered to the Finance Office. The information provided via the telephone shall be limited to that which is described in Bullet #4 of this policy.
8. If the vendor list is requested in writing by a law enforcement, regulatory or taxing agency and the written request states that vendor list will be used in performance of the official duties of that agency or office, the charge for obtaining it may be waived by the Finance Office.
9. If information beyond that which is described in Bullet #4 of this policy is requested, the City may provide the additional information if in the opinion of the City the agency's or office's purpose will not cause a detriment to the City's proprietary property or the detrimental impact caused is less than the need by the requesting agency or office. Any additional administrative costs incurred by producing the additional information shall be paid for by the requesting agency or office.
10. Additional information beyond that which is described in Bullet #4 of this policy may be made available to City employees and contractors. Additional information shall only be provided if it is needed to conduct official business for the City of Sturgis and the disclosure will not cause a detriment to the City's proprietary property or the detrimental impact caused is less than the need by the City.

This policy is intended to meet the obligation of the City under South Dakota Code Sections 1-27-1.3 and 1-27-1.6 (a).

### **Account and Service Collection Cost Recovery Policy**

As a local government unit, the City of Sturgis provides certain services and limited retail items to resident and visitors for which a payment account is established. Unfortunately, collection of past due and unpaid bills for such accounts is a cost

the City incurs. The City seeks to limit as much as possible any shifting of the costs for collection of unpaid accounts from those who have not paid to those who have paid.

Therefore, those who purchase retail items, water or utility services, membership services at the Community Center or in any other manner have a payment duty to the City, will be required to agree at the time of initial transaction that they will pay the cost of any collection activities.

The cost of collection shall include the individual cost of filing fees, witness fees, search or location fees for an individual, reasonable attorney fees and all other costs actually incurred by the City and permitted by the Court.

### **NSF Check/ACH policy for Utility Billing**

The following is the policy and fee schedule followed by the Finance Office and Utility Billing for check with “not sufficient funds” (NSF).

- First Offense within a calendar year: No Checks or ACH payments will be accepted until all fees are collected.
- Second Offense within a calendar year: No Checks or ACH payments will be accepted for a period of six (6) months.
- Third Offense within a calendar year: No Checks or ACH payments will be accepted for a period of twenty-four (24) months.

Payment arrangement following a third offense will be at the discretion of the Utility Billing office with input from the Municipal Utility Board if needed.

### **Type of Municipal Election**

The municipal election will be held on the second Tuesdays of April as allowed by State statute.

### **Employee Dishonesty Liability Coverage**

The City, through its coverage with the South Dakota Public Assurance Allowance, carries employee dishonesty coverage for all employees in the amount of \$50,000. The SDPAA Employee Dishonesty Policy covers these employees at the same amount that we are required to have the bond for. In the case of the City Manager and the City Finance Officer, the amount of coverage is \$250,000. We cover the Liquor Store Manager at a higher coverage level as well. The coverage amounts are the following:

- A. City Manager: \$250,000
- B. Finance Officer: \$250,000
- C. Liquor Store Manager: \$75,000
- D. All other positions: \$50,000

### **Official Depositories and Newspaper**

The official depositories and official newspaper of the City are declared at the first Council meeting in May.

The bank depositories are currently declared as First Interstate Bank, Wells Fargo Bank, First National Bank, Pioneer Bank and SD Public Funds Investment Trust.

City’s legal newspaper is currently declared as the Black Hills Pioneer.

### **Deadline for All Claims Payables**

All claims must be submitted to the office of the Finance Officer by the Wednesday prior to the Council Meeting held on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month for payment in that month. Any claims received after that day will be paid in the next Council Meeting claims excluding the pre-approved monthly claims payables.

## **Pre-approval of Monthly Claims Paid at Month End**

Pre-approval of the following claims payables has been granted: Debt service payments, Utilities (if needed to meet due date), Credit card (if needed to meet due date), and all employee benefits to be paid at month end.

## **Post Rally Employee Recognition**

**Policy:** In order to recognize the hard work and effort that City staff make each year to ensure the success of the Rally for our community, it is the Council's policy to host a Post-Rally Employee Party. Further, at the direction of the Mayor, the Council also authorizes the reasonable distribution of promotional items remaining from the Mayor's Ride and other City-sponsored events that cannot be re-sold or publicly distributed due to contractual limitations.

**Procedures:** The Rally Department, with review by the Finance Officer and the City Manager, will provide a list of proposed items to be distributed to employees as part of the post-Rally Employee Party. This list will include eligibility requirements by item type (i.e. only benefited employees, only employees over 21, all employees including temporary Rally). The list will also provide the method by which the distribution of the items will be done – random drawing, equal distribution, first-come/first serve, etc.

During the distribution process, the list will be updated with dates and recipients or other supporting documentation (i.e. signed roster) will be attached. The final distribution list will be kept in the Finance Office and the distribution list will aide with post-Rally inventory reconciliation. Note: These distributed items may include alcohol.

## **Allowable Costs Policy for Federal Programs**

In order to ensure that the City is complying with federal regulations regarding allowable costs for federal programs, this is the City's procedures:

- The Federal program budget for a project is created by the City Manager with the help from the Department Head and Engineer that is associated with the project.
- The budget is entered and verified by the Finance Office.
- Costs are verified and approved by the Department Head.
- If there are change orders, the City Manager and Department Head signs off on the change orders.
- Invoices and pay applications are submitted to the Accounts Payable Specialist by the Department Head for payment once a month. After payment, the project expenses are updated to the budget.
- The Finance Officer keeps track of all expenses through the accounting software and an Xcel spreadsheet.
- The Department Head keeps a binder with all correspondence for the project. Invoices, purchase orders and check stubs are kept at the Finance Office.

## **Cash Management Policy for Federal Funds**

In order to ensure that the City is following federal regulations with regards to cash management of federal funds, these are the City's procedures with regards to the obligation of Federal funds:

### **Purchase Orders**

- A purchase order is generated when an invoice and signed requisition order is provided by the Department Head to the Finance Office.
- The purchase order is approved by the City Manager and Finance Officer.
- The Accounts Payable Specialist determines if there is enough budget and if it is coded to the correct account.
- 

### **Receipt of goods or services performed**

- The Department Head, in charge of the project, verifies that goods and services were received and is allocated to the correct Federal program.
- The assets are tracked by both the Department Head and the Finance Office.
- Assets that are lost, stolen or damaged is reported to the Human Resource Director who in turn contacts the City's Insurance Company to file an insurance report. If assets are no longer needed they are identified surplus through a resolution and approved by the City Council.

## **Payment Process**

- Invoices and pay applications are submitted to the Accounts Payable specialist by the Department Head for payment once a month. The City Manager and Finance Officer sign off on the Purchase Order and they are approved by the City Council at their meeting.
- Checks are printed the day after the City Council meeting and sent to the vendor the next day.
- The invoice/pay application, Requisition Order, Purchase Order and the lead sheet with check number, account coding and amount of invoice is filed at the Finance Office.

## **Written procedures regarding the claiming of Federal Funds**

- The Finance Officers tracks expenditures and submits the paperwork that is approved for payment to the appropriate Federal agency.
- The Department Head and Engineer in charge of the project verifies that all expenditures are correct and within budget.
- The Finance Officer prepares a worksheet with all expenses and reimbursements that are made and ties them back to the General Ledger.
- The claims are approved by the City Manager, Finance Officer and Council.
- The Finance Officer reconciles the bank account where the funds are deposited to the accounting software. The City Manager reviews the reconciliation.

## **Debarred and Suspended Parties Policy**

**Background:** Debarment and suspension are actions taken by the Federal government against organizations or individuals who have committed fraud or a criminal offense in violation of federal law. The Office of Management and Budget requires that all federally awarded recipients comply with the non-procurement debarment and suspension common rule. This common rule restricts sub-awards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal Assistance programs or activities. Failure to comply with this policy may result in severe penalties for the City of Sturgis, including loss of Federal funding.

### **Definitions: What is Debarment and Suspension**

**Suspension** - A disqualification from government contracting and subcontracting for a temporary period of time because a company or individual is suspected of engaging in criminal, fraudulent, or seriously improper conduct. Suspension is to be used on an interim basis pending debarment proceedings

**Debarment** - An exclusion from government contracting and subcontracting for a reasonable, specified period of time because an individual or vendor failed to perform, or their performance was inadequate.

All individuals and entities suspended or debarred are listed on the U.S. General Services Administration (GSA), Excluded Parties Listing System (EPLS). The search can be performed at [www.sam.gov](http://www.sam.gov).

### **Procedures for Departments to Follow**

To ensure that the City of Sturgis is not doing business with vendors who have been suspended or debarred from doing business with the Federal government, the project's primary department (either Public Works or Engineering) will check the vendor against the EPLS before awarding the bid or creating a purchase order or making a payment. If a department identifies a vendor as being suspended or debarred, they should contact the Accounts Payable department so that the vendor may be flagged in the accounting system.

## **Grant Management**

**Policy:** It is the City's policy to apply for grants that would enhance the City's ability to provide municipal services to our residents. Grants may be applied for from governmental, non-governmental organizations, charities, foundations and private institutions. Grants from private individuals must receive more scrutiny and analysis to avoid the appearance of a conflict of interest.

Procedures: City staff who wish to apply for grants must receive the City Manager's prior approval. Matching funds must be included in the annual budget appropriations process. Upon receipt of the grant, the Department Head is responsible for managing the grant, ensuring compliance and retaining all necessary documentation. Financial information will be provided to the Finance Officer for the annual audit process.

### **Fixed Assets**

Policy: The City Finance Officer is responsible for tracking and monitoring the fixed assets of the City.

Procedures: All assets over the value of \$10,000 will be recorded in the City's financial management software and are subject to audit oversight.

# **Emergency Management & Response**

## **Emergency Response Plan and Team**

The City Council has adopted an Emergency Response Plan. The nature of the emergency dictates the appropriate response by the City.

The City's Emergency Response Team, as established in Title 29, consists of the positions and/or persons described in the City Emergency Response Plan, the public portion of which is on file and available as a public record at the Sturgis City Finance Office.

The Director, Planning & Permitting is responsible for maintaining and updating the Emergency Response Plan, as required. Significant updates or modifications require Council approval.

## **Code Red Notification System**

Code Red is a free mobile Emergency Notification System provided by the City of Sturgis. This service is used by staff to notify the public of both emergency notices and general information.

The Code Red emergency notification system, when used in conjunction with or in support of the City's Emergency Response Plan, will conform to Title 29 and the role of the Public Information Officer as designated under that title.

The secure, customized Community Notification Enrollment (CNE) page allows residents and businesses to add or update their contact information to ensure they will be included when a message is sent from the City of Sturgis – unlisted numbers, mobile numbers, TDD/TTY requirements can all be entered.

Users can unsubscribe at any time. User data is not sold.

## **Use of Code Red Notification System for Emergency and non-Emergency Use**

The City of Sturgis will contract with a reputable provider to allow, via a web portal and/or app, direct-to-recipient phone, text and email messaging for use for emergency and general notifications. Residents and visitors shall have the ability to opt-in/out of any messaging, including the ability to opt out of general messaging or to opt out of all notifications, even emergency notifications.

The Code Red emergency notification system, when used in conjunction with or in support of the City's Emergency Response Plan, will conform to Title 29 and the role of the Public Information Officer as designated under that title.

### **Contracted provider:**

The City currently contracts with Code Red. As part of our contract we receive unlimited emergency (including weather related) notification as well as 10,000 minutes for non-emergency (general) notifications.

### **Authorized users:**

The following positions are authorized to send out emergency messages and will share one of five pre-established log-in credentials.

1. Public Safety:
  - a. Chief of Police
  - b. Assistant Chief of Police
  - c. Ambulance Director
  
2. Infrastructure Related:
  - a. PWD Director
  - b. Water Superintendent

- c. Streets Superintendent
  - d. Wastewater Superintendent
3. Emergency Management:
    - a. Director, Planning & Permitting
  4. City Administration:
    - a. City Manager
    - b. Mayor (Under SDCL 9-10-7 and 9-29-17, the Mayor has special powers)
  5. Public Information:
    - a. Public Information Officer
    - b. Director, Administrative Services

Authorized messages: Emergency

The City makes every attempt to launch messages in advance of an emergency weather situation (i.e. thunder storm, tornado, and blizzard warnings). The City will rely on National Weather Service alerts and warnings when issuing a weather-related message.

The City also uses the system to launch messages related to the following emergency situations. This is not a comprehensive list, but represents common potential emergencies which may face our City.

1. Public Safety
  - a. Emergency situations
  - b. Major traffic flow problems
  - c. Shelter in place notifications
  - d. Bomb threats
  - e. Missing children, elderly, disabled, or at risk adults
  - f. Evacuation notices
  - g. Escaped prisoners
2. Public Works / Water
  - a. Service disruptions (i.e. water / sewer breaks impacting more than 1 household)
  - b. Service outages and restorations
  - c. Repairs impacting traffic (sent at neighborhood or City level, depending on potential impact)
  - d. Drinking water contamination
  - e. Street closures
  - f. Snow removal
  - g. Snow route towing
3. Emergency Management:
  - a. Emergency alerts requested from County and/or State Emergency Management
  - b. Emergency alerts requested by local utility providers
  - c. Black Hills Power
  - d. MDU
  - e. WBI Energy (formerly Williston Basin)
  - f. Butte Electric
  - g. Railroad related incidents (i.e. derailments, spills)
4. Public Information & City Administration:
  - a. Unplanned and unexpected closures of City facilities
  - b. Delayed opening of City facilities

Authorized messages: Non-emergency



The City may also use the notification system for general messages related to City events and promotions, but only so long as there is non-emergency minutes available. The City will not launch multiple telephone messages for event or function. The City will not provide telephone and text messaging for non-City sponsored events or functions.

As an example, the City might launch a message informing residents of an enrollment period for youth basketball registration. However, it will only launch one message related to that registration period.

Similarly, the City would not launch a message for a Chamber function.

Targeted audiences:

The City makes every attempt to narrow the message recipient list to the smallest affected audience. The distribution will depend on the service disruption and/or the targeted audience. Therefore, not all residents will get all notifications.

Message format:

The staff member who is launching the message will also determine in which format(s) the message will be sent out. This includes consideration of (i) the nature of message (i.e. emergency vs general), (ii) size of the targeted audience, and (iii) (for general messages) number of unused minutes available.

Opting in/ Opting Out:

Residents and visitors can opt in/out of receiving some or all messages through the Code Red enrollment portal. Alternatively, if a resident doesn't have internet access, they may contact the City directly through the Planning & Permitting office and be enrolled. By electing a "managed" account, the resident can select only to receive certain types of messages.

Staff Assistance:

The Planning & Permitting Department, through its oversight of the Disaster Mitigation function, is responsible for the Code Red contract, training, and system usage.

## **City Facility Closures (Snowstorms)**

From time to time, the City (or part of it) may suspend operations, delay start of operations, and/or release employees because of an emergency, hazardous weather conditions, and/or other discretionary reasons.

The City will use social media to notify the public of facility and office closures. The City will also contact local media, as appropriate.

### **Severe snowstorm**

Essential personnel must report to work. In the event the public schools close or the weather is of a nature that is dangerous to the staff members, City offices and facilities may close.

In general, the following procedure will be followed to determine City closures:

- Storm conditions are at near 0 visibility: City facilities close. Police issues no travel advisory.
- Storms with 4 inches of snow forecasted by the National Weather Service: No parking on snow routes enforced by Police Department. Community Center will open at 8:00 am. Departmental snow removal schedules in force.
- Further consideration of closures or delayed starts will occur each morning of the storm:
  - 4:30 am: Police will notify City Manager of number and severity of accidents; Public Works will notify City Manager of condition of roadways
  - 5:00 am: Decision to call late opening of City facilities (usually 10:00 am) will be made by City Manager and provided to City Department Heads, Council and media.
  - 7:00 am: Decision to close all City facilities will be made by the City Manager and provided to City Council, Department Heads and Media.

## **Emergency Procedures**

**Policy:** The City of Sturgis promotes the safety of its staff as well as that of the public who visit and use our facilities. The City of Sturgis is committed to maintaining a safe work environment. The City of Sturgis has implemented specific procedures to help manage emergency situations, threats and/or actual violence that may involve a City Employee performing work-related activities.

**Procedures for Emergency Situations:** The following procedures are to be followed to safely respond to an emergency incident. However, department specific procedures may augment or further clarify staff response in an emergency situation. **Always contact 9-1-1 if the life, safety or security of staff and/or the public is endangered.**

### **PROBLEM INDIVIDUALS**

#### **Telephone Threats**

- Remain calm. Do not hang up. Listen carefully.
- Try to keep the person talking so you can gather information: who, what, when, where, why, how. Find out why the caller is upset. (Record the conversation, if possible.)
- Ask the caller to repeat the message and, if you can, write down every word spoken by the person.
- Note any characteristics about the caller (time, caller ID number, background noises, age, sex, speech pattern, accent, emotional state, etc).
- Immediately after the call ends, call Dispatch, or if there is an immediate threat, dial 9-1-1.

#### **Written Threats**

- Save the entire message, including any attachments. Note date/time of receipt of message.
- If received electronically, print out a copy for the police.
- Notify supervisor or Department Head. (If it poses an immediate threat, contact 9-1-1.)

#### **Emotional, Upset, Angry and/or Intoxicated Persons**

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. However, abusive behavior does not have to be tolerated. Your personal safety is always a priority! At all times during an incident with a hostile customer, establish the level of risk to yourself, other patrons and even to the hostile customer themselves.

The following is a guideline to help you evaluate your level of risk:

- *Level One:* Customer is showing signs of irritation, frustration or dislike. There is no threatening behavior at level one. Level One behavior is usually handled by a single employee unless it is clear that the customer is escalating to Level Two.
- *Level Two:* Customer may be loud, aggressive or angry. Their behavior becomes very defensive in nature. This level is handled by at least two employees. The supervisor should be called.
- *Level Three:* Customer is physically or verbally abusive or is menacing by word or action. Any person who is armed, intoxicated or extremely mentally unstable should be considered in the Level Three category regardless of their behavior due to the unpredictability of the behaviors of these individuals.

If a member of the public becomes abusive, remain calm and keep your voice low and firm. **Such behavior is usually in response to City or departmental policy, not your policy.** Try not to take their outbreak personally. Ask another staff person to assist you.

- Ask the offender to leave the premise. If you observe a colleague dealing with a hostile member of the public, ask if you can help.
- If the patron does not cease the abusive behavior, summon the supervisor on duty.
- With your colleague and/or supervisor, advise the patron that the police will be called if the behavior does not cease. **Do not hesitate to call police when the person has reached Level Three risk.**
- Complete an Incident Report form documenting the incident.

If another staff member becomes abusive, remain calm and remove yourself from the situation. Immediately notify your supervisor and/or Department Head.

If you feel that you are receiving unusual or excessive (non-violent) attention from a member of the public, inform your supervisor or Department Head. Document all contact with the person (including date, time, location and a summary of the contact). Do not be alone with the individual under any circumstances. Department Heads must take such concerns seriously and take every effort to minimize the contact to the person.

Promptly inform your Department Head and Human Resources of any protective or restraining order that you have obtained that lists the workplace as a protected area.

## **BUILDINGS**

### Fire

- Call the fire department at (9-1-1) and activate nearest fire alarm pull station.
- Alert people in area to evacuate. Evacuate.
- Avoid smoke and fumes. Close doors behind you to confine fire and smoke.
- Staff should clear the building as they exit.
- Do not use elevator.
- After ensuring that everyone has safely left the building, staff meets at the designated evacuation assembly points:
  - o City Hall / Library: FIB parking lot
  - o Community Center: Post Office
  - o Public Works: Liquor Store
  - o Liquor Store: Public Works Office
  - o Water Shop: Animal Shelter
- If the fire is small, in a contained area and of no danger to staff, trained staff may attempt to put out the fire with the extinguishers. Always maintain an accessible exit.
- Do not re-enter the building until advised by emergency response personnel, even if the alarms have ceased.
- Afterwards, fill out an Incident Report.

### Power Outage

- All public must leave the premise in the event of a power outage.
- Assist the public in evacuating the building.
- Turn off and unplug computers and other voltage sensitive equipment.

### Elevator (City Hall, Armory):

- If someone is trapped in the elevator, notify the Library Director immediately.
  - o Contact the Public Works Director at 347-1832.
  - o Contact 347-2573 for MCSO Dispatch to page Sturgis Volunteer Fire Department.
- For concerns about the functionality of a City Elevator, please contact Public Works at 347-3916 as well as the local Department Head (Library at City Hall) (Community Center for the Armory).

### Vandalism / Theft:

- Report all acts of vandalism or theft to the Police Department for investigation.
  - o Inform Department Head or supervisor.
  - o Department Heads should review video surveillance camera footage and provide copies to the police investigator.
- If applicable, demonstrate sympathy and empathy towards the victims but do not admit liability or responsibility.
  - o Inform Human Resources if you feel the victim may submit a claim of negligence to the City.
- If you observe an act of vandalism or theft, you are not expected to confront the individual.
  - o Note the person's description and actions.
  - o Immediately contact 9-1-1.
  - o Afterwards, fill out an Incident Report.

### Hazardous Materials

- Contact 9-1-1 for the Fire Department support. Notify your Department Head or supervisor.
- Do not attempt to clean up the hazardous materials.
- Move away from the site of the hazard to a safe location, closing doors behind you.
- Alert others to stay clear of the area.
- If safe to do so, locate the Material Data Sheet for the chemical or hazardous material.
- Afterwards, fill out an Incident Report.

### Suspicious Objects

- Be aware of odd letters and unexpected parcels.
- Do not touch or disturb the object. Handle it as little as possible.
- Notify supervisor or Department Head immediately. Afterwards, fill out an Incident Report.

## **NATURAL DISASTER & WEATHER RELATED**

### Tornado

- If the siren alarm sounds, take shelter under heavy furniture or counter.
- Stay away from windows, file cabinets, shelves, etc. Move to interior hallways or spaces. Encourage public to do the same. Encourage public to not leave the building, but you cannot stop them if they do so.

### Earthquake

- Drop and take shelter under a desk/counter or near an inside wall until the shaking subsides. Try to be away from glass windows. Cover your neck and head. Hold on to the desk supports.
- After the shaking stops, evacuate the building and meet at the designated evacuation assembly point.

### Severe snowstorm

- Closure of City facilities will be made in accord with the City Policy on "City Facility Closures" found in this manual.

## **HEALTH & SAFETY**

### Health emergency

- Staff members and volunteers should not administer first aid of even a minor nature, unless you are currently CPR Certified through the American Red Cross. If your building is equipped with an AED, use it in accordance with your training.
- Immediately contact 9-1-1 (Ambulance) in the event of a serious medical problem and/or fall.
- The sick or injured person should be made comfortable and protected from needless disturbance until medical help arrives.

- Do not move or transport the victim.
- No medications should ever be dispensed (or recommended) to the public.
- Once the person is stabilized, an emergency contact for that person should be notified, if known.
- If a friend or relative of the injured person doesn't want the ambulance contacted, still contact 9-1-1 for an ambulance.
  - o The injured person can always deny medical assistance once the ambulance is on scene.
  - o Staff is not trained to medically evaluate an injured person.
- Health emergencies will be protected by HIPAA regulations. Do not disclose medical information to others, except medical personnel.
- Fill out an Incident Report.

### Blood Borne Pathogens

- Treat all blood and bodily fluids as being dangerous. Avoid contact.
- Wear gloves, etc. if you must clean up a spill or accident.
- Use disposable towels and put all contaminated items into a plastic bag.
- Clean & disinfect contaminated areas.
- Remove glove carefully.
- Wash hands thoroughly.
- Fill out an Incident Report. If exposed, contact Human Resources to fill out a First Report of Injury for Workers' Compensation coverage.

### **OTHER EMERGENCY SITUATIONS**

In the event that an employee is confronted with an emergency situation that is not covered by this policy, staff should take all precautions to immediately secure their safety and that of the visiting public. This may include sheltering in place. Always contact 9-1-1 if there is an imminent threat to life or property.

### ***DEPARTMENT HEAD AND SUPERVISOR RESPONSIBILITIES***

*Department Heads shall take employee concerns regarding personal and public safety seriously. Each Department Head is responsible for training employees on these procedures. Department Heads may need to develop and train employees on supplemental or department-specific events.*

### **Emergency Shelter Policy**

The Sturgis Community Center is designated as a temporary emergency shelter in the case of a tornado. In a severe flooding event the City may, at the time of the incident, designate the Community Center or other location as a temporary emergency shelter.

Procedures:

When the Meade County Sheriff's Office sounds the emergency sirens for a tornado and/or upon notification by the MCSO Dispatch of a tornado warning that includes Sturgis city limits, the Sturgis Police Department will open the Community Center as a temporary shelter. MCSO Dispatch shall contact the Community Center Manager to ensure that staffing is available at the center. If the Community Center Manager is not available, then MCSO shall notify the City Manager. Once staffing arrives at the center, the Police Officer will leave. The main lobby areas and lobby restrooms will be available to the public for sheltering in place. The locker rooms and lobby restrooms will be opened for more secure sheltering during a tornado.

In the case of a flooding event, the Mayor may elect to open the Community Center (or another City facility) as a temporary shelter. This shelter will only be opened until the American Red Cross (or other emergency services agency) can open a longer term / overnight shelter in the Sturgis Community with a local partnering facility. In the event a shelter is designated, the actual location of the emergency shelter in case of a flooding event will be sent out via Code Red, Facebook and the City website.

The City will not screen temporary users who seek shelter at the Community Center. The City is not responsible for any lost or stolen items while using the emergency shelter.

## **Compensation for Non-Essential Employees during a Weather Event**

The City desires to ensure equitable compensation to all City employees whether or not they are considered essential emergency responders during snow or other related weather events.

Therefore, in addition to restrictions set-out in Section 13 of the collective bargaining agreement with the Operating Engineers, the following additional actions shall be taken:

- In the event where City workplaces including but not limited to the Library, Community Center, City Hall and the Liquor Store are delayed in opening, the employees of those locations who do not provide essential services will be informed they do not need to report to work and they may have the opportunity to make up the time lost in the same work week. Employees must work with the Department Head to schedule this make-up time so long as there is sufficient work available and it does not result in overtime or call back pay. If the employee is unable to schedule time to make up the work, the employee must take vacation as a substitute for time worked or take time without pay.
- If the City workplaces including but not limited to the Library, Community Center, City Hall and the Liquor Store are closed one or more full days, the employees of such locations that do not perform essential services shall be able to use vacation time as substitute for time worked or take time without pay.

## **Emergency Response: Absence for Sturgis Volunteer Fire Fighters**

This policy applies to all employees of the City of Sturgis who are (i) volunteer firefighter members of the Sturgis Volunteer Fire Department and (ii) who are in good standing with that organization.

Eligible employees shall not be subject to any disciplinary action nor loss of compensation for responding to an emergency call during their regular shift, provided that:

1. The employee informs the Department Head of his/her departure from the City workplace in order to respond in the capacity as a volunteer firefighter to an emergency call within the city limits of the City of Sturgis; and
2. The employee's response to the emergency call would not endanger City property and/or public safety; and
3. The employee returns to work as soon as was reasonably possible after being released from the emergency.

Additionally, eligible employees shall not be subject to any disciplinary action nor loss of compensation for arriving late to their regular shift as a result of their response to an emergency call, provided that:

- A. The employee makes every effort to inform the Department Head of the delayed arrival, leaving a message on the Department's main phone line only in the event that the Department Head cannot be reached; *and*
- B. The employee arrives at work as soon as reasonably possible after being released from the emergency; *and*
- C. The employee immediately notifies the Department Head upon reporting to the workplace.

The employee's Department Head at his/her discretion may restrict an employee's response to an emergency call.

An emergency call is attending to any fire, hazardous / toxic materials spill and cleanup, or other situation that poses an imminent threat of loss of life or property to which the fire department is dispatched.

The City may require the employee to submit a written statement from the Fire Chief verifying that such employee responded to an emergency call within the City of Sturgis as well as the time the employee was released from the emergency.

While the employee's time away from work is considered volunteer time, the City will not penalize the employee for their response to an emergency call. While employees must punch out/in, they will also indicate the response time for the emergency call on their time card.

The employee will be compensated for any time in their regularly scheduled shift during which s/he was responding to an emergency call within the City limits. (This time will not be counted towards "hours worked" for the purpose of overtime.) Additionally, since the employee is responding in a volunteer capacity, the City will not compensate the employee for time outside of their regularly scheduled shift during which they were responding to the emergency.

Volunteer Fire Fighters will receive no additional compensation for responding to an emergency call from the City of Sturgis, but they remain eligible to receive any incentive or compensation that they may be eligible for through Sturgis Volunteer Fire Department incentive program(s) as established or as may be established by that independent entity.

Failure to abide by these protocols will result in disciplinary action.

### **Emergency Response: Absence for Trained & Certified EMT's**

This policy applies to all employees of the City of Sturgis who (i) have successfully completed EMT training, (ii) possess a current and valid certification, and (iii) who are in good standing with the City of Sturgis.

EMT trained and certified City employees may on occasion be called as a standby crewmember when the primary ambulance crew is out of town on a transfer or there is a mass casualty incident. With the exception of a mass casualty incident, the employee would continue to perform his or her primary duties. The employee would only respond in the event that there was a local ambulance emergency to which the standby crew must respond because of the absence of the primary crew.

At no time can EMT trained and certified employees serve on the primary crew during their regularly scheduled work hours with the City.

While on ambulance standby call, EMT trained and certified employees would continue to receive their regular hourly wages during normal working hours. It is entirely possible that the employee may not need to respond to a call while on standby.

Eligible employees shall not be subject to any disciplinary action nor loss of compensation for responding to a standby ambulance response call during their regular shift, provided that:

- A. The employee informs the Department Head of his/her placement on the standby crew and the possibility of a departure from the City workplace in order to respond in the capacity as a EMT on the standby crew; and
- B. The employee's service on the standby crew would not endanger City property and/or public safety should the employee have to leave to respond to a standby call; and
- C. The employee returns to work as soon as was reasonably possible after being released from the standby call.

The employee's Department Head at his/her discretion may restrict an employee's participation on the standby crew.

The City may require the employee to submit a written statement from the Ambulance Supervisor (or in his or her absence the Fire Chief) verifying that such employee responded to a call as part of the standby crew as well as the time the employee was released from the call.

The City will not penalize the employee for their response to a standby call. Employees do not need to punch out/in, but they must indicate the response time for the emergency call on their time card. The City will compensate them at their normal hourly wage. (This time will be counted towards “hours worked” for the purpose of overtime.)

Additionally, since the employee is responding in a volunteer capacity, the City will not compensate the employee for time outside of their regularly scheduled shift during which they were responding to the emergency. As such, when EMT trained and certified employees take an ambulance call outside their normal working hours, they will continue to be compensated at the regular rate of compensation for an EMT.

Failure to abide by these protocols will result in disciplinary action.



# Human Resources Policies

## Non-Discrimination and Anti-Harassment

### Policy:

The City of Sturgis is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City of Sturgis expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

### Procedures:

The City expressly prohibits discriminatory practices, including:

- Harassment on the basis of race, color, religion, national origin, age, disability, citizenship status, marital status, sex, creed, ancestry, genetic predisposition or carrier status, sexual orientation, political affiliation, or any other characteristic protected by law;
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and
- Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability. Title VII also prohibits discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

Furthermore, the City does not discriminate in any aspect of employment, including hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of City facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, and disability leave; or other terms and conditions of employment.

### Anti-Harassment

The City expressly prohibits harassment on the basis of any protected characteristic.

Under this policy, harassment is verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, citizenship status, marital status, sex, creed, ancestry, genetic predisposition or carrier status, sexual orientation, political affiliation, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

- Epithets, slurs or negative stereotyping;
- Threatening, intimidating or hostile acts;
- Demeaning jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail);

Additionally, sex-based harassment (harassment not involving sexual activity or language) (e.g., male supervisor yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

The City of Sturgis also does not tolerate sexual harassment in any form and specifically treats the subject in the City's Sexual Harassment Policy.

### Scope

This policy applies to all applicants, employees, and contractors of the City, and anyone doing business with the City.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

All employees, including supervisors and Department Heads, are responsible for reminding employees on a recurring basis of this policy, and all are responsible for assuring that this workplace is free from harassment and discrimination.

Violation of this policy will result in disciplinary action, up to and including termination.

#### Reporting an Incident of Harassment or Discrimination

The City of Sturgis strongly encourages the reporting of all incidents of harassment or discrimination, regardless of the offender's identity or position. Any individuals who feels they have experienced conduct that they believe is contrary to the Anti-Harassment Policy or who have concerns about such matters should file their complaints with either (i) their immediate supervisor, (ii) the corresponding department head, and/or (iii) the Human Resources Coordinator before the conduct becomes severe or pervasive. The City has established several avenues of complaint in order to ensure that individuals do not feel obligated to file a complaint with their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives listed above. Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City of Sturgis strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but it can only do so with the cooperation of its staff and employees.

A victim of alleged harassment or discrimination shall not be required to confront the accused harasser outside the presence of the supervisor or a formal proceeding. However, the availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

#### Investigation

Any supervisor or manager who becomes aware of any possible harassment or discrimination shall immediately advise the department head and human resources.

The City will make a thorough and impartial investigation of the complaint. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed the alleged conduct or who may have other relevant knowledge. All employees must cooperate with any such investigation. Once the investigation process has begun, the accused shall not contact nor have conversation with the accuser or victim regarding allegations of harassment.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints which, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action, up to and including termination.

#### Responsive Action

Once the investigation is finalized, the City will take prompt remedial measures to immediately end the offending action. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances. The complaining party may not be informed of the necessary responsive action(s) to be taken; however, the City will ensure that the complaining party receives closure on the complaint and the subsequent investigation.

An employee accused of harassment or discrimination facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against him/her, and an opportunity to respond before any disciplinary action may be taken.

### Prohibition of Retaliation or Retaliatory Action(s)

Sexual harassment of any kind in the workplace is prohibited by federal and state law, whether committed by supervisory or nonsupervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the City under any circumstances. A complaint of harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignment, career development, etc.

### Other Considerations

A formal complaint of harassment or discrimination by the complainant may be initiated in lieu of, during, or following this informal process as provided by state or federal law.

Individuals who have questions or concerns about this policy should talk with the Human Resources Coordinator.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment.

## **Sexual Harassment Prevention**

### Policy:

The City of Sturgis, South Dakota is committed to providing a work environment site that is free from discrimination and harassment. To maintain this commitment, the City will not tolerate any form of harassment, including sexual harassment. Sexual harassment is a form of employee misconduct, which is demeaning to another person and undermines the integrity of the employment relationship.

### Procedures:

For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- 1) Repeated sexual flirtations, advances or propositions;
- 2) Continual or repeated verbal abuse of a sexual nature;
- 3) Foul language;
- 4) Unwanted physical contact;
- 5) Graphic verbal commentaries about an individual's body, sexual prowess, or sexual deficiencies;
- 6) Sexually degrading words used to describe the individual;
- 7) The display of sexually explicit pictures, cartoons, or other materials;
- 8) Sexual jokes and innuendo;
- 9) Display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail);

The City will also not tolerate sexual harassment of or by any nonemployees, such as customers, visitors, or others.

### Scope:

This policy applies to all applicants, employees, and contractors of the City, and anyone doing business with the City.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

All employees, including supervisors and Department Heads, are responsible for reminding employees on a recurring basis of this policy, and all are responsible for assuring that this workplace is free from sexual harassment.

Violation of this policy will result in disciplinary action, up to and including termination.

#### Reporting an Incident of Sexual Harassment:

The City of Sturgis strongly encourages the reporting of all incidents of sexual harassment, regardless of the offender's identity or position. Any individuals who feels they have experienced conduct that they believe is contrary to the Sexual Harassment Policy or who have concerns about such matters should file their complaints with either (i) their immediate supervisor, (ii) the corresponding department head, and/or (iii) the Human Resources Coordinator before the conduct becomes severe or pervasive. The City has established several avenues of complaint in order to ensure that individuals do not feel obligated to file a complaint with their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives listed above.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City of Sturgis strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but it can only do so with the cooperation of its staff and employees.

A victim of alleged sexual harassment shall not be required to confront the accused harasser outside the presence of the supervisor or a formal proceeding. However, the availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

#### Investigation

Any supervisor or manager who becomes aware of any possible sexual harassment shall immediately advise the department head and human resources.

