

Regular City Council Meeting
April 23, 2024 6:00pm
City of Palmer, Alaska
Palmer City Council Chambers
231 W Evergreen Avenue Palmer, Alaska 99645
www.palmerak.org



Mayor Steven J. Carrington
Deputy Mayor Carolina Anzilotti
Council Member John Alcantra
Council Member Richard W. Best
Council Member Jim Cooper
Council Member Pamela Melin
Council Member Joshua Tudor

City Manager John Moosey
City Clerk Shelly M. Acteson, CMC
City Attorney Sarah Heath, Esq.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. APPROVAL OF AGENDA
 - 1. Approval of Consent Agenda
 - 2. Approval of Minutes of Previous Meetings
 - A. April 2, 2024, Special Meeting
 - B. April 9, 2024, Regular Meeting
- E. COMMUNICATIONS AND APPEARANCE REQUESTS
 - 1. Elected Officials in Attendance
 - 2. Board/Commission Members in Attendance
 - 3. Saroma delegation - Carla Swick
 - 4. Proclamation - Celebrating May 5 through May 11, 2024, as First National Youth Apprenticeship Week
 - 5. Proclamation - Recognizing Colony High School Student Hallie Clark
 - 6. Proclamation - Proclaiming May 2, 2024, as National Day of Prayer
 - 7. Introduction of three new Palmer Fire and Rescue full-time firefighters - Colt Graham, Colten Brickel, and Lane Reed.
- F. REPORTS

1. City Manager's Report
 2. Mayor's Report
 3. City Clerk's Report
 4. City Attorney's Report - Overview of Lindke v. Freed regarding new U.S Supreme Court test for elected public official's social media activity; and the City of Palmer Code of Ethics and Conduct for Elected Officials
- G. AUDIENCE PARTICIPATION
- H. PUBLIC HEARINGS
1. **Ordinance No. 24-002:** Amending the Palmer Municipal Code, Title 4, Personnel
 2. **Resolution No. 24-020:** Authorizing the City Manager to Enter into an Agreement Not To Exceed \$15,000 with Wolf Architecture for the Schematic Redesign for the Palmer Public Library.
- I. ACTION MEMORANDA
1. **Action Memorandum No. 24-023:** Approving a Council Community Grant Request from Palmer Little League in the Staff Recommended Amount of \$1,380 for Scoreboard Replacement
 2. **Action Memorandum 24-022:** Approving a Council Community Grant Request from Rodeo Alaska in the Staff Recommended Amount of \$1,500 for the 49th State Professional Rodeo Cowboys Association Xtreme Bulls Rodeo and Music Fest
 3. **Action Memorandum No. 24-019:** Authorizing the City Manager to Negotiate and Execute Two Lease Extension Agreements with ES Properties and Nicole Reed to Provide Long-term Storage for Library Books and the Temporary Library
 4. **Action Memorandum No. 24-020:** Authorizing the City Manager to Negotiate and Enter Into a Contract with Alaska Sure Seal Inc. in an Amount Not to Exceed \$151,287.50 for Road Striping and Crack Sealing of City Streets and Palmer Municipal Airport Asphalt Surfaces
- J. UNFINISHED BUSINESS
- K. NEW BUSINESS
- L. RECORD OF ITEMS PLACED ON THE TABLE
- M. AUDIENCE PARTICIPATION
- N. EXECUTIVE SESSION - **Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity - negotiations for potential property acquisition (Action may be taken by Council following the Executive Session)**
- O. COUNCIL COMMENTS
- P. ADJOURNMENT



D. 2.

Palmer City Council Meeting
Meeting Date: 04/23/2024
Submitted For: Shelly Acteson, City Clerk
Department: City Clerk's Office

Subject
Approval of Minutes of Previous Meetings
A. April 2, 2024, Special Meeting
B. April 9, 2024, Regular Meeting

Summary Statement/Background

Administration's Recommendation:

Attachments

April 2 Special Meeting Minutes
April 9 Regular Meeting Minutes

A. CALL TO ORDER

A special meeting of the Palmer City Council was held on April 2, 2024, at 3:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor Carrington called the meeting to order at 3:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

- Mayor Steve Carrington
- Deputy Mayor Carolina Anzilotti
- Richard W. Best
- Jim Cooper
- Pam Melin
- Joshua Tudor

Absent:
John Alcantra (Conflict of Interest verified)

Staff in attendance:

- Shelly M. Acteson, CMC, City Clerk
- Benji Johnson, Deputy City Clerk
- Sarah Heath, City Attorney
- Dwayne Shelton, Palmer Police Chief
- Gina Davis, Finance Director
- Kimberly Green, Human Resources Manager

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

Main Motion: To Approve the Agenda

| | |
|--------------|--|
| Moved by: | Melin |
| Seconded by: | Anzilotti |
| Vote: | Unanimous |
| Absent: | Alcantra (conflict of interest verified) |
| Action: | Motion Carried |

E. NEW BUSINESS

- 1. City Council Interview Process Discussion

The Council was provided with a list of interview questions. To avoid confusion, Mayor Carrington asked the questions of the candidates.

- 2. City Manager Interviews
 - a. **Kim Zimmerman - 3:15 p.m. (Zoom)**

Mayor Carrington asked the candidate the interview questions. Candidate Kim Zimmerman answered the questions.

b. Randy Robertson - 4:00 p.m. (Zoom)

Mayor Carrington asked the candidate the interview questions. Candidate Randy Robertson answered the questions.

c. Patrick Marsh - 4:45 p.m. (Zoom)

Mayor Carrington asked the candidate the interview questions. Candidate Patrick Marsh answered the questions.

d. Kolby Hickel - 5:30 p.m.

Mayor Carrington asked the candidate the interview questions. Candidate Kolby Hickel answered the questions.

e. Susana Stinnett - 6:15 p.m.

Mayor Carrington asked the candidate the interview questions. Candidate Susana Stinnett answered the questions.

Mayor Carrington called a break at 6:45 p.m.

Special meeting reconvened at 6:50 p.m.

F. EXECUTIVE SESSION

1. Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Candidates (Note: All city manager candidates may be discussed during the Executive Session. Personnel action regarding the City Manager Candidates may be taken following the Executive Session)

Main Motion: To Enter in Executive Session on Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Manager Candidates

| | |
|--------------|--|
| Moved by: | Cooper |
| Seconded by: | Melin |
| Vote: | Unanimous |
| Absent | Alcantra (conflict of interest verified) |
| Action: | Motion Carried |

The Council invited Kimberly Green, Human Resources Manager and Sarah Heath, City Attorney to participate in the Executive Session.

The Council entered Executive Session at 6:51 p.m.

The Council exited Executive Session by unanimous consent at 8:04 p.m.

Main Motion: To Direct the HR Manager to invite the top two candidates back for additional interview questions

| | |
|--------------|--|
| Moved by: | Tudor |
| Seconded by: | Melin |
| Vote: | Unanimous |
| Absent: | Alcantra (conflict of interest verified) |
| Action: | Motion Carried |

G. AUDIENCE PARTICIPATION

Mayor opened audience participation, seeing no one come forward, he closed audience participation.

H. ADJOURNMENT

With no further business before the Council, the meeting was adjourned at 8:04 p.m.

Approved this 23rd day of April 2024.

Steve Carrington, Mayor

Shelly M. Acteson, CMC, City Clerk

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on April 9, 2024, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor Carrington called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Mayor Steve Carrington
Deputy Mayor Carolina Anzilotti
John Alcantra
Richard W. Best (via Zoom)
Jim Cooper
Pam Melin
Joshua Tudor

Staff in attendance:

John Moosey, City Manager
Shelly M. Acteson, CMC, City Clerk
Benji Johnson, Deputy City Clerk
Sarah Heath, City Attorney
Dwayne Shelton, Palmer Police Chief
Brad Hanson, Community Development Director
Gina Davis, Finance Director
Greg Wickham, Public Works Superintendent