The City will make a thorough and impartial investigation of the complaint. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed the alleged conduct or who may have other relevant knowledge. All employees must cooperate with any such investigation. Once the investigation process has begun, the accused shall not contact nor have conversation with the accuser or victim regarding allegations of harassment.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints which, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action, up to and including termination.

#### Responsive Action

Once the investigation is finalized, the City will take prompt remedial measures to immediately end the offending action. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances. The complaining party may not be informed of the necessary responsive action(s) to be taken; however, the City will ensure that the complaining party receives closure on the complaint and the subsequent investigation.

An employee accused of sexual harassment facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against him/her, and an opportunity to respond before any disciplinary action may be taken.

#### Prohibition of Retaliation or Retaliatory Action(s)

Sexual harassment of any kind in the workplace is prohibited by federal and state law, whether committed by supervisory or nonsupervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the City under any circumstances. A complaint of sexual harassment

will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignment, career development, etc.

#### Other Considerations

A formal complaint of sexual harassment may be initiated in lieu of, during, or following this internal process as provided by state or federal law.

Individuals who have questions or concerns about this policy should talk with the Human Resources Coordinator.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment.

### **Americans with Disabilities Act Compliance**

**Policy:** The City is committed to ensuring equal opportunity and access to all applicants and employees. As such it is the policy of the City of Sturgis to comply with all Federal and state laws concerning the employment of persons with disabilities. The Americans with Disabilities Act (ADA) and the subsequent ADA Amendments Act of 2008 (ADAAA) require employers to reasonably accommodate qualified individuals with disabilities.

It is the City's policy not to discriminate against any qualified individuals in regard to application, procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment due to their disability or perceived disability so long as the individual can perform the essential functions of the job.

**Procedures:** Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA and the ADAAA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. The City of Sturgis encourages individuals with disabilities to come forward and request reasonable accommodation.

As defined by the Americans with Disabilities Act and the subsequent ADA Amendments Act of 2008, a disabled person is someone who has a physical or mental impairment that substantially limits one or more major life activities; who has a record of such an impairment; or who is regarded as having such an impairment.

**Procedure to request an Accommodation:** It is the employees' obligation to request an accommodation.

On receipt of request for accommodation, a member of the Human Resources Department, the employee's supervisor, and the employee will meet to discuss and identify the precise limitations resulting from the disability and any potential accommodation(s) that the City might make to help overcome those limitations. This meeting will also clarify the responsibilities of both the employee and the City during the interactive process. This meeting will include a review of the job description and the essential functions of the job. Employees may elect to have a union representative in attendance, if desired.

The employee may be required to provide documentation from a licensed professional in support of the employee's request(s).

The City will then determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the City Manager

by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The ADA does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

## **Recruitment and Selection**

It is the policy of the City of Sturgis to hire the best candidate to fill an open position, as identified through a fair and credible process, to perform the duties and responsibilities established in the job description corresponding to the position being hired. Further, it is the policy of the City to not discriminate based upon race, color, national origin, religion, sex, age, disability, sexual orientation, political affiliation, or veteran's status.

### **Procedure**

In hiring the most qualified candidates for positions, the following hiring process is applicable:

#### **Personnel Requisitions**

Approval by the City Manager is required to commence recruitment of any job opening for the City. In the case of unbudgeted or new positions, a complete and thorough job description will be developed. For an existing position the job description will be thoroughly reviewed and amended to reflect any changes to the essential job functions or qualifications of the position.

Following approval, Human Resources will confirm with the hiring manager to confirm the hours and shifts. Human Resources will set a recruitment advertising methodology, to include the possibility of posting externally. Human Resources with the hiring manager will establish the components of the interview and selection process, including post-offer testing requirements.

#### **Job Postings & Recruitment Advertising**

All regular exempt and non-exempt full-time and half-time job openings are posted at all City locations for employees to review. These internal postings will remain for a minimum of five (5) days, but should remain on the posting until the position is filled or the posting expires, whichever comes first. Jobs do not have to be posted externally. If posted externally, the City may choose to post simultaneously them internally and externally.

For external postings, the City is able to utilize its website and social media tools, the Department of Labor web portal, newspapers, online services and word of mouth. The City may also elect to use an outside search firm. It is the City's discretion which advertising method(s) it will employ.

The City may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City's best interest. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Department Head or Human Resources.

#### **Application Materials**

All applicants must submit a City employment application. Submission of a resume, cover letter, letters or reference, work samples, and other supplemental material is not required, unless specifically requested in the job posting. An alternative application may be substituted at the discretion of Human Resources (i.e. for law enforcement). In some cases, a supplemental questionnaire may be required of candidates.

#### **Job-related Skills Testing**

The City may employ a job-related skills test (i.e. a POST test for law enforcement candidates).

#### **Interview Process(es)**

Human Resources or the hiring manager will screen applications and any supplemental materials prior to scheduling interviews. Interviews are scheduled at the City's discretion. Employee eligibility for promotion will be determined by the requirements of the new job as well as any specific departmental protocols. In addition, the City will consider the employees time in their current position as well as their performance and disciplinary records.

Interviews can be held by telephone, videoconference or in person depending on the recruitment process, recruitment timeline, and budgetary constraints. Candidate may be asked to interview more than one time. Candidates from outside the area may be brought to visit the City in order for the City to make a more informed decision.

Panel interviews may also be conducted. If a panel interview is conducted, a structured interview process is recommended. Interview questions should be compiled by Human Resources or the interviewing panel with final HR review. Selection of panelists for the panel interview process will be thoughtful and logical, given the position being interviewed. Possible panelists include, but are not limited to, the hiring manager, peers, human resources, and/or direct reports to the position.

Candidates may be asked to take a personality assessment (i.e. StrengthsFinder) or to perform job tests (i.e. a typing test) as part of the interview process. All assessments will assess the candidate's ability to perform the essential job functions.

After all stages of the interview process(es) are complete, the results of all interview(s) and any assessments will be forwarded to the hiring manager for final review. The hiring manager has the ultimate responsibility for making a hiring recommendation to the City Manager.

Preference shall be given to filling a job vacancy with City employees, given that they have the fitness and ability to perform the essential functions of the job. In the case of two equally qualified candidates, seniority should be a factor in filling the vacancy. *(If applicable for the position, see applicable collective bargaining agreement for further details and specifics regarding seniority, fitness and ability.)*

#### Post Offer Testing Processes:

Once a decision has been made regarding interest in hiring an applicant and offer of employment will be made, contingent upon the candidate's successful completion of the following pre-employment tests:

- A. Reference and background checks
- B. Drug screen
- C. Physical (full-time employees)
- D. Polygraph exam (law enforcement only)
- E. Psychological evaluation (law enforcement only)

The hiring manager (or qualified designee) or Human Resources will check references for candidates.

Final candidates must also complete a pre-employment drug screen.

Pre-employment physicals will be required for full-time positions and will be used to support the candidate's assessment that they can perform the essential job functions with or without an accommodation.

In the case of additional testing required for law enforcement, successful completion of a post-offer polygraph exam and a post-offer psychological evaluation are required of the successful candidate. These tests will be administered by trained and qualified persons.

#### Confirmation of Job Offers

Once Human Resources receives satisfactory results from all the post-offer testing, Human Resources or the hiring manager/supervisor will notify the candidate and confirm the initial offer. In cases where the candidate is unsuccessful in the post-offer testing, the offer of employment may be withdrawn. Consideration will be given for potential accommodations.

#### Initial Start Date and Orientation

The City of Sturgis asks that its employees give two (2) weeks' notice prior to voluntary termination, and it would expect its selected candidates to give the same courtesy to their current employers, as necessary. As such the City will be flexible with the selection of an initial start date. On the initial start date, employees will complete required paperwork and begin their on-boarding and orientation. Employees must complete the necessary paperwork in Human Resources.

### Closing Selection Process

In some cases a hiring list may be retained for no more than 1 year following a selection process.

Human Resources will notify applicants who are not selected about the closing of City positions and/or their placement on a future hiring list, if applicable.

All application materials of applicants not selected will be forwarded to Human Resources for appropriate retention. All applications (both successful and unsuccessful candidates) will be retained in accordance with guidelines established by the Records Management Program of the State of South Dakota Bureau of Administration.

For the recruitment and selection process of City department heads, Human Resources will provide to the City Manager a summary of the recruitment and selection process.

Regarding consideration of family members for an open position, members of an employee's immediate family can be considered for employment on the basis of their qualifications and experiences so long as they successfully complete the same selection process followed for the other candidates for the position. As such, they may result in being the best candidate for the position.

However, employees whose immediate family members are candidates for an open position must not participate in the selection process. Additionally, immediate family should not be hired, however, if employment would:

- Create a supervisor/subordinate relationship with a family member;
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

This must also be considered when the hiring manager has a close personal or romantic relationship with a candidate (i.e. family friend) and there could be a perceived conflict of interest.

Immediate family typically includes spouse, parent, child, sibling, in-law, aunt, uncle, niece, grandparent, grandchild, and members of household.

The candidate's family relationship should be considered when selecting an employee for a new assignment, a transfer, and/or a promotion.

Employee candidates for an opening shall be screened and selected based on their qualifications, fitness and ability to perform the functions of the new position. When evaluating fitness and ability, the City may also consider attendance and work records, performance appraisals and job-related qualifications, including, in some instances, aptitude or achievement tests. Seniority will be considered in accordance with any applicable collective bargaining agreements.

### **Job Descriptions**

The City maintains an active job description for all positions within the City. An employee may request their job description at any time.

The City reserves the right to update or modify those job descriptions at its discretion to ensure that the City is able to provide City services in the most efficient and reasonable means possible.

Job duties may be changed substantially for a short period of time due to emergency circumstances, staffing shortages or another unforeseen situation.



During the Rally period, employee's regular job functions made be suspended or significantly modified.

## **Training & Development Opportunities**

The City of Sturgis recognizes that for development purposes, employees may need to attend training seminars or workshops conducted offsite or join professional associations that will enable employees to remain abreast of best practices in their respective fields. Expenses related to training and development courses as well as reimbursement or external memberships are subject to annual City budgets established for external training and memberships. Generally speaking, trainings, seminars, and professional associations must have a direct relationship to the job the employee performs.

Employees who are interested in attending an optional or developmental training seminar or workshop are encouraged to work with their Department Heads. Employees shall inform their supervisor or Department Head with as much advance notice as possible regarding possible trainings or seminars.

The City reserves the right to determine which training functions and association memberships are in the best interests of the City, its future planning and direction.

Department Heads will inform employees of all mandatory or necessary training which they are required to attend. Employees should make every effort to attend these training sessions when scheduled. Whenever possible, employees shall not schedule routine medical or dental appointments, personal business, etc. during these training periods.

## **Verification of Employment**

Policy: The City of Sturgis will verify employment as requested by prospective employers, financial institutions, residential property managers and other governmental agencies for information on a former or current employee's work history and compensation.

Employment Verification Procedures: All such requests for verification of employment should be referred to and handled by the Administrative Services Department.

Responses to written requests for verification of employment will be made on the form provided only when the request is accompanied by a former or current employee's signed authorization to release such information. A written verification of employment form that has been completed by the Administrative Services department will be returned directly to the requesting party. A copy of the request will be kept by the City.

Telephone requests for verification of employment by prospective employers, financial institutions residential property managers, and other governmental agencies will be limited to providing the following information: job title, employment dates, final wage, and eligibility for rehire. A log of all telephonic requests is kept.

Staff notifies the affected employee when a verification of employment is done.

Requests to verify employment which are made by members of the general public will be handled in accordance with the open records request process handled by the Finance Office.

## **Prohibited Conduct**

The following are prohibited conduct and are considered as causes for disciplinary action, up to and including discharge, suspension, demotion, or termination of an employee of the City of Sturgis.

The below list of prohibited conduct is **not** all-inclusive and disciplinary action (UP TO AND INCLUDING TERMINATION) may be made for other causes.

- Acts of dishonesty, deceit or fraud;

- Acceptance of cash, cash-equivalent, fee, gift, meal, or other item of monetary value in exchange for products, services, favorable consideration, preferential treatment, employment preference, or business with City;
- Altercations (physical conflicts);
- Bribery or acceptance of bribes;
- Careless or negligent treatment of the City's property;
- Conviction of a criminal offense or of a misdemeanor involving moral turpitude;
- Direct or indirect threats of, or committing acts of violence;
- Excessive absenteeism/tardiness or absence/tardiness without notice;
- Failure to notify payroll of overpayments in a paycheck;
- Failure to observe safety regulations;
- Falsifying or tampering with City documents or records including but not limited to timecards, authorization orders, requisition orders, minutes, and employment applications;
- Gross carelessness and/or negligence of duties;
- Incompetence or inefficiency in the performance of the duties of one's position;
- Illegal harassing or discriminatory behavior;
- Information security violation, exposure or incident (including but not limited to inappropriate or unauthorized disclosure or transmittal of confidential or privileged information);
- Insubordination;
- Intentionally or negligently damaging or defacing City property;
- Malfeasance in office;
- Offense in one's conduct or language toward the public or toward city officers or employees;
- Payment of cash, cash-equivalent, fee, gift, meal, or other item of monetary value in exchange for products, services, favorable consideration, preferential treatment, employment preference, or business with City;
- Reporting to work under the influence of alcohol and/or illegal drugs or under the influence of misused controlled substances;
- Unauthorized or improper use of City communication systems (email, computers, fax, telephone, network, internet access, etc.)
- Use, sale, manufacture, distribution, dispensing or possession of illegal drugs or the misuse or sale of controlled substances on City premises;
- Sexual or other harassment of other employees, consultants, or vendors;
- Theft or unauthorized removal of another employee's and/or City documents or property from the premises;
- Unauthorized overtime;
- Use of City property, premises, or communication systems for illegal or unauthorized purposes;
- Use or threatened use, or attempted use of political influence in securing promotion, leave of absence, transfer, change of grade, pay, or character of work;
- Use of violent or profane, abusive language, or making threats of violence;
- Violation any lawful and reasonable official regulation or order, or failure to obey any lawful or reasonable direction made and given by one's superior, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline, or resulted or reasonably might be expected to result in loss or injury to the city, or to the public, or to the prisoners or wards of the City;
- Violation of the City's drug and alcohol-free workplace policies;
- Violation of any of the policies in the City's Policies and Procedures Manual, applicable union contracts, and/or other City policies governing conduct;
- Performing work for another employer while being paid by the City;
- Has been guilty of any other act or omission deemed sufficient cause by the City;
- Other department specific prohibited conduct.

Finally, any employee who is guilty of willful and wanton misconduct is liable to the City (its employer) for the damage thereby caused to the City.

Employees, with proper prior authorization from the City Manager or his/her designated authority, may be required or designated, in their capacity as City employee, to attend a post-work, evening social or networking event off City premises where alcohol may be served. Provided that the employee consumes responsibly and remains always within the limits of the law, such action may not be a violation of this policy nor of the drug/alcohol policy. Employees so authorized shall be

extremely limited in number and shall be overtime exempt employees. Abuse of this authorization shall result in disciplinary action, up to and including termination.

### **Personal Use of City Equipment / Property**

The personal use of City property for personal use (including for a personal business) is expressly prohibited without written pre-authorization by the City Manager. Failure to obtain such permission shall result in disciplinary action for the employee, up to and including termination.

### **Political Activity of Employee Policy**

The City of Sturgis encourages its employees to participate in political activities. Except when on duty or whenever acting in his or her official capacity as employee of the City of Sturgis, no employee shall be prohibited from exercising his or her right to express his or her personal opinion, from being a member in any lawful political organization, from attending lawful political meetings, from voting with complete freedom in any election, or participating in any other lawful political activity. Any participation in political activities must be conducted on the employee's own time and with their own resources.

Therefore, employees are prohibited from performing the following activities while on duty:

1. Working or directing other staff to work on any political activities on City paid time;
2. Use of City facilities, equipment, space, or resources for political activity;
3. Implicitly or explicitly encouraging staff to work (on their own time) on political activities;
4. Demonstrating;
5. Circulating petitions or campaign literature;
6. Posting to blogs, social media or other internet websites regarding campaign or elections;
7. Soliciting votes or contributions;
8. Fundraising;
9. Working at the polls in a political capacity;
10. Solicit or receive any subscription, contribution or political service from any person for any political purpose pertaining to the government of the City;
11. All other political activities not considered part of the employee's normal duty.

Employees shall not take bestow an unfair advantage to one of several competing factions during any election. Therefore, employees are also prohibited from using their official position to influence elections.

Additionally, City employees who are asked to respond to inquiries about a measure or initiative will direct all such requests to the City Manager. The City Manager, will, in conjunction with the City Attorney, provide a factual, impartial and balanced response, in accordance with applicable laws.

The City expressly prohibits the discrimination on the basis of political affiliation.

### **Employee's Candidacy for Political Office**

If a City employee wishes to enter the race for Sturgis City Council or Mayor, that employee must resign his or her employment with the City of Sturgis prior to declaring his or her candidacy. Should a City Councilperson wish to accept an open position with the City, s/he must resign the position of Councilperson prior to offer acceptance.

If a City employee chooses to seek any other political office besides City Councilperson, s/he shall report this information to the City Manager prior to entering a race. The City Manager will review this activity to determine if potential conflicts of interests, the appearance of a conflict of interest, or other reasons exist that could require the employee to resign from City employment prior to or during the candidacy.

### **Additional Federal Restrictions on Political Activity**

An employee's conduct may also be subject to the prohibitions of the Hatch Act should their principle employment be in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency.

## Policy Violations

Violations of this policy will subject the employee to disciplinary action, up to and including termination.

## **Substance Abuse Prevention**

**Overview:** The safety of our employees and facilities and that of the general public are of paramount concern to the City of Sturgis. As such, the City expects all employees to report for work every day in a condition to do their duties safely and responsibly. The City recognizes that employees' off-the-job, as well as on-the-job, involvement with controlled substances and alcohol can have an impact on the workplace and on our ability to accomplish our goals. The City of Sturgis is committed to providing a drug free workplace in accordance with all applicable federal regulations and City Executive Order 93-1 as issued by the former Mayor Mechling, it is the policy of the City of Sturgis to provide a drug free workplace environment.

Further, the City must comply with applicable Federal Regulations governing workplace drug and alcohol abuse and misuse for Commercial Drivers' License (CDL) holders.

**Policy:** It is the policy of the City to conduct drug and alcohol screening procedures in order to ensure the City efforts to be a drug free workplace and to meet all applicable federal, state and local regulations. This policy applies to all and future City of Sturgis employees (full time, part time and seasonal) that perform safety functions, and/or DOT functions and/or duties that affect or impact the public's safety and security.

The following substances shall be considered "controlled substances" for the purposes of this policy:

1. Marijuana
2. Opiates
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP)
  
6. Alcohol (including alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohols)

### **Prohibited Activities: Alcohol:**

No employee shall, or supervisor having knowledge of, permit an employee to:

- Report for duty or remain on duty while having an alcohol concentration of 0.02 or greater;
- Consume alcohol while on duty;
- Report for duty within four (4) hours of alcohol consumption;
- Possess alcohol while on duty or operating a commercial motor vehicle;
- Use alcohol during hours when employee is "on call";
- Consume alcohol within eight (8) hours of an accident (if required to be tested) or until testing is completed.

Employees, with proper prior authorization from the City Manager or his/her designated authority, may be required or designated, in their capacity as City employee, to attend a post-work, evening social or networking event, off City premises, where alcohol may be served. Provided that the employee consumes responsibly and remains always within the limits of the law, such action may not be a violation of this policy. Employees so authorized shall be extremely limited in number and shall be overtime exempt employees. If an employee has consumed any alcohol at such an event, then the employee may not drive a City vehicle for at least four hours. Abuse of this authorization shall result in disciplinary action, up to and including termination.

### **Prohibited Activities: Controlled Substances:**

No employee shall, or supervisor having knowledge of permit an employee to:

- Report for duty or remain on duty when using any controlled substance.

- *Exception:* If the use is pursuant to instructions of a physician who has provided written documentation that the substance does not adversely affect the ability to safely operate a motor vehicle;
- Report for duty or remain on duty or perform a safety sensitive function after having tested positive for controlled substances.

All employees must report any therapeutic drug use to his/her supervisor immediately.

### **Prohibited Activities: Hemp**

Recently a number of products have appeared on the market, which are advertised as hemp products. The hemp contained in these products is Cannabis Sativa, or Marijuana. The legal council for the U.S. Department of Transportation has issued the following guidance regarding hemp products. Whatever else it may be, consuming hemp food products is not a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen, the City of Sturgis will not accept an assertion of consumption of a hemp food product as a basis for verifying a marijuana test result.

### **Prohibited Activities: Adulteration, Substitution or Refusal**

Adulteration is defined as the tampering of a urine specimen in an attempt to mask any drug(s) that may be otherwise detected. The incidence of adulteration in drug-free workplace programs is continuing to rise. The City of Sturgis will have all specimens tested for adulteration.

If an employee's specimen is found to have been adulterated, it will automatically be considered a positive test. Adulteration and substitution are considered pre-meditated actions to deceive the employer, and, therefore, are treated as a more severe violation of this policy than a positive test result.

The consequence for adulteration, substitution, or refusal will be termination.

### **Prohibited Activities: Dilute Specimens**

Under the authority of the City of Sturgis, employees are required to provide a normal urine specimen for testing. If the drug screen test result is reported as dilute the employee must be tested again immediately. The employee may be required to re-test at their expense.

### **Required Testing Circumstances:**

#### **Pre-Employment**

When there is a job offer pending, the City of Sturgis will require a negative controlled substance test result. Applicant will not be allowed to report for duty until a negative controlled substance test is verified. Also, in addition, to enroll in the Black Hills Occupation Health DOT consortium, a pre-employment test is required.

If a new employee fails to pass the controlled substance test with a negative test result, offer of employment may be withdrawn.

All employees performing DOT functions employed by the City of Sturgis to operate commercial motor vehicles or perform safety sensitive functions must have a verified negative controlled substance test result prior to driving and/or performing a safety sensitive function.

#### **Post-Accident Testing**

##### *Employees operating under a CDL*

All City of Sturgis employees operating under a CDL must be tested for alcohol and controlled substances, in accordance with DOT Federal Regulations, as soon as possible following an accident involving the loss of life, or if a citation for a moving violation was issued **and** one of the vehicles involved in the accident had to be towed, **or** one of the people involved in the accident had to receive medical attention immediately away from the scene of the accident.

The involved employee(s) must be transported by a supervisor to the testing facility and will be tested for alcohol and controlled substances as soon as possible following the accident. Tests for alcohol should be performed within 2 hours and at least by 8 hours. A controlled substance test must be completed within 32 hours. Due to these time

frames the employee is not to consume any alcohol for 8 hours after an accident, nor are they allowed to ingest any controlled substances for 32 hours, with the exception of those administered by a health care professional.

All City of Sturgis employees must report all accidents to his/her supervisor or Department Head (or the HR Coordinator in the case that the supervisor and Department head cannot be reached) immediately following the accident. The supervisor or Department Head will transport the employee to the test site for a breath alcohol test within 2 hours or at least by 8 hours after the accident. City of Sturgis employees must submit to a controlled substance test within 32 hours of accident.

#### *Employees NOT operating under a CDL*

For NON DOT employees or DOT employees that do not fall under the DOT protocol for post accident testing, any incident occurring on City time or on City property involving an injury that is reportable by law to workmen's compensation, requires medical attention or results in property damage in the amount of \$2,500 or greater, will be considered an accident requiring a drug screen.

The involved employee(s) must be transported by a supervisor to the testing facility and will be tested for alcohol and controlled substances as soon as possible following the accident. Tests for alcohol should be tested within 2 hours and at least by 8 hours. A controlled substance test must be completed within 32 hours.

Due to these time frames the employee is not to consume any alcohol for 8 hours after an accident, nor are they allowed to ingest any controlled substances for 32 hours, with the exception of those administered by a health care professional.

#### Random Testing

##### *Employees operating under a CDL*

All City of Sturgis employees operating under a CDL will be subject to random testing in accordance with Federal Regulations. An annual rate of 10% of those enrolled in the OHN consortium will be tested for alcohol and 50% of those enrolled in the OHN consortium will be tested for controlled substances. Testing will be unannounced and spread throughout the year. Each employee has an equal chance of being selected for testing each time a selection is done.

##### *Employees NOT operating under a CDL*

All other City of Sturgis employees will be enrolled in the Black Hills Occupational Health nonDOT consortium for random testing. This selection is done by a scientifically valid computer method. Once notified of selection, the employee will proceed as directed to the collection site for testing.

#### Reasonable Suspicion Testing

All employees are required to submit for alcohol or controlled substance testing whenever there is reasonable suspicion that a prohibition of this policy has been violated.

The trained supervisors will be authorized to determine, based on observations or behaviors, that alcohol or controlled substance testing be conducted. Such testing should occur as soon as possible. Up to 8 hours will be allowed to complete the alcohol test. Controlled substance testing must take place as soon as possible and must be completed within 32 hours.

#### Return To Duty Testing

If any testing result is positive, the donor employee agrees to obtain the service of a DOT certified substance abuse professional (SAP) and abide by his or her recommendations. This will be at the employee's expense. Once advised by the SAP that they may return to work, the employee must take a return to duty test. If the test is negative, employee may, upon approval from program supervisor return to his/her previous position.

#### Follow-up Testing

If it is determined that an employee is in need of assistance in resolving misuse, the employee understands that they are subjected to unannounced follow-up testing as directed through a cooperative effort between the SAP and

program supervisor. A minimum of six (6) follow-up tests must take place during the 12 consecutive months after treatment was completed.

### **Testing Procedures**

Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy, and reliability as approved by the Department of Transportation and the Department of Health and Human Services.

All controlled substance testing for employees performing DOT functions will take place at a National Institute on Drug Abuse (NIDA) certified laboratory. Testing for NON DOT employees will also be done at a laboratory designated by the City's provider.

#### Controlled Substance Testing

- Urine will be the required substance and will be collected under controlled circumstances.
- Specimens are transported to the testing lab.
- Specimens undergo testing by an initial screening procedure, which is followed by GC-MS confirmation testing if necessary.
- The urine is positive for a substance if the substance is present in an amount greater than the minimum threshold.
- A Medical Review Officer (MRO) will contact the employee if there is a positive result, to verify the result.
- The Medical Review Officer reports the result to the Human Resources Coordinator (the City's designated program supervisor).
- The Medical Review Officer gives all Employees performing DOT functions the option of testing the remaining split specimen at a NIDA certified laboratory of their choice at their expense.

#### Alcohol testing

- A breath specimen is required to test for alcohol
- A certified breath alcohol technician will conduct breath testing.
- Tester uses an approved Evidential Breath testing device.
- The initial test must give results of less than 0.02 or a retest (confirmation) test must be done following a 15-minute wait.
- If the confirmation reveals a concentration of greater than 0.02, the individual is in violation of this policy.
- Post-accident breath or blood testing may be conducted by Federal, State, or local officials having independent authority, if the results can be obtained by the employer.

The employee is determined to have refused to submit to testing if:

- He/she refused to take the test.
- There is an inability to produce urine after 44 ounces of fluid are ingested and 3 hours have passed, or cannot provide enough breath sample with an absence of a valid medical explanation.
- He/she provides false information
- He/she fails to report within the required time period for testing.
- He/she tampers with the specimen in an attempt to mask any drugs that may be present.

This refusal constitutes a positive test and is, therefore, subject to the consequences of a positive test result.

A positive test by a City of Sturgis employee will result in disciplinary action, up to and including termination. If an employee is allowed by City of Sturgis to return to duty after having tested positive, the employee must undergo return to duty testing with a verified negative result and be evaluated by a DOT certified Substance Abuse Professional (SAP). The SAP will also monitor compliance with rehabilitation. If the return to duty test is adulterated or substituted, the employee will be immediately terminated. The employee will subsequently be subject to unannounced follow-up testing as directed by the SAP. Follow-up testing will be performed at a minimum of 6 tests in the first 12 months after completing treatment. Follow-up testing may, at the sole discretion of the employer, continue for up to five (5) years. If employee tests positive or provides an adulterated or substituted specimen during follow-up testing or at any point thereafter (have a second positive test), they will be immediately terminated.

The afore-mentioned return-to-duty and follow-up protocols outlined in the prior paragraph will be followed in the case of self-identification and any subsequent rehabilitation/treatment.

**Breath Alcohol Testing:** In the case of breath alcohol testing, if the employee has an alcohol level of .02 - .039, the employee will be removed from duty for a period of twenty-four (24) hours. If the breath test result is greater than .039, the same consequence stated above for a positive drug result will apply.

**Return to work:** The employee may be responsible to pay for all return to duty testing; all follow-up testing and all rehabilitation and evaluation costs.

**Records:** All results and related employee documents (i.e. refusals, referrals, treatment plans, etc.) will be retained for five (5) years from date of termination of employment. The City will keep administrative testing records for a period of three (3) years (i.e. random selection documents)

**Access to Records:** The employee is entitled to a copy of his/her records. Records are available for officials with regulatory authority of the National Transportation Safety Board (NTSB) within two business days of request. Subsequent employers or others may have a copy of the records upon specific written request from the employee.

The positive and negative test results received by the City through its drug screening processes are confidential communications and may not be used by others, except such test results may be used in administrative or disciplinary proceedings, hearings, arbitrations, civil litigations arising from the positive test result, and/or employee initiated action.

**Self-identification of substance abuse:** The City encourages its employees who may develop drug/alcohol dependency problems to promptly seek the professional help necessary for their return to good health and productivity. The Department of Health Services through the State of South Dakota provides a complete listing of accredited substance abuse facilities that residents can access at their own cost.

For eligible employees, the City's current health insurance plan may also provide coverage or cost assistance for substance abuse treatment / rehabilitation. (Please contact Human Resources to see what benefits, if any, are provided under current insurance plans.)

If an employee voluntarily has self-identified as having a substance abuse problem and/or voluntarily requests assistance for such a problem prior to being selected for a required drug test and the employee has not violated this policy in any way, the City will refer such employee to certified assistance or rehabilitation program(s). The employee must satisfactorily complete a certified assistance or rehabilitation program. Any costs associated with the program are the sole responsibility of the employee.

Time away from work for assistance or rehabilitation must be taken through existing paid and non-paid time off options that the employee is eligible for and/or has accrued.

It is important to note that enrollment in and/or successful completion of an assistance or rehabilitation program is not a defense in any disciplinary or performance related action that may be taken as a result of the employee's job related actions or performance to date.

Self-identification will not apply after an employee has been selected for either testing for cause or random testing.

**Reasonable Suspicion:** Those designated to determine if reasonable suspicion exists will receive training to cover the physical, speech, and performance indicators of misuse.

#### RESERVATION OF RIGHTS

The City reserves the right to interpret, amend, or rescind this Policy (in whole or in part) without notice.

The City also reserves the right to change the designated drug-testing laboratory without notice.



## **Disciplinary Action**

From time to time, an employee's conduct, performance, behavior, or attitudes may not conform to the City's expectations. As a result of an employee's actions or non-actions, disciplinary action may be required. Discipline can be for prohibited conduct, performance, policy violation, or other conduct.

Disciplinary action may include (but is not limited to) verbal or written warning, suspension without pay, reduction-in-salary, demotion, or termination of employment (dismissal). These actions may be taken in conjunction with an action plan (i.e. in cases of poor or unsatisfactory performance). Appropriate action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because of the great variety of situations that may arise, the City may need to make decisions related to employment in a manner other than as provided in this section. Notwithstanding the above, the City has no policy requiring mandatory progressive disciplinary action. Any type of disciplinary action that is deemed appropriate can and will be taken.

An employee's immediate supervisor will administer, in conjunction and cooperation with Human Resources and/or the City Manager as appropriate, any appropriate corrective or disciplinary action. If applicable, any rights granted through an applicable collective bargaining agreement will be also incorporated into the disciplinary process (including, but not limited to, representation, grievance process).

The City Manager may elect to provide a due process hearing to employees not covered by a collective bargaining agreement.

Appeals and grievances will be handled in accordance with any applicable collective bargaining agreement. For those employees not covered by a collective bargaining agreement, appeals may be made to the appropriate department head if the department head is not the employee's immediate supervisor. In such case where the department head is also the immediate supervisor, the employee should bring their request for appeal to the City Manager.

The City complies with the Family Medical Leave Act (FMLA) as well as with all subsequent amendments to the Act. The City posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the US Department of Labor (DOL) and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL). The City also posts the supplementary information concerning Military Family Leave.

## **Family Medical Leave Act**

**Policy:** It is the policy of the City to comply with the Family Medical Leave Act (and all subsequent amendments).

### **Procedures:**

The purpose of the procedures described below is to provide employees with a general description of their rights under FMLA. In the event of conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you must contact Human Resources in writing.

The City uses the 12-month period for tracking leave is the current calendar year (January 1 – December 31). (The City does not use the "rolling backward leave year" nor the "rolling leave year".)

Each time an employee takes FMLA leave, the City will compute the amount of leave the employee has taken under this policy in the current calendar year and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at that time.

**Benefit Continuation while on FMLA Leave:** While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on FMLA leave that is concurrent with paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on FMLA that is unpaid, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Payroll Department by the last working day of the month prior to the next following month of insurance coverage. If the payment is more than 30 days late, the employee's health care

coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

**Employee Status after Leave:** An employee who takes leave under this policy may be asked to provide a Fitness for Duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

**Paid versus Unpaid FMLA Leave:** An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must concurrently use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. (However, all leave will all be counted towards FMLA allotment.) Sick leave will be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies) will be designated as FMLA leave and will run concurrently with FMLA. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

An employee who is taking FMLA leave for the adoption or foster care of a child must concurrently use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must concurrently use all paid vacation and personal leave prior to being eligible for unpaid leave.

An employee using FMLA military caregiver leave must also concurrently use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

**Intermittent Leave or a Reduced Work Schedule:** For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child. In all cases, the leave under this policy may not exceed a total of 12 workweeks.

For leaves other than the birth of a son or daughter or the placement of a son or daughter with employee for adoption or foster care, the employee may request to take FMLA leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service-member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

**Certification of the Serious Health Condition:** The City may require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

As allowed by federal law, the City may directly contact the health care provider for verification or clarification purposes. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification.

The City also reserves the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**Certification of Qualifying Exigency for Military Family Leave:** The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Certification for Serious Injury or Illness of Covered Service-member for Military Family Leave:** The City will require certification for the serious injury or illness of the covered service-member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Recertification:** The City may request recertification pursuant to federal law. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**Procedure for Requesting FMLA Leave:** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Department. Within five business days after the employee has provided this notice, staff will complete and provide the employee with written Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**Designation of FMLA Leave:** Within five business days after the employee has submitted the appropriate certification form, the HR staff will complete and provide the employee with a written response to the employee's request for FMLA.

**Intent to Return to Work from FMLA Leave:** On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**Effect on Seniority:** Employees should refer to any applicable collective bargaining agreements regarding the effect of FMLA leave on seniority.

# Compensation & Benefits Policies

## Attendance

**Policy:** Employees must report to work as assigned. Requests for time off (paid or unpaid) must be made in a timely manner with as much advance notice as possible to the Department Head.

### **Procedures:**

**Request for Vacation:** Vacation must be scheduled with one's supervisor as far in advance of the date of vacation as feasibly possible. At a minimum, for vacations lasting at least one day, employees must give forty-eight (48) hours notice to their supervisor. At a minimum, for vacations lasting three or more consecutive days, employees must give two weeks' notice. In the event there is conflict over the choice or vacation schedules, the employees with greater seniority shall be given their choice of vacation time.

**Request for Sick Leave:** In the case of emergency or sudden illness without prior scheduling, employees should notify the City no later than two (2) hours before the scheduled start of the shift (barring no unusual circumstances). In the case where reporting within two hours before the scheduled start of shift is not feasible, the employee must notify the Department Head (or designated supervisor) as soon as possible. The employee must contact the appropriate person using the department's protocols. (i.e. Some departments may require an employee to talk to the supervisor.) The City reserves the right to determine whether the circumstances surrounding the reporting are "unusual" and, if necessary, take disciplinary action for any delay in reporting under usual circumstances.

Employees shall give at least one hour prior notice of use of non-emergency sick leave (i.e. medical appointment). If an employee will return to work following a non-emergency sick leave usage and there is less than two hours remaining on the scheduled shift, the employee will use sick leave for the remainder of the shift. An exception can be made with prior approval from the employee's supervisor.