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

Mayor Carrington presented the Proclamation Recognizing Education and Sharing Day to Rabbi Mendy Greenberg.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
2. Approval of Minutes of Previous Meetings
 - A. March 26, 2024, Regular Meeting

Main Motion: To Approve the Agenda

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|--------------|----------------|
| Moved by: | Alcantra |
| Seconded by: | Anzilotti |
| Vote: | Unanimous |
| Action: | Motion Carried |

E. COMMUNICATIONS AND APPEARANCE REQUESTS

1. Elected Officials in Attendance
2. Board/Commission Members in Attendance
3. Palmer Museum of History and Art Report – Mary Jo Parks
Ms. Parks was unable to attend. The report will be presented at a future meeting.

F. REPORTS

1. City Manager's Report

- The auditors are here.
- Saturday, April 27th, at Fred Meyer is the Drug Take Back
- May 4th and 5th at Alaska State Fairgrounds and Palmer Municipal Airport is the Great Alaska Aviation Gathering.
- May 6th to the 11th is community clean up week.
- Rodeo Bull Riding coming to the Fairgrounds at the end of May.
- Last week participated in the Alaska Infrastructure Symposium.
- Infrastructure money coming for road construction.
- Reminded everyone that Phase two of the Glenn Highway project is starting.

2. Mayor's Report

- References written report regarding the library project.
- Second round of City Manager interview will be April 30 at 3:00pm.
- The deadline for Council Members for questions regarding Title 4, Personnel, is April 16.
- Spoke about the letter of support for the Mat-Su Senior Center.

3. City Clerk's Report

- No formal report at this time.

4. City Attorney's Report

- Spoke to new US Supreme Court ruling creating a new test regarding personal Facebook.
- In the process of researching Chickaloon's possible police powers expansion.

G. AUDIENCE PARTICIPATION

Alison Collins:

- Supports building the biggest library possible.

Marcus Collins:

- Lives in Palmer and uses the library often and supports the larger library.

Mary Robinson:

- City of Wasilla Resident.
- President of the Friends of Wasilla Public Library.
- Encouraged the Council to build a "big" library.

Frank Bell:

- Spoke to some of the arguments opposed to the current library design and urged the Council to fund the current library design and square footage.

Jackie Goforth:

- Loves books and libraries, and objected to the "Civic Space", business loss, view loss regarding the current new library design.

Dave Rector:

- Believes that the library content and building a new library building are separate issues.
- Spoke to NGOs, and funding concerns/objections.

Lois Liebing:

- Supports the size and design of the new library.

Kim Evans:

- Supports the Palmer Public Library size and design.

Travis Friesen:

- Lives in Palmer and advocated for recycling.

Susan Pougher:

- Spoke in support of the current library design and size proposal.

Karen Lewis:

- Supports a larger library, and objects to the obscene books in the library.

H. PUBLIC HEARINGS

1. **Resolution No. 24-017:** Authorizing the City Manager to the Accept Volunteer Fire Assistance Grant Funds Awarded by the State of Alaska, Department of Natural Resources, Division of Forestry, and Appropriate the Funds to the City of Palmer Fire and Rescue in the Amount of \$7,000 to Purchase Wildland Fire Gear

Mayor Carrington opened the public hearing on Resolution No. 24-017.
Seeing no one come forward, Mayor Carrington closed the public hearing.

Main Motion: To Adopt Resolution No. 24-017

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|--------------|----------------|
| Moved by: | Anzilotti |
| Seconded by: | Cooper |
| Vote: | Unanimous |
| Action: | Motion Carried |

2. **Resolution No. 24-019:** Appropriate Funds in the Amount Not to Exceed \$139,949.41 from the Unassigned Net Position of the Water and Sewer Fund to Purchase a New Case 321F Compact Wheel Loader and Attachments from Yukon Equipment, Inc.

Mayor Carrington opened the public hearing on Resolution No. 24-019.

Seeing no one come forward, Mayor Carrington closed the public hearing.

Greg Wickham, Public Works Superintendent, addressed Council questions.

Main Motion: To Adopt Resolution No. 24-019

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|--------------|----------------|
| Moved by: | Tudor |
| Seconded by: | Alcantra |
| Vote: | Unanimous |
| Action: | Motion Carried |

I. ACTION MEMORANDA

1. **Action Memorandum No. 24-018:** Authorizing the City Manager to Negotiate a Contract with H5 Construction in the Amount of \$2,014,304.38 for the Bogard Road Booster Station

Manager Moosey and City Attorney Heath addressed Council questions.

Main Motion: To Approve Action Memorandum No. 24-018

| | |
|--------------|-----------|
| Moved by: | Anzilotti |
| Seconded by: | Tudor |
| Vote: | Unanimous |

Action: Motion Carried

J. UNFINISHED BUSINESS

K. NEW BUSINESS

- 1. Request to direct the City Manager to get an estimate from Wolf Architecture to provide architectural drawings of a new library building with building costs being no more than \$10 million dollars and utilizing as much of the existing design elements as possible that was based on public input (Council Members Tudor and Melin) (If the estimate is available by the April 9 meeting, the Council may take action)**

Main Motion: To Direct Manager Moosey to Bring Forward a Resolution to Have Wolf Architecture to Provide Architectural Drawings of a New Library Building with Building Costs Being No More than 10 million dollars and Utilizing as Much of the Existing Design Elements as Possible that was Based on Public Input, Including Possible Increase of Operational Costs with the Existing Plan and New Plan.

| | |
|--------------|------------------------------------|
| Moved by: | Best |
| Seconded by: | Melin |
| Vote: | 4/3 (Alcantra, Cooper, Carrington) |
| Action: | Motion Carried |

L. RECORD OF ITEMS PLACED ON THE TABLE

Memo from Gary Wolf

M. AUDIENCE PARTICIPATION

Mike Kruse:

- Project Manager for construction projects around the state.
- Spoke about budget constraints regarding the library and design.
- Spoke to grant funding for a project.
- Gave advice to Council from a construction Project Manager point of view.

Helen Woodings:

- Supports the current design, but believes if need to cut costs, go big, but go bare.
- She thinks the money should be put into energy efficiency.
- Believes that the community needs meeting space.

Susanne Hayes:

- Wanted to congratulate the Council on all they have done to make the community whole after the library collapse by scrambling and coming up with an alternative.
- The voters know what they are getting in for.
- Now feels remorseful that it feels as though the Council is stalling and is now going backwards.

Travis Freisen:

- Lives in Palmer.
- The Mat-Su Recycling Center does not have a way to recycle glass.
- Regarding the concern about Library building too tall and will block the view, perhaps use a basement space.
- Do not need to put a coffee shop or any business in the library, use space for a community art gallery.

Andres Jackson:

- Urged the Attorney when talking Facebook dos and don'ts, please include the Police Department when it comes to posting on social media.

Mary Robinson:

- City of Wasilla Resident
- Attended the first Mat-Su Borough Library Board meeting.
- Gave an overview of what was reported at the referenced meeting.

Bill Folsom:

- Not a Palmer City resident but owns 40 acres next to Palmer.
- What is the size and value of the property that the collapsed library sits on?
- Spoke to those concerned about the library books content should not give their kids iPhones or computers.

Dave Rector:

- Cautioned using certain language moving forward in this process, regarding the library project.

Susan Pougher:

- Expressed confusion regarding the concerns for paying the bond with sales tax.
- Also did not like the analogy comparing the library project to buying a car.
- Very disappointed that the Council in kicking the project further down the road.

Frank Bell:

- Express that no design is going to please everyone.
- Believes that most do not care about the coffee shop, etc, just want to build the library.

Ruth Hulbert:

- Believes Palmer needs a library, needs a bigger library, and needs more meeting spaces.
- Concerned about the anti-intellectualism streak that is running through Palmer lately.
- A library is an investment in the community and culture.
- Believes that the design of the library fits with that end of town.

Murdine Collins:

- The library has been on interictal part of their lives.
- Disappointed that things are not going forward.

Kim Evans:

- Very disappointed, Palmer voters voted, overwhelming testimony is to build the bigger library.
- Hoping will go with the first proposal or whatever is the larger square foot plan.