Improper reporting for sick leave or other unpaid time off will be counted as an unauthorized absence (barring extenuating circumstances) and is subject to disciplinary action.

Abuse of sick leave paid may result in disciplinary action up to and including termination.

**Unauthorized Absences:** An absence occurs when an employee misses more than three (3) hours of work within a normal workday. If an employee is scheduled to work overtime and does not report for the scheduled overtime shift, that is also considered an absence.

Prescheduled times away from work using accrued vacation, holiday, or sick leave are not considered absences for the purpose of this policy. Furthermore, the application of FMLA leave is also not considered for the purpose of this policy as long as (i) an FMLA designation has been received and (ii) any intermittent or reduced work schedule has been approved (if applicable).

An absence of multiple days due to the same illness, injury, or other incident may be counted as one occurrence for the purpose of this policy if it is a prescheduled or authorized absence.

**Tardiness:** A **tardy arrival** (or tardiness) is arriving for the shift more than five (5) minutes after the scheduled start to the shift. An **early departure** is one in which the employee leaves before the scheduled shift end. The same holds true for a tardy arrival or early departure from a scheduled overtime shift. Both are prohibited per this policy and instances of a tardy arrival and/or an early departure is subject to discipline up to and including termination.

Employees may be granted permission by their supervisor allowing for an occasional tardy arrival or early departure. On occasion *and with prior approval by the supervisor*, an employee who is tardy may adjust that day's schedule to work an equivalent amount of time at the end of the shift (or arrive early for an early departure). In these occasional and infrequent instances, the tardy arrival or early departures are typically not subject to disciplinary action unless they begin to form a concrete pattern.

All arrival and departure times are determined by the automatically punched time as reported on the timecard for each employee.

Disciplinary Action for Excessive Absences or Tardiness: When an employee's absences or tardiness becomes excessive in number or frequency, the employee will be subject to disciplinary action, up to and including termination. Occasional and infrequent infractions or those occurring more than six (6) months ago are typically granted less consideration during disciplinary actions for absenteeism or tardiness.

Employees who establish a pattern of absenteeism or frequently requesting tardy arrivals or early departures will be subject to disciplinary action.

When establishing a pattern of absenteeism or tardiness (i.e. patterns of routinely calling off on Mondays and/or Fridays) may evaluate absences or tardiness greater than six (6) months old in addition to more recent, documented infractions.

Discipline for absences or tardiness will be typically treated progressively, and employment can be terminated for reasons of absence, tardiness, or early departure. However, the City, in its full discretion reserves the right to use its discretion in disciplining employees for absences or tardiness.

### **Job Abandonment**

Any no-show or no-call lasting three (3) business day on the part of the employee is considered job abandonment and the City will proceed with termination barring no extenuating circumstances. The City reserves the right to exercise some discretion in such cases.

### **Timecard Procedures**

**Policy:** All non-exempt employees must record their hours worked on a timecard via a timeclock punch (manual or digitally recorded). Employees are responsible for accurately recording all time worked on a Time Card for payroll purposes. Employees are required to punch or digitally record their own arrival time at the beginning and end of each workday, including before and after the lunch break (as applicable). Employees should not arrive more than five minutes prior to the start of their scheduled shift. Employees must also record their time whenever they leave the building for any reason other than City business. In occasional and under special circumstances, an employee will be permitted to write in an arrival or departure time. However, repeated or frequent cases of employees not using the time clock to punch in will result in disciplinary action, up to and including termination. Employees should note any time away from work for purposes of holiday, vacation, sick leave, administrative, or unpaid leave (i.e. FMLA). If an error is made on a time card, employees should correct the error (in ink), handwrite an explanation, and initial the change. Supervisors, upon reviewing the time card, should also verify (initial) the change.

#### **Prohibited Actions:**

Filling out another employee's time card, punching in on behalf of another employee, allowing another employee to fill out your time card, altering any time card, or other tampering with or falsification of a time card are strictly prohibited and will be grounds for discipline up to and including termination.

**Submission of Timecards:** Time Cards are due to the Department Head by nine am on the Monday following the last day of the Time Card. All Time Cards must be completely filled out and signed. If an employee worked overtime beyond 15 minutes (0.25 hours), then Overtime Approval Slip(s) must be attached accounting for an overtime worked.

**Concerns or Errors:** Any concerns on the time card should be reported immediately to the Payroll Department. Concerns will be researched and any errors will be rectified as required.

### **Paid Time Off & Overtime Calculation**

Employees must use paid-time off (vacation, sick leave, personal leave) to make up the missed hours in a particular day. Overtime is only calculated after the employee hits 40 hours per week worked. Vacation, personal leave and holiday

count towards hours worked. Sick leave does not. However, if there is work available and an employee is given permission by their direct supervisor in advance to allow the employee to “flex” their schedule, the employee may then work to make up some or all of the missed work time later in the work week. The means by which the employee will make up some or all of the time must be agreed to in advance. Options to flex the schedule include working through lunch, coming in early or staying late. All make-up time must be completed in the same workweek. Employees and supervisors must calculate the make-up time to ensure that no overtime is incurred because of the restrictions of the PTO use. *(For example, if the employee is gone 6 hours and wants to make up time by working 3 hours and taking ½ personal day, that would result in 1 hour of overtime. A different PTO option (i.e. vacation) would have to be used as that can be used in .5 hour increments.)*

## **Breaks and Meals**

### **Policy**

The purpose of this policy is to outline the City’s policy on breaks and meals. Breaks will not last longer than fifteen (15) minutes, including transport time (i.e. driving to/from shop, picking up food, etc). Extending a break period or taking extra / nonscheduled breaks is against City policy. Extending a break is subject to disciplinary action, up to and including termination. Further, it is the policy of the City of Sturgis to comply with state and federal laws regarding meals and breaks.

### **General Break Time Procedures**

Breaks are short rest periods wherein the employee is not required to perform work. Breaks are often taken at a common break area or can be taken in their truck (in lieu of returning to the shop).

Breaks are fully paid, but employees who work through their breaks will not be paid additional compensation. Breaks may not be accumulated: If any employee does not take a break, an extra break cannot be taken later in the shift or during a different work shift.

Breaks will not last longer than fifteen (15) minutes, including transport time (i.e. driving to/from shop, picking up food, etc). If you need to stop at a convenience store, grocery store, and/or fast food restaurant to pick up food or snacks, any such time is counted towards your break time.

The City has the right to schedule employees’ breaks to fulfill the operational needs of the various City departments. Where breaks are feasible given the operational needs of the City, full-time nonexempt employees are permitted a single 15-minute rest break for each half shift work period. Employees in positions that require the uninterrupted presence of staff may only take a rest break when qualified relief is available and practical.

Breaks are not permitted to taken at either the beginning or end of the work day to offset arrival and departure times.

Departments may elect to not provide a specific meal (“lunch”) break in light of operational requirements, rather allowing employees to eat a meal on a shorter, fifteen minute (paid) break. This is elected at the sole discretion of the Department Head.

If such a policy is not in place, nonexempt employees are permitted an unpaid meal of at least 30 minutes but not more than 60 minutes. The employee shall punch out during the mealtime. In order to assure that employees are completely relieved of work duties during meals, employees should not answer the phone, wait on customers or perform any other work tasks during the mealtime. Ideally, employees should eat meals in a break room. If an employee is required to perform any work duties while on his or her meal break period, the time spent working during the meal is counted toward the total hours worked. In such a situation, the employee shall not punch out during the mealtime and the time given to eat shall be included in the employee’s hours worked for that day.

If an employee wishes to take additional or extra time off in the middle of the day, vacation or sick leave must be used, with prior approval.

Failure to return timely from breaks or lunch will subject the employee to disciplinary action, up to and including termination.

In fairness to all employees, individuals who smoke are expected to comply with existing procedures regarding break and meal times. Smokers are not to be singled out or monitored in any way that results in treatment different from that applied to other employees.

Supervisors and Department Heads are held accountable for fairly applying all City policies including those regarding breaks and rest periods.

Employees violating these procedures on breaks and meals will be subject to disciplinary action, up to and including termination.

Additional treatment of breaks and meals may be found in any applicable collective bargaining agreement(s).

## **Vacation Sell-Back**

**Policy:** Salaried employees are highly encouraged to use their vacation throughout the year as it provides rest, relaxation and escape from the duties and responsibilities of their position. However, the Council also recognizes that given the limited management hierarchy within the City, it can be difficult for salaried employees to use all their accrued vacation each year.

Therefore, it shall be the policy of the City of Sturgis to allow salaried employees to sell back a portion of their accrued, unused vacation, under limited circumstances.

### Sell-back Procedures:

Salaried (overtime exempt) employees are eligible to request to sell back unused vacation to the City at the end of the calendar year.

In order to be eligible for vacation buy-back, eligible employees must

- A. Be salaried (overtime exempt) employees;
- B. Use at least 40 hours of vacation in the year they are requesting buy-back;
- C. Make a good faith effort to use vacation during the calendar year;
- D. Carefully track vacation usage during the calendar year by submitting usage documentation to Payroll;
- E. Roll over 40 hours of unused vacation into the following year;

If these requirements are met, the employee may petition the City Manager to sell back the remainder of their unused vacation. This request must be made in writing by December 1st.

The employee must roll over 40 hours into the following year.

The maximum amount of vacation that the employee can sell back to the City is one-half the amount of vacation the employee accrues each year, as based on their years of service. (Vacation that is rolled over from the prior year is not considered "accrued".)

The City Manager will review all requests for vacation sell-back and shall approve or deny requests for sell-back.

If the request to sell back vacation is approved by the City Manager, the employee will be paid the vacation at the hourly equivalent of their salary (based on a 40 hour work-week). The sell-back payment will be made to the eligible employee as part of the second payroll in December. This payment is subject to all payroll taxes and SDRS contributions.

### Example:

Employee A has 7 years of service and accrues 120 hours of vacation each year. Therefore, at the end of the year, the employee would be able to sell back up to 60 hours of vacation.

At the beginning of the year, Employee A rolls over 40 hours from the prior year. So, employee A has 160 hours of vacation available for use.

Employee A takes 40 hours of vacation in May and takes another 32 hours in September.

At the end of the year, Employee A has 88 hours of unused vacation. Employee A rolls 40 hours into the following year. Employee A has 48 hours of unused vacation eligible to sell-back.

## **Sick Leave Donation**

The City of Sturgis provides its eligible employees the ability to accrue paid time off in the form of sick leave and vacation time. The City of Sturgis recognizes that occasionally an employee's personal family or medical circumstances may exhaust available paid time off (vacation and sick leave) options, which may or may not include a grant from the City's Sick Leave Bank.

The City also recognizes that in such cases, other employees may wish to voluntarily and freely donate their own sick leave to help an employee in this situation.

Donations of sick leave and the use of such donations shall be governed by this policy. This policy does not replace or alter normal applicable rules on sick leave usage.

### **Eligibility to receive a donation of sick leave hours**

To be eligible, an employee must meet the following criteria:

- Be a regular full-time or half-time employee with at least six (6) months service with the City of Sturgis;
- Have exhausted all forms of paid sick leave and vacation (or plans on exhausting all forms of paid sick leave and vacation), including the Sick Leave Bank (if participating);
- Be facing a minimum of ten (10) days without compensation;
- Have not been counseled or discipline for an attendance violation in the past six (6) months;
- The reason(s) for the employee's leave are eligible for the leave entitlements provided by the Family and Medical Leave Act\*.

\*An employee does not have to be eligible for Family and Medical Leave to receive a donation, rather the reasons for their receiving the sick leave donation must be one that would be covered by Family and Medical Leave Act, if the employee were eligible to receive it.

However, any and all leave received by an employee under this policy that qualifies for Family and Medical Leave (FMLA) will count towards the employee's FMLA entitlement. Nothing in this policy extends nor limits the time available under the Family and Medical Leave Act.

### **Donations**

Employees who wish to donate sick leave hours can do so on a strictly volunteer basis. Donations are limited to a maximum of forty (40) hours of sick leave per recipient employee and must be donated in one (1) hour increments.

Donating employees must have the sick leave hours available to donate, and employees must have forty (40) hours of sick leave remaining after completing the donation. Employees cannot donate future sick leave hours that they have not yet accrued. Donations are not-refundable and irreversible.

**Employees may not solicit or distribute lists for sick leave donation.** All donations must be voluntarily made. No employee shall be coerced, threatened, intimidated, or financially induced into making a donation. Supervisors should avoid any appearance of soliciting a donation from subordinates.

Should an employee feels that s/he is being coerced, threatened, intimidated, or financially induced into making a donation, the employee should communicate immediately with the Department Head or Human Resources.

The act of soliciting and/or accepting any form of compensation, gratuity, or anything of value directly or indirectly in return for donating or receiving sick leave hours is strictly prohibited.

Each donating employee must submit a Sick Leave Donation Form directly to Payroll or Human Resources. Donation forms are available from Payroll or from Human Resources.



All donations will be kept confidential. Donations will remain anonymous to the receiver.

The donation of sick leave hours is not tax deductible as a charitable contribution.

### **Use of Donated Sick Leave Hours**

The recipient employee will go through the normal family and medical leave process, completing all required forms and providing certification from a physician or practitioner. There is no limit on the number of donated sick leave hours that an employee may receive.

Donated sick leave will be provided to the recipient on a week-to-week basis until the donation is exhausted or the recipient employee returns to work. The donated leave is meant to cover only for the duration of the reason for which it was donated. If the situation ceases, the recipient retires, or the recipient terminates employment, any unused portion of the donated sick leave will revert to the City's established Sick Leave Bank.

Donated sick leave hours do not have a cash value and cannot be converted into cash. Donated sick leave hours will be paid at the normal hourly wage rate of the recipient. The recipient employee shall use the donated sick leave according to his or her regular work schedule and current labor distribution. Donated sick leave hours cannot be used simultaneously with other paid time off or other donated hours. (No piggy-backing of hours.)

A recipient employee may be eligible to receive the same benefits such as medical, dental, life insurance, disability, and retirement contributions while on leave without pay. The City reserves the right to deduct all normal payroll contributions (including union dues, AFLAC, flexible spending account contributions, etc.) from the compensation resulting from donated sick leave hours. The City does not assume any tax liabilities that would otherwise accrue to the recipient employee. Certain garnishments may still be subject to withholding for a recipient employee using donated sick leave time.

An employee may donate time and receive time in the same year. A recipient employee cannot donate, transfer, or reassign donated hours to another employee.

Upon exhaustion of all paid time off (including any donated sick leave) as well as any FMLA leave, the employee is expected to return to work.

### **Payroll Advances/Repayments**

The City of Sturgis prohibits the advancement of pay not yet earned. The City pays payroll bi-weekly to further reduce the necessity of an employee needing a payroll advance.

In the rare situation where an employee is required to reimburse the City for benefit premiums (i.e. health premiums due to benefit election that exceeded the employee's take-home pay), the repayment terms will clearly established and so indicated in writing. Repayments by the employee will be automatically deducted from the employee's paycheck according to the agreed-upon schedule. All repayment terms must have the approval of the City Manager and Administrative Services.

### **Worker's Compensation Coverage**

Employees shall report a work related injury to their Department Head as well as Human Resources immediately, or as soon thereafter as practical. Injured employees, regardless of whether they seek treatment for the injury, must submit a written notice of injury to the City no later than **three (3)** business days after its occurrence. Human Resources has the first report of injury forms.

### **Failure to give notice can prohibit a claim to be paid.**

The employee may make the initial selection of his or her medical practitioner. The medical practitioner or surgeon selected may arrange for any consultation, referral, or extraordinary or other specialized medical services as the nature of the injury

shall require. If the employee desires to change his choice of medical practitioner or surgeon, the employee must contact the Worker's Compensation claims administrator for their file. Failure to get approval can prohibit a claim to be paid.

Pursuant to policy coverage documents, compensation may be denied for any injury or death due to the employee's willful misconduct nor the willful failure or refusal to use a safety appliance furnished by the City.

### **Vacation Requests during the Rally Period**

Vacation shall not be approved during the Rally period (July 20<sup>th</sup> through August 15<sup>th</sup>) in order to ensure appropriate staffing during the annual Rally.

### **Secondary Job(s) / Rally Job(s)**

The City desires to continually provide a safe and healthy environment for workers during the annual Sturgis® Motorcycle Rally™ while continuing to provide excellent public services to our residents and guests.

To achieve this aim the following actions shall be taken:

- A. For all full time and part time employees, no outside employment, whether it be an existing job or "Rally" job, will be allowed from July 15-August 15 each year unless approved in writing by the supervisor.
- B. Said approval or denial shall be issued by the supervisor within five (5) days of the request's submission.

The City prides itself on its ability to offer adequate wages and salaries to all employees as well as a benefit package to its eligible, full time employees. However, the City recognizes that sometimes its employees must work an additional job due to personal or familial financial considerations. This could take the form of a job with another employer or when an employee owns and/or operates his/her own business. In such cases, the City expects that its employees will treat their position with the City as their primary job and will not allow other job(s) to interfere with their performance of the primary job.

In order to prevent interference, outside employment is only permissible if the following conditions are met:

1. Employee must continue to perform his or her normal work requirements within the scheduled workweek;
2. Outside employment does not interfere with the safe performance of the employee's duties with the City (i.e. employees must have sufficient rest and preparation to perform City duties);
3. Outside employment is not a conflict of interest (real or perceived) with City interests or business;
4. Outside employment does not use City-owned or leased equipment, office space, vehicles, technology, or other resource;
5. Employees inform their supervisor of the outside employment opportunity.

Should an employee's outside opportunity not meet the guidelines above, the employee will be required to choose between the outside employment and continued employment with the City and the employee could be subject to appropriate disciplinary action, up to and including termination.

Employees should clearly understand that work assignments and schedules will not be changed to allow employees to perform duties not related to their employment with the City of Sturgis. Additionally, all employees will be judged by the same performance standards, regardless of any existing outside work requirements.

A conflict of interest occurs when an employee has an interest that might compromise their reliability or ability to impartially perform their job. A conflict of interest exists even if no improper act results from it and can create an appearance of impropriety that can undermine confidence in the conflicted individual or with the City. Examples of a conflict of interest might be that the employee's position with the City (not their expertise or credentials) is used to obtain outside employment.

The language of this policy does not nor is it intended to create a binding employee contract between the employee and the City. Nor does it affect the “at will” employment relationship between the City and the employee.

### **Residency Requirements**

Although highly desirable, employee are not required to maintain a residence within the city limits. With exception that the following positions shall maintain residence within the City limits:

- City Manager
- Finance Officer
- Chief of Police
- Director of Public Works

The following positions shall maintain a residence within an average of 10 minutes response time to City limits:

- Director of the Ambulacne Service
- Manager f the Sturgis Liquor Store
- Library Director
- Community Center Director

The Police Department reserves the right to set its own stricter residency requirements as part of its Standard Operating Procedures.

All employees are subject to any call-back time periods as set by each department.

All employees are required to report to work as scheduled – where they live is not an acceptable excuse for absenteeism.

The City reserves the right to modify this requirement at any time. Exceptions to this rule may be made, in writing by the City Manager, in special circumstances.

### **Personnel Employment File Access**

The City of Sturgis maintains employment related information (“personnel files”) on all employees who work for the City. Additionally, the City may maintain private employee information as related to employment eligibility, benefit information, etc.

All employees, former employees, and certain designated representatives of employees may view certain contents of their personnel file with advance notice to Human Resources staff. Documents that relate to the employee's qualifications for hire such as the application, promotion, disciplinary action, and transfer **may be viewed**. Additionally, the employee may review policy signoff forms and training records.

Documents that the employee **may not review** include: references or reference checks, records of any investigation undertaken by management, documents related to a judicial proceeding, any document that would violate the confidentiality of another employee, and documents used for employee planning (i.e. succession planning).

#### **REQUEST PROCEDURE**

An employee who wants to review the allowable contents of their personnel file should contact Human Resources with 24 hours notice. Former employees, or people unknown to the Human Resources staff, must present identification and / or proof of permission to access the personnel file.

Personnel files must be reviewed in the presence of a Human Resources staff person. No part of the personnel file may be removed from the office by the employee.

Photocopies of the file, or portions of the file, may be requested by the employee. Within reason, the Human Resources staff person will provide photocopies. For extensive copying, the employee will need to pay for the photocopies.

If the employee is unhappy with a document in his or her personnel file, in the presence of the Human Resources staff person, the employee may write an explanation or clarification and attach it to the disputed document.

The employee may also ask to have a document removed from the personnel file. If Human Resources agrees, the document may be removed. If Human Resources disagrees, the matter may be appealed to the City Manager.

### **Travel Compensation (Non-Exempt Employees)**

Determination of whether or not time spent in travel is considered “working time” and compensable depends upon the kind of travel involved. It is subject to the regulations of the federal Fair Labor Standards Act.

If travel is considered working time, then it is compensable and is included in the hours worked for the calculation of overtime.

**Home to Work Travel:** An employee who travels from home before his regular work day and returns to his home at the end of the work day is engaged in ordinary home to work travel, which is a normal incident of employment. This is true whether he works at a fixed location or a different job site. Normal travel from home to work is not work time to be calculated under “hours worked”.

**Travel from Job Site to Job Site:** Time spent by employee and travel as part of his principle activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the days work and must be counted as hours worked, regardless of contract, custom or practice.

Example: If an employee normally finishes his work on the premises at 5:00 p.m. and is sent to another job, which he finishes at 8:00 p.m. and is required to return to the City’s premises arriving at 9:00 p.m., all of the time is working time. However, if the employee goes home instead of returning to the City’s premises, the travel time after 8:00 p.m. is home to work travel and is not hours worked.

**Travel all in one day:** An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.

**Travel with Overnight Stay(s):** Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee’s work day. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on non working days. (

Example: If an employee regularly works from 9:00 a.m. to 5:00 p.m. from Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on the other days.)

Regular meal period time is not counted, unless it is spent doing bona fide work.

**Work while traveling:** Any work, which an employee is required to perform while traveling will be counted as hours worked. An employee who drives a vehicle or an employee who is required to ride therein as an assistant or helper is working while riding except during bona fide meal periods or when s/he is permitted to sleep in adequate facilities furnished by the City. However, time an employee is a passenger (and not serving as a helper/assistant) while in a vehicle or airplane outside normal work hours is not compensable.

**Reporting:** Employees who travel for work related purposes will be required to report all hours worked on their timecard. Employees must also provide a schedule of events (for trainings, conferences) to determine and document compensable

time. Travel expenditures and costs, including travel advances and reimbursement processes, are covered under the City's Purchasing Policy

### **Educational Assistance**

The City encourages its employees to keep their skills current or to learn new (job-related) skills in order to better do their current job. As such, each year, the City, through departmental budgets, will budget for educational and training opportunities for employees.

Educational opportunities may include local, regional and national conferences, continuing education opportunities through a professional organization or state agency, online webinars or courses through a professional organization, online or in-classroom courses at a local or online university, etc. The City will also work to host training opportunities in town.

Additionally, the City, at its complete discretion and with prior approval from the City Manager, may reimburse employees for work towards professional certifications and/or college degrees. A request must be made in writing from the employee with details about the course or curriculum. The City Manager will review the request and determine if there is a direct tangible benefit to the City for such educational assistance (i.e. fulfill a staffing shortage, succession planning, etc.). If a request for educational assistance is granted, the employee, in exchange, must sign an Educational Assistance Agreement. The Educational Assistance Agreement will work out the reimbursement schedule as well as further continuing employment requirements.

### **Compensation for on-call Employees**

The City desires to ensure equitable compensation to all City employees who participate in an on call rotation.

To achieve this aim the following actions shall be taken:

- The City provides a higher base wage rate to those classifications who are subject to being on call after hours and on the weekends and may be called at any time (Water and Wastewater Departments).
  - A. The City pays a callback for those instances when any employee is call back to work outside of their scheduled shift.
  - B. When an employee is on call and required to report to work, the employee must first clock in at their designated location. After the work is completed, the employee is required to clock out before returning home.
  - C. In the case that an on call employee receives a phone call lasting longer than five (5) minutes or a multitude of calls totaling more than ten (10) minutes but not requiring reporting to the workplace, the employee shall handwrite time spent on the phone calls on their timecard the next working day. The supervisor's initial must accompany the handwritten time notation. The supervisor should confirm the calls on the month's cellular bill. This time is not subject to call-back compensation as the employee is not called into work.

### **Compensation Adjustments for City Employees**

It is the City's desire to maintain competitive compensation levels for all employees whether in a collective bargaining unit or not. The City's goal is to do this by taking into consideration the (i) compensation ranges established from market data for comparable job responsibilities at similar employers and (ii) the employee's overall performance of their job responsibilities.

Therefore, it is the City's policy that the Human Resources Department is responsible to survey the compensation for positions of comparable job responsibilities with designated governmental and/or private entities through the state of South Dakota. For employees in a collective bargaining unit, any compensation adjustments will be negotiated as a result of the negotiation process. For employees not in a collective bargaining unit, the Human Resources Department will conduct this

survey for these positions at least once every 3 years. Then, the City Manager (in conjunction with the HR Coordinator and the Department Head, when applicable) will make recommendations to Council as part of the annual budget process regarding compensation adjustments. Average wages/salaries will be considered in conjunction with the market adjusted position goal which is set for each non-represented position by the Legal and Finance Committee.

Compensation adjustments means both cost of living adjustments and any other pay increases (i.e. market adjustment or step increase) and may be implemented over more than one budget cycle.

The City's goal is to not pay additional compensation based upon years of employment with the City.

Included in the policy, the Council will not approve a cost of living adjustment for employees not in a collective bargaining unit that is higher than the cost of living adjustment provided for the largest collective bargaining unit. The City's policy further anticipates compensation adjustments will not be made to employees not covered in a collective bargaining unit in budget years where the City negotiates freezing step increases.

### **Budgeted Pay Increases for Part-time Employees**

It shall be the City of Sturgis' policy to consider any budgeted pay increases for on-going, part-time employees as part of the annual salary and wage resolution.

Further, the Council will not consider any pay increases for on-going, part-time employees in budget years where full and half time employees are not budgeted to receive a cost-of-living adjustment and/or service (step) increase.

#### **Procedures:**

For part-time employees who are eligible for a budgeted wage increase (either for service or cost-of-living) as recommended by the City Manager through the annual budget process, the Council shall consider those for approval at its first meeting in January. This provides for a uniform effective date for all pay increases and also provides a uniform policy for all part-time employees.

In years where the City Manager and Finance Officer are proposing service increases and/or cost of living adjustments for part-time employees, Department Heads shall likewise budget for these increases for part-time staff for the entire budget year to ensure adequate budgetary appropriations for the increases.

The Administrative Services Department shall list all part-time staff and their current wages in the annual salary and wage resolution, which is presented to Council at its first meeting in January. This resolution shall also incorporate any budgeted wage increases for eligible part-time staff.

### **Jury Duty**

Pursuant to South Dakota Codified Law 16-13-41.1 and 16-13-41.2, an employee of the City shall retain and be entitled to the same job status, pay, and seniority that the employee had prior to performing jury duty. Although it is at the City's discretion whether to provide pay to employees performing jury duty, the City will provide employees with full pay from the City during the leave, provided that all pay received from such jury duty during a regular work day shall be given to the City and deposited into the General Fund. The employee must furnish the City with a certified statement from the Court setting forth the dates of jury service and remuneration received thereafter. When not engaged in actual jury service, employees are expected to report to work for their assigned duties.

The City expects that all employees who receive summons appear as required and that employees inform the City with as much advance notice as possible in the event of a summons.

### **Benefits for Non-collectively Bargained Employees**

Non-collectively bargained employees who are eligible for benefits will be subject to the health and welfare benefits package offered to the largest collectively bargaining unit ("City Employees") with the exception that the employee contributions

for single medical insurance premiums is calculated in accordance with the collective bargaining unit for certified law enforcement Officers.

## **Airport Policies**

### **Airport Hangar Space Rent**

Airport hangar space rent is \$0.12 per square foot per year to be billed every December. Sales tax payment is required on the lease fees.

This amount shall be adjusted according to inflation as well as comparable airport land lease rates.

### **Airport Management**

The Sturgis Municipal Airport is a municipally owned airport that is operated by a contract management company for general aviation use. The City carries commercial general liability and hangarkeeper's liability policies to cover City operations at the airport.

The airport management services are provided to the City on a contract basis. Day-to-day operations of the airport are the sole responsibility of the airport manager, including all required FAA reporting, maintenance, and safety compliance.

Requests for proposals for contracted airport management are solicited on a four year basis.

The current airport management company is CB Aviation.

As the Sturgis Municipal Airport is within City limits, all City ordinances and regulations apply on the property.

### **Minimum Operational Standards**

The City has adopted as Minimum Operational Standards for the Sturgis Municipal Airport. These standards are contained in a separate manual.

### **Disabled Aircraft Recovery Manual**

The City has adopted a disabled aircraft emergency response and recovery plan for the Sturgis Municipal Airport. This plan is contained in a separate manual.

### **Courtesy Vehicle Use Policy**

Visitors to Sturgis Municipal Airport can have access to the airport courtesy vehicle. Use of the vehicle is limited to short trips in the Sturgis area (five mile radius from the center of town). The vehicle will be provided free of charge. Users will need to provide proof of insurance and a license to drive; liability for use of the vehicle is assumed by the user. Overnight use of the vehicle can be arranged in limited and special circumstances.

#### **Use of the Courtesy Vehicle**

The courtesy vehicle can be utilized to any fly-in visitor of Sturgis Municipal Airport, provided:

- They have a valid United States driver's license.
- They can provide proof of current vehicle insurance.
- They sign the *Use of Airport Courtesy Vehicle* form which indemnifies the City from all claims regarding their use of the courtesy vehicle.
- They are over the age of 18.

#### **Use of the courtesy vehicle is restricted by the following:**

- Only the individual providing driver's license and insurance information is allowed to operate the vehicle.
- The vehicle can only be used for a period of no longer than four (4) hours unless special arrangements have been made with the Airport Manager.



- The vehicle can only be taken to locations within a twenty mile radius of the City of Sturgis. (This limit encompasses Deadwood and Spearfish, but not Rapid City.)

While using the courtesy vehicle, drivers are required to follow all applicable laws of the State of South Dakota. In addition they are required to observe the following:

- Prohibited from the consumption of any alcohol or other chemical which may impair driving ability during the period in which he/she is in possession of the courtesy vehicle.
- May not operate the courtesy vehicle while under the influence of alcohol or other chemical which may impair driving ability.
- Agree to refrain from the use of a cellular phone to talk, text message, or otherwise communicate while operating the courtesy vehicle.

### **Reserving the Courtesy Vehicle**

No reservations will be accepted for use of the courtesy vehicle, except in cases where the vehicle is needed overnight. Use of the vehicle will be on a first-come, first-serve basis.

### **Overnight Use of the Courtesy Vehicle**

For fly-in visitors staying overnight in the Sturgis area, use of the courtesy vehicle during overnight hours can be arranged with the Airport Manager; such arrangements must be made by noon the day of use.

The following restrictions apply:

- Fly-in visitors cannot take the vehicle before 4:30 p.m. and must return the vehicle no later than 8:30 a.m. the following day.
- If this occurs on a Saturday or during a period when the terminal building is closed, keys will be left in the locked drop box at the terminal building.
- Fly-in visitors will be required to list the location they will be staying overnight, as well as any anticipated stops for food, etc. before taking the vehicle.
- All other restrictions listed above will apply.

For fly-in visitors arriving after business hours (after 5:00 p.m. Monday –Friday or on Saturday/Sunday), use of the courtesy vehicle can be arranged prior to noon on the day of use. The following restrictions apply:

- Copies of the user's driver's license, insurance, and signed *Use of Airport Courtesy Vehicle* form must be e-mailed or faxed to the Airport Manager by noon on the day of arrival.
- Keys to the vehicle will be secured and the field manager will provide the pilot with the means of accessing the keys on arrival.
- All other restrictions listed above will apply.

Use of the courtesy vehicle over multiple days (including weekends) will not be allowed.

### **Additional Information:**

**Cost for use.** There is no cost for use of the courtesy vehicle at the airport. However, the vehicle must be returned with a full tank of fuel. Failure to do so will result in a fueling charge of \$5.00 per gallon needed.

**Responsibility for moving violations, etc.** Users are solely responsible for any legal action which may stem from their use of the courtesy vehicle, including tickets, law suits, or repair costs.

If a user of the courtesy vehicle does not return the vehicle as scheduled, the Airport Manager will contact the Sturgis Police Department. In cases where the courtesy vehicle is returned damaged, City staff, with the assistance of the City Attorney's office, will be responsible for filing a claim and arranging for repair of damage.

# Ambulance Policies

## Billing for non-Reimbursable Ambulance Services

It is the policy of the Ambulance Service to charge for all services rendered. Billing is done in accordance with all local, state and federal regulations. The Ambulance Service, as a courtesy, bills a patient's insurance for reimbursable services. However, not all services that the Ambulance Service provides are reimbursable by insurance. In these cases a bill will be charged directly for services. There are two situations in which fees are charged directly to the receiving patient, business or an organization: Lift Assistance and EMS Standby Coverage at Events.

### Lift Assistance:

One non-reimbursable service that the Sturgis Ambulance provides is for "lift assistance." A lift assistance is a situation in which a person has an inability to get up, receives a primary assessment by EMS staff, is subsequently determined to be uninjured, and is not transported (or refuses transport) for further medical attention.

The Ambulance Service will provide one courtesy lift assistance at a private residence per patient per calendar year. Following the initial courtesy lift assistance, the patient will receive a letter from the billing department explaining the possibility of future fees. A second lift assistance will be charged \$50. A bill for service, along with a reminder notice regarding future fees, will be sent by the billing department. Any third or subsequent lift assistances will be charged \$75 per incident per patient.

For a residential facility (i.e. assisted living facilities) where there is paid staff, the facility will receive one courtesy lift per year. A second lift assistance at the residential facility (regardless of patient) will be charged \$75. Any third and subsequent lift assistances at the residential facility will be charged \$150 per incident.

Neither City staff nor ambulance staff have the authority to waive the lift assistance fees. However, a patient may formally request a fee waiver from the full City Council. Such request will be heard at a regularly scheduled City Council meeting.

### EMS Standby Coverage at Events

Another non-reimbursable service that the Sturgis Ambulance provides is "stand-by service" for events.

The City's charges a standby rate to have an Ambulance from Sturgis Ambulance Service at an event. This fee is \$100.00 per hour (4 hour minimum) per ambulance. This cost includes the crew as well as the ambulance and all associated equipment. School sponsored events are exempted from this policy.

Event promoters must request a standby ambulance as part of the event application and approval process. They must contact and speak with the Sturgis Ambulance Director. Alternatively, in some cases, as a requirement for City approval, an event may be required by the City to have an ambulance on-site during the proposed event.

Events within City limits must contract with Sturgis Ambulance for standby coverage as no other agencies have been licensed as ambulance services (Title 38). In the rare situation where an ambulance from Sturgis Ambulance cannot be provided, the City will contract with another agency to provide the requested coverage.

A serious incident or a disaster may require the reallocation of the standby ambulance as a higher public safety priority. In this rare situation, the senior crew member on-site will notify the event promoter. An attempt will be made to have an ambulance from another agency come to cover the event, if possible. The Sturgis ambulance will return to the event as soon as feasibly possible at the conclusion of the incident.

Neither City staff nor ambulance staff have the authority to waive the standby fees. However, an event promoter may formally request a fee waiver from the full City Council. Such request will be heard at a regularly scheduled City Council meeting.

Sturgis Ambulances does not provide an "onsite crew with a medical bag". For maximum patient care, an ambulance with trained staff is provided onsite for all events who request standby coverage.



# Community Center Policies

## Sturgis Community Center Membership Use Rules & Regulations

*Note: These Rules and Regulations are attached to the Membership Form. All members must acknowledge they will abide by these use rules and regulations.*

All guests must check in at the front desk prior to utilizing the facility or equipment even if you carry your swipe card. Your swipe card can only be used by you to allow you to access to the facilities. If you do not have a swipe card, you can (i) check a swipe card out from the Front Desk for day of use with trade of small personal property required (i.e. car keys, driver's license, etc.) or (ii) staff will accompany you to the requested facility and grant you entrance.

Please be courteous and arrive on time for any class or program you wish to take. (Some classes may require fees.)

Smoking or tobacco use is not allowed in any area of the building. Smoking and tobacco use is also prohibited within twenty-five (25) feet of all main entrances.

Age use restrictions:

- No one under the age of 14 is allowed in the weight room, cardio room, sauna, or racquetball room.
- No one under the age of 14 is allowed in spa (hot tub) or on the track without direct adult supervision.
- Children 5 years old and under may use the facility for free but must be accompanied by an adult at all times.
- Children 4 years and older must use the appropriate locker rooms. (We have a Family Changing Room available.)
- Children under the age of 8 must have someone 14 years or older in the water with them at all times.
- Children wearing life jackets or flotation devices must have an adult monitoring them at all times.
- No one under the age of 14 is allowed to use the Boxing apparatus. All users must provide their own protective/boxing gloves.

Equipment and facility use:

Shirts and shoes must be worn in all areas, except locker rooms and the swimming pool. Indoor shoes that are free of mud, dirt and ice must be worn in the Cardio and Weight Rooms and the Pool area.

Follow directions and instructions on weight and cardio equipment. Members should return gym equipment, such as weights, to their proper locations and wipe down all the surfaces you come into contact with. Members are encouraged to share fitness equipment between sets allowing another member to work-out while you rest. Do not leave dumbbells on the floor or weight plates on the bar.

Do not use weights on cardio equipment.

No food or drink (except water or sports drinks) is allowed in the pool, cardio and weight rooms. No glass containers in the facility.

Guests using the walking/running track need to travel in the direction of the arrows. Walkers and slow joggers should use the outside lane. Runners should use the inside lane.

Users must shower before using the pool, hot tub or sauna facilities.

Sauna users must shower before entering the pool or hot tub after using the sauna.

Pool, sauna, and spa rules are posted on the walls of the pool area and must be followed. If no lifeguard is on duty, the pool is closed.

Other guidelines:

The Sturgis Community Center is not responsible for lost or stolen articles. Annual members have the option to rent lockers for a monthly fee for up to a year. Otherwise, lockers are for daily use only and locks left on unrented lockers will be cut off. Use of recording devices is prohibited in locker rooms.

The Sturgis Community Center is a public, family oriented facility. Profane language and/or abuse of equipment will not be tolerated. Audible music must be family friendly. MP3 players, etc. are ok to use. They should be bodily attached.

The Sturgis Community Center is a multi-purpose establishment. Not all facilities will be available to users at all times due to events, programming, classes, etc. It is your responsibility to check on the availability of facilities. Changes in the Sturgis Community Center schedule may occur without prior notice.

Violations of these or other Sturgis Community Center policies will result in your being asked to leave the facility. The management and staff reserve the right to suspend or revoke user privileges as deemed necessary.

## **24/7 (Unstaffed) Access Policies/Procedures**

We have a key fob system to allow **Members** access to the Community Center's Cardio and Weight rooms during unstaffed hours. A key fob is assigned to each eligible individual member; and members may not share their fob with other Community Center members, or with family members, or with any other person. You are responsible for who uses your key. If you give it to someone else, your membership status will be reviewed and you risk having your membership revoked. If someone gains access with your key and causes damage or is involved with a theft, YOU will be held responsible.

We use closed circuit surveillance recording for the purpose of safety and security. However, the system is not monitored so in case of an emergency, call 9-1-1. The door access system is date and time stamped and so is the monitoring system. If there are any problems during un-staffed hours (non-member access, theft, damage, etc), we will review both systems to determine who was in the facility.

The following will be posted in the Cardio and Weight Rooms, but please review our policies below regarding 24/7 (Un-Staffed) Access to the Cardio and Weight Rooms.

### 24/7 (Unstaffed) Access Policies:

- **All members must pay a \$10 fee for a key fob.** There is no sharing key fobs with family or other members. If your key fob is lost or damaged, you must purchase a new key fob. Memberships consist of One Month, Three Month or Annual. A member allowing unauthorized access with the fob may result in membership revocation.
- Day Pass users or Punch Card users are not eligible to purchase a key fob for 24/7 access.
- After-hours use is limited to those members that received an individualized fob.
- Everyone must flash their key fob at the box located at the front entrance door, weight room door and cardio room door. If 2 people enter at the same time, both members must flash their card.
- **NO GUESTS ARE ALLOWED!** Members allowing entry to non-members or members with-out a key fob will have their membership revoked (with-out refund). \*Day Pass users or Punch Card users are not allowed to use facility during unstaffed hours.
- Members must be 18 and older to have 24/7 access privileges.
- Minor children of the member who are aged 14 to 17 may use the facility only when accompanied at all times by the member parent. The member parent must be in the same room as the minor child at all times. Minor aged members must be listed on this agreement. **Initials:** \_\_\_\_\_
- Members 13 and under are not allowed to enter the facility during unstaffed hours, even if accompanied by a parent. **Initials:** \_\_\_\_\_
- Use of free weight bench press is prohibited during unstaffed hours, unless there is a spotter present.
- We will audit access of the facility and will investigate all improper entries.
- Doors to the Pool, Gymnasium, Locker Rooms, Theater and Racquetball Courts will be locked during unstaffed hours. Entry is not allowed to these rooms during unstaffed hours.
- A Weight and Cardio Equipment Orientation is required to be completed with SCC Staff and all waiver forms signed before SCC staff may issue a member a fob for after-hours access.
- Please make sure the front door closes securely to avoid risk of damage and/or theft that can result from unauthorized access to the facility. Be aware of others using the facilities.
- Members can report damaged equipment or other items within the Community Center by calling the Community Center during staffed hours.

- Facilities are unmonitored after hours, but closed circuit video is occurring for security and safety reasons.

## **Day Passes**

Day passes are available for purchase from the Front Desk. For a non-member to use the Community Center facility, they must purchase a day pass. Participation in a youth or adult recreation program (i.e. youth basketball) does not include use of the full facility. Further, participation in a non-Community Center sponsored youth or adult recreation program (i.e. indoor soccer) does not include use of the full facility. If family members of a child participating in a youth recreation program wish to use the track or other part of the facility, they must purchase day pass(es). Children 5 years old and under may use the facility for free with the purchase of a day pass. Children under 5 years of age must be accompanied by an adult at all times.

## **Behavior Policy**

We encourage a safe environment for all users. We encourage fun and fair play.

Behaviors and offenses that will lead to disciplinary procedures include, but are not limited to the following:

- 1 Verbal abuse of another person or staff
- 2 Roughhousing, violence, intimidation, harassment, or fighting
- 3 Threatening severe harm to self or others
- 4 Physical altercation with others or staff
- 5 Running in hallways, lobby, pool area and all other public areas
- 6 Obscene language, gestures or actions
- 7 Biting and spitting
- 8 Theft
- 9 Destruction of property
- 10 Drug, alcohol or tobacco possession (including e-cigarettes or similar)
- 11 Pornographic materials possession
- 12 Setting off or tampering with fire alarms
- 13 Loitering outside the Community Center so as to block access or disturb facility users
- 14 No loitering in the front and rear parking lots (either in vehicles or outside of vehicles)
- 15 Interfere with or disrupt any organized program or event

### **Main Lobby Use Policy:**

The Center's main lobby is a congregating space available for short-term by members, users and visitors of the Community Center. The main lobby cannot be reserved or rented for exclusive use. Users may request that staff to change the channel(s) or volume on the television, but staff has ultimate authority over what channel will be watched and the volume level. Staff may also elect to turn off the televisions, at their sole discretion. Lobby users should always be careful to remember that the lobby space is a shared space. Users should not make lengthy and/or loud phone calls or hold private (non-Center) meetings in the lobby. Users may congregate or wait in the lobby during after school hours (3pm to 5pm) or during recreational /competitive practices / games so long as they are not disruptive, not blocking movement through the facility, and/or causing staff to receive complaints from other users. Persons in the Lobby that staff determines to be disruptive may be asked to leave. Repeated complaints or incidents involving loitering in the lobby may result in ejection and/or trespass from the facility.

### **Disciplinary procedures:**

This discipline procedure policy is used as a guideline. The Sturgis Community Center reserves the right to use discretion in situations not clearly stated within the policy.

The staff will use a caring and positive approach with regards to discipline. The staff will differentiate discipline and use corrective action (e.g., positive reinforcement, firm statements, and redirection) in working with the facility users to use appropriate and positive behavior while at our facility. Behavior problems will be handled promptly by staff.

Three warnings may be given each day to each facility user before an ejection will occur. However, an immediate ejection will occur for certain levels of misbehavior, including but not limited to:

- 1 Physical/verbal harm to patrons or staff
- 2 Destruction or theft of property
- 3 Drugs, alcohol or tobacco possession
- 4 Bomb threat

Additionally, use of any object that is displayed or used in a manner appearing to intimidate and/or cause fear or harm to patrons or staff is not allowed on facility premises.

All staff is authorized to eject a user for the rest of the day. Full time staff can extend a one day ejection and/or issue a longer ejection time period.

The length of ejection is dependent on the level and frequency of misbehavior / offense by the user. Staff will also consider law enforcement recommendations when issuing longer ejections.

Ejections are normally given in increments of a day, a week, a month, three months, or one year. In extreme situations, a user may be ejected indefinitely and/or trespassed. An Ejection Notice Form will be completed in the event a facility user is ejected from the Community Center.

If a facility user is ejected for any reason, they will be asked to immediately leave the Sturgis Community Center property. If possible (i.e. staff has access to an active telephone number), staff will notify the parent/guardian of the incident and the ejection notice. Failure to leave the property will result in the notification of the Sturgis Police Department. Ejected members are still responsible for any membership fees as contracted.

Law Enforcement Notification: Law enforcement is notified when the behavior potentially violated federal, state or City regulations or ordinances. Law enforcement is also notified when the user will not leave the facility when asked. The City reserves the right to trespass any person from the Community Center for egregious or repeated offenses.

Documentation: All behavioral issues will be documented and may warrant an Incident Report. If needed, an Incident Report will be immediately completed by the staff, and subsequently reviewed by the SCC Director. Phone call conversations, in person meetings, and any subsequent follow-up are recorded on the original Incident Report and/or in the associated incident/user file.

Appeals: The management staff may eject a user from the use of Community Center without an appeal for a period of thirty (30) days. A user that is suspended for more than thirty (30) days will be notified in writing within five (5) business days of the incident, so long as we have a mailing address on file. The user will have five (5) business days from the time of receipt of the notification to appeal the disciplinary action in writing stating why the individual should not be suspended. The appeal request must be sent to the SCC Director at 1401 Lazelle Street, Sturgis, SD. The Director will meet with the user to discuss the incident and appeal. All decisions by the Director are final.

## **Child Safety**

All cases or suspected cases of child abuse (physical, emotion or sexual) will be reported to the Sturgis Police Department for investigation.

The Sturgis Community Center welcomes children of all ages and offers a wide variety of programs, services, and activities for them. While there are places within the Community Center that are restricted to members/day pass users only or staff only, the Community Center is also a public building. Anyone can enter and leave the building without supervision by the Community Center staff.

The Community Center staff has many duties to attend to in serving our members and visitors and is unable to provide supervision or care for young children in the Center. The Community Center is not intended to be a substitute for child care services. The Community Center staff will monitor the facility and the users in the facility, but does not provide direct or continuous supervision to users.

Therefore, without the knowledge of the Community Center staff, a stranger could approach a young child left alone in the Center and/or that child might wander out of the Center and off the Community Center premises. The Center cannot and does not assume responsibility for children left in the Community Center, nor can it assume responsibility for children left at the Community Center until closing time.

To ensure that children have a pleasant, safe experience at the Community Center, parents and/or caregivers are asked to observe the following rules:

1. Children under the age of 8 should be within sight of a parent or responsible caretaker over age 14 at all times while on Community Center property.
2. Arrangements should be made to pick up all children before Community Center closing time. If a child is not picked up by closing time, and Community Center staff has attempted to contact the parents/caregivers and contact has not been made, the staff member will contact the Sturgis Police Department and will place the child in the custody of the police.
3. Everyone regardless of age is subject to all Community Center rules and regulations. Parents or guardians are responsible for the conduct of their minor children (*under age 18*) while on Community Center property, regardless of whether or not they accompany the child to the Center. If children without adequate supervision are misbehaving on Community Center property, the child may be ejected from the facility and/or the police will be called to take appropriate action.
4. An Incident Report (and Ejection Report, if applicable) will be filed for each violation of these rules.

### **Animals Prohibited**

Animals are not allowed in the Community Center except as needed to assist patrons with disabilities.

### **Harassment Prohibited**

The City will not tolerate sexual, racial, or any type of harassment of or by any employee or non-employee such as customers, members, visitors, or others. This may result in exclusion from the Community Center.

### **Drug – Alcohol – Tobacco Use Prohibited**

Smoking (including tobacco, e-cigarettes and vaping products) is prohibited within 25 feet of the main entrances of the Community Center as well as inside the facility.

Alcohol use is prohibited unless expressly approved by the City Council or as part of a Special Events License.

Drug use is always prohibited on the Community Center property.

### **Use of Phones & Electronic Devices**

Use of recording devices is prohibited in locker rooms.

Audible music must be family friendly. MP3 players, etc. are ok to use. They should be bodily attached.

Typically, if the privilege is not abused, users will be allowed reasonable opportunity to use the Front Desk telephone to contact parents or guardians.



## **Medical Intervention**

The Community Center is equipped with an AED that is located in the Front Office. All Community Center staff is trained annually in the use of the AED as well as CPR. Management is trained in the use of basic first aid. In the event of an emergency, staff will provide initial first aid and emergency response until the Sturgis Ambulance and/or Sturgis Police can respond to the Center and take over care. It is understood that a person can refuse emergency medical treatment on their own behalf. However, regardless of bystander wishes or statements, staff will call 9-1-1 for ambulance and EMS in case of a medical emergency where the person is unconscious or in an altered state of awareness or for any other situation where staff feels that a person's immediate well-being is endangered.

The Community Center staff will not provide over-the-counter medications to users.

## **Automated Chair Lifts (Pool & Hot Tub)**

**Policy:** The Community Center provides an automated chair for entering and exiting both the pool and hot tub. Staff are only able to assist with operating the chairs' control modules.

**Procedures:** Members wishing to use the automated chair must ask the Lifeguard to install the controls' battery. Members must be able to safely transfer to/from the chair of their own volition and/or with the assistance of a caregiver, family member or other qualified person. Members must be strapped in prior to lowering/raising the chair. For safety reasons, the SCC staff is not authorized to assist members in getting into or out of the automated chair (i.e. transferring from a wheel chair or walker). Additionally, only a SCC staff person may activate the controls to lower/raise the member into/out of the pool through use of the automated chair once the member is safely secured. The Lifeguard on duty may not assist with the controls if doing so endangers other swimmers. In the case that the Lifeguard on duty is unable to assist in activating the controls, they will make every attempt to have another staff person assist.

## **Personal Items**

Users of the Sturgis Community Center are asked to closely monitor their personal belongings. The Sturgis Community Center is not responsible for lost or stolen articles. Facility users are discouraged from bringing electronics and other items of value to the Community Center. Facility users will be responsible for taking all belongings with them when leaving the Community Center. Annual members have the option to rent lockers for a monthly fee for up to a year. Otherwise, lockers are for daily use only and locks left on unrented lockers will be cut off.

## **Lost and Found**

Any item valued at \$50 or more will be turned over to the Sturgis Police Department as soon as possible. All clothing items under \$50 value not claimed after 30 days will be given to a local non-profit agency, My CISS-ter's Closet. All non-clothing items, if not claimed at the end of 30 days, will be disbursed through a City authorized surplus property auction or discarded.

## **Pool Area Safety**

In order to ensure pool safety, a certified Lifeguard must be present. The Community Center will close the pool if a certified Lifeguard is not available. The pool is not available as part of the 24-7 access.

For the last 10 minutes of every hour, the pool will be closed for a "Pool Break" to ensure the safety of the pool users. No users are allowed in the pool during this time. This is strictly enforced by the Lifeguard(s) on duty.

Pool, Spa, Sauna, Diving and Water Slide rules are all posted. Lifeguards are authorized to strictly enforce all the posted policies.

Flipping off the diving board is strictly prohibited.

Running on the pool deck is strictly prohibited. Climbing on the water slide structure is strictly prohibited.

Lifeguards are required to maintain a ratio of 1 guard: 15 swimmers. When a guard who is working alone feels that the pool usage requires closure of the deep end to better enforce swimmer safety, the guard has the complete authority to close the deep end of the pool to swimmers and require shallow end only use. When the lifeguard to swimmer ratio is approaching the 1:15, the Lifeguard will notify the Front Desk to refuse new swimmers and close the pool to new users until the guard determines it is safe to reopen it to new users.

The diving brick is only used by swim classes where the brick is an instructional aide and where the instructor is closely monitoring the use of the brick.

For the safety of pool users during a thunderstorm, staff will close the pool when lightning is observed in the Sturgis area. The pool will not reopen until 15 minutes after the last visible lightning strike.

Groups must notify the Community Center at least 30 days in advance so that the appropriate lifeguard staff can be scheduled to ensure the proposer lifeguard/swimmer ratio. Failure to do so may restrict the pool usage by the group.

The pool is not open to public swimming when swim lessons, (mid-morning) water aerobics classes and high school swim classes are being conducted. These classes have the exclusive use of the pool.

The Community Center reserves the right to immediately close the pool, hot tub (spa), or sauna at any time due to health concerns.

## **Volunteers**

The Sturgis Community Center Volunteer Program primarily consists of coaches in our youth and adult recreation programs as well as those who volunteer in the Center as custodial support. (The Community Center does not monitor or condone any volunteers of those organizations who lease or use the Center for their own events.) Volunteers are expected to act in accordance with all Community Center policies and to reflect positive customer service attitudes to all members and program participants.

### **Selection of Volunteers**

Volunteers are not “employees” of the City and will be recruited for specific tasks or functions rather than on a general basis. Volunteers must be at least 18 years of age to coach in the youth recreation program and must meet the age requirements of the volunteer opportunity for which they are seeking enrollment. Any volunteer under the age of 18 must have written permission from a parent or guardian.

Prospective volunteers are required to completely fill out an application form (available at the Front Desk) and go through the City’s screening process to ensure suitability for the volunteer opportunity. The Community Center Director (or designee) may request an interview after reviewing an application and background checks. A background check will be conducted by Sturgis Police Department and SPD will recommend the approval or disapproval of the volunteer.

The Community Center Director reserves the right to enlist or decline the services of any volunteer without cause.

### **Volunteer Roles and Responsibilities**

The Community Center greatly appreciates its volunteers, but it cannot guarantee desired teams, shifts or projects. Volunteers shall only volunteer during hours as scheduled. A volunteer’s schedule and specific time commitment will be mutually arranged in advance by the volunteer and the Community Center Director or program director.

Volunteers will receive general training in their duties from the program director or staff member who directly supervises their service. All reasonable care will be taken to ensure the safety of volunteers.

Volunteers are subject to the Community Center’s Behavior Policy at all times when on the Community Center (or its leased) premises, as either a user or volunteer. Volunteers will not be alone in private and away from public view with an underage child and/or a vulnerable adult. (i.e. Volunteer will not accompany a child or vulnerable adult in the break room,

bathroom, locker room, etc.) Further, volunteers will not agree to meet with an underage child and/or vulnerable adult outside of the designated setting.

The Sturgis Community Center does not compensate volunteers for time spent or expenses incurred. The City does not provide medical coverage or liability insurance for volunteers. Volunteers cannot bind or represent themselves as city employees. Volunteers cannot be city employees who perform similar work for which they are employed.

### **Community Center & Auditorium Leases (Non Rally)**

All users who wish to rent out the Community Center or Auditorium must fill out a Lease Agreement and provide specific event information. A lease agreement is required to reserve the use of the facility for a baby-bridal shower, birthday party, private party, fundraiser, youth sporting event, or other event. If required, proof of liability insurance must be provided as outlined in the lease agreement.

### **Community Center & Auditorium Leases (Rally)**

This policy provides guidance as to how leases should be accepted for indoor Rally related leases.

This is a summation of long term practices of the City. The Policy is designed to ensure a quality exhibition experience for all City tenants so as to increase the expenditures by visitors and to enhance the likelihood of repeated vendor leasing to reduce staff time commitments.

To achieve this aim the following actions shall be taken:

1. City will provide priority consideration for those vendors that have established a Sponsorship contract with the City.
2. All efforts should be taken to ensure that there are few if any directly competitive products available for purchase by more than one vendor.
3. If previous vendor attendees have not returned a signed agreement and 50% deposit by February 15<sup>th</sup>, then the City shall consider for approval the first signed application with deposit received by alternate vendors for that space.

### **Community Center & Auditorium Rental Fee Waivers**

This policy provides guidance as to when rental fees shall be waived. This policy has been designed to achieve a balance between supporting the community and ensuring proper stewardship of taxpayer funds.

To achieve this aim the following actions shall be taken:

- All nonprofit youth and civic organizations within the Sturgis City limits may rent a meeting room, gymnasium, or City Auditorium with fees being waived. All set ups, tear downs, and cleaning must be completed by the organization. Waived fees must be approved by the Sturgis Community Center Director.
- All fundraising events for nonprofit organizations or an individual with a significant hardship may rent a meeting room, gymnasium or City Auditorium with fees being waived. All set ups, tear downs, and cleaning must be completed by the renter/organization. Waived fees must be approved by the Sturgis Community Center Director.
- The rental agreement and application must be filled out completely and signed regardless of fee waivers granted.
- Waivers must be signed by parents for their child to participate in a sport activity that is sponsored by a youth sport organization. *\*If organization has a liability insurance policy, then it must be submitted to the Community Center Director.*

- Use of Alcohol must be approved by management and all applications and proof of proper insurance coverages must be submitted to City Hall. Special Events Licenses may be required for the event and all applicable application and approval processes must be followed in order to serve alcohol at an event.
- Current Sturgis Non-Profit Youth Groups and Civic Organizations are as follows:
  1. Boy or Cub Scouts, including Police Cadets
  2. Girl Scouts
  3. Action for the Betterment of the Community (ABC), including after school programs
  4. CISS
  5. Sturgis Soccer Association
  6. Little League
  7. Youth Softball Association
  8. Scooper Basketball Club
  9. Legion Baseball
  10. Junior Legion / Pony Baseball
  11. Sturgis Wrestling
  12. Sturgis Boxing (affiliated with PAL)
  13. Special Olympics
  14. Sturgis Alliance of Churches
  15. Sturgis Churches (individually)
  16. Local Youth Church Groups
  17. Love Inc, Sturgis
  18. Sturgis Optimists
  19. Sturgis Kiwanis
  20. Meade County 4H
  21. Divisions of the federal, state and county governments
  22. Black Hills Trails Association
  23. Sturgis Police Athletic League (PAL)

The Community Center Director may add additional City of Sturgis nonprofit youth groups and civic organizations to this list at his/her discretion.

### **Accommodation of a Funeral or a Memorial Service**

*The core mission of the Community Center is to provide quality recreation, fitness, and wellness opportunities to our members and program participants. The secondary mission is to provide space for community, private and special events and gatherings. The Community Center is a multi-generational facility with youth and children frequently utilizing the facilities, including congregating when school is not in session. This policy has been developed in order to balance to the core missions of the Community Center, the delicate nature of a funeral, the privacy needs of the grieving family, and the general day-to-day community's use of the Center.*

### **Policy**

The Community Center is available to host a funeral or memorial service. The normal lease agreement (which includes a standard \$400 per day lease fee) is required to be executed and the following conditions are required to be met:

- Funerals and memorial services will only be scheduled during a school day.
- Funerals and memorial services must be scheduled during school hours (9am to 2pm).
- Funeral and memorial services must be completely concluded before 3pm.
- Funerals and memorial services must be held in the Theater.
- Access to the theater facility for the casket must be done through the back parking lot and the loading dock.
- While the Theater Lobby can be used for a receiving line or as a place to congregate before the funeral begins, the casket is not permitted to be displayed in the lobby. It must remain on the Theater stage. Mourners may access the stage for viewing, final good-byes, etc. (This policy is due to the Theater Lobby's proximity to the general public)

and other members using the Community Center.) A handicap accessible access is available to the stage through the south hallway.

- Lease of the Theater includes use of the “Green Rooms”.

Additionally, it is the policy of the Community Center that we cannot accommodate fellowship / meals in the gym following a funeral or memorial service due to staffing restrictions as well as the setup/breakdown time constraints to have the gym re-opened for after school programming, scheduled practices and open gym.

## **Public Access: Community Center**

### **Policy:**

The Community Center provides a mixture of public, member, non-public and leased areas where access is limited or controlled and may change depending on the day’s use of the space.

The only public area that is always open to the public during regular business hours is the main Lobby between the half wall and the Theater Lobby as well as the main lobby restrooms.

### **Purpose:**

The primary purpose of this policy is to manage public access to the Community Center located at 1401 Lazelle in order to ensure the safety of all visitors to the facilities as well as the safety of our employees. Secondary purposes include the security of property, equipment and information.

### **Access specified by area:**

Access to the Cardio Room, the Weight Room, the Weight Room Expansion, the Racquetball Court, the Pool, the locker rooms, the McPherson Room and the Gym requires an active membership or purchase of a day pass. Access to these areas is key-card controlled.

Areas that may be leased for private, semi-public, fee/ticket required, or public use are the Theater, Meade Room, Gym, Kitchen, and Racquetball Court. The Leasee, at their sole discretion and as outlined in their lease agreement, controls the level of public access to their leased spaces for the duration of their event.

The public is not permitted to access work and office spaces, equipment areas, and storage areas at the Community Center.

The kitchen is only accessible through a lease agreement. It is not considered a public space.

Public access (without a day pass or active membership) to the Gym or the Pool may be allowed for recreational competitions (i.e. youth recreational basketball games or swim meets) at the discretion of the Community Center. Visitors must still check in at the Front Desk.

### **Visitor Procedures:**

Visitors may park in the dedicated parking lots directly to the north and south of the Community Center.

Visitors (including maintenance vendors) must check-in at the Front Desk. If they are attending a performance at the Theater, visitors do not need to check in at the Front Desk. However, visitors may need to purchase a ticket in the Theater Lobby.

All members and day pass users must provide their name to check-in. A staff member will escort maintenance vendors to the work area. Any visitor who is not authorized to be in a particular area will be asked to leave the area. Employees who notice an unauthorized visitor should approach the visitor and not allow them to walk around unescorted.

### **Delivery Procedures:**

All deliveries (regardless of type or size) will be logged at the Front Desk. The staff will coordinate use of the loading dock with the delivery driver upon arrival.

### Tours and Special Use of City Hall Facilities:

Visitors wishing for a tour of the facility may request one at the Front Desk. Visitors will not be given tours of staff-only access spaces.

### Network or System Access

Visitors that require internet network access may use a wireless hotspot dedicated for public use.

Visitors who require access to IT network resources (i.e. file sharing servers) must have an expressed business need and willing to sign a non-disclosure agreement (or other vendor agreement ensuring confidentiality) with prior permission from the Community Center Director.

## **Public Access: Armory**

### Policy:

The Armory provides a mixture of public, member, non-public and leased areas where access is limited or controlled and may change depending on the day's use of the space. There is no area that is open to the public during regular business hours. Restrooms accessed from the east side of the building may be made available during the summer season or downtown events at the discretion of the City.

### Purpose:

The primary purpose of this policy is to manage public access to the Armory located at 1019 Main Street in order to ensure the safety of all visitors to the facilities as well as the safety of our employees. Secondary purposes include the security of property, equipment and information.

### Access specified by area: Armory / Auditorium:

Public access to the Armory is limited to during games only. The lobby, gym and the restrooms are open to the public during games. (*The public is not permitted to access the kitchen or the basement.*) The public may not access the Armory during practice times and doors should be kept locked to secure access. The various spaces in the Armory may also be leased and the Leasee, at their sole discretion and as outlined in their lease agreement, controls the level of public access to their leased spaces for the duration of their event.

### Visitor Procedures:

Visitors may park on the street around the Armory. Any visitor who is not authorized to be in a particular area will be asked to leave the area. Employees who notice an unauthorized visitor should approach the visitor and not allow them to walk around unescorted.

### Tours and Special Use of City Hall Facilities:

Visitors wishing for a tour of the facility may request one through the Community Center.

### Network or System Access

Visitors that require internet network access may use a wireless hotspot dedicated for public use.

## **Provision of Low Income Scholarships**

The Sturgis Community Center is a "community center" and the staff makes every effort to welcome users and members of all walks of life. As such, the Community Center offers a scholarship program to low income families. A member may qualify for a scholarship if they can provide proof of income showing that they qualify as low income based upon the metrics used for the school lunch program. A qualified member must list the names of any dependent children. A scholarship is granted for three months and is tiered 85%, 90%, 95% and 100% waived, depending on the scholarship qualifications. If the member does not use the membership at least 15 times in the 3 month period, the membership is not renewed. If the member does use the membership at least 15 times in the 3 month period (and still qualifies for the scholarship), the scholarship may be renewed for additional 3 month period(s). The number of available low income scholarships is not limited.

## **SCC Memberships Discounts for Eligible City Volunteers & Employees**

### **Policy:**

It is the policy of the City to provide a free single membership to regular part-time, half-time and full-time employees as well as the following eligible volunteers of the City: active members of the City Council, Sturgis Police Reserves and cadets, Planning Commission, Park Board, Forestry Board, Library Board of Trustees, and Municipal Utility Board. (Rally and seasonal employees are not eligible.)

Alternatively, the City will provide a family membership at a 50% discounted rate to the same eligible employees and volunteers for a multi-person membership.

### **Procedures:**

Upon appointment (or reappointment) as an eligible volunteer for the City, the volunteer may stop by the Community Center and apply for their discounted membership. Upon hire by the City, the employee may stop by the Community Center and apply for their discounted membership. The volunteer or employee must fill out all necessary membership forms and waivers. The Community Center staff will verify eligibility upon enrollment and upon annual renewal to ensure that the volunteer / employee is still an active, eligible volunteer / employee.

Volunteers and employees shall be granted general membership for themselves to the Community Center, including access to the pool, gym, weight room and track at no charge.

The volunteer or employee may also elect to purchase such membership privileges at a fifty percent (50%) cost for their family or dependents.

Any special programs, assisted activities that require an instructor, or other additional costs will be at the member's expense. Likewise, this membership does not include the cost of the 24-7 access pass. The volunteer or employee must purchase that.

Management reserves the right to waive additional fees for benefited employees who are enrolled in the City sponsored wellness program.

## **Refunds, Extensions and Freezes**

The Community Center is authorized to extend, refund and freeze memberships in very limited situations.

Should a newly enrolled member wish to cancel their membership within 24 hours of signing the membership agreement, the City will refund the membership fees minus a \$25 administrative fee.

Should a member who purchased a multi-month membership relocate out of the Sturgis area while the membership is still in force, the Center will refund all complete months remaining on the membership minus a \$25 administrative fee. Member must show proof of relocation.

The Community Center will freeze a multi-month membership in situations of medical, temporary relocation, etc. at the request of the member. In this situation, the membership becomes inactive (frozen) and once reactivated, the remaining time on the membership begins to run again. There is no fee to freeze a membership; however, if the membership is not unfrozen within two years from the date of freeze, the membership unfreezes and the remaining term begins.

The Community Center is not authorized to issue membership extensions in situations where all or a portion of the Center is closed for an extended period of time shorter than one month. However, in rare situations where portion(s) of the Center are closed for an extended period of time lasting longer than one month, the City Manager may approve an extension of membership.

Refunds are not given for day passes.

## **Medicare Fitness Arrangements**

The Community Center has partnered with supplemental Medicare insurance providers to provide covered individuals with use of the Community Center. Use fees are paid directly to the Community Center by the insurance provider on a monthly basis depending on the number of times the enrolled members used the facility. Enrolled members must provide identification and swipe a card using the tracking system provided.

## **Corporate Memberships Provided**

The Sturgis Community Center offers three types of corporate memberships customizable to the company's needs:

- Totally paid company membership (where the company pays the employee's entire membership via monthly invoice)
- A partial company membership where the employer and employee split the cost of the membership
- An employee only paid membership

Regular membership fees still apply and are calculated on a per individual basis.

## **Membership Fees**

Membership fees for all membership classifications are updated annually on January 1<sup>st</sup> to adjust for increased costs of operations (i.e. utilities, building maintenance, staffing, etc.) The adjustment is 2%, rounded to the nearest dollar.

## **Facility Emergency Plan**

**Purpose:** This plan is designed to provide direction and procedures to be used during emergency situations that will protect the employee's health and safety and reduce potential property damage.

This plan also provides procedures for other emergencies, including employee evacuation, power outages, bomb threats, severe weather, and natural disasters.

### **RESPONSIBILITIES**

The Director of Planning & Permitting is responsible for maintenance of the respective facility's evacuation plan, communication of the Plan to local emergency responders, and ensuring that evacuation route maps are posted in each work area.

The Community Center Director shall ensure emergency telephone number lists are posted in the office and the Director is responsible for conducting the periodic drills (no less than annually).

The Community Center Director is designated the Emergency Evacuation Coordinator and is responsible for all duties stated within this plan. An assigned designee must also be determined to carry out these duties should the Director not be on site during an emergency.

It is the responsibility of the Community Center Director to ensure required inspections, testing, and preventive maintenance are performed and documented on all facility fire alarm devices and fixed and portable extinguisher systems under the control of the Department.

Trained and designated staff are responsible for providing emergency support in directing occupants to safe areas and accounting for occupants in assembly areas. Employees are responsible for maintaining familiarity with the Facility Emergency Plan. This includes knowledge of emergency procedures, location of emergency exits, and escape routes to safe areas in case of emergency evacuation. It also includes the location of fire extinguishers. Fire prevention in department workplaces shall be the responsibility of all department personnel.



Any employee witnessing a potential fire hazard affecting department workplaces, personnel, or property shall report the hazard immediately to management. Department personnel shall not attempt to extinguish or control a fire that has developed past the incipient (smoldering) stage.

It is the responsibility of all Community Center staff to utilize proper work practices and procedures to prevent fires through the control of fuel and ignition sources. The Community Center Director will issue a "hot work" permit whenever open flames or for all cutting, welding, soldering and brazing activities, in occupied buildings, that are conducted with portable gas or arc equipment on construction, maintenance, repair or renovation projects at the Community Center.

## **FIRE PREVENTION AND LIFE SAFETY**

This part of the plan discusses the fire prevention activities, identifies fire hazards and provides guidance for the evaluation of life safety issues in the facility.

### **Fire Hazard Identification**

Residual flammable or combustible chemicals from maintenance procedures, whether on floor surfaces or rags, pose additional fire hazards. All flammable and combustible and corrosive materials shall be handled and stored in accordance with the manufacturer's recommendations.

Potential ignition sources present in the workplace include electricity, open flame, and sparks. Ignition sources shall be isolated from potential fuel sources to the maximum extent practicable.

Electrical cords shall be inspected prior to use for integrity of insulation. Extension cord shall not be used for the permanent installation of equipment. Posted "No Smoking" signs shall be obeyed by all personnel. Procedures that produce sparks shall be performed away from potential fuel sources when practicable.

### **Fire Extinguisher & Fire Suppression Systems**

Staff will be trained on fire extinguisher use at least annually. Fire extinguishers on-site at the Community Center are Type A and Type B (stove hood in the kitchen).

#### **Type A**

Combustible material (paper, wood, cloth, and some rubber and plastic)  
water, foam, loaded stream, or multipurpose dry chemical

#### **Type B**

Flammable or combustible liquids, flammable gases, and some rubber  
and plastic Halon 1301, Halon 1211, carbon dioxide, dry chemicals, foam, and  
loaded stream

#### **Type C**

Energized electrical equipment Halon 1301, Halon 1211, carbon dioxide, and dry chemical

### **Fire Extinguishers and Alarm Systems**

Trained personnel shall conduct all servicing, maintenance, and testing of fire alarm and extinguishing systems. Firefighting equipment that is known to be damaged, expended, or unserviceable shall be removed from service and replaced immediately. A tag or other identifier should be placed on all equipment waiting to be serviced.

All Community Center alarm systems shall be maintained in operating condition except when undergoing repairs or maintenance. Monitored alarms shall be tested at least annually. Fixed fire extinguishing systems shall be tested and inspected annually. Portable fire extinguishers shall be visually inspected monthly to ensure they are in place, charged, and ready for use.