N. COUNCIL MEMBER COMMENTS

Council Member Best:

- Thanked those who speak with passion.
- Disappointed with what he feels is fear mongering regarding the possible funding loss.
- Reminds the public that this is a public process.
- Asked the public to tone down the rhetoric and allow that process to work.

Council Member Melin:

- Always grateful to the constituents, the body that comes out and speaks.
- She is not a proponent of the 30 minutes limit on audience participation that is in the code.
- Called out when there is disinformation, it works both ways, please do not put words in our mouths.
- Expressed care for the community and sorry you are disappointed, but this is how this works.
- Communicated to the public that these decisions are not being taken lightly.

- Continued to convey concerns about costs and those costs being taken on by the residents.

Council Member Tudor:

- Appreciated everyone for coming out to the meeting.
- Spoke to the new library and the process.
- Wants to ensure that Palmer is not going to follow other cities that have run into fiscal problems.
- Would love to have a large library but need to be aware of costs immediate and long term.
- Urged the public to be patient.

Council Member Alcantra:

- Appreciates everyone coming out.
- Believes that rhetoric is leading those to believe that property owners are going to be stuck holding the bag.
- Reappropriation of Capital projections happens all the time.
- Reminded the public of City clean up days in May.

Council Member Cooper:

- Thanked everyone for coming out.
- We are the fastest growing area in the State.
- When the Council passed the Ordinance for the \$10 million there was a statement regarding the \$16 million cost to build a new library.
- No concerns that the city is going to default.
- Feels that the city needs to build a building that is going to last and be proud of it.

Deputy Mayor Anzilotti

- Thinking about car analogy and believing that it is wise not to buy the first car you see, but make sure it is going to fit your family.
- Would like to come up with a more cost-effective design with the best aspects of the library.
- Is not taking this lightly and would like to take the time to find the right fit and cost.

Mayor Carrington:

- Commented on the 30-minute rule for audience participation.

O. ADJOURNMENT

With no further business before the Council, the meeting was adjourned at 8:06 p.m.

Approved this 23rd day of April 2024.

Steve Carrington, Mayor

Shelly M. Acteson, CMC, City Clerk



Proclamation E. 4.

Palmer City Council Meeting
Meeting Date: 04/23/2024
Submitted For: Shelly Acteson, City Clerk
Department: City Clerk's Office

Proclamation Purpose

Proclamation - Celebrating May 5 through May 11, 2024, as First National Youth Apprenticeship Week



Communications and Appearance Requests E. 5.

Palmer City Council Meeting

Meeting Date: 04/23/2024

Submitted For: John Moosey, City Manager

Department: City Manager's Office

Proclamation Purpose

Proclamation - Recognizing Colony High School Student Hallie Clark



Communications and Appearance Requests E. 6.

Palmer City Council Meeting

Meeting Date: 04/23/2024

Submitted For: Shelly Acteson, City Clerk

Department: City Clerk's Office

Proclamation Purpose

Proclamation - Proclaiming May 2, 2024, as National Day of Prayer



Communications and Appearance Requests E. 7.

Palmer City Council Meeting
Meeting Date: 04/23/2024
Submitted For: Chad Cameron, Fire Chief
Department: City Clerk's Office

Proclamation Purpose

Introduction of three new Palmer Fire and Rescue full-time firefighters - Colt Graham, Colten Brickel, and Lane Reed.



F. 2.

Palmer City Council Meeting
Meeting Date: 04/23/2024
Submitted For: Shelly Acteson, City Clerk
Department: City Clerk's Office

Subject
Mayor's Report

Summary Statement/Background

Administration's Recommendation:

Attachments

Mayor's Report



Palmer Mayor's Report

Tuesday April 23, 2024 Council Meeting

Important Dates Coming Up

- **April 30 - Interviews for City Manager @ 3 p.m.**
- **May 7 - Transit update to the MSB Assembly**
- **May 13 - Monday City Council Meeting (early to avoid HS graduations)**
- **May 16 or June 20 - Thursday Joint Meeting with P&Z**