This visual check will be documented on the back side of each fire extinguisher tag. Each portable fire extinguisher shall also, be subjected to an annual maintenance check. The annual maintenance date shall be recorded and the record retained for one year after the last entry or the life of the shell, whichever is less. Portable fire extinguishers will be served annually be a contracted third party vendor. Reputable contractors shall perform hydrostatic testing of portable fire extinguishers,

according with NFPA 10, Chapter 5. Dry chemical extinguishers with non-refillable disposable containers are exempt from this requirement.

The Community Center is a sprinkled venue. Only trained personnel are authorized to operate this system. The standpipe system shall not be operated for purposes other than emergency firefighting, authorized training, or required testing and maintenance.

Any trained employee may attempt to extinguish a fire observed to be in the incipient stage (Smoldering) with portable fire extinguishing equipment. **However, this is not a requirement of any employee.** If a fire is extinguished, a fire watch, equipped with appropriate fire extinguishing equipment, shall be posted at the site until firefighting personnel have arrived.

Upon extinguishing a fire in this facility, the Community Center Director shall be immediately notified. A Hazard/Incident Report shall also be completed. Any other observed fire situation requires the immediate activation of the nearest accessible fire alarm pull box, and/or notifying fire department by telephone. The observer shall then notify the Community Center Director, or the designee, who will then assume the responsibilities as Facility Evacuation Coordinator. If conditions permit, the Facility Evacuation Coordinator shall make an announcement of the location of the fire and hazardous areas to be avoided via the facility intercom system.

### **Evacuation Procedure**

The Director of Planning & Permitting is responsible for outlining a site-specific procedure for evacuations. The site-specific procedures can be found in Appendix I of this plan. Evacuation drills must be conducted on an annual basis to ensure proper implementation of the plan. Drills will be documented and reviewed to determine necessary changes in the plan. Appendix III, Evacuation Drill Log, can be used to comply with this requirement.

The safety of non-Department personnel, i.e., customers, vendors, contractors, etc., during a facility emergency is the responsibility of the employees of this facility. Community Center Staff are responsible for the evacuation of any individuals found during the facility search.

The Facility Evacuation Coordinator is responsible for the communication, coordination, and control of emergency evacuation operations. These responsibilities include:

- Ensure all personnel present have been appropriately notified of the emergency.
- Ensure all personnel, known or thought to be present in the facility at the time of the alarm, have evacuated to pre-designated safe areas.
- Ensure the appropriate emergency response agency has been notified.
- Act as facility liaison with emergency responders.
- Make an initial report to the Director of Administrative Services and the Community Center Director, if he is not on-site during the emergency.

Upon arrival at the appropriate safe area, all personnel who are not assigned specific emergency responsibilities shall remain until accountability check is made, and the Facility Evacuation Coordinator dismisses personnel.

### **Evacuation Routes**

Evacuation route maps are posted indicating the shortest route to a designated exit door. Evacuation route maps clearly depict primary and secondary evacuation routes from all work areas, location of alarm devices, and the location and type of fire extinguishing equipment. An evacuation map shall be posted at doorways providing access to exits for reference in an emergency evacuation. Each base shall maintain evacuation route maps in, at least, the following locations:

- Main reception/customer area (Lobby near Front Desk),
- Locker rooms
- Pool, weight room and cardio room
- Meade Room and Programming Room
- Theater gym and outlining theater spaces

Every exit and exit access shall be marked by a readily visible sign. Any door, passage, or stairway which is neither an exit nor an exit access, and could be mistaken for an exit, shall be identified by a sign reading "Not an Exit," or indicating its actual destination ("Storeroom," "Closet, Etc."). Every aisle or exit access to a designated exit door shall be a minimum of 28" wide and shall be maintained free of obstructions. Designated exit doors shall not be locked during working hours to allow egress in the event of an emergency.

### **Emergency Telephone Number Lists**

Emergency telephone number lists must be posted near the main phone. The emergency telephone list must include phone numbers for police, fire department, and emergency medical aid as well as key City staff. An emergency telephone list shall be posted on or immediately adjacent to phones in, at least, the Front Desk.

### **POWER OUTAGES**

To ensure employee safety during power outages, all normally occupied work areas and storage areas will be provided with emergency lighting. All emergency lighting shall be tested quarterly. These tests will be documented and units that do not operate to specifications will be repaired or replaced.

Power outages may occur at the facility for a number of reasons. Severe weather, equipment failure, accident, and fire are some of the possibilities. As with all emergency situations, all employees are to remain calm. The following steps should be taken to prevent possible damage to equipment and employees.

1. Remain at your present location for a few minutes to determine if the power will be restored immediately. If you are working at a computer or other sensitive equipment, shut off the power to prevent a surge when the power comes back on.
2. If the power does not come on and there are no evacuation alarms, attempt to locate the Community Center Director or his designee for instructions. If you require assistance in finding an exit, call out for help. Emergency lighting should be on in all areas; however, some locations may not operate properly.
3. Do not leave the facility unless dismissed by the Community Center Director or his designee unless imminent danger exists.
4. Since ventilation, temperature controls, lighting and alarms may not be operating, no work should be conducted with hazardous or corrosive materials. These items should be cleaned up and placed in appropriate storage as soon as possible.
5. An accountability check should be done and the Community Center Director will determine what action to be taken based on an estimate and reason for the outage.

### **BOMB THREATS**

A bomb threat is serious and should always be considered a true emergency. Bomb threats are also covered in the City of Sturgis Emergency Response Manual. This section will briefly discuss the procedure to follow if a bomb threat is received.

If a bomb threat is received in a phone call, the person answering the phone should remain calm and use the "Telephone Bomb Threat Checklist" in Appendix

Be familiar with the contents of the checklist, since it is unlikely you will be able to locate a copy when a call is received. Listen carefully and take down as much information as possible. Keep the caller on the phone as long as possible.

If a written bomb threat is received, the Community Center Director must be notified immediately so that he can notify the Sturgis Police Department. The Emergency Response Manual should be consulted for further action.

An evacuation should be conducted as soon as possible. The Community Center Director in conjunction with the Sturgis Police Department is responsible for determining the need for an evacuation. City of Sturgis Police Department shall respond per their protocols and response policies.

### **SEVERE WEATHER AND NATURAL DISASTERS**

Severe weather that could cause possible danger to employees working at this facility includes blizzard, severe weather, tornado, and thunderstorms. Natural disasters could include earthquake, flooding, or fires. In many of these cases advance warning is available from weather services, Code Red Announcements and should be closely watched and monitored for progress.

Severe weather instances can usually be pre-planned and employees can be sent home in time to arrive safely. In the case of a short notice incident, an inside evacuation is in order for all employees. The safe area chosen for an inside evacuation should have no windows, be in the interior of the building, if possible. The Theater should not be used due to its high ceiling. The site-specific evacuation plan should be consulted for the location of inside evacuation safe areas.

Natural disasters may require an evacuation to the outside, however, this is not always true. In cases of impending floods or nearby fires, the local authorities may recommend remaining inside as long as the location is not in danger. In all cases, the Community Center Director or designee will be responsible for making the necessary decisions regarding evacuation or other response.

### **ADDITIONAL INFORMATION**

Further information regarding this Facility Emergency Plan is available from the Director of Planning & Permitting. Also, please see the Emergency Shelter Policy.

### **Lightning In Area**

**Policy:** When lightning is observed in the vicinity of the Community Center, the pool and locker rooms are closed for patron safety.

**Procedures:**

During severe weather, staff will automatically close the pool and locker rooms when thunder is heard.

Additionally, staff also uses a personal lightning strike monitor. When the monitor sounds an alert for lightning in the area, the pool and locker rooms will also be closed (even if thunder is not heard).

The pool will not reopen until 15 minutes after the last visible lightning strike or after the last audible alert from the lightning strike monitor.

### **Hazardous Chemicals**

**Policy:** The Community Center is committed to preventing accidents and ensuring the safety and health of our employees.

**Procedures:** The Community Center stores and uses chemicals for both the pool as well as general facility cleaning. Pool chemicals are stored in the pump room which is locked at all times. Cleaning chemicals are stored behind the stage in the locked storage room as well as in the custodian's closet behind the Cardio Room.

All hazardous chemical containers used at this workplace will have the original manufacturer's label. Only those who have been trained in the safe chemical storage and handling practices to handle cleaning chemicals are allowed in the chemical storage areas.

Material Safety Data Sheets (MSDS) are stored in a binder in the Office Manager's Office area, below the timeclock. These Material Safety Data Sheets are readily available to all employees during their work shift. Employees can review Safety Data Sheets for all hazardous chemicals used at the Community Center.

Employees will receive training on the safe use and storage of chemicals used at the Community Center. This training will include the following:

- What chemicals are present and where they are used
- Location of the MSDS and how to read them
- Steps to take in order to prevent or reduce exposure to chemicals

- Use of personal protective equipment
- Emergency procedures to following in case of exposure or spill

# **Information Technology**

## **Electronic Communications Policy – Including Use of Mobile Devices**

### **PURPOSE.**

The purpose of this policy is to establish guidelines for the acceptable use and retention of Electronic Communications and to define the responsibilities of City employees who use Electronic Communications to conduct their City work.

### **SCOPE.**

This policy covers employees who use Electronic Communications to conduct City business. The City recognizes the importance of Electronic Communications in the performance of City business. As technology advances occur continually, this policy establishes the City's philosophy regarding Electronic Communications and the general principles, expectations, and certain specific appropriate use and retention guidelines related to those Communications.

Electronic Communications include any electronic method(s) for generating and communicating information, including telephone, email, fax, voicemail, mobile devices, internet access, instant messaging, texting, social media, photography, etc. Basically, electronic Communications refer to those systems that send, store, process and receive information and in which messages are held in storage until the addressee accesses them.

### **GENERAL PRINCIPLES.**

The City provides computers, e-mail, voice mail, fax transmission and scanning equipment, internet access, and/or wireless mobile devices to employees to support and facilitate the City's day-to-day business activities. Any messages or information sent by an employee to one or more individuals via Electronic Communications are identifiable and attributable to the City. Any messages or information sent or received by an employee via Electronic Communications may be subject to review by the City or its designated agents, and may be subject to production to an outside party in a lawsuit, governmental investigation, open record request, or similar proceeding.

The basic rule for creating any type of Electronic Communication is to use common sense: Choose your words carefully, keeping in mind that, unlike phone or face-to-face conversations, participants cannot rely on inflection, tone-of-voice, gesture, or verbal feedback to clarify meaning. Unless cautiously composed, messages can be easily misconstrued. Do not send offensive messages, copy licensed software, or download unauthorized files from the Internet.

Communications cannot contain offensive, defamatory, pornographic, or obscene content, such as comments or images that would offend someone on the basis of race, national origin, age, gender, sexual orientation, religious or political beliefs, or disability. If your message, or use of the computer, could be construed to be offensive to anyone, it does not belong on the City system. If in doubt whether the action could embarrass or negatively impact the City, then it should not be performed. All Electronic Communications reflect the City's image and reputation and should therefore be appropriate and professional and should be regarded as a formal communication. Be sure to proof the Electronic Communication just as you would a written communication.

Any employee demonstrating a need for a computer, internet access, or mobile device for business use should request such resources from their supervisor. The supervisor will review the issuance of such a device and if the request is approved, shall ensure that there is adequate budgetary support for such.

### **PROHIBITED ELECTRONIC COMMUNICATIONS.**

Users are prohibited from sending, retrieving or storing any of the following types of Electronic Communications:

- Discriminatory or harassing in nature or which are derogatory to any individual or group;
- Obscene or pornographic in nature;
- Defamatory or threatening in nature;
- Offensive, disruptive, or harmful to morale in nature;
- For the sale of personal property;
- For solicitation of political contributions; or
- For gambling purposes;
- For any other purpose which is illegal or against City policy or contrary to the City's interest.

## SYSTEM SECURITY.

Employees must keep all passwords secure and not share accounts. Employees must use extreme caution when opening electronic communications from unknown senders. **Downloads on mobile devices are prohibited (i.e. games, ringtones, ringback tones, music, wallpaper or videos).** Apps may be downloaded so long as they serve a legitimate business purpose. Employees may be required to reimburse the City for a lost mobile device.

## PERSONAL USE.

Communication systems are to be used by employees in order to conduct City business and are not for employees' personal use. The City understands that on occasion there may be a need to communicate with other persons for appropriate personal reasons, and the City is willing to accommodate such personal use of the Communication systems to a limited degree.

With regards to a personal mobile device, the City recognizes that an employee may find it inconvenient to carry a City issued device and a personal device. As such, the City permits the use of a City issued mobile device for personal reasons that do not interfere with the primary purpose of the device (City business). Further, should such personal use incur additional costs to the City, the employee is responsible to reimburse the City for those additional costs.

Employees are responsible for exercising good judgment regarding reasonableness of personal use and Department Heads should provide guidance to employees. However, personal use of the communication systems which interferes with an employee's work performance will not be tolerated. The City will not reimburse an employee for use of a personal mobile device for City business.

## ELECTRONIC COMMUNICATIONS REMAIN CITY PROPERTY.

All Electronic Communications are and remain the property of the City, even in such cases where the device was used personally. Because of the need to protect the City's network, the City cannot guarantee the confidentiality of information stored on any network device. Furthermore, Electronic Communications that are for personal use may become subject to a litigation hold and/or discovery. Employees are urged to use extreme caution when using a City device for personal uses.

The City reserves the right, in its discretion, to review any employee's electronic files and messages as well as web site activity to the extent necessary to conduct any investigation and to ensure that electronic media and services are being used in compliance with the law and with this and other City policies.

Electronic Communications are also subject to public disclosure as permitted by open records laws. Alternatively, employees may have access to confidential and/or proprietary information and improper use of such information is strictly prohibited. Some information may be protected by client/attorney privilege. Additionally, a Litigation Hold may be placed on Electronic Communications by the City Attorney – these files must not be deleted or modified.

Any violation of this policy may result in disciplinary action, up to and including termination of employment.

The City may allow an employee to port a City cell phone number to a personal account upon voluntary termination of employment or retirement. The City Manager must approve all such requests, with recommendation from the appropriate Department Head. (In such circumstances, the employee may not take the actual device.)

## **City Issued Devices**

The Department Head is responsible for determining whether an employee will be issued a cellular device (whether basic or smartphone style), a laptop, and/or a tablet. This decision will consider department needs, job description and duties, as well as employee's general performance. The Department Head also has the choice of network provider (either AT&T or Verizon).

The Director of Administrative Services is responsible for the administration of the City's city issued devices and vendor relationships.

## **Cellular Device Upgrade Policy**

The City no longer upgrades devices (including tablets, smartphones and basic phones) on a calendar basis. Upgrades or replacements are now processed on an as needed basis. The City, at its sole discretion, will authorize the upgrade or the replacement of a device. The employee may indicate an Android versus Apple platform preference but the ultimate device selection is made by the Department Head. The City may utilize an upgrade credit on another line to process a replacement. In the case of neglect or where an employee's action or inattention causes the destruction of a device, the City can require the employee to reimburse the City the cost of the replacement device.

## **Password Security**

By network policy, domain users must change their password every 120 days. Passwords are not to be shared amongst staff members.

The domain password policy states that the new password must be at least 8 characters long and it must contain three of the four following categories: uppercase letters, lowercase letters, numbers and symbols. Additionally, the new password cannot match user name or full name more than two consecutive characters. Additionally the new passwords cannot be one of the last five passwords used.

Passwords to applications or cloud based municipal vendor should also be secure and not shared.

## **User Account Designation**

Employees will be given a standard network user account in accordance with their job descriptions and whether the duties of their position as well as department's needs require network and/or email access. The Department Head approve all requests for a network user account.

The user account will include domain access, email, and file sharing network access, as determined by the needs of the position. It is possible to be granted an email but not have file sharing access. When granted access to the file sharing network, the user's permissions will be as a "user" (not "admin" for that department's shared resources as well as the All City Shares. Any needs beyond those for the department will be granted based on administrative function and will have the Department Head's approval.

A user may, with Department Head approval and an a clear business need, be granted "local admin" rights on their individual desktop computer. An example of this is those who need to access the Caselle software system. All other users will be granted "local" rights only.

The City Manager must provide permission for a user to be granted a network-wide "administrator" user account.

## **Telework / Remote Network Access**

Telework (or working from home or working remotely) is not permitted on a regular, long-term basis. Exceptions may be made, at the discretion of the City Manager, for weather-related incidents or as a temporary or short-term accommodation. Any exception will be granted in writing only with review of and contingent upon compliance with the essential functions of the specific position as well as availability of work that can be completed remotely.

Remote access to the City network will only be granted in rare instances and with prior approval by the City Manager. A business case that corresponds with essential job functions must be made for the request to be approved. Each time the list of authorized users for remote network access is modified, the City Manager and the City Finance Officer will be informed in writing. Due to the risks involved in granting remote network access, this approval will be granted only rarely. Access should be made, whenever possible, will be done using a City issued device.

Remote network access to the Exchange Server in the form of email app on City cell phones or through the Outlook web access portal is permitted to all users with a domain email.



## **Temporary Teleworking Policy and Procedures: Covid-19**

### **Policy**

Teleworking allows employees to work at home for all or part of their workweek. The City of Sturgis does not permit teleworking for long periods of time. Rather, employees are only allowed to work short-term, temporary “ad hoc teleworking arrangements”.

However, in light of the Covid-19 pandemic, the City considers longer-term temporary teleworking to be a viable, flexible work option for certain positions to help slow the spread of the disease.

Temporary longer-term teleworking arrangement may be appropriate for some employees and jobs but not for others. Teleworking is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City. Once the Covid-19 pandemic is resolved, the temporary longer-term teleworking arrangements will cease and only temporary “ad hoc” teleworking arrangements will be considered.

### **Procedures**

#### *Assignment*

Before assigning any teleworking arrangements, the City has evaluated the suitability of such an arrangement, reviewing the following areas:

- Employee suitability.
- Ability to telework with assigned job responsibilities.
- City business needs.
- Equipment needs, workspace design considerations and scheduling issues.

Evaluation of teleworker performance during the temporary teleworking period will include regular interaction by phone and e-mail between the employee and the Department Head, and weekly communications to discuss work progress and problems.

The Department Head will determine an appropriate level of communication between the teleworker and Department Head. At a minimum, it will be at a level consistent with employee/Department Head interactions prior to the beginning of the temporary telework arrangement and should be in a manner and frequency that is appropriate for the job and the individuals involved.

#### *Time worked*

The essential job functions must be completed by the teleworker.

The actual work schedule will be determined with the Department Head. Flexibility in scheduling is permitted.

Teleworking employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City’s normal time-keeping system. Employees must punch in/out their time worked. Hours worked in excess of those scheduled per workweek require the advance approval of the teleworker’s Department Head. Teleworkers are expected to work their normal forty weekly work hours. If forty hours are not worked, the employee is required to take paid time off, as eligible. Failure to comply with these requirements may result in disciplinary action.

#### *Equipment*

On a case-by-case basis, the City of Sturgis will determine, with information supplied by the employee and the Department Head, the appropriate equipment needs (including hardware, software, phone, network access, etc.) for each temporary teleworking arrangement. This will include network access.

Any equipment supplied by the City (i.e. laptop) will remain the City’s property and will be brought back at the end of the temporary teleworking arrangement. The City will provide IT support for the teleworker. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only.

If internet connectivity is an issue due to home location (i.e. rural), the City will consider providing feasibility of a mobile network tether through the employee's City cell phone provider.

The City will also supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The City will also reimburse the employee for business-related expenses, such as shipping costs, that are reasonably incurred in carrying out the employee's job. Prior approval of any purchases must be received from the teleworker's Department Head.

The employee is encouraged to establish an appropriate work environment within his or her home for work purposes. However, the City is not responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

#### *Security*

Consistent with the City's expectations of information security for employees working at the office, teleworking employees will be expected to ensure the protection of City network resources accessible from their home office. Do not allow family members access to City network resources. Employees should use an approved virtual network connection that is appropriately licensed for business use.

#### *Safety*

Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties should be reported to Human Resources as soon as practicable. A First Report of Injury form will be required.

An employee is never required to give out their home location. If something needs to be dropped off by an outside party, that should be completed at the Sturgis Finance Office. Arrangements will be made to get the item to the teleworker.

#### *Other Temporary Ad Hoc Arrangements*

Temporary "ad hoc" teleworking arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed, short-term basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City and with the consent of the employee's health care provider, if appropriate.

All informal ad hoc teleworking arrangements are made on a case-by-case basis, focusing first on the business needs of the City.

Temporary ad hoc teleworking arrangements are subject to the procedures above.

### **Employees' Responsibility for Network Security**

#### **Domain Accounts:**

The City uses domain accounts to control access to computers and devices. Each user will have their own domain account with a separate password. This account will have permissions specific to that person and their role within the organization.

Employee should log out or lock their computers when leaving their desk for extended periods of time, including breaks, lunch, and at the end of the day.

Employees should not share domain passwords or log in with other employees' credentials.

When an employee leaves the City, the password for that employees' domain account and email account will be changed immediately. The Department Head shall make the determination whether to immediately disable the accounts or to leave them active for a period of transition. If a period of transition is used, an "out of office" is placed on the email account.

#### **City Email:**

The City provides City issued email addresses (either @sturgisgov.com or @sturgispolice.com). The City has deployed an anti-virus/anti-spam email quarantine software to reduce the risk of a compromise of our network or email security.

As such several “rules” are in place to reduce the risk of malicious emails being received by staff.

.doc extensions are blocked from receipt by the quarantine software unless the sender has identified as a “safe senders” due to the risk of macros embedded in a .doc file. .docx files are not affected. (.doc is a very old extension, pre-2003 and should be phased out.)

Mass emails with more than 50 recipients are blocked from receipt by the quarantine software due to the risk of a malware being the sender of such a mass email.

Files with total attachment size bigger than 10MB are also blocked unless specifically requested.

However, the primary defense against malicious emails that attempt to compromise network security still remains the employee users. Therefore, employees must always be cautious when opening a file or clicking on an email link that seems suspicious or just out of the ordinary. Often times a quick phone call can resolve the question.

Mobile devices (cell phones, tablets, etc.) are also at a high risk for phishing scams and mobile devices can be infected with ransomware or viruses, just like a computer or a laptop. If the mobile devices is synced with a City email, the virus/malware can use the City email to send out spam just like on a desktop computer, causing the City to be blacklisted. Staff must use caution when opening emailed files/links on one’s phone as there is no antivirus software on a mobile device.

Employees should never share confidential information via email nor respond to unsolicited requests for information.

## **Network Back-ups**

The City utilizes a third party vendor to provide back-up to network resources both off-site from the main network closet as well as off-site outside Sturgis City limits. The back-ups look back 3 change iterations for most servers and 7 iterations for the Caselle server.

After the periodic upgrades of the Caselle server (which hosts the City’s financial management software suite), the City will restore from a back-up to ensure the ability to restore Caselle in a quick and timely manner.

The City encourages the use of cloud hosted software platforms where it makes sense for the City.

## **Website Policy**

It is the policy of the City of Sturgis to provide a comprehensive municipal website. The purpose of this official [www.sturgis-sd.gov](http://www.sturgis-sd.gov) website is to provide timely and relevant information related to all the matters of local municipal government in Sturgis, South Dakota. The City of Sturgis website is the official source of emergency information.

The City tries to include all current and relevant information on the website. If a specific item of interest is not found on the website, users are encouraged to contact the Public Information Officer at (605) 347-4422 for assistance. Certain items of information may also be available through an Open Records Request administered by the Sturgis Finance Office. In addition to the official website and in compliance with state codified law, all minutes and public hearing notices are published in the designated local newspaper.

Third party destinations that are not City controlled are not allowed on the City website. Governmental agency links may be approved and placed on the site at the discretion of the Public Information Manager.

## **Social Media Policy**

The purpose of social media sites owned and controlled by the City of Sturgis and any of its Departments, is to present matters of public interest to residents, businesses and visitors. While these sites are intended to help get topical and timely information out to a wider audience, the information on these sites may become outdated or may be incomplete due to the limited function of these sites. In many cases, links are provided from these sites to pages on our [official website Sturgis-sd.gov](http://sturgis-sd.gov) that may contain further details. We encourage viewers to submit questions, comments, and concerns, but please note that all City social media sites are moderated and are not a public forum.

The City of Sturgis reserves the right to block and or delete comments that are deemed inappropriate. The following are some examples of inappropriate comments. This list is for illustrative purposes only and is not an exclusive list.

- Use of vulgar, threatening or abusive language
- Personal attacks of any kind toward another individual or group
- Offensive comments that target or disparage any ethnic, racial, age, religious group, gender, sexual orientation, or disability status
- Use of a sexually explicit, vulgar or otherwise offensive icon or “avatar” to represent themselves
- Spam or links to other sites
- Comments that are off topic and not related to the informational item
- Advocates illegal activity
- Advocates for or against those involved in election campaigning
- Promotes particular products and or services
- Uses personally identifiable medical information

Additionally, some social media sites will provide random or targeted advertisements on these pages which are not produced, nor controlled by the City of Sturgis. The products, services, and content of these advertisements is not determined by, nor endorsed by the City of Sturgis.

Please note that the comments expressed on this site do not reflect the opinions and position of the City of Sturgis or its administration and employees. If you have any questions concerning the operation of the City’s social media account(s), please contact the Public Information Officer at 605-347-4422 ext. 209.

Any employee, official, volunteer or member of the public is expressly prohibited from using the City’s logo, font, emblems, badges, insignia or position except in the course of fulfilling their obligations to the City of Sturgis. Any personal use or unauthorized use of such items can be grounds for personnel disciplinary actions up to and including termination.

At no time shall any employee create any social media page or channel associated with the City of Sturgis without prior approval from the City Manager. All official sites must be accessible at the Administrator level, via password, by the City Manager and any authorized designee. All social media sites must include information regarding the City of Sturgis Social Media Policy regarding public comments. All approved site administrators are required to follow the Social Media Policy when interacting with the public in a social media setting. All social media sites must be kept current or be unpublished following six weeks of inactivity. All official social media sites relating to official City activities or City business are the property of the City of Sturgis.

## **Library Policies**

Pursuant with Library Policy, the below listed policies have been approved by the Library Board of Directors. These policies are provided to Council for informational purposes only.

### **Adoption or Revision of Library Policy**

Adoption of new policies or the revision, suspension, or repeal of existing policies is solely the responsibility of the Library Board.

The Board will adhere to the following procedure in considering and adopting policy proposals to ensure that they are well examined before final action:

1. First meeting – the proposal shall be presented as an information item.
2. Second meeting – the proposal shall be presented for a first reading, discussion, and first vote.
3. Third meeting – the proposal shall be presented for a second reading, discussion, and final vote.

During discussion of a policy proposal, the view of the public and staff will be considered. Amendments may be proposed by Board members. An amendment will not require that the policy go through an additional reading except as the Board determines that the amendment needs further study and that an additional reading would be desirable.

Under unusual circumstances, the Board may temporarily approve or change a policy to meet emergency conditions; however, the above procedure is required before the policy will be considered permanent.

## **Investment Policy (Alice Wiggins Dunn and Sturgis Public Library)**

### **1. SCOPE**

This policy applies to the investment of the Alice Wiggins Dunn Trust of the Sturgis Public Library. The purpose of this policy is to ensure that these funds are invested in a manner that will provide the highest return with the maximum security, while meeting cash flow demands. All investments shall conform to all applicable laws and regulations governing the investment of public funds.

### **2. POLICY**

Pursuant to SDCL 4-5-8, it is the policy of the Sturgis Public Library Board of Trustees to invest funds in a manner with the primary objectives being, in priority order: Safety of Principal, Liquidity and Return on Investments.

#### **A. Safety of Principal**

- a. Safety of principal is the foremost objective. All investments shall be undertaken in a manner that first seeks to preserve capital and second to fulfill other investment objectives.

#### **B. Liquidity**

- a. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

#### **C. Return on Investments (Yield)**

- a. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

### **3. AUTHORIZED FINANCIAL DEALER AND INSTITUTION**

The Sturgis Public Library Board of Trustees shall designate its public depositories. Any eligible financial institution that has offices within the State of South Dakota may become a public depository of the funds of the Sturgis Public Library.

The Sturgis Public Library Board authorizes the placement of cash resources in the following financial institutions:

- A. First Interstate Bank

### **4. AUTHORIZED AND SUITABLE INVESTMENTS**

The Sturgis Public Library Board of Trustees is empowered by statute to invest in the following instruments: 7-20 Counties);

- Interest bearing checking accounts;

- Savings accounts;
- Certificates of Deposit (CDs): SDCL 9-22 (Municipalities), 13-16 (Schools), and 7-20 (Counties);
- Certificates of Deposit (CDs) purchased through CDARS® (Certificate of Deposit Account Registry Service) (SDCL 4-5-6.1

When investing in Certificates of Deposit (CDs) public funds will be invested at the highest rate of interest possible, after attempting to secure three (3) quotes.

The above listed authorized deposits will be kept in banks in South Dakota as required by SDCL 9-22-6 (Cities).

## **5. INTEREST EARNED**

The interest earned from investments shall be credited to the respective fund, as directed by the Sturgis Public Library Board of Trustees.

## **6. REPORTING**

The Sturgis Public Library Director shall prepare an investment report not less than quarterly, which provides a detailed status of the current investments.

## **7. DELEGATION OF AUTHORITY**

Authority to manage the investment program is granted to the Sturgis Public Library Board of Trustees. This Board, acting in accordance with written procedures and this investment policy, and exercising due diligence, shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of investments are carried out in accordance with the terms of this policy.

## **8. ETHICS AND CONFLICTS OF INTEREST**

Those involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the Sturgis Public Library investment program, or that could impair their ability to make impartial decisions.

## **Art Displays**

The Sturgis Public Library's Art Gallery is intended to enrich the Library experience of the patrons and promote the Arts in the community. Exhibits feature works by local and regional artists and special touring displays.

### **Exhibition and Display Space:**

The library has approximately 92 linear feet of wall space, 50 feet on the main floor and 42 feet upstairs. Exhibitors must use the track hanging system, (unless otherwise arranged with the library director).

### **Artwork may only be hung in the designated areas:**

The library also has a display case (with 5 shelves, 35" wide, 12" high). The case may be used by the artist or reserved separately for exhibits and displays.

Requests for use of the Gallery or display cases are subject to prior approval and must meet the following conditions:

- Artists will be scheduled by a representative from the Arts Council, with assistance from the library.
- Individuals and organizations are responsible for preparing, hanging and tear down of the exhibit. Assistance from the library staff will be provided in special circumstances.
- Exhibits and displays are generally limited to one month, depending on the type of exhibit and the scheduling of other exhibits. The time period is left up to the discretion of the Arts Council and/or Library Director or designee.
- The library will try to protect materials displayed but is not responsible for loss or damage to materials. All exhibitors are required to sign a release form.
- The Arts Council retains the right to reschedule exhibits if the need arises.

**Exhibitors:**

Display privileges may be granted to any group or organization whose purpose for the display promotes the educational, intellectual, cultural, or social enlightenment of the community. Private collections, traveling exhibits, local products, and the works of public institutions may be displayed.

Partisan political, F, or commercial organization displays are not permitted unless the material displayed is impartial, or is a project specifically related to the goals of the library.

**Exhibit Guidelines:**

The following guidelines must be followed when creating the exhibit:

- Works must be approved by the Arts Council and/or Library Director or designee.
- An application form is available at the library.
- Delivery and pickup times are arranged through the Arts Council or Library Director.
- Exhibits will typically run for one month.
- Final placement of work will be hung at the discretion of the Library Director or designee.
- All artwork should be "ready to hang," i.e., matted, framed (with hanging wire attached) and identified as appropriate to the pieces, or display.
- Descriptive signs and biographical information are permitted and should be provided by the artist when possible.
- The artists may have their work for sale and should provide contact information on the works. The library will not broker the sales and does not take a commission, but donations are welcome and appreciated.

**Exhibit Limitations:**

The artwork displayed, and the manner in which it is displayed, will be regulated to the extent necessary to prevent the artwork's physical characteristics from interfering with library patrons' and staff's use of the facilities for study, work, learning and enjoyment. The library welcomes expression of all viewpoints. However, to prevent injury to library patrons, exhibited artwork may not contain the following:

- Material that threatens violence or intimidation of any individual or group.
- Obscene or explicit material, defined as material that the average person (applying contemporary community standards), would find offensive.

The library will remove any artwork violating these policies from the gallery space immediately. The library will be not be responsible for the storage or condition of any artwork removed.

As the City of Sturgis does not carry insurance for displayed items, exhibitors are encouraged to insure their exhibit.

**Behavior Policy****(Rules of Conduct)**

In order to provide and maintain the library as a reliable community resource in a comfortable, safe, and welcoming atmosphere for all, we ask that you observe the following Library Rules of Conduct:

Be considerate of others. Behavior appropriate to public areas is expected at all times. Loud talking, raucous laughter, offensive or abusive language such as profanity, obscenity, racially or sexually harassing comments, threatening language or otherwise engaging in disruptive behavior is not allowed. Harmful acts such as hitting or pushing, running or playing physically active games are prohibited throughout the library.

Entry to the building must be kept safe and uninterrupted and there is no loitering on the sidewalks or steps. Skateboarding, biking or rollerblading is not allowed anywhere on the property, inside or out. Bicycles must be placed in the bicycle racks.

Admittance will not be granted to those not wearing shoes, shirts, and other proper attire. Exposed swimsuits and obscene clothing are not allowed. Strong body odors, strong perfume, or essential oils may interfere with other patrons' use of the library. Patrons may be asked to leave the library if excessive odors become a disturbance.

Patrons may not enter non-public areas, including staff workrooms, offices, and storage areas without proper authorization from the Library Director or his/her designee.

Electronic devices are permitted only when used with headphones that keep sound from being heard by others. Patrons are encouraged to use their cell phones in the lobby areas or, if needed, in the study room.

Smoking is not allowed in the library or in the breezeways or within 25 feet of the building; use of e-cigarettes is also prohibited. Drugs and/or alcohol are not allowed.

Any object that is displayed or used in a manner appearing to intimidate and/or cause fear or harm to patrons or staff is not allowed on library premises.

The designated quiet areas are the study and testing room on the main floor, and the Bob Lee corner upstairs.

Animals are not allowed in the library except as needed to assist patrons with disabilities.

Use of the meeting rooms or the balcony is not allowed without proper authorization and should be reserved in advance whenever possible.

Moving furniture or putting feet on furniture is not allowed.

Laying or lounging on the floor, or sleeping anywhere in the building is not allowed.

Library patrons who ignore staff requests to comply with the above policies will be asked to leave the library property. Patrons who repeatedly violate the behavior policy or pose a threat to the comfort and safety of other patrons or the library staff may have their library privileges suspended for a time period specified by the Library Director.

## **Child Safety Policy**

The Sturgis Public Library welcomes children of all ages and offers a wide variety of programs, services, and materials for them. While the library is intended as a “door to lifelong learning” it is also a public building. Almost 85,000 people visit our library every year. Anyone can enter and leave the building without supervision by the library staff.

The library staff has many duties to attend to in serving our patrons and is unable to provide supervision or care for young children in the library. Without the knowledge of the library staff, a stranger could approach a young child left alone in the library or that child might wander out of the library and off the library premises. The library cannot assume responsibility for children left in the library, nor can it assume responsibility for children left at the library at closing time. To insure that children have a pleasant, safe experience at the library, parents and/or caregivers are asked to observe the following rules:

- Children under the age of 8 should be within sight of a parent or responsible caretaker over age 16 at all times while on library property.
- **Arrangements should be made to pick up all children before library closing time.** (Library hours are Monday-Thursday 8:00am-7:00pm, Friday 8:00am-5:00pm, and Saturday 8:00am-4pm; closed Sundays and holidays.) **If a child is not picked up by closing time, and library staff has attempted to contact the parents/caregivers and contact has not been made, the staff member will contact the Sturgis Police Department and will place the child in the custody of the police.**
- Everyone regardless of age is subject to all library rules and regulations. Parents or guardians are responsible for the conduct of their minor children (*under age 18*) while on library property, regardless of whether or not they accompany the child to the library. If children without adequate supervision are misbehaving on library property the police will be called to take appropriate action.
- An incident report will be filed for each violation of these rules. Repeated violations of these rules may result in suspension of library privileges



### Young Children

The Sturgis Public Library encourages visits by young children and it is our desire to make this important visit both memorable and enjoyable for the child. Library staff is not expected to assume responsibility for the care of unsupervised children in the library.

Therefore, it is library policy that all children under age eight (8) must be accompanied by a parent or designated responsible person while in the library. Also, if the young child is attending a library program, we require the parent/responsible person to remain in the library throughout the program.

### Disruptive Children

Children of all ages are encouraged to use the library for homework, recreational reading, and program attendance. The library staff realizes that the library will be noisier at busy times and the children by nature can cause more commotion. However, children (whether with parents or not) who are being continually disruptive will be given a verbal warning that he/she must settle down or will be asked to leave the library. If after a second warning the child continues to be disruptive, he/she will be asked to leave the library. If the child needs to contact a parent, they may do so and then wait with a staff person until the parent arrives.

## **Computer/Internet Usage Policy**

### Mission Statement

The primary goal of the Sturgis Public Library is to provide equal access to up-to-date information in useful formats; to create environments that foster a literate community, life-long learning, and personal enrichment; to strengthen information partnerships through resource sharing; and to actively promote library services, programs, and materials to the community.

Consistent with the Sturgis Public Library Mission Statement, the library provides computer and Internet access for research, education, and personal enrichment.

### Access by Minors

Children under the age of 18 must have a signed Computer Use Agreement form on file at the library in order to use any computer at the Library. Sturgis Public Library is aware of the need to protect children from inappropriate or graphic content on the internet and has controls in place to meet CIPA requirements.

### Rules Governing Use

Due to the limited resources available for provision of public access to computers and the Internet, the Library may set limits, for example, on use of large files of still or moving images or sound, or on downloading or uploading files in any medium. The Library also reserves the right to limit the amount of time an individual user can devote to a single session. The public must comply with all applicable federal, state, and local laws governing the transmission and dissemination of information while accessing the internet and with all library policies and procedures.

### Public Users' Security

Users should be aware that the Internet and the Library's wireless network are not secure mediums and that third parties may be able to obtain information regarding users' activities. However, Sturgis Public Library will not release information on the use of specific computer or Internet resources by members of the public except as required by law or necessary for the proper operation of the Library.

Users are responsible for what they access online and for the information they share online. Users are responsible for practicing basic online safety such as navigating to real websites, signing out of accounts, and protecting their personal information. Users are responsible for any loss they may incur from the use of the library computers, network, or facilities.

### Internet Use

The same principles that guide the use of other library resources apply to the use of the Internet. The Sturgis Public Library expects patrons to use the Internet in a responsible manner respecting the rights of others and our library rules of behavior. Use of the Internet is a privilege, not a right, and unacceptable use will result in suspension or cancellation of the privilege.

- Patrons should check in at the desk to use the computers and will be assigned a computer when necessary.

- Access sessions will be limited to 30 minute segments. If a user would like to use the computer for longer, it must be authorized by Library staff.
- Users will respect copyright laws and licensing agreements.
- Homework, research on the Internet, or using library online resources is a priority use over other activities such as e-mail, social media, or games.
- By mutual agreement, two persons may share one access session as long as their behavior or conversation does not disturb other users or library staff.
- As with other library materials and services, parents or legal guardians of children are responsible for the information selected or accessed by their children. Parents should let their child know if there are materials that they do not want him/her to use.
- If a user feels that a website should be blocked or unblocked, they may fill out a Website Reconsideration Form. The Library will examine the website and determine if the website status should be changed based on library policy.

### Unacceptable Use

Internet computers shall not be used for illegal activity, to access illegal materials for unacceptable use, or to access materials that would be considered obscene.

Examples of unacceptable use include, but are not limited to:

- Degrading or disrupting equipment or system performance
- Installation, downloading, or modification of software
- Vandalizing the data of any other user
- Gaining unauthorized access to resources, restricted files, or networks
- Attempting to view or read material being used by others
- Violating Federal, State, or local laws or regulations
- Using sounds or visuals that may be disruptive to others
- Accessing material that is obscene, such as any type of pornography or accessing sites that are not allowed to minors

### Sanctions for Abuse of Internet Privileges

When an abuse of Internet privileges is observed or is called to the attention of the librarian, the patron will be suspended from computer use for the rest of the day.

Repeated unacceptable use and/or gross and flagrant abuse will result in suspension from the library.

Patrons who persistently abuse Internet privileges will be permanently suspended from use of Internet terminals in the Sturgis Public Library. This will be done by the Library Director or designated staff upon full investigation and documentation of all abuses and complaints.

When access privileges are suspended or terminated, patrons will be given information concerning the process to protest the action and/or request that Internet access privileges be reinstated.

All apparent violations of state, federal, or local laws will be referred to appropriate legal authorities.

### Printing

Printing and copying fees are \$.15 per page in black/white and \$1.00 per page for color. The printing fee is charged even if a patron provides his/her own paper. At no time should anything that falls under the unacceptable use categories listed above be printed using the Sturgis Public Library printers. The Library is unable to perform large printing, copying, scanning or laminating jobs for patrons. A self-service copier is available for patron use.

### Headphones

Patrons who wish to hear audio content in the Library must use headphones. The Library does not provide headphones.

### Training

Staff is available to introduce Internet access and provide initial instructions on its use. However, to ensure the equitable delivery of all library services, the amount of time staff has available to provide Internet instruction is limited. Individual

computer training can be scheduled with staff as requested. Library staff members are not allowed to perform computer or Internet tasks for the patron. Patrons must create their own accounts, profiles, passwords, and documents. Staff may refuse to assist patrons uploading documents which may appear to constitute unacceptable use as defined in this policy.

## **Mobile Hotspot Lending Policy**

To increase digital access for area residents, mobile Hotspots are available to borrow from the Sturgis Public Library. Mobile Hotspots help in fulfilling the Library's mission to provide access to informational, educational and cultural resources by providing an access point to digital resources. A "Hotspot" consists of the mobile wireless Hotspot device itself as well as its charger, charging cord and case. Borrowers are responsible for the safe-keeping and return of these items to the library in good working order and assume liability for the equipment while in their care. The patron must sign the Library's Hotspot Agreement the first time a Hotspot is checked out. When a patron borrows a mobile Hotspot, the patron's use of the equipment is available under the following terms and conditions. By borrowing a Hotspot, the user agrees to abide by the Library's policies and rules, and agrees to hold the Library and its agents harmless from any claims, losses, damages, obligations, or liabilities directly or indirectly, relating to the use of the library's Hotspot and the internet access provided by the library.

### Circulation

- Mobile Hotspots may be checked out by a resident of Meade County, or the Meade 46-1 School District, who is seventeen (17) years-of-age or older with a 6-months-or-older active Sturgis Public Library Card in good standing.
- Good standing is defined as an account with a current address and phone number, and no outstanding fines or fees.
- The lending period is seven (7) days and may be renewed if not reserved.
- Reservations may be made for mobile Hotspots. Reservations will be filled in the order in which they are received; patrons will be notified when their hold is ready for pickup.
- Reservations not picked up within 2 business days (48 hours) of the requested pickup date may be cancelled.
- Hotspots must be returned to the library circulation desk during regular business hours. Hotspots may not be returned in the library's book drop.
- If the mobile Hotspot is lost or not returned by the due date, wireless service will be terminated, and the Hotspot will become unusable.
- It is the patron's responsibility to know the due date for the mobile Hotspot to be returned.
- Mobile Hotspots will not be considered returned until ALL items associated with it have been returned to the library.
- Borrower is responsible for damaged, missing and /or lost pieces of the borrowed items. Borrower agrees to pay any replacement costs, as determined by the library.
- If the mobile Hotspot is damaged or not returned within 7 days of the due date, the borrower can be charged a replacement fee at the current rate for the Hotspot (approximately \$199). The mobile Hotspot must be returned in less than 30 days for the lost fee to be waived.
- If the Hotspot is lost, stolen, or damaged, borrower agrees to notify the Sturgis Public Library.
- Borrower will be charged the replacement cost for a lost or damaged charger or charging cord.
- If the Hotspot battery is lost or damaged borrower may be charged for its replacement at the current rate.
- The library reserves the right to temporarily take a Hotspot out of regular circulation to make it available for a specific community event or meeting.

### Usage

- Parents are responsible for monitoring minor's use of the internet while using the mobile Hotspot. Users are responsible for practicing basic online safety and protecting their personal information. The library reserves the right to restrict inappropriate use and any sites deemed graphic or dangerous; and may block access to streaming services or other sites as needed to provide intended services to patrons.
- Use of the mobile Hotspot is subject to the Service Provider's Acceptable Use (Technology) Policy, Privacy Policy, and Terms and Use.
- The Library or Service Provider is not responsible for any files, data, or personal information accessed, transmitted, lost and/or damaged while accessing the internet via the mobile Hotspot.
- Hotspot checkouts are limited to one device per household.

- Deliberate altering or modifying of the configuration of library-owned equipment is strictly prohibited.
- Performance of the Hotspot will vary depending on location and coverage in the area, and the device(s) connected to the Hotspot.
- Hotspots must be kept in a temperature-controlled environment (not left in extreme temperatures).
- The library does its best to provide clean, secure, and fully functional equipment, but is not responsible for charging the device or unforeseen hardware or software issues.
- Users who experience issues with their use of the Hotspot should contact the circulation desk. In the event an immediate solution cannot be found, the device should be returned, and the patron will be added back to the front of the reservation list.
- For each day a mobile Hotspot is not returned after the due date, a charge of \$5 per day will be charged to the patrons account up to \$10 in late fees. Users who return Hotspots late may lose further Hotspot borrowing privileges for one month. Failure to abide by the terms of this policy may result in the loss of borrowing privileges.

## **Library Fax Services**

Only a member of the Library staff may operate the fax machine.

Outgoing faxes will be sent as expeditiously as possible – the service will be cut off one-half hour before closing time.

Incoming faxes will be held for 10 days only.

Patrons may pay by cash or check only.

The Library will do its best to ensure that the fax is sent; patrons will be reimbursed if the fax does not go through.

The Library will not be liable for faxes sent from or to our fax number. It is up to the patron to ensure that the intended party has received or sent the information.

Fax charge for sending will be \$2.00 for the first page, then \$1.00 per page up to 10 pages. Additional charges may be waived or discounted at staff discretion.

Incoming fax charge will be \$.50 per page.

The Library will not send international faxes.

## **Emergency Procedures**

The Sturgis Public Library promotes the safety of all patrons and staff. In case of disaster, the following policy will be followed:

For Emergency Situations:

- In case of a fire - Call the fire department at (911) and clear the building. Library staff should evacuate the patrons and after ensuring that everyone has safely left the building, meet in the 1st Interstate Bank parking lot. If the fire is small, in a contained area and of no danger to staff, trained staff may attempt to put out the fire with the extinguishers.
- In case of a tornado - If the town alarm sounds, take shelter under heavy furniture or counter. Stay away from windows and bookshelves. Patrons and staff should move to the hallways that are by the Rally Office or to the library back rooms. In the event of an earthquake, patrons should be evacuated out of the building and staff should meet in the 1st Interstate Bank parking lot.
- In case of a health emergency - Staff members and volunteers should not administer first aid of even a minor nature. The sick or injured patron should be made comfortable and protected from needless disturbance until medical help can be obtained. The Sturgis Ambulance or 911 Rescue Squad/Police should be called immediately in the event of a head injury or other serious problems. No medication--including aspirin--should ever be dispensed to the public.

- In case of a severe snowstorm – In the event the public schools close or the weather is of a nature that is dangerous to the staff members, the library may close. Changes in hours should be posted on all library doors. The library director will also try to have the closing announced on the local radio station and city web site. Whenever possible, known cancellations or closings should be posted in public places ahead of time.
- In case of power outage – All patrons must leave the library in the event of a power outage. Staff should assist patrons in evacuating the building. The library will not open in the morning if there is no power, but will make every effort to open when power is restored. If someone is trapped in the elevator, notify the Library Director immediately, and/or call the Fire Department 347-5801 or 490-1910 (Tom Trigg). If not available, then call Public Works at 347-3916 or 347-1832 (Director Rick Bush).

For dangerous or problem behaviors by individuals:

In case of a threatening phone call – Hit record and try to keep the caller on the line as long as possible.

1. Ask the caller to repeat the message and, if you can, write down every word spoken by the person.
2. Pay particular attention to peculiar background noises such as motors running, background music and any other noises, which may indicate from where the call is originating. Listen closely to the voice (male, female), voice quality (calm, excited), accents and speech impediments.
3. Immediately after the caller hangs up, call the police (347-2573 non-emergency, or 911 if immediate threat is perceived).

In case of intoxicated, abusive or irate patrons - Abusive behavior does not have to be tolerated. Your personal safety is always a priority! At all times during an incident with an angry customer, establish the level of risk to yourself, other patrons and even to the hostile customer themselves. The following is a guideline to help you evaluate your level of risk:

Level one: Customer is showing signs of irritation, frustration or dislike. There is no threatening behavior at level one. Level one behavior is usually handled by a single employee unless it is clear that the customer is escalating to level two.

Level two: Customer may be loud, aggressive or angry. Their behavior becomes very defensive in nature. This level is handled by at least two employees. The supervisor should be called.

Level three: This customer is physically or verbally abusive or is menacing by word or action. Any person who is armed, intoxicated or extremely mentally unstable should be considered in the level three category regardless of their behavior. This is because of the unpredictability in these situations. Call 911 immediately and plan to evacuate or shelter in place if needed. After calling 911, staff should use the building intercom page system to warn other offices of a potential situation. Staff and patrons should then proceed to evacuate the building or shelter in place. The staff will meet in the First Interstate parking lot once an all clear is in place.

1. If a library patron becomes abusive, remain calm and keep your voice low and firm. Such behavior is usually in response to library policy, not your policy. Ask another staff person to assist you.
2. Ask the offender to leave the library. If you observe another colleague in this situation, ask if you can be of help.
3. If the patron does not cease the abusive behavior, summon your supervisor. With your colleague and/or supervisor, advise the patron that the police will be called if the behavior does not cease. Do not hesitate to call police when the patron has reached level three risk. After calling 911, staff should use the building intercom page system to warn other offices of a potential situation. If needed, staff and patrons should evacuate the building or shelter in place. The staff will meet in the First Interstate parking lot once an all clear is in place.

An Incident Report form should be filled out for all of the above behaviors.

## **Exam Proctoring Policy**

It is the responsibility of the student and the institution requesting the proctoring of an exam to verify that the guidelines and conditions presented here are acceptable before having the exam sent to the Sturgis Public Library.

- It is the student's responsibility to make sure that the library received the exam and that the institution receives the returned exam upon completion. The library will not keep copies of exam materials.

The library will proctor mailed, e-mailed, or faxed exams. Any costs for printing will be charged at the current rate per page.

The library will provide workspace and limited supervision. Library staff will check identification if necessary.

Library staff will read and follow all instructions for administering the exam.

- If there is a conflict between the instructions that the library has and the instructions given to the student, the library will follow the instructions they received from the institution.
  - o It is the student's responsibility to contact the institution if there are questions about the instructions. If changes are made to the instructions, notification must be sent to the library prior to the start of the exam.

Library staff will proctor exams by appointment only. Exams must be taken during library open hours and must be completed 15 minutes prior to library closing time. It is the student's responsibility to notify the library if they are unable to make the appointment.

The student may use a library computer for online exams and time limits will be adjusted if necessary. All other needed equipment or tools must be provided by the student or testing institution.

Exam proctoring may be canceled or postponed if the exam materials are not received in time, require clarification, incur any expense, or otherwise exceed our ability to comply with the testing institution's requirements.

Library staff proctoring the exam will complete appropriate documentation forms provided by the institution. The library will mail or ship completed exam to institution if a postage paid envelope is provided, or student or institution has made prior prepaid arrangements with another commercial carrier. The library is not responsible for any costs in obtaining or returning the exam.

Exams not completed by the student within 30 days of receipt by the library will not be retained unless student has made prior arrangements.

## **Interlibrary Loan Policy**

Interlibrary Loan (ILL) and Holds Services allow patrons to obtain materials (not locally available) from participating Black Hills Library Consortium libraries, libraries in South Dakota, and throughout the United States. Interlibrary Loan is intended to supplement the library's collection; in meeting patron needs, the Library will exhaust local resources first.

All current Sturgis Public Library cardholders with accounts in good standing may request items through Interlibrary Loan. Items that may be requested include books, audio books, movies and photocopies. Some requests may not be filled due to high demand, copyright restrictions, inability to locate, or rarity of item.

A patron may have no more than five (5) ILL items on request at any given time. Materials that cannot be requested include items owned by the library and temporarily unavailable and electronic full text information readily available through the library databases. The library will generally not request any items that have been published within the last six to twelve months.

Patrons may place an ILL request in person at SPL, or by calling SPL. SPL does not charge an ILL fee, but other libraries may. In the instance of a fee, the ILL librarian will contact the patron to inquire if the patron is willing to pay the fee before requesting the item. ILL requests will be sent to libraries that charge if no other libraries can loan the requested materials.

Loan periods are determined by the lending library. Items generally are loaned to patrons for three weeks. Items will be considered overdue if they are not returned to SPL by the assigned date due. Lost, damaged or stolen ILL materials are subject to the lending library's policies. Charges for lost or damaged materials, as well as overdue charges for ILL items

are the responsibility of the borrower. These charges will be reflected on the patron's library account and may impact his/her borrowing privileges.

The lending library determines whether or not renewals are allowed. Contact the ILL department at the Sturgis Public Library to request information on specific item renewal options.

## **Library Confidentiality**

### **Patron Records**

In accordance with State law, all public library records containing personal information are confidential. Additionally, all internal library documents intended for library staff are considered confidential. Failure to comply with this policy may result in disciplinary action.

Examples of confidential patron records include:

- Computer use logs
- Patron registrations and records
- Circulation information
- Holds and interlibrary loans
- Any information the library maintains that may identify a person (use of periodicals, reference, etc.)

Examples of confidential internal documents include:

- Patron incident reports
- Staff performance appraisals
- Staff addresses and telephone lists

### **Patron Presence**

Patron presence in the library is not confidential. However, an individual's activities within the library are confidential, unless those activities are illegal.

In the event that an individual asks whether a particular patron is or has been in the library, staff shall not routinely provide that information. In an emergency situation, staff may deliver a message to the patron if it is known that he or she is in the building.

Items left in the library (i.e. backpacks, purses) belonging to patrons may be searched by staff for identification purposes or if they are of a suspicious nature. The police will be notified if suspicious items are found.

### **Patron Email**

Patrons have the option of providing the library with their email address for the purpose of notifications about library accounts/library activities. Patrons can personally manage their email notification preferences in the Koha library system or request library staff to make the changes.

Patrons also have the option of subscribing to library newsletters and announcements. Patrons can unsubscribe from email newsletters by clicking on the Unsubscribe link within an email or by requesting library staff to make the changes.

## **MakerSpace**

### **What is a MakerSpace?**

A MakerSpace is a space for making things. The Sturgis Public Library will provide a regular MakerSpace time and location for designing, learning, and creating. The MakerSpace is for school-age children. A library staff member will be available to assist with creative ideas and challenges; parents are encouraged to assist younger children. A variety of tools and materials will be provided.

### **Safety**

Consistent with the Sturgis Public Library Behavior Policy, those in attendance of the MakerSpace program will be expected to follow the library's rules of conduct. Any unacceptable behavior (bullying, offensive language, disrupting others, misuse of tools or materials) will be cause for immediate expulsion.

In addition, 'Makers' must be able to appropriately use tools such as scissors, Xacto knives, wire cutters, glue guns, etc. 'Makers' are expected to ask for assistance with unfamiliar tools. The library is not responsible for accidents from tools or damage to clothing from materials.

'Makers' are required to clean up after themselves and to follow the direction of library staff at all times. Making anything that resembles a weapon is strictly prohibited.

## **Meeting Room Policy**

The Sturgis Public Library meeting rooms are available for use by local organizations, individuals, or businesses. The rooms must be reserved by a Library staff employee and will be available for educational, cultural, or public service activities. Maximum time limit for meeting rooms is three hours unless prior permission is approved. The Library reserves the right to limit the use by any one group to accommodate the many requests for the facility. Occasional exceptions or accommodations to this policy may be approved by Library Management on a case-by-case basis.

Seating arrangements are the responsibility of the group using the room. Chairs and tables must be returned to the previous set-up before leaving.

A cleaning deposit of \$20.00 is required. Deposit will be refunded if rooms are left in pre-rental condition.

Groups using the Library meeting rooms may not charge an admission fee or sell products or materials with the exception of fees for community classes or to cover the cost of supplies.

Library meeting spaces will not be available for funeral, memorial services or religious gatherings.

Smoking, including e-cigarettes, and the burning of candles or other flames are not permitted. Additionally, diffusers, incense and oils are not allowed. Exceptions may be approved by staff discretion with prior notification.

### **Sturgis Public Library Available Meetings Rooms Include:**

**Community Room: A (West) + B (East)** (seats up to 80, room can be divided for groups under 40 people. Refreshments are allowed). Users need to allow time to set-up the room, and to pick up and restore the room to arrival condition before leaving. **ABSOLUTELY NOTHING MAY BE ATTACHED TO ANY OF THE WALLS INCLUDING THE ROOM DIVIDER WALL. THIS INCLUDES BUT IS NOT LIMITED TO THE UE OF TACKS, PINS, TAPE, ETC.** Seating arrangements are the responsibility of the group using the room. Several organizations (with annual approval by the Sturgis Public Library Board of Trustees) have been authorized to use the meeting room after scheduled library hours; Those organizations must ensure all individuals have exited the building and the doors are securely locked.

**AV System:** Users are asked to request access to the AV System when reserving the room and to become familiar with the operation procedures. Advance notice is required when staff assistance with the library sound system and visual equipment is requested. A deposit or Driver's License may be required to check out the Library's computers (not available for after hour use), cables, Barcos, microphones, or remotes. Please ensure that microphones and equipment are turned off after user.

**Kitchen:** The kitchen, which is not a certified commercial kitchen, is available for use after a waiver of responsibility is signed. Generally, kitchen use is limited to serving catered meals, and providing beverages. Alcoholic beverages may be considered but must be approved by Library supervisory staff prior to the room reservation. If a user is approved for preparing and serving food, an additional deposit of \$100.00 is required. Menus must be included with the reservation application for prior approval. Each group must provide all food, beverages, tablecloths, napkins, cups, utensils, etc., and is responsible for cleanup. Food and beverages are restricted to the meeting room only.

**Main Floor Quiet Room:** The "Quiet" Room is designed as a quiet area for patrons needing an area for fussy or over-stimulated individuals, nursing mothers, occasional cell phone conversations and online interviews. The



“Quiet” Room cannot be reserved. However, it is available upon request through a Library staff employee at which time the door access will be assigned.

**Main Floor Study** (seats 2-4). Priority of the Main Floor Study is for testing and staff proctoring. Students studying, personal computer use, or patrons needing to use their cell phones will be allowed the use of this room if testing is not scheduled.

**The Lushbough Room** (2nd floor, seats 10). This room is available by registration at the Circulation Desk for small group meetings and for individuals needing a quiet space.. Food and beverages are NOT allowed expect with prior permission. Access to the unique collections in this room are permitted by request through Library staff.

**Outside Patio** (2<sup>nd</sup> floor, seats 14, maximum capacity is 70). Advance reservation is required for use of the outside patio. Meetings and/or events will be held during regular Library hours. Meeting/events MUST be concluded no later than 15 minutes prior to Library closing so participants have exited the facility by closing time. Refreshments are allowed, as is the gas grill (with staff approval). Cleanup is the responsibility of the people using the patio. Upon request, a building staff member will provide access to awnings.

It is understood that the public will be welcomed at all meetings for non-profit organizations. In accordance with the Library Bill of Rights, a person’s right to use a library should not be denied or abridged because of origin, age, background, or views. Any group requesting to use the library must adhere to library policies. The fact that a group is permitted to meet in the library does not in any way constitute an endorsement of the groups’ policies or beliefs.

Any behavior considered inappropriate in the library will not be tolerated. Group members are responsible for the supervision of their children while using the meeting rooms.

### **New Patrons**

Anyone who resides in Sturgis, Meade County, or the Meade 46-1 School District, or works in Sturgis, is entitled to become a registered borrower of the Sturgis Public Library.

New borrowers must have two forms of identification with their current local address to apply for a library card. This includes a valid local Government issued photo ID *or* proof of residential or business property ownership, or rental of property, *plus* one additional item to verify the address or business address (such as a work I.D. or pay stub).

There will be limited check out until the card is received in the mail; and a limit of 2 item checkout for the first six weeks.

### **News media in the Library**

Representatives of the news media who contact the library must be referred to the Library Director or Assistant Director. They should also be informed of any requests to interview staff or patrons.

Patrons may participate in media interviews as long as it does not disrupt or disturb other library patrons in accordance with the library’s Behavior Policy.

In regard to a library patron having his or her photograph taken or being videotaped in the library, patrons have no reasonable expectation of privacy while in the library, due to the public nature of the building. Additionally, the news media is not required to ask permission from people who appear in news pictures or stories.

### **Overdue Fines**

Each overdue book or audio book will be fined at \$.10 per day per item, with the maximum fine set at \$10.00 per item. Fines begin collecting the day after the item is due and apply to both children and adults.

Movies will be fined at \$1.00 per day, with a maximum fine set at \$10.00 per item. Staff may make exceptions to this policy as circumstances dictate.

## **Video Loans**

Movies may be borrowed by registered patrons, age 18 or older.

Loans are free of charge.

The loan of movies is for 1 week. The fine for overdue movies is \$1.00 each day up to \$5.00 maximum per item. Each qualified patron may have 3 movies checked out on their card.

Library movies are for home viewing only.

## **Volunteer Policy**

The Sturgis Public Library Volunteer Program is designed to expand and enhance public service to the community. Volunteers generally provide support services to paid staff, or assist with special projects. Volunteers are expected to act in accordance with all library policies and to reflect positive customer service attitudes to all library patrons.

### Selection of Volunteers

Volunteers are not “employees” of the City and will be recruited for specific tasks or functions rather than on a general basis. Volunteers will provide special, unusual, or supplemental services. Volunteers must be at least 14 years of age and must meet the age requirements of the volunteer opportunity for which they are seeking enrollment. Any volunteer under the age of 18 must have written permission from a parent or guardian.

Prospective volunteers are required to completely fill out an application form (available at the Circulation Desk) and go through the City’s screening process to ensure suitability for the volunteer opportunity. The Library Director may request an interview after reviewing an application, and background checks. Background fingerprint checks for those volunteering with children or special populations will be required prior to the start date. If there are no suitable volunteer opportunities, application forms will be kept on file for a period of six months.

Applicants will be called if a project is identified which matches their interests or qualifications.

The Library Director reserves the right to enlist or decline the services of any volunteer without cause.

### Volunteer Roles and Responsibilities

The Sturgis Public Library greatly appreciates its volunteers, but it cannot guarantee desired shifts or projects. Volunteers shall only volunteer during hours when adequate supervision is available. A volunteer’s schedule and specific time commitment will be mutually arranged in advance by the volunteer and the Library Director or immediate supervisor.

Volunteers will receive specific training in their assigned duties from the library staff member who directly supervises their service. All reasonable care will be taken to ensure the safety of volunteers.

Volunteers are subject to the Library’s Behavior Policy at all times when on the Library premises, as either a patron or volunteer. Volunteers will not be alone with an underage child and/or a vulnerable adult, except when in full view of staff and/or the Library’s closed circuit security cameras. (i.e. Volunteer will not accompany a child or vulnerable adult in the break room, bathroom, etc.) Further, volunteers will not agree to meet with an underage child and/or vulnerable adult outside of the Library setting.

The Sturgis Public Library does not compensate volunteers for time spent or expenses incurred. The City does not provide medical coverage or liability insurance for volunteers. Volunteers cannot bind or represent themselves as city employees. Volunteers cannot be city employees who perform similar work for which they are employed.

# Liquor Store

## Inventory Controls

Sturgis Liquors takes inventory controls very seriously to ensure inventory shrinkage is minimized. As such, inventory controls are applied at the store level through strict division of duties and all controls are audited by the Finance Office, per internal controls.

The Store also utilizes a closed circuit security camera system to deter and fully investigate theft. It is the City's policy to investigate perpetrators and prosecute theft to the fullest extent possible.

## Alcohol & Tobacco Sales

It is City policy to prevent underage drinking by preventing alcohol and tobacco sales and service to underage persons. It is City policy to prevent alcohol sales and service to intoxicated persons.

### Sales to Minors:

Sturgis Liquor Store sells alcohol and tobacco products. As such, Sturgis Liquor, pursuant to federal and state law, restricts the sale of alcohol by carding those customers who appear under the age of 21 and limiting sales only to persons 21 years of age and older. Sturgis Liquor, pursuant to federal and State law, restricts the sale of tobacco by carding those customer who appear under the age of 18 and limiting those sales to persons 18 years of age and older.

Staff will request proof of age (identification) from any customer who appears 21 years of age or younger for alcohol sales and 18 years of age or younger for tobacco sales. This does not apply to regular customers who are known to be of the legal age of to purchase alcohol and/or tobacco. If staff is unsure, staff must request identification showing they may legally purchase alcohol and/or tobacco.

We may accept the following as proof of age:

- South Dakota driver's license or identification card
- Other state-issued driver's license or state-issued identification card
- Any government issued identification with picture and date of birth (i.e. passport).

Sturgis Liquor Store reserves the right to, and will, refuse service to any customer who does not have proper identification.

All store employees receive educational training on the identification process for carding and a message prompts store team members to verify a guest's age whenever a sale is made.

Sturgis Liquor fully supports any undercover or sting operations operated by the Sturgis Police Department or other law enforcement jurisdiction. Arrest for sale to underage minors will result in disciplinary action, up to and including termination.

### Sales to Intoxicated Persons:

Staff is **not** authorized to sell alcohol to any person who look or acts intoxicated (even if they are not driving).

## Customer Behavior Policy

The following behavior is prohibited in the Sturgis Liquor Store and on our property:

- Behavior that endangers the safety or health of the customer and/or other customers and/or staff
- Behavior that disrupts staff in the provision of sales, events, customer services and other standard operations
- Acts in violation of any local, state or federal law
- Fighting or the physical threat of violence toward any person
- Vandalism or the deliberate destruction of property
- Theft
- Use of threatening or abusive language

- Verbal or physical harassment towards other patrons or staff.

Customers who ignore staff requests to stop the above listed behavior will be asked to leave the Store property. Customers who are intoxicated will be asked to leave the property and an offer to locate a safe ride will be made.

Customers who repeatedly demonstrate the above listed behaviors and/or pose a threat to the comfort and safety of other customers or the Store staff may be trespassed from the Store by the General Manager through the Sturgis Police Department.

## **Safe Rides**

The Sturgis Liquor Store does not condone driving while under the influence. If a customer is intoxicated, staff will ask the person if they are driving and help them get a safe ride. Staff is authorized to call for a cab on the patron's behalf. (Sturgis Liquor is not responsible for any cab fares that may be incurred.) If the customer refuses a safe ride and is not walking, the employee should call 911 to report a possible drunk driver.

## **Etching (Laser Engraving)**

### Policy:

Sturgis Liquors will custom etch (laser engrave) products purchased from Sturgis Liquors and with the prior approval of the General Manager. The customer must pay a set-up fee for all products to be etched. An additional design/artwork fee may be charged. Payment must be received prior to etching. City may be responsible for breakage. Customer is responsible for approving and authorizing all design and artwork. The City is not responsible for design errors. Etched product cannot be returned.

### Costs:

- Etching of an item in a quantity of 5 or less requires a set-up fee of \$25.00.
- Etching of an item in the quantity of 6 or more requires a set-up fee of \$10.00.

The General Manager reserves the right to waive etching fees in order to ensure sale of the product or increase fees depending on the amount of preparation required to develop a suitable design.

A design/artwork fee of \$15.00 will be required if the customer requests a customized logo or a combination of logo and script. No design/artwork fee is charged if the customer is only requesting script to be etched on the product or the customer provides a high quality digital version of the image to be etched. The design/artwork fee may be higher if the product is an odd shape or size or has other limits requiring additional time or care in developing a design.

### Procedures:

Sturgis Liquors will not engrave metal (i.e. steel or chrome) as the quality is often not ideal, resulting in less than satisfying customer experience.

Sturgis Liquors will not etch or engrave product with any image protected by a federally licensed trademark. Sturgis Liquors will not etch product with any profane or explicit language.

Should a customer wish to etch a product with a trademarked image held by the Sturgis Motorcycle Rally, Inc., documentation will be filled out to ensure compliance with the City's sponsorship licensing agreement with SMRI.

The customer must purchase the product from Sturgis Liquors. The customer must approve, in writing, the design prior to the etching.

The customer may provide the image to Sturgis Liquors. Image must be 300 dpi or higher. High contrast black and white images are ideal. We will not accept images via fax although faxed images may be provided for design ideas. Images taken from web pages are of low quality and are not usable as art work.

Once the design is approved by the customer, a trial etching will be done on the customer's item using painters' tape to avoid damage to the product. The final design will then be completed.

Any design created by staff remains the property of Sturgis Liquors and the City of Sturgis.

Etchings will be done within the limitations of staffing and service. At the time of payment for the etching, the staff will provide a time estimate for completion. Sturgis Liquors does not guarantee immediate nor even same day turnaround on etchings.

The General Manager reserves the right, at his/her sole discretion, to deny a customer's ability to etch an item.

## **Payment for Product "Over-the-Phone"**

### **Policy:**

Sturgis Liquors will accept payment for product over the phone and allow a customer to pick that product up within a fourteen (14) day period.

### **Procedures:**

Any customer who wishes to purchase an item over-the-phone must contact the Sturgis Liquor Store during regular business hours via (605) 347-5983.

No purchases valued more than \$1,000 will be purchased over the phone.

Credit card information will only be accepted over the phone and any accompanying documentation showing the credit card information will be immediately destroyed once the transaction is completed, per our policy.

Credit card information will not be accepted via email or other messaging system.

Once the sale is completed, then a waiting period of three (3) full business days (not including the date of transaction) will begin in order to ensure that the credit card purchase was not fraudulently authorized. If an employee accepts a payment over the phone and the waiting period of three (3) days is not fulfilled before pick up and the transaction is deemed fraudulent, the employee accepting the payment will be held liable for the cost of the goods.

Once the waiting period is complete, the customer may pick up the product.

The General Manager reserves the right, at his/her sole discretion, to deny a customer's ability to pay by credit card over the phone.

## **Medical Intervention**

The Liquor Store is not equipped with an AED.

In the event of an emergency, staff will immediately call 9-1-1 until the Sturgis Ambulance and/or Sturgis Police can respond to the Store and take over care. However, regardless of bystander wishes or statements, staff will call 9-1-1 for ambulance and EMS in case of a medical emergency where the person is unconscious or in an altered state of awareness or for any other situation where staff feels that a person's immediate well-being is endangered. It is understood that a person can refuse emergency medical treatment on their own behalf.

The Liquor Store staff will not provide over-the-counter medications to users.

## **Planning & Permitting Policies**

## **Permits for Subdivisions Governed by Covenants and/or Homeowners' Associations:**

When an individual seeks a building permit, Use on Review or Variance, the City will request information regarding whether the property is within an area covered by covenants and/or governed by a homeowners' association.

If the property has such restrictions, the applicant must acknowledge that they have read and understand that the issuance of a building permit for the property in no way overrides any covenants that may be in place. The applicant must also acknowledge that the developer or another property owner may seek other legal remedies if there is a violation.

Staff will also advise the property owner or the permit applicant that issuance of a building permit does not override a covenant and that a developer or other property owner may seek other legal remedies if there is a violation. This information shall also be printed on the permit.

If no Variance or Use on Review is required as part of the review process prior to issuance of a building permit (and the only City entitlement is a building permit), the portion of Title 18 stating that the City would consider covenants is not applicable. Therefore, a building permit could be issued with the acknowledgement that a permit does not override covenants being printed on the permit

However, when an individual seeks a Variance or Use on Review for a property that is covered by covenants or is governed by a homeowners' association, then the request shall be follow the typical review and approval process through the Planning Commission and City Council. This process does consider the covenants as described in the City's Ordinances.

## **Construction Blasting Policy**

It shall be the policy of the City of Sturgis to ensure that only controlled blasting is authorized within the City of Sturgis.

### Procedure

1. The City of Sturgis building permit application shall include a question asking if blasting would be required to complete underground utility line installation, foundation or other work.
2. Should the project require blasting, the application requesting blasting shall be required to be submitted at least two weeks before the planned blasting.
3. The blasting shall only be authorized if completed by an experience, licensed, insured contractor.
4. The Planning and Permitting Department shall only issue a permit that includes blasting if the contractor meets the aforementioned requirements and the blasting plan has been reviewed by the City Engineer and the Public Works Director.
5. The contractor will be required to contact all neighboring property owners at least one week in advance. The contractor shall provide a copy of the contractor's insurance and written blasting plan.
6. The City shall work with Meade County to include this policy within the City's 1-mile extra jurisdictional boundary.