Transit update to the MSB Assembly May 7


I received an email invite to Mayors and Managers from Maija DiSalvo, a Long-Range Planner with the Borough Planning & Land Use Division to attend a Transit update that will be presented to the MSB Assembly May 7:

I wanted to let you all know that staff will be giving a **Transit update to the MSB Assembly at the regular meeting on May 7th**. We would invite you to attend to hear the update, which will include a presentation on current transit services in the urban area, as well as a timeline for funding and potential match funding structure. The potential match structure does include the cities of Palmer and Wasilla, and we will be asking the cities and Assembly to take action on this topic in the near future to prevent a lapse in funding for current transit services.

We encourage you to attend so you can share the information with your councils and consider the discussion of the Assembly in your respective decision. **We would like to follow up this discussion by attending a meeting of your city council. Please let us know as soon as possible what date will work for you.** Let me know if you have any questions in the meantime and we look forward to seeing you in May.

My understanding is that DOT will be providing bridge funding to keep Valley Transit whole as they transition from rural to urban. But if I understand it correctly, the MSB will have to do a competitive bid process for a transit solution.

Those interested should attend to learn more. I will contact them to see about a presentation tentatively for May 28.



Palmer Mayor's Report

Matsu Valley Planning For Transportation

I am attaching minutes from the February and March meetings of the MVP4T. They should become available at the MVPMPO.org website but aren't available yet. So I am attaching them here.

Joint Meeting with the Planning & Zoning Commission

From talking with P&Z Chair Penny Mosher it looks like having a joint meeting with them may need longer than the 45 minutes we've allotted the last time we met together. I am recommending we have a joint meeting with the P&Z during their regular Thursday meeting date possibly May 16 or June 20.

Analysis of the Relationship between the City ...

Back in 2022 we had our Attorney Sarah Heath do an Analysis of Scope of Relationship of the City of Palmer with the Greater Palmer Chamber of Commerce, Inc. We have been getting some questions about the Friends of the Palmer Library nonprofit. I have asked our attorney to do a report on the relationship between the City of Palmer and the Friends of the Palmer Public Library.

CELEBRATE ALASKA AVIATION!

The first weekend in May every year, Alaskans gather to celebrate aviation and plan for the upcoming flying season by attending the largest free aviation event in the nation!


This will be at the Fairgrounds as well as at the Bud Woods Palmer Airport.

Agenda Highlights

- Approval of April 2, 2024, Special Meeting Minutes
- Approval of April 9, 2024, Regular Meeting Minutes

Communications and Appearance

- Saroma delegation – Carla Swick (and company)
- Proclamations: First National Youth Apprenticeship Week, Recognizing Colony High School Student Hallie Clark, National Day of Prayer



Palmer Mayor's Report

- Introduction of three new Palmer Fire and Rescue full-time firefighters – Colt Graham, Colten Brickel and Lane Reed

Reports

- City Attorney's Report – Overview of Lindke v. Freed regarding new U.S. Supreme Court test for elected public official's social media activity; and the City of Palmer Code of Ethics and Conduct for Elected Officials

Public Hearings

- **Ordinance No. 24-002:** Amending the Palmer Municipal Code, Title 4, Personnel
- **Resolution No. 24-020:** Authorize the City Manager to Enter into an Agreement Not to Exceed \$15,000 with Wolf Architecture for the Schematic Redesign for the Palmer Public Library

Action Memoranda

- **Action Memorandum No. 24-023:** Approving a Council Community Grant Request from Palmer Little League in the Staff Recommended Amount of \$1,380 for Scoreboard Replacement
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EXECUTIVE SESSION – Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity – negotiations for potential property acquisition (Action may be taken by Council following the Executive Session)

Mayor Steve Carrington

MVP for Transportation MPO Policy Board Meeting

Representatives:

Bob Charles – Knik Tribe
Edna DeVries, Mayor - MSB
Glenda Ledford, Mayor – City of Wasilla
Brian Winnestaffer, Chickaloon Native Village
Mike Brown - MSB
Sean Holland - ADOT&PF
Steve Carrington, City of Palmer



Microsoft Teams meeting

Join on your computer or mobile app.