## **Animal Shelter (Police)**

*(Police protocols and departmental policies are maintained in separate, internal documents.)*

### **Adoption Agreement**

*In addition to completing an adoption form, the adopter must acknowledge and sign the following agreement:*

I, \_\_\_\_\_, hereafter referred to as the “adopter”, hereby agree that the above described animal is being adopted by me solely as a pet for myself and/or my immediate family. I hereby agree to care for the below described pet in a humane and responsible manner and to provide it with clean and adequate shelter, food, water and veterinary care. I acknowledge that the financial responsibility to humanely shelter, food, water and care for this animal is my sole responsibility, including all veterinary bills such as sterilization, vaccination, and special medical care. I further agree that said pet shall reside inside my home and shall not be allowed to roam freely and I further agree that this pet shall wear a collar or harness with identification tags at all times when outside the home.

I understand and agree that the adoption fee of \$ \_\_\_\_\_ is reasonable and helps to cover the City’s expense of caring for this animal prior to adoption and is not refundable after forty-eight (48) hours. I understand and agree that I am fully and financially responsible for this animal from the moment this Adoption Agreement is executed, even if the animal should prove not to be a good match for myself and/or my family. I agree to return this animal within forty-eight (48) hours the Shelter if I decide the adoption is not successful and/or it is not in the best interest of myself, my family and/or the animal.

I further understand and agree that neither City officials nor staff make any representations or warranties, expressed or implied, about the above mentioned animal's temperament and I hereby absolve and release the City from any liability for future damages or injuries caused by said animal. As such, I understand it is my responsibility to use extreme caution when introducing this pet to other animals, children, and other unknown persons.

I hereby understand and agree that I will sterilize this animal (if it hasn’t been done already). It is my financial responsibility for these costs plus any related costs that may arise from the sterilization procedure.

I also understand and agree that, while the City has full authority to offer this animal for adoption, the former owner has given no guarantee or warranty, expressed or implied, of the suitability of the animal for adoption to myself and/or my family.

I acknowledge had the opportunity to express any concerns, questions or comments to the staff regarding this adoption and that I have not further concerns, questions or comments regarding such.

### **Surrender Policy**

Voluntary surrenders may only be made by the legal and lawful owner of the animal. Upon surrender, the owner completely gives up the ownership and all rights to the animal when they surrender it to the Sturgis/Meade County Animal Shelter. Beyond the standard fee for a normal surrender, the owner is no longer responsible for the financial cost of the animal.

If the Shelter has an animal in quarantine and the owner wishes to surrender the animal, the owner will be responsible for the fees of the 10 day quarantine AND the possible fees of euthanasia and disposal of the animal post-quarantine if euthanasia is deemed necessary.

If an owner wishes to surrender an animal for the purpose of euthanasia, the owner will be responsible for the euthanasia and disposal fees of that animal.

### **The Shelter has the right to refuse the surrender of any animal.**

Examples of animals that the shelter may not accept:

- Any animal that has bitten or has had aggressive tendencies.
- Any animal that is in poor health or physical condition.
- Any animal that has behavioral problems that would make that animal unadoptable

Once the animal is surrendered, staff will evaluate the animal. The Sturgis/Meade County Animal Shelter Staff will examine and temperament test all surrendered animals soon after they are received to determine if they are suitable for adoption and rehoming. Staff, in its sole discretion, decides if we can place the animal up for adoption. Ideally we would like to place all animals in new homes. However, we cannot guarantee that a new home will be found for this animal.

For animals available for adoption there is NO set holding period: it may take an hour, a day, a week or longer. Once an animal is determined as being eligible for adoption, its eligibility is continuously evaluated. An animal will be declared ineligible for adoption if there is a change in its physical condition or temperament or another reason which makes it unadoptable. At its sole discretion, staff may attempt behavior modification or rehabilitation to see if adoption of the animal may become possible. Those animals not placed for adoption will be humanly euthanized by a veterinarian after staff has determined that we have no other options for them. The Sturgis/Meade County Animal Shelter will not call the former owner if the animal is euthanized.

If the former owner wishes to inquire as to the disposition of an animal that is surrendered, they can do so by calling the Animal Shelter at (605) 347-8310. **Names and information of the new owners will not be released.**

Any owner who wishes to have a surrendered animal returned to them is subject to the standard adoption processes, fees, and restrictions. This does not guarantee that the previous owner will in fact have the animal returned to them.



## **Public Works Policies**

(Including Buildings, Cemetery, Parks, Sanitation, Streets, Water, Wastewater)

### **Memorials policy for Bear Butte Cemetery**

**Mission Statement:** The Parks Department for the City of Sturgis is striving to maintain Bear Butte Cemetery in a manner that will continue to beautify the grounds and control operational costs as the cemetery expands.

Whenever decorating a grave lot, the following measures shall be taken to ensure that all of the requirements for Bear Butte Cemetery are met. Rules and regulations shall be updated when necessary in order to manage and maintain the cemetery.

**GRAVE DECORATIONS:** The Cemetery is asking families and friends of loved ones buried at Bear Butte Cemetery, to refrain from overly decorating grave sites which makes it difficult to maintain the grounds and also takes away the beauty of the cemetery. The Cemetery is also requesting that family and friends who have put decorations on graves, makes sure they make frequent visits in order to remove old decoration, remove grass and weeds and anything else to ensure the beauty of their loved ones lot as well as the cemetery. Other than special observance days of celebration, all decorations shall be either setting in the monument vases on monument or foundation ledges, or a special feature for attaching decorations to a monument. Keeping decorations on the monuments and foundations and as well as limiting the amount of decorations put on a grave site will greatly improve the appearance, maintenance and operations of Bear Butte Cemetery.

#### **Fresh Cut Flowers:**

Fresh cut flowers shall be placed in vases only (vases shall be of the type described in 6.04.11 of the cemetery ordinances). Flowers that are placed on the ground shall be removed by the cemetery staff during the next mowing cycle and will be disposed of.

#### **Potted Plants:**

Plants are ONLY permitted on Easter, Mother's Day, Father's Day, Veterans Day, anniversaries, birthdays and INDEPENDENCE DAY. Plants that are not removed by the family with in (7) days after these special days will be removed by the cemetery staff and disposed of. We encourage families to remove them if it is something that they would like to keep. Plants will not be held in storage and the cemetery staff shall not be held responsible for plants removed.

#### **Artificial Flowers:**

Except for spring/ fall clean-up times, and special observance days, flowers shall be permitted in vases that are mounted to foundations or monuments as described in cemetery ordinance 6.04.11. Flowers may be attached to monuments with flowers saddles, shepherd hooks or similar factory constructed devices designed for hanging or holding flowers.

#### **Days of Special Observances:**

Days of special observance: Easter, Independence Day, Veterans Day, birthdays, anniversaries, Mother's Day, Father's Day. Decorations can remain on graves for (7) days for these special observances after which decorations will be removed without notice.

#### **Funeral Flowers:**

Funeral flowers will remain on the grave for (3) days, depending on the condition of the flowers due to the elements.

#### **Other Decorations and/or Memorial Items:**

The placement of chairs, stone benches, glass jars, trellises, toys metal signs, welded features, figurines or statuettes, poles (plastic or metal), beer cans, glass bottles, picture frames, wind chimes and other items hanging from trees, rocks, dolls, stuffed animals, edging, fences, foundations, shoes and clothing items, sports equipment, or any other such item placed on grave sites is inconsistent with proper keeping of the grounds and will not be permitted and will be removed.

#### **Flags:**

Flags will be permitted on graves in honor of our veterans to include the following days (Veterans Day, and Independence Day). Any flags remaining on graves after (7) days shall be removed without notice.

#### **Shepherd Hooks:**

Only (2) shepherd hooks are allowed on each grave lot or one double marker. Hooks shall be placed in-line with monuments and close to the foundation. They shall be constructed of a durable material to withstand mowing and trimming equipment working around them.

Solar Lights:

Only (2) solar lights are permitted on each grave lot or one double marker. Solar lights shall be placed in-line with the monument and close to the foundation. They shall be constructed of a durable material to withstand mowing and trimming equipment working around them.

Memorial Day Decorations and Flags: Decorations and flags may remain on graves for a period of (2) weeks following Memorials Day. Dates for decorations and flags will be posted at the entrances to the cemetery for this special observance period.

Cemetery Cleanup Scheduled:

Each year during the months of April and October, the cemetery staff will be cleaning up the cemetery to include graves. Any decorations that are old or are not in compliance with the rules and regulations of the cemetery shall be removed and discarded. The cemetery urges all families and friends that have decorations on lots at the cemetery to remove old and excessive decoration during these (2) clean-up periods each year. Cemetery Staff will not responsible for items remove from graves and disposed of.

Cemetery Operational Information:

Hours: The Cemetery will be open during the summer season from 8:00 o'clock a.m. until 8:00 o'clock p.m. and during the winter season from 9:00 o'clock a.m. until 5:00 o'clock p.m.

Pets:

Pets are not allowed in the boundaries of Bear Butte Cemetery

**LOITERING ON THE CEMETERY GROUNDS IS NOT PERMITTED.**

**Grave Marking Notification Policy**

It is the policy of the City of Sturgis that a minimum of two (2) business days advance notice must be given by the funeral home director or authorized family representative to the Sturgis Finance Office for a grave to be marked at Bear Butte Cemetery.

The City is under no obligation to make provisions to provide emergency grave location services when the two day notification minimum is not provided. Failure to properly notify the City will result in a delay to the scheduling of the committal service at Bear Butte Cemetery.

Notification Procedures:

To notify the Sturgis Finance Officer, the funeral home director or the authorized family representative may contact the department at (605) 347-4422 during regular business hours (Monday through Thursday 7am to 6pm), excluding holidays. A voice message left on the main number does not qualify as notice. City staff must be spoken with directly.

Email notice may qualify as notice. However, the time/date of notification will be the date/time that City staff responds to the email, confirming receipt and scheduling (and not the date the email is sent). Therefore, if email notification is used, the City highly recommends that the email be sent a minimum of three (3) business days prior to the grave marking deadline in order to ensure the two day notice deadline is met.

Additionally, calling another City Department in lieu of contacting the City Finance Office does not constitute notification.

**Parks Shelter Reservations**

Shelters can be reserved in advance for picnics or family reunions. Shelter Reservations must be made to the Public Works Office. We only accept reservations made for the current year. A key / clean-up deposit of \$20 is required at the time the

key is picked up and reimbursed when key is returned and the facility passes inspection. There is no fee for using the shelters, but donations are appreciated and help pay for the continual upkeep of our facilities.

The City does not require proof of liability insurance for your private event. However, you can often purchase a policy through your homeowner's policy (at little or no cost). If you are serving alcohol, it is highly recommended that you have a liability insurance policy in place. The City assumes NO RESPONSIBILITY for your event or incidents arising out of your event.

Rental form completion is required to reserve the date. Any changes to the rental booking must be made in person.

The responsible party must be present at all times during the event.

The responsible party is responsible for ensuring that all Park Shelter regulations are followed. The Park Shelter Use Regulations are the following:

- The day prior to your event, pick up your RESERVATION CARD and your shelter key (if using the kitchen). Display this Reservation Card at the starting time/day of your reservation for the shelter. There is a clip on the shelter for this card. Make sure the Reservation Card is secured from wind/weather as this is your proof of reservation.
- The City's parks are open from 6am to 10pm. The shelter may be reserved throughout the day by different parties. Respect the next group and clean up any garbage/litter resulting from your use. The group that uses the shelter after you will appreciate the use of a clean park shelter.
- Each shelter has electrical outlets. If there is a kitchen, the key will open that facility. Kitchen amenities vary by shelter. The Parks Department tries to leave extra bags in the bottom of trash cans, but if you anticipate a large group, you may want to bring extra trash bags. Clean the kitchen when you are finished. All trash should be placed in the nearby garbage tote.
- The Park and restrooms remain open to the general public from 6am until 10pm. The City of Sturgis is not responsible for incompatibility issues between groups reserving or leasing park areas in close proximity.
- Each shelter has a different occupancy rate and there are picnic tables inside each shelter to sufficiently accommodate this number of users. You may rearrange the picnic tables as needed.
- You may decorate the shelter. You may decorate various Park entrances or parkway drives for the purpose of offering directions to your event only. **DO NOT POUND NAILS INTO ANY TREES, SHELTERS, OR POSTS.** We suggest using tape, ribbons, etc. All decorations and/or directional signage must be removed at the end of your event.
- Do not drive or park on the grass.
- Alcoholic beverages may be consumed at a Parks Shelter by attendees of a PRIVATE party. (It is highly recommended that you provide alcohol liability insurance.) The City assumes no responsibility for any alcohol served or consumed at a private party. Alcoholic beverages must be contained within the shelter structure/patio.
- To serve alcohol at a public event at a Parks Shelter, the responsible party must have a special events license and insurance coverage. Special Events Licenses are coordinated at the City Finance Office and must be requested at least 30 days in advance.
- Fireworks are prohibited. Use of metal detectors are also prohibited.
- Bounce houses must be approved by City staff as part of the rental process. Certificate of liability must be provided. Bounce house location must be approved by the Parks Department to avoid accidentally staking irrigation lines, etc.
- Dogs are welcome, but must be on a leash at all times. Make sure to clean up after them.
- The Sturgis Police Department has the authority to enforce all City ordinances, regulations and policies related to City parks.
- The Parks Department works hard to keep the shelters clean and the facilities working properly, but occasionally problems occur that are beyond our control. Let us know of any problems so they can be corrected. Extensive damages to the property caused by misuse may be billed to the responsible party on record.
- Return the key to the Public Works Office as soon as possible following your event. We will return the key deposit at that time. You may donate this deposit to support our Park shelters.
- We are proud of our beautiful park shelters and want you to truly enjoy yourselves. We look forward to your visit and hope you have a wonderful time.

## **Process to Request Sports Facilities from the City of Sturgis Parks System**

New organizations or existing organizations opening a new program must also meet with the Parks Director ninety (90) days prior to the beginning of the season.

In order to request fields or facilities, all groups or organizations must submit the following paperwork thirty (30) days prior to the start of the season:

1. Signed copy of the Facility Use Agreement with Exhibit A
2. Copy of the association's complete league schedule (including games, tournaments, practice blocks, and any special events).
3. Current copy of the using organization's Articles of Incorporation or By-laws
4. A list of the Organization's Board of Directors and Officers along with their home addresses, phone numbers and email addresses.

Organization or group is required to perform criminal background checks on volunteers in accordance with the group or organization's bylaws and/or rules.

The City will review this request and the above listed supporting documentation. The City has an established policy to grant priority use of sports facilities to Sports Associations.

Group or organization must submit proof of liability insurance ten (10) days prior to the start of the season.

Throughout the season, the group or organization must provide updated copies of items 3 and 4 if they change.

At the close of the season, the group or organization should also notify the Parks Department of any capital Improvement requests, facility updates, repairs, etc. they will be requesting the following year, if known.

Group or organization shall thoroughly clean and remove all decorations, merchandise, trash and private property within seven (7) days of the end of the season.

## **Concessions, Advertising & Sponsorship at Sports Facilities**

The City has pre-existing sponsorship agreements that may limit advertising / sponsorship possibilities by groups and organizations who wish to use City facilities. Groups and organizations have the right to sell advertising space on the inside of the fences enclosing the playing fields so long as proposed advertisements are approved by the City Manager to assure compliance with the City's current Sponsorship Agency Agreement. All naming rights over the premises must be specifically approved by the Common Council of the City of Sturgis.

If permitted by the City, sports organizations and groups may sell concessions and/or merchandise. Proceeds from the concession stands must return to the sports organization or group for their direct benefit. Concessions cannot be sub-contracted out to an individual or third-party for profit. If the group or organization does not want to operate a concession stand, the group or organization may request that another organization or group be allowed to operate a concession stand instead. If approved, proceeds from the concession stand must return to the operating sports organization or group for their direct benefit. Organizations which operate a concession stand are responsible for all concession costs and damages. Organizations are also responsible for proper and safe food preparation.

Alcohol and tobacco are not permitted to be sold at City sports facilities. (An exception might be made if the Council were to approve a Special Events Liquor License.) Pre-existing sponsorship agreements may limit the products that can be served as concessions. The City will provide organizations and groups with a list of restrictions, if any, upon request.

Sports organizations and groups may sell merchandise.

Sports organizations and groups are responsible for any applicable sales tax collections on concessions, merchandise, etc.

## **Maintenance of Sports Facilities**

The Parks Department only provides general park maintenance to fields and facilities when they are not leased to a particular sports organization. This includes mowing and trimming as required, seasonal weed control, irrigation and building maintenance. Trash receptacles are emptied once a week.

When a facility is leased to an organization, the Parks Department makes every reasonable effort to mow and trim the facility on a weekly basis for the duration of the lease. Trash receptacles continue to be emptied once a week, unless the organization requests a more frequent pick-up due to facility utilization.

Groups or organizations using the facilities are responsible for repairs or damage to the fields and facilities caused by their use.

No major modifications, alterations, additions or deletions (temporary or otherwise) may be made to a field or facility without the expressed written approval is first obtained by the City Manager. This also includes a prohibition to change fencing, paint, siding, dugouts, lighting, electrical, plumbing, structure, stairs, windows, doors, and wall configurations. Organizations and groups are permitted to post or display information, posters, flyers and merchandise in the concession area.

## **Policy for Granting Priority Use of Sports Facilities to Sports Associations**

The City will, in its sole discretion, allocate the fields and facilities to regular season and tournament play and may authorize more than one organization to use a given facility. Every effort will be made to allow the use of the facilities and fields only for their designed purposes.

First, all sports within a given season will be given priority in regard to fields and park facilities allocation and scheduling.

Priority will then be given to programs accommodated during the previous year for that particular season so long as those programs were in good standing with the City at the end of the previous year.

Any organization which desires to organize a new athletic program or enlarging an existing program must meet with the Parks Director at least 90 days prior to the commencement of the season to coordinate the availability of fields or facilities. If approved, the organization must submit a lease agreement and all required supporting documents at least thirty (30) days prior to the anticipated start of the season. Every effort will be made to accommodate new programs according to facility availability.

Other requests shall be considered as the need arises, subject to the following:

- Field facility availability
- Allocated maintenance funds
- Determination by the Parks Department of field/facility capacity to withstand additional play.

Organizations are required to maximize use of facilities for practice and/or league games. Failure to do so may result in the cancellation of the lease agreement so that other organizations may lease the facility.

In the event other users of the facility are scheduled during the season, the Parks Department will coordinate the use with all facility users.

All users must sign a Lease Agreement for the facilities they will be using as well as any other required documentation.

## **Water Availability at Parks Shelters**

Policy:

The Parks Department makes the determination to turn on and turn off water availability at all City Parks facilities (i.e. shelters, concession stands, etc.) based upon the weather patterns for the particular year. As such, final determination for

water availability at a Parks facility is made by the Parks Superintendent and this decision is made with the primary goal of property preservation and reduced maintenance liability.

However, as a general guideline, sports groups and shelter users can anticipate that water will be available most years from May 1 through October 1<sup>st</sup>. In those years where this is not a feasible time schedule due to weather patterns, the Parks Superintendent will work closely with sports groups and other users to keep them informed of timeline modifications for water availability.

### **Club Sports Capital Improvements**

It shall be the policy of the City of Sturgis to actively pursue the continued improvements of sports fields and structures. The ultimate goal of the City is to enhance the quality of life in the City which includes enhancing the youth sports fields to the greatest degree possible. It is the policy for the City to actively pursue the construction of improvements through grants, TIFs, land sales and other financing possibilities in conjunction with the user organization. This policy will not govern fields used by the City of Sturgis Recreation Programs.

#### **Procedure**

- The City of Sturgis shall adopt a Five-Year Capital Improvement Program. This plan shall include funding for rotating major improvements (more than \$30,000) on the various sports fields.
- Improvements shall be rotated amongst the various facilities, so that each field receives improvement before a second major improvement is made within the same complex.
- Each sports organization shall provide a written plan to the Public Works Director that outlines the priority improvements and estimates for those improvements. Each project should not exceed \$300,000. The City shall make the final determination on which project will be prioritized after receiving the written plan from the user group.
- User organizations are required to provide matching funds for the first \$50,000 in improvements. The City shall only provide funding beyond the dollar for dollar matching funds if the organization meets its \$50,000 cash contribution. The City may choose to provide up to \$40,000 of the User Organization's matching funds if the organization provides a written fundraising plan to repay the upfront funding within 10 years. The City shall not charge any interest on any upfront funds.
- The City of Sturgis shall modify its capital improvement schedule if additional funding for sports fields improvements becomes available and there is less than a \$50,000 requirement for City Capital Improvement Funds needed to make use of grants, TIFs or land sales revenue.

### **Provision of Municipal Service outside the City**

**Section 1.** The provision of municipal and utility services shall require a commitment by the property owner that the owner will agree to annex the property to the City and to comply with City zoning, development regulations, utility requirements and all applicable codes, confirmed through a negotiated contract agreed to by the property owner in accordance with South Dakota Codified Law 9-4-1 and 9-4-1.1, or as authorized by South Dakota Codified Law chapter 1-24.

**Section 2.** The provision of any utility services will require voluntary annexation or a binding contractual commitment to annex at a specific date in time as a condition for properties located outside the City limits to receive water and/or sewer service from the City's utilities; and

**Section 3.** Property owners must execute a pre-annexation, utility extension agreements in order to receive City utility services outside the City limits, and such agreements all require the signing parties and their successors to cooperate with annexation efforts for the subject property whenever that occurs, and to comply with the City's comprehensive plan, zoning and development regulations, and city code.

**Section 4.** This Municipal Services Policy shall not limit the Water Department from continuing to make water available to individuals through bulk water sales at established rates at designated sales stations within the City.

**Section 5.** If a section, subsection, paragraph, sentence, clause, or phrase of this policy is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If any provision of this ordinance is found to be inconsistent with the other provisions of the Sturgis Municipal Code, this policy is deemed to control.

### **Rental of Harley-Davidson Rally Point**

The Harley-Davidson Rally Point Plaza is available for various private and community events. Interested parties shall contact the Rally & Events Department by calling 605-720-0800. The interested party must complete a Use of City Facility form and comply with all regulations contained within.

### **City Council Members to Operate City Equipment in Special Circumstances**

The City of Sturgis has deemed it may be necessary due to unusual circumstances to ask for volunteer assistance from the City Council Members of Sturgis. The City Council has prioritized the projects for assistance from non-City employees on City property/projects. If volunteers are in possession of the necessary licenses and training to operate equipment and all necessary paperwork has been signed the City Council Members could Operate City Equipment in Special Circumstances or unique situations on City projects.

### **Visitor Access & Deliveries: Public Works Facilities**

#### Policy:

All public visitors to the Public Works facilities must register with the Public Works Office staff prior to accessing the property. All visitors must be accompanied by a PWD employee. All visitors to the Rubble Site must check in at the office prior to dropping off.

All deliveries will be dropped off at the Public Works Office.

Non-Public Works staff shall log in/out with the Public Works Office staff when using or borrowing PWD property (including tools, supplies and equipment) to ensure property tracking.

#### Purpose:

The primary purpose of this policy is to manage visitor access to the Public Works facilities located at 1057 Dudley Street in order to ensure the safety of all visitors to the facilities as well as the safety of our employees. Secondary purposes include (i) inventory management of tools, supplies, and equipment, (ii) theft prevention and (iii) efficient use of employees' time.

#### Visitor Procedures:

The Public Works Office staff maintains visitor logs.

Visitors will park in the parking area near the office building. Each visitor must come to the office to check when they arrive and check out when they are leaving. They must provide their name, the reason for the visit, and the employee(s) they are meeting with. If necessary, the office staff will then contact the employee to have them come meet the visitor. The employee will escort them where they need to go, as necessary.

Visitors cannot directly access the shop, yard, garage, or wastewater facilities without checking in at the Public Works Office. Any unauthorized visitors will be asked to register with office staff or immediately leave the property. Employees who notice an unauthorized visitor should approach the visitor and not allow them to walk around unescorted. Superintendents should be informed of unauthorized access.

While on property, visitors must follow all safety rules and procedures as directed by staff.

Employees who need unplanned after-hours access shall inform their supervisor.

### Delivery Procedures:

All deliveries (regardless of type or size) will be logged at the Public Works Office, including those deliveries for the Sturgis Rubble Site facility. Small packages will be processed and distributed internally. The logistics of large deliveries (i.e. equipment) will be coordinated by the appropriate superintendent with the delivering vendor.

### Equipment Use Procedures:

With prior approval by the PWD Director, non-Public Works staff shall log in/out with the Public Works Office staff when using PWD property (including tools, supplies and equipment) to ensure property tracking. The Public Works staff will charge the costs of use, maintenance, etc. to the borrowing department as appropriate.

### Tours and Special Use of PWD Facilities:

Should an organization request a tour or special use of a facility, it shall make the request, in writing, and provide specific details for such request. If approved by the PWD Director, the organization must sign a release of waiver and liability with the City.

### Other Procedures:

All keys are issued by the PWD Director for employee use only. Employees shall not lend out or give keys or copies of keys. If keys are lost or stolen, the employee shall immediately inform their supervisor. Employees shall immediately report to their supervisor any theft or other suspicious or criminal activity. The City will place signage as it deems appropriate.

## **Water Service Orders Standard Procedures**

The Water Department of the City of Sturgis is available to assist residents, homeowners, and contractors with service needs, troubleshooting water usage issues, and maintenance. To schedule a service order, please contact the City of Sturgis at 347-4422, option 6. Depending on the service request, the staff may require a twenty-four hour advance notice.

The Finance Office will always ask for a contact number for each service order. This will be put on the service order. In case of a question, problem, and/or scheduling conflict, the Operator will contact the customer directly.

Water staff does not accept payment during business hours. All payments must be made at the Finance Office. After hours, they will accept payment (including a \$125 after hours service fee). Staff will issue a receipt to the customer.

If it is a service order that has not been started, Finance Office should contact Water Supervisor. If the service order has been completed, Finance Office should contact the Water Operator.

All service orders are currently created by the Finance Office staff. Service orders are faxed to the Water Shop and they handle the scheduling. In certain cases, the Operator assigned to service orders will also be contacted directly. Once a service order is completed, the Operator will fax the completed service order back to the Finance Office with notes. Finance Office will input notes and close out the service order.

Finance Office will only schedule service orders as indicated below. Normally (non-emergency), a 24 hour advance notice is required. **If the customer wants to discuss the scheduling of a service order (especially for a same day service call), they must contact the Water Supervisor directly. In his absence, they should contact the Water Superintendent.** The Water staff will determine if an exception should be made to the 24 hour advance notice requirement.

Service orders will be scheduled Monday through Thursday from 7:15am to 4:00pm. Service orders will be scheduled Friday from 7:15am to 2:30pm. All service orders will be scheduled in 30 minute increments.

Finance Office staff should send an email to all Water staff as well as a fax to the Water Shop before 4:30pm (Monday through Thursday) and 2:30pm (Fridays) indicating status of service orders, extensions, NSF's, and incomplete/missing service orders. If a service order comes in after this is sent, an updated email/fax will be sent. This is extremely critical during cold weather months!

### Emergency Turn-off Service Orders.



When an emergency service order is requested, Finance Office staff will ask several questions in order to determine the true nature of the emergency.

- Is there water flowing/gushing?
- Is property being damaged?
- Did your water go off unexpectedly? (i.e. you aren't having work done)
- Do you have high or low pressure that is out of the ordinary?
- Is there a bad odor or taste to your water?

If the answer is "yes" to any of these questions, an emergency service order will be issued. Finance Office staff should take the customer's phone number(s) and immediately contact the Water Supervisor. In his/her absence, the Finance Office will contact the Water Superintendent. These service orders will be taken care of as soon as feasibly possible. After hours, staff is subject to a 45 minute call back time period. There is a \$125.00 emergency call-in fee. This can only be waived at the discretion of the Water Superintendent.

If it is not an emergency, the service order is scheduled/processed as described below. Not having water due to poor planning on the customer (or their contractor's) part does not make an emergency.

#### Emergency Turn-on Service Orders.

There is no emergency turn-on service orders if there is no water flowing and no damage can be caused. Not having water due to poor planning on the customer (or their contractor's) part does not make an emergency. Customers must give 24 hour notice to turn-on service. Finance Office will schedule the service order and fax the service order to the Water Shop.

#### Post-emergency turn-ons.

There is a minimum of twenty-four (24) hour notice required for all turn-on and the customer must be present at the time of turn-on. There is a \$25.00 re-connect fee for turn-ons.

Finance office will explain this policy. They will also say that the Water Department may, pending availability and work load, be able to turn-on the water, during business hours, the same day as an emergency turn-off. In this case, a Water Operator will get in touch with the customer.

After hours, the customer will have to pay a \$125 after hours service call if they wish to have their water turned on after an emergency turn-off.

#### Turn-offs due to **non-payment**.

These service orders are completed by staff on shut off day.

Those accounts who are two months in arrears are subject to shut-off.

Shut off day is scheduled on the 23<sup>rd</sup>. Should that date fall on a Friday, weekend, or holiday, the shut off day is moved to the next business day. On the 22<sup>nd</sup>, time permitting, staff may contact those on the shut off list in an attempt to collect payment. This is a courtesy call and staff does not guarantee that this courtesy call will be made.

At 8:30am on shut off day, the Finance Office prints the final shut off list. This list is faxed to the Water Shop. Water staff divides up the shut off orders and identifies who will shut off which accounts. The assignments are called/faxed back to the Finance Office. Water staff begins to shut off the listed accounts. Water staff may delay the shut off for an hour to give a customer time to get to City Hall to make payment. As each account is shut off, Water staff contacts the Finance Office to inform them.

One week after shut-off day, the Finance Office will identify which shut off accounts have not responded or have moved out (still show outstanding). They will issue a service order to read meter, identify where off at, and final the bill. This will final out the account and helps to ensure that someone didn't illegally turn water back on.

When customers come in to pay their overdue bills, they must pay a \$66 reconnect fee to turn the water back on. (*The normal \$25.00 is included in this reconnect fee.*) Customers must pay the entire bill due. Unless the customer will be home,

they must also sign a release of responsibility which authorizes the Water Operator to turn the water back on without the customer being present.

#### Turn-offs after an extension.

These service orders are completed by staff the same day that an extension expires.

When a customer is on the shut-off list, they can come in and request an extension of payment before 8:30am on shut-off day. If they request an extension after 8:30am on shut-off day, it is too late. To turn the water back on, they must pay in full plus the \$66.00 reconnect fee. To receive an extension, the customer must be eligible to request an extension. By signing the extension form, the customer must commit to payment in full by the date they indicate or they are subject to immediate shut-off of service on the date the extension is due. They must also provide a day-time phone number.

The day prior, Finance Office will let the Water Supervisor know when there are extensions due the next day.

Extensions must be paid by 1pm. In the event of non-payment of an extension, the Finance Office will create a service order and fax to the Water Shop. Finance Office will then contact the Water Supervisor to let him/her know that there is a shut-off notice. The water service is disconnected the same day as the extension. The customer must contact the Finance Office to pay their balance and schedule a water turn-on after non-payment.

When customers come in to pay their overdue bills, they must pay a \$66 reconnect fee to turn the water back on. (*The normal \$25.00 is included in this reconnect fee.*) Customers must pay the entire bill due. Unless the customer will be home, they must also sign a release of responsibility which authorizes the Water Operator to turn the water back on without the customer being present.

#### Turn-ons due to non-payment (of bill and/or extension).

There is no twenty-four (24) hour advance notice required for a turn-on due to non-payment. **Water staff guarantees to turn on all water the day that the account is brought current.**

The Finance Office issues a new service order to turn the water back on. They fax this and a copy of the release to the Water Shop. Finance Office staff also contacts the Operator who performed the shut off. This operator then turns the water back on, restoring service to the account.

This guarantee to restore service the same day may mean staff will work past the normal end of their scheduled shift. An after-hours callback is subject to additional fees, payable to the Operator, if they contact the department after 5pm.

#### Seasonal / new account turn-ons.

There is a minimum of twenty-four (24) hour notice required for all turn-on and the customer must be present at the time of turn-on. There is a \$25.00 re-connect fee for turn-ons.

Finance staff will ask what time(s) are convenient for the customer. Finance Office will schedule the turn-on based upon known service calls and other scheduling conflicts. There is a \$25.00 turn-on fee, applied to the first bill. If an account has a balance due, full payment is due prior to turn-on.

Finance will print a service order and fax it to the Water Shop.

Seasonal Customers: If the customer signs a release of responsibility, they do not need to be present. They can download the form from the City website or they can receive a copy at Sturgis City Hall. Even if they sign the form, there is still a 24 hour notice required. The Finance Office will schedule the time for “any” the following day.

#### Seasonal turn-offs.

There is a minimum of twenty-four (24) hour notice required for all seasonal turn-off requests. Customer does not need to be present. Most of the seasonal turn-offs are scheduled in advance.

The Finance Office will ask the resident if they have properly winterized the house/building(s) and irrigation lines. There is no form to fill out as most of these service orders are placed via telephone. Finance Office will inform resident that they should not remove the meter wires as it causes problems with meter reading and billing.

Finance will process the service order and mark “any” for the appointment time. Water staff schedules these at their convenience on the date requested.

Read and turn off.

There is a minimum of twenty-four (24) hour notice required for these service orders. Operators typically perform these service orders in the afternoon. This is because they often convert into a read and leave on when the new renter or new homeowner comes in to set up service.

These service orders are typically for accounts that are closing. (Common instances of these service calls include renters whose lease is up and they are not moving to another Sturgis address and homes changing ownership.)

The Finance Office will create the service order and fax it to the Water Shop. They will mark “Any” in the appointment time as this is done at the Operator’s convenience.

The Operator reads the meter and turns off the service.

This service order will close out the departing customer’s account at that address. If this type of service order is issued, there may be no customer assuming financial responsibility for future usage at the address. (Examples of this might include foreclosure situations or where there is no landlord agreement in place.)

Note: New customers may choose to leave services off. Water and Sewer Availability fees will be billed.

Read and leave on.

There is a minimum of twenty-four (24) hour notice required for these service orders. These service orders occur when the customer changes at a location, but the water service is not disconnected. For example, a renter leaves and the service (and the *future* financial responsibility for service at that address) is transferred to the landlord. There is a \$25.00 connect fee for the landlord.

This may take the place of a “read and turn-off” service order. If that is the case, the Finance Office will contact the Operator assigned to original service order and inform them of the revised service order.

In some cases, the City must have a landlord agreement on file to do this.

The Finance Office will create the service order and fax it to the Water Shop. They will mark “Any” in the appointment time as this is done at the Operator’s convenience.

Turn-off for repairs.

There is a minimum of twenty-four (24) hour notice required for all turn-offs for repair service orders. Finance Office will encourage customer (contractor) to use the in home switch to shut-off water, if there is one.

Finance Office will also ask how long the customer (contractor) thinks the water will need to be off. If the person knows, the Finance Office should note on the service order the estimated completion time. This does not guarantee that an Operator will complete the service order at that time. Instead the customer needs to contact Water Supervisor for turn-on after repairs once repairs are completed.

If the customer (contractor) is adamant about a same day “turn off for repairs” service order, the customer (contractor) must contact the Water Supervisor as Finance Office cannot schedule it.

After hours, the customer will have to pay a \$125 after hours service call if they wish to have their water turned on after an emergency turn-off.

### Turn-on after repairs.

This is expected to be the same day as the turn-off service call. The customer (or contractor) must be present at the time of turn-on. There is a \$25.00 re-connect fee for turn-ons. Most likely the customer (contractor) will need to contact the Water Supervisor for the turn-on as they usually don't know when it will be.

Finance office will explain this policy when they request the turn-off for repairs.

After hours, the customer will have to pay a \$125 after hours service call if they wish to have their water turned on after an emergency turn-off for repairs.

### Operator generated service orders.

Examples of these types of service orders are "Check usage", "Meter change out", and "Meter install".

The Finance Office currently creates these in Caselle, but the Operators are requesting the service orders.

### Locates.

These are generated through SD 811. These do not require advance notice since by definition the customer must request them 48 hours prior to digging. No service order is generated for these. The notice is required via email by the Water Supervisor.

### Backward flow meters.

Occasionally, a meter is installed incorrectly by the homeowner or their contractor and the water flow causes the meter to run backwards. If that is identified, Finance Office should let field staff know immediately. A service order should be generated. If this is not fixed, the problem will compound month after month making it more difficult (and expensive) for the homeowner to catch up on billing. There will be a \$25.00 service order charge for Water staff to go and fix this.

## **Flag Protocol Policy**

Policy: It shall be the policy of the City of Sturgis to raise, lower and display U.S. flags on City property in accordance with proper flag etiquette. Additionally, the City will fly flags at half-staff in accordance with the policy below:

- The City shall adhere to all Presidential and South Dakota Gubernatorial Proclamations.
- Flags shall be lowered to half-staff from the time of notification of death until sunset on the day of interment for the following occasions:
- A City of Sturgis employee or volunteer killed in the line of duty. (*This includes members of the Sturgis Volunteer Fire Department and Sturgis Police Reserves.*)
- A military service person with a Sturgis residence killed in action.
- Flags shall be lowered to half-staff on City property as dictated by Mayoral authorization for other important occasions (i.e. death of a sitting City official or employee, death of a former City official, etc.)

### Procedures:

The Sturgis Public Works Department is responsible for monitoring and complying with all federal and state proclamations regarding the lowering of flags to half-staff.

The City Manager shall inform the Public Works Director in the event the flags should be lowered to half-staff to honor an employee or service person being killed in the line of duty.

The Mayor (or at the Mayor's request, the City Manager) shall inform the Public Works Director of any proclamations requesting the flags be lowered to half-staff.

## **Sturgis Watershed Key Issuance & Return**

It is the policy of the City of Sturgis to work towards the opening and expanding of access for residents and the general public to the Sturgis Watershed. Though at this point the Watershed is not open for general access, preparation work will necessarily increase the number of individuals who enter the property to make enhancements.

Recognizing this policy, the City of Sturgis shall authorize the issuance of keys to open the gate into the Watershed Property subject to the following restrictions:

- All individuals receiving a key shall ensure that they do not trespass onto private property
- All individuals receiving a key shall ensure that they do not use the access key for personal use
- All individuals receiving a key shall complete a checkout form that includes their name, phone number, signature acknowledging all of the rules and affirming that they will not pass the key along to other individuals.
- Access keys shall be maintained by the SVFD, the City Manager and the Finance Officer.
- Any key checked out shall be approved by the City Manager.

# **General Risk Management**

## **Risk Management Policy Statement**

The City of Sturgis is exposed to various liability risks associated with providing services to our citizens. These risks are most evident when incidents occur involving damage to property and injuries to personnel and our citizens. To protect our financial resources, we participate in the South Dakota Public Assurance Alliance (SDPAA), a group self-insurance pool of South Dakota public entities. As necessary, we also hold insurance policies provided through the traditional insurance market to insure adequate coverage against catastrophic loss.

The objective of our Risk Management and Loss Control Program is to protect people and to preserve our assets and revenues. The City and its staff strive to

- Identify sources of loss to the general public, our employees and our property.
- Evaluate the impact of loss in terms of frequency and severity.
- Make every effort to control the causes of loss by and respond to such loss through a specific written management plans prepared by departments responsible for actual day to day activities.
- Eliminate sources of loss by corrective action or through the transfer of risk.
- Where possible, obtain coverage in such amounts and in such areas as will provide protection against catastrophic loss.

As further compliments to our Loss Control Program, the City participates in site surveys by SDPAA representatives and works to implement any resulting loss control recommendations. The City also sponsors and participates in loss control and safety training opportunities through SDPAA as well as those that may be offered through private vendors and/or other City partners.

It is the joint responsibility of the City Council and City staff to see the Loss Control Program is implemented in accordance with this Policy Statement.

## **Safety Policy**

The City of Sturgis is committed to providing a safe and healthy workplace for all employees and volunteers. Safety should never be compromised due to or become secondary to another business priority. Everyone shares in the responsibility for a safe and healthy workplace.

The City will make all reasonable efforts to promote safety and health among its employees by the provision of facilities, equipment, tools, procedures, safety programs and training for employees to work injury free. The City will use due diligence to avoid hazardous conditions and make reasonable efforts to eliminate any condition which might result in injury or illness to an employee.

Through their individual and team actions and efforts, employees minimize the chances of anyone being hurt on the job by following the law and good safety practices. Their responsibilities to providing a safe and healthy workplace include the following actions:

- Immediately report any unsafe conditions to the supervisor;
- Enforce all workplace safety policies;
- Conduct all tasks in a safe and efficient manner complying with all safety and health regulations and standards;
- Always wear the Proper Protective Equipment (PPE);
- Take all required safety training provided by the City;
- Ensure one's certifications are current and up-to-date;
- Make sure all new tools and equipment are reviewed prior to deployment;
- Ensure that all tools and equipment are certified and maintained in accordance with best practices;

Violence and threatening behavior are not permitted.

Employees must report to work in condition to perform their duties, free from the influence of illegal drugs or alcohol.

Employees must report any workplace accidents or injuries to their supervisor immediately. In case of a workplace injury to an employee or volunteer, the employee must notify Human Resources immediately in order to fill out First Report of Injury Form. The submission of the First Report of Injury is governed by state law and must be submitted within three (3) days of an injury.

Failure to follow the City's safety and health guidelines and/or employee conduct which places the employee, volunteer, public, or City property at risk can lead to employee disciplinary action up to and including termination.

This policy describes the general philosophy and commitment of the City with respect to the safety, health and well-being of its employees. The City reserves the right to create and disseminate a more detailed Safety Manual, which will establish and codify the City's good safety procedures in accordance with applicable state and federal law and generally accepted best safety practices. Each City Department shall also establish, within the City's safety framework, specific standard operating procedures, policies, and guidelines, to meet the specific safety needs of each department.

The City reserves the right to perform, from time to time, a safety audit.

### **Pre-existing Adult Oriented Businesses**

This policy will apply to any adult oriented business to which the state legislature granted an exemption from the minimum distance established by SDCL 11-12-2.

To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be contained within the same building structure and footprint as it was operating within before July 1, 2008.

To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming to the distance exemption shall have been conducting an adult business activity as defined within SDCL 11-12-2 since before July 1, 2008, or be a direct successor in interest to such a business.

To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be in compliance with all applicable occupancy and change of use requirements of the International Building Code as adopted in Title 2, Section 2.02.01 of the Sturgis City Ordinances.

To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be located at premises and within a structure that has been licensed to allow sexually oriented performing, as required by Sturgis Municipal Ordinance 12.11.04 since before July 1, 2008 and consecutively for each calendar year thereafter.

### **Public Access & Deliveries: City Hall**

Policy: Public areas at City Hall include the downstairs lobby and the upstairs reception area. Public restrooms are available in the downstairs lobby.

The Council Chambers are open to the public from 5 minutes prior to the scheduled start of the public meeting to 5 minutes following the end of the public meeting. Restrooms will be available during public meetings.

Access by a member of the public may be allowed to work and office spaces or meeting spaces at City Hall if the visitor has a scheduled appointment with a staff member, checks in at the reception area, and is accompanied by the staff member.

Purpose: The primary purpose of this policy is to manage visitor access to the City Hall located at 1040 Harley-Davidson Way in order to ensure the safety of all visitors to the facilities as well as the safety of our employees. Secondary purposes include the security of property, equipment and information.

Visitor Procedures: Visitors may park along the street on the west and south side of the building. Visitors may also park across the street on the south side of the parking lot shared with First Interstate Bank. Parking on the north side of the building is designated City vehicle and staff parking only.

Visitors who wish to make payment on a utility bill or City invoice, open/close a utility account, make a public records request register to vote, sign up for a community garden plot, or do new hire paperwork will do this through the Finance Office window in the downstairs lobby.

Visitors who wish to speak with the Rally, Human Resources, Public Information, Media Relations and Finance Offices must check in at the Finance Office (downstairs lobby). Staff will be called forward to meet with the visitor in the secondary waiting area. At the sole discretion of City staff, the visitor may be permitted to go to the employee's office or a meeting space.

Visitors who wish to speak with Planning, Permitting, Engineering, Legal, or City Manager departments must check in at the upstairs window. Staff will be called forward to meet with the visitor in the secondary waiting area. At the sole discretion of City staff, the visitor may be permitted to go to the employee's office or a meeting space.

All visitors must provide their name, the reason for the visit, and the employee(s) they are meeting with. Visitors, if allowed access to work or office areas or meeting space, must be accompanied by a City Hall employee. Any unauthorized visitor will be asked to check-in with office staff or immediately leave the property. Employees who notice an unauthorized visitor should approach the visitor and not allow them to walk around unescorted.

An elevator is available in the main lobby for public use.

Delivery Procedures: All deliveries (regardless of type or size) will be logged at the Finance Office. If the Finance Office is not open, the deliveries may be made to the Library.

#### Tours and Special Use of City Hall Facilities:

City Hall meeting space is designed for use by City staff and public meetings of the City Council, Planning Commission and other public bodies associated with the City of Sturgis. Non-city organizations are encouraged to utilize public meeting space at the Community Center and the Library. A special exception may be approved by the City Manager, but the organization must sign a release of waiver and liability with the City.

Network or System Access: Visitors that require internet network access may use a wireless hotspot dedicated for public use. Visitors who require access to IT network resources (i.e. server) must have an expressed business need and willing to sign a non-disclosure agreement (or other vendor agreement ensuring confidentiality) with prior permission from the City Manager.

*Note: The public's access to those areas within the Sturgis Public Library is governed by Library policy as approved by the Library's Board of Trustees.*

*Related policies: Public Works, Community Center and the Armory also have public access policies contained in this manual. Ambulance and Police address public access as part of their SOPs.*

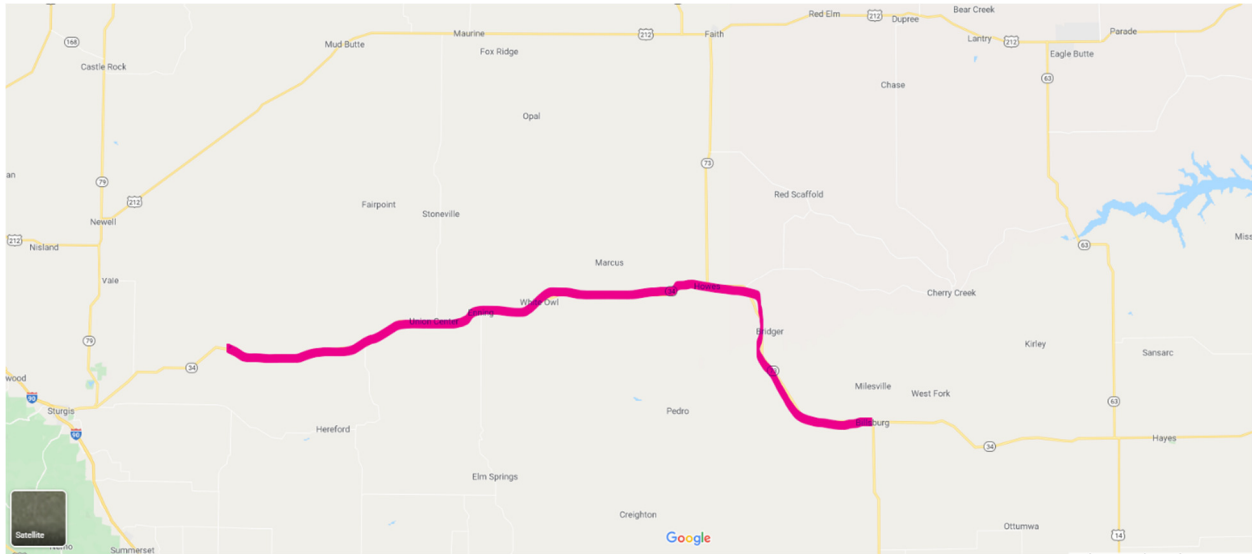
## **Use of City Vehicles**

### **Highway 34 Travel Policy**

Due to the lack of ambulance response in central Meade County, City staff is now prohibited from traveling Highway 34 from the Belle Fourche River to intersection with Highway 73 from Phillip. Additionally, you cannot travel south from Faith on Highway 73 to intersect Highway 34.

This policy will be reevaluated as ambulance service options for that portion of the County changes or is restored.





## **City Vehicle Use**

**Purpose:** Motor vehicle operations represent one of the largest liability exposures for the City. The purpose of this policy is to establish and maintain rules and procedures to promote responsible, safe and accountable use of City vehicles by City employees and to protect the inventory of City vehicles by making sure that such vehicles are properly cared for and maintained.

**Policy:** City vehicles are provided and should be used to travel as required for employees to complete their work assignments. To drive City vehicles, employees must be at least 18 years of age and possess a valid driver's license appropriate for the vehicle they are driving. Employees shall obey all traffic laws when operating a City vehicle and always display professionalism and courtesy on the roadway. All occupants of City vehicles must wear seat belts at all times. Personal use of City-owned vehicles is not allowed, including the unauthorized transportation of non-City employees in City vehicles.

This policy applies to all employees who work for the City. Violations of this policy may subject an employee to disciplinary action, up to and including termination.

Employees of the City may also be subject to supplemental department vehicle use requirements. In the event of a conflict between this Policy and supplemental department vehicle use requirements, the terms and conditions of this Policy shall control.

### **Procedures:**

- Prior to operation, ensure the vehicle is in safe, working condition. Report all unsafe or defective equipment they observe to supervisors.
- Make sure equipment is safely stowed and secured before starting vehicle.
- Minimize repetitive or duplicative trips, combining travel and carpooling when possible.
- Employees are strongly encouraged to find a safe and secure location and stop their vehicles in order to use cell phones.
- Slow moving vehicles shall be equipped with appropriate signs. Signs should be in good condition and clearly visible.
- No one shall ride in the bed of a truck or any other part of a vehicle/equipment not designated as an appropriate seat with a seatbelt.
- Do not permit a vehicle to be loaded beyond its capacity.
- Be particularly cautious when driving near children or where children may be present.
- Do not jump on or off a vehicle while in motion.
- When moving vehicles into, out of, or near buildings, such movement should be done slowly and with caution.

- Avoid backing unless absolutely necessary. Operators should always try to position their vehicles so they can advance forward.
- Backing should be done very slowly and with extreme caution, only after the driver has made certain vehicle has adequate clearance on all sides.

In case of accident, notify supervisor immediately and call the 9-1-1 / Dispatch. Always conduct an investigation for insurance purposes, especially for accidents involving property damage, a member of the public, and/or another vehicle. This process will include an employee statement. Employees may be required to take a post-accident drug and alcohol tests as well.

**Security:**

- Lock vehicle doors, toolboxes, and trunks.
- When exiting vehicle, turn the engine off and take keys with you.
- Do not leave the vehicle running, unattended.

**Housekeeping:**

- All City vehicles are non-smoking.
- Keep vehicles clean, inside and out.
- Perform regular maintenance on vehicles.

Personal vehicles may be used for official City business with prior written approval by the City Manager. Personal vehicle use should be a very rare occurrence and involve mitigating circumstances. Employees must show acceptable levels of insurance coverage for the vehicle as part of the request process. Employee accepts liability for any and all damage(s) arising from use of a personal vehicle for City business. (For reimbursement of associated costs, see the City’s Purchasing Policy.)

**Take Home Vehicles:**

Designation of City vehicles for use or assignment for Take Home use must be due to one of the following situations

- Employee is on 24-hour call and expected, as part of his or her job responsibilities to respond to emergencies at any hour of the day
- Special situation where the employee’s ability to have a Take Home vehicle is in the City’s interest

The City Manager must approve the use or assignment of employees to a Take Home Vehicle.

**Vehicle, Heavy Equipment, Machinery & Tools Usage By Third Parties**

It is the policy of the City of Sturgis that City vehicles, heavy equipment, machinery and tools shall only be used by appropriately trained City employees in the course of City work. They shall not be directly used by or rented to non-governmental third parties or individuals.

The City Manager may grant an exception to this policy in cases when the City Council has declared a disaster or there is an emergency situation.

Further, City vehicles, heavy equipment, machinery or tools may be rented or loaned to another governmental entity under an established Memorandum of Understanding, an Emergency Contract or a Resource Request Letter that corresponds to ICS guidelines.

Finally, non-governmental third parties and individuals can request to contract such property (with an operator) through an Event Request presented to the Rally & Events Department. The following criteria must also be met:

- The requested property is being used in conjunction with an event;
- The requested property is not required for another City need at the same time;
- Trained staff is available to operate the requested property for the duration of the request;
- The request and any applicable fees are approved in advance by the City Council

## **Electronic Monitoring of Vehicles**

Many newer vehicles and equipment come equipped with GPS, vehicle usage, speed monitoring, and other electronic monitoring devices. The City reserves the right to install, activate and/or utilize these devices on any City vehicles.

## **Seat Belt Use in City Vehicle**

If employees are riding in a City vehicle (including ATVs), they must be wearing a seatbelt at all times. Failure to do so may result in disciplinary action up to and including termination. Additionally, any workers compensation claim resulting from failure to wear a seat belt can be denied. When using a City ATV, drivers should also use hand signs to signal turns and stopping. Additionally, helmets must be worn when using an ATV off road.

## **Leaving Vehicles Running**

To reduce fuel waste and to minimize risk of theft, all staff, when they leave their City vehicles, are to turn off the vehicle's engine and not to keep it running while the vehicle is unattended. Failure to shut off the engine when a vehicle is unattended can also become the cause of significant concern from residents, especially when the vehicle is unattended in front of a restaurant or store.

## **Passenger in City Vehicle**

All non-City employees (or a parent/guardian, in the case of a minor child) must sign the following waiver if they will be riding as a passenger in a City vehicle and have no tangible City business related reason to do so. These requests must be rare and infrequent and must be approved by your Department Head.

As a passenger in a City of Sturgis vehicle, I agree to abide by all rules and guidelines and to the following:

- a. To release and hold harmless the City of Sturgis, its employees and agents, from any and all liability for any damage to personal property or injury sustained while riding in a City vehicle, regardless of the cause of such damage or injury, whether through negligence or otherwise.
- b. That this release of liability shall apply to any right of action that might accrue to myself, my parents or guardians, my heirs or any other personal representative.
- c. To assume all risks when accompanying a City employee while on-duty and/or while riding in a state-owned vehicle, knowing that personal danger is involved.
- d. This waiver and release of liability shall be in effect for a period of 15 days commencing with the date of execution and subsequent City administration approval.

If permission is granted for a non-City employee passenger who is a minor children, that child must be appropriately restrained in a child safety seat or booster seat provided and installed by the parent/guardian.

## **Parade Participant Rules for City Sponsored Floats**

All participants (parent or guardian, in case of a minor child) are required to sign an acknowledgement indicating that the participant will follow these rules. They must also sign a release and waiver.

- Do not climb on/off the float/vehicle during the parade.
- Even if the float/vehicle is stopped, do not climb on/off the float as the vehicle may move suddenly or unexpectedly.
- Do not walk in front of the vehicle/float.
- Walkers should stay at least 10-15 feet away from the float trailer so that the driver can easily see them from the windows.
- Stay with your group/float. Do not stop along the parade route.
- Do not go into the crowd or leave the parade route without informing the coach.

Distributing items during the parade:

If distributing items during the parade, walkers hand out the items to the crowds along the route.

If distributing candy during the parade, walkers toss the candy with an “under hand or bowling motion” towards the crowd’s feet.

- If possible, hand out the candy (don’t toss it.)
- Throw the candy so it lands at the feet of the crowds.
- Candy dropped or thrown in the street will encourage young children to dart out into the parade route, which is very dangerous.
- Do not aim at spectators.
- Do not throw candy from the vehicle or the float.

Adults: No smoking.

(It is highly recommended that children under age of six (6) ride on floats and not walk in the parade.)

**Certification of a Private Vehicle for Use as City Sponsored Float in Parade**

This certification is signed by the driver and vehicle owner.

*I understand that minor children will be transported in or on this vehicle during the \_\_\_\_\_ Parade, which is a well-attended public event.*

*As such, I hereby certify and state that to the best of my knowledge, my car is prepared and in safe operating condition to drive in the \_\_\_\_\_Parade. At a minimum, these statements are true for this vehicle:*

- *Tires are inflated properly and have adequate tread.*
- *Steering is responsive.*
- *Engine and drivetrain are functioning properly (i.e. no unexpected revving of the engine, engine doesn’t stall unexpectedly, etc.)*
- *Brakes function properly.*
- *All lights operate properly.*
- *Mirrors are adjusted properly.*
- *Wipers operate properly.*
- *Windshield has no cracks (which obscure visibility).*
- *Windows are not blocked, obscuring visibility.*
- *Horn operates.*

*I certify that I am over the age of 18 and that I am duly licensed to drive without restriction.*

**Motor Vehicle Records Review (MVR) Guidelines**

Employees who regularly operate vehicles on public entity business shall submit to a motor vehicle record (MVR) review prior to employment as well as on a yearly basis after gaining employment. MVR checks will be done in January of each year.

If the MVR review indicates violation(s) in excess of the recommended guidelines, the applicant or employee may be denied employment, have job duties adjusted, be reassigned or be required to complete a defensive driving course based on the seriousness of the violation(s).

If a disability or health-related reason caused the adverse driving record, the employer will consider such information and may use such information in making reasonable accommodation decisions.

If, during the course of employment, an employee exhibits a disregard for safe driving practices, the City reserves the right to deny future authorization to operate a vehicle while performing City business. If the employee's responsibilities involve primarily operating a motor vehicle, the employee may be subject to disciplinary action and/or termination.

Employees whose duties require operating a motor vehicle must report to their supervisor if and when their license expires, is suspended or revoked. Any employee who fails to report such information is subject to disciplinary action.

# Developer's Checklist

## PUBLIC ROW RESPONSIBILITIES APPROVALS NEEDED

### Public Works

- Water
- Sanitary Sewer
- Streets
- Driveways or approaches
- Traffic Control
- Parks (excluding HD Plaza)
- Plats- Final approval
- Street Lighting

### Engineering

- FEMA Floodplain
- FEMA Floodway
- Stormwater
- Storm Sewer
- Storm Detention Ponds
- Corps of Engineers including Deadman Channel
- Grading
- SWPPP and/ or erosion control
- Standards and Specifications
- Bike Paths
- Plats

### Planning

- Zoning
- Building Permits
- Airport
- Long Range Plan
- Downtown Overlay District
- GIS
- Sidewalk
- Plats – Public starts Plat process here

### Design Standards for all new construction or renovations to existing public land

- City Standard Plates and Water specifications must be used.
- Roads must be designed to AASHTO design standards.
- Traffic Control must meet the MUTCD.
- Sanitary Sewer to SD DENR design standards. No smaller than 8 inch mains unless tying into an existing 6" main.
- Water to SD DENR design standards built to Sturgis Water Specs. Water Mains will be a minimum of 6" pipe.
- Stormwater will be designed using the rational method and comply with the City's MS4 guidelines, and SD DENR SWPPP guidelines. It will meet the Stormwater Master Plan.
- DOJ Access Board ADA guidelines
- City's Comprehensive Plan
- Minimum lot dimensions are determined by zoning requirements. Each lot will be provided with one access to a street. Driveway access to arterial streets shall be given by variance only.

- A SD Professional (Engineer, Surveyor or Architect) must complete construction administration and sign and seal all plans and as-builts per SD 36-18A. See Building Officials book.

### **Phase 1 Subdivisions Preliminary Plats.**

Preliminary Plat shall be submitted to the City in the format required. City will review Plat to ensure that meets all applicable requirements. The City reserves the right to request more detail. When the preliminary Plat meets the requirements or has decided to ask for a variance, then the Plat will go to the Planning Commission. The Preliminary Plat will go to City Council with City Staff and Planning Commission's recommendations. City Council will decide whether to accept the Preliminary Plat.

Preliminary Plats must include the following:

Map prepared by a SD licensed Surveyor shall show:

1. Property boundaries, property lines, with north arrow and scale.
2. Roads to be dedicated with their ROW width. No private streets will be allowed.
3. Easements Existing and Proposed
4. City Utilities, water, sanitary, and stormwater Existing & Proposed
5. FEMA floodplain data.
6. Curbs and gutter placement unless the area is in no curb planned area.

**Phase 2 Engineered Plans** Once the Preliminary Plat is approved, the engineer may submit plans for review and comments to Public Works and Engineering. Projects constructed with TIF funds require a public bidding process and copies of all documents submitted. Construction of any utilities and/or roads must be constructed under the supervision of a Professional Engineer. After As-Builts sealed by the Engineer have been submitted, the Final Plat may be submitted to Council for approval. Building permits on the lots will be allowed. Engineered Plans shall include the following:

1. Road plan and profile sheets including sidewalk.
2. Typical section
3. Storm Drainage Plan and profile sheets – location of existing structures. Drainage areas, proposed drainage culverts, and ponds.
4. Sanitary Sewer line Plan and profile sheets– location of existing pipe and manholes with elevations.
5. Water Plan and Profile Sheets – location of existing pipes, hydrants, and valves, and all proposed pipes, hydrants, and valves.
6. Easements for all non-city owned utilities.
7. Grading plans showing proposed contours.
8. FEMA no-rise certificate if in floodway. Floodplain permit will be required.
9. Erosion Control plans

### **Phase 3 Final Plat**

The developer will submit the as-built plans sealed by a P.E. for any public infrastructure.

The City will then approve the final plat.

The final plat may be submitted in phases, if the subdivision will be built in phases.

Building permits will not be issued until the final plat for that area has been approved.

Ordinances may include more restrictive specific requirements.

## Communications Plan

Purpose: The Sturgis City Council has identified communications as a key goal. While the City currently meets its legal obligations for public information, the City wants to go beyond these requirements and improve community education of governmental activities thru a variety of improved communication strategies.

Goals include promoting citizen understanding of services and activities and their value. Encouraging public input and involvement. Promoting municipal transparency. Providing accurate and timely information and building effective ways to communicate key messages.

Specific goals to be considered:

- To ensure correct and consistent messages, all official information releases will come from an appropriately trained, designated employee.
- If the main message is that of “bad news” it should be delivered by the City Manager or other top elected official.
- The same, consistent message must be disseminated across all social media platforms.
- All messages given to or discussed with media sources should be considered “on the record” at all times.
- Ensure that all messages given to the public are also given to the employees (preferably in advance) with a full briefing on the role they will be expected to fulfill with regards to meeting the overall expectations of the mission.
- Disseminated information should relate to the primary goals of the City and will be directed to key target audiences.
- Disseminated information should be clear, concise, and unequivocal.
- Disseminated information should, when possible, stress the City’s transparency and accountability.
- Disseminated information should increase both internal and external awareness of who, what, when, where, why, and how.
- Disseminated information should outline to the target audience how we will implement the strategies or goals communicated, before, during, and after the crisis.

Stakeholders:

External	Internal	Combination
City residents	City Council	Various levels of Government
Property owners	City Staff	Municipal neighbors
Users of City services including visitors and tourists	City Staff	All public segments
Businesses & industry in and around the City	City Staff and Council	All public segments
Media	City Manager Public Information Office	

### Available channels of communication

It is important that communication tools are diverse in order to reach various segments of targeted audiences. The importance of the message, timeliness, and consideration of the intended audience will determine which method to use. Various methods include the following:

- **Local Radio** – KBHB Farm Radio AM 810 is located in Sturgis. KBHB features live noon radio shows and sometimes invite City representatives to take part in various discussions.
- **Local Television** – via press release or personal interview.
- **Newspapers** - (Rapid City Journal and the Black Hills Pioneer). The official legal newspaper for the City is the Black Hills Pioneer. Press releases and news items may appear in numerous local and national publications.
- **Official Bulletin Board** – located outside the front doors at City Hall. All City Council Agendas are required to be posted for public viewing a minimum of 24- hours in advance.



- **Sturgis City Website** – located at [www.sturgis-sd.gov](http://www.sturgis-sd.gov). This is a comprehensive web site designed to enable staff to update information as needed. The site contains news items, department listings, calendar of City meetings and events, agendas and minutes for all Commissions, Committees and Council meetings. It offers easy access to City programs, services, documents and more. Viewers can request City Council agendas be automatically e-mailed when posted. Users may also request building permits and contractor licensing through the CitizenServe module. Park shelter reservations and numerous other online applications are also available through the website.
- **Sturgis Information Publication (SIP)** –published the last week of each month. Sent to constituents via U.S. Postal Service, to all residents who have an active utility account. This publication is also distributed to the Sturgis Chamber and various apartment complexes in the city. Additionally, members of the public living outside the city can be placed on the mailing list upon request.
- **Code Red** – Emergency Notifications (e-mail and text message) with various levels of importance – subscriber delivery only.
- **Google Business pages** – Information about various city facilities. Information, location maps, and photos are available through the Google app. Users are able to interact with the social media administrator through the Google app.
- **Town Hall Meetings** – In addition to the regularly scheduled Council and assorted Committees and Commission meetings, which are always open for public comment, other public meetings targeted toward specific issues are held as needed. These meetings allow the community to express opinions and give input on specific City issues.

*Strategies:*

- Continue with legal paid advertising in the official legal newspaper as required by SD law. The cost of this paid advertising is now posted along with all legal notices.
- All legal advertising is also posted on the City website in a designated area.
- Obtain final approval for all press releases prior to distribution to the media. Share all press releases internally and to City Council members.
- Distribute all press releases to local newspaper and radio outlets. Press releases are to be posted in the News section of the City website. Additionally, share part or all press releases on the City of Sturgis Facebook page with a link to the original document on the website.
- All requests for media interviews come through the Public Information Office prior to being assigned to the City Manager or Department Head.

## **City Website**

It is the policy of the City of Sturgis to provide a comprehensive municipal website. The purpose of this official [www.sturgis-sd.gov](http://www.sturgis-sd.gov) website is to provide timely and relevant information related to all the matters of local municipal government in Sturgis, South Dakota. The City of Sturgis website is the official source of emergency information.

The City tries to include all current and relevant information on the website. If a specific item of interest is not found on the website, users are encouraged to contact the Public Information Officer at (605) 347-4422 for assistance. Certain items of information may also be available through an Open Records Request administered by the Sturgis Finance Office. In addition to the official website and in compliance with state codified law, all minutes and public hearing notices are published in the designated legal newspaper.

*Strategies:*

- Continue to post documents including press releases, job openings, Council minutes and agendas, schedules of meetings and events, budgets, ordinances, newsletters, commonly used forms and applications, as well as all other relative information.
- News and calendars are updated on a regular basis.
- Use the website as a first line of communications regarding news information and emergency alerts.
- Continue to develop on-line forms for frequently requested information.
- Include the option for all City Departments to post information and schedules.
- Develop pages or sections within the website for other governmental partners as needed.
- Third party requests for links to other websites are not allowed unless the link is administered by a trusted, local source such as a local non-profit.

- The City will record meetings and post a link on the City’s website to broadcast all City Council and Planning Commission meetings that are held in City Council Chambers.
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## **Code Red**

Code Red is a subscriber based notification system that lets registered administrators send out secure e-mail and text messages to registered users. Messages are prioritized beginning with basic community information on up to weather, traffic, and emergency messages. All Code Red information will also be posted on the City website and Facebook pages. Registered users can opt out of this service at any time.

### *Strategies:*

- The Police Department or Public Works Department may request a message be sent out any time a street or major road is closed or is expected to be closed for any purpose.
- Emergency messages may be sent if there is a police emergency such as an Amber Alert or when the public should be informed of dangerous conditions.
- Code Red messages are sent via trained administrators.

## **Facebook**

The primary Facebook page for the City of Sturgis provides comprehensive information about upcoming activities, news items, and emergency information. Several departments within the City have individual Facebook pages containing information specific to their departments.

### *Strategies:*

- Facebook is not to be used as the primary source of emergency information for the City. The city website is the designated page for emergency information. Facebook can, however post information that has already been placed on the website with a link back to the website.
- Facebook pages should not be set up on behalf of any city department without prior approval from the City Manager.
- Facebook pages utilizing or appearing to be from a municipal entity must have the City Manager and the Public Information Officer listed as administrators to ensure page content and consistency.
- All municipal Facebook pages must include the City’s official social media policy language.
- Facebook shares from other pages are allowed if they come from a trusted source.
- Social media other than official city sources are not to be used by employees during work hours unless the information is being used in the course of city business.

## **Correspondence, Telephone and Email**

These tools are considered core administrative tools and are used together for both internal and external communications.

### *Strategies:*

- Establish protocols for the standardization of the look and use of City stationery for letters and memos.
- Use established logos in the correct format and size. Avoid shrinking and stretching logos to fit certain areas.
- Establish protocols for answering and directing incoming telephone calls.
- Ensure ‘out of office’ protocols are used when employees are away from the office for extended periods of time.
- Provide customer service training for all staff that communicates with the public.

## **Monthly Sturgis Information Publication (SIP)**

The City of Sturgis has successfully produced and circulated monthly newsletters since January 2009. The City will continually improve the content and features of the newsletter.

### *Strategies:*

- Seek improvements through reviewing newsletters of other municipalities and thru reader feedback.
- Review technologies involved in production to identify possible improvements.
- Develop a schedule for staff in preparing items for the newsletter.

- Continue to include citizen surveys in the newsletters as needed.
- Continue to seek reader feedback via citizen surveys.
- Continue to include methods for contacting all city departments.
- Third party advertising for goods, services, or events is not allowed unless the party is a local non-profit or established municipal partner.
- Continue to post each issue on the City website.

### **Staff Newsletter/Staff Meetings**

This set of communication tools are among the most important internal communication tools. The intent of these tools is to keep staff informed of the happenings within the organization on a timely basis and to provide opportunities to provide feedback.

#### *Strategies:*

- Issue informational emails on a regular basis to keep staff apprised on Council activities and to provide general announcements affecting staff.
- Develop a protocol for holding regular staff meetings among different levels and for different groups.
- Provide for a confidential staff feedback collection system in conjunction with the HR Department in order to identify and track employee thoughts and concerns.

### **Safety and Disaster Services Tools**

There needs to be a connection between the City’s Communication Plan and the ICS/EOC Plan. This is primarily an internal function but it could relate to external entities as well.

Primary stakeholders include: City staff, City Council, Local Public Institutions and Agencies, Community Organizations and Volunteers.

#### *Strategies:*

- Incorporate health and safety awareness elements into staff meeting processes, staff newsletters, and other internal communications.
- Designate a Public Information officer to participate in the EOC specifically for the purposes of providing media relations.
- Maintain the municipal Emergency Plan and conduct simulated exercises with staff.

### **Emergency Communications**

In the event of a developing emergency, constituents can be notified thru the City website and social media channels as well as Code Red telephone messaging. Since no one method will notify all segments of the community, all methods should be utilized in unison. Depending on the nature of the emergency, the information may come from the Mayor, City Manager, Police, or Fire representatives. The communications should be coordinated by the Public Information Officer. Communications must include who is making the notification and contact information for that department as stated in the ICS Incident Protocol.

#### *Conclusion:*

In our era of blogs, e-mail, webpages, and related social media, many individuals have access to news outlets and special interest groups. During times of crisis, it is important that only designated employees communicate with the media. Such a practice ensures that rumor and innuendo are eliminated and a consistent, cogent message is transmitted to all.

In a crisis, employees invariably have a high demand for updated information as well as the desire to provide continuous feedback. Providing timely updates and accurate reports to employees, will help communicate goals and priorities to those employees who look to leadership in times of crisis. It will also improve managers’ and employees’ abilities to make the right decisions in their day-to-day work activities.

## **Additional Tools**

Talking Points - Reference sheets provided to employees and Mayor and Council members related to specific and often complicated issues. Talking Points generally contain the basics: who, what, where, when, why and how of an issue and enable employees to become familiar with an issue quickly and respond in a consistent manner with the correct information when needed.

- Strength: Easy to read, easy to reference.
- Weakness: None
- Audience: Primarily front line staff: both internal and field personnel, however this material could be shared with the general public to help educate about complicated issues. The information should also be posted on social media channels for easy access.

All Users E-mail - Each City employee receives E-mail directed to "all users". E-mails include news releases, Council agendas, minutes, training opportunities etc. This type of notification ensures that employees hear news from the organization before reading it in the papers or hearing it "on the street".

- Strengths: Quick and timely information from a trusted source.
- Weaknesses: Not all employees have access to or check their e-mail on a regular basis.
- Audience: Employees