[Click here to join the meeting](#)

Meeting ID: 239 571 842 83

Passcode: Sgf2im

Or call in (audio only)

+1 605-937-6140 (U.S. Sioux Falls)
(844) 594-6237 (toll-free)

Phone Conference ID: 959 952 654#

Minutes

Tuesday, February 20th, 2024

2:00-3:30pm

A. Meeting called to order

The meeting was called to order at 2:01 pm with quorum.

B. Introduction of Members and Attendees

Members Present

Steve Carrington, Palmer
Brian Winnestaffer, Chickaloon Native Village
Sean Holland, DOT
Bob Charles, Knik
Edna DeVries, MSB
Mike Brown, MSB

Meetings Absent

Glenda Ledford, Wasilla Mayor

Visitors Present

Elise Blocker, RESPEC
Donna Gardino, Gardino Consulting Services
Kim Sollien, MSB
Ben White, DOT
Adam Bradway, DOT
Clint Adler, DOT
Jackson Fox, FAST
Alex Strawn, MSB
Shonda Erickson
Brian Lindamood, ARRC
Kelsey Anderson, MSB
Shonda Erickson, Alaska Legislature
Josh Cross, Kinney Engineering
Gerrit Verbeek, MSB

C. **Approval of the February 20th, 2024, Agenda – (Action Item)**

Motion to approve the February 20th, 2024 agenda (**Winnestaffer**), seconded. Motion to edit the agenda to add Transit Update to New Business (**Brown**), seconded. Passed unanimously.

D. **Approval of the January 16th, 2024, Minutes – (Action Item)**

MVP for Transportation MPO Policy Board Meeting

Motion to approve the January 16th, minutes (**DeVries**), seconded. No edits. Passed unanimously.

E. Committee/Working Group Reports (Including the Staff Report)

1. Staff Report

An MOU for the one million dollars is not needed. The Mat-SU Borough needs a letter requesting funds once MVP is its own entity. Kim Sollien is working on templates for grant agreements. The priority is to get an agreement with the State of Alaska to start planning funds.

There are several Technical Committee seats open. The bylaws require nine members to reach a quorum. Supervisor designation is required for membership. There is an application for advocates in multimodal, trucking, and public transportation.

Adam Bradway: Just some clarification regarding the one million dollars, typically MPO dues would pay match.

Kim Sollien: Until we have documentation and become official, we can't open a bank account at this time.

Donna Gardino: Once the bank account is open, MVP will invoice the entities.

Adam Bradway: Alaska DOT&PF would like an updated travel demand model. There are funds available to support MVP. Scopes of work are currently being drafted.

Donna Gardino: A Public Participation Plan is in place. It will be updated once a consultant is brought on for the MTP.

Sean Holland: Is a survey the best way to gather information?

Adam Bradway: They are the gold standard for gathering travel information for the public.

Brian Winnestaffer: Will the survey also capture commercial users?

Adam Bradway: It will be clarified in the survey, yes.

F. Voices of the Visitors (Non-Action Items)

None

G. Old Business

a. MVP Coordinator Update

After a couple of rounds of applications, an applicant was selected. Their start date will be April 1st, 2024. Kim Sollien will be the MPO Coordinator.

H. New Business

a. Vice Chair Election (Action Item)

MVP for Transportation MPO Policy Board Meeting

Motion to nominate Edna Devries to Vice Chair (**Charles**). Edna accepts the nomination, seconded. Passed unanimously

b. Looking Forward: MPO Next steps presentation

Elise Blocker presented the next steps to forming the MPO Non-Profit.

Donna Gardino presented becoming an MPO in Good Standing.

Brian Winnestaffer: What is the trigger for when FHWA releases funding to the MPO?

Donna Gardino: Once there is an approved TIP. It is not clear which year more money would be made available but to not lose the money, the funding would be plugged into future years. We're still asking questions.

Kim Sollien: We discussed the possibility of trying to program capital funding for MVP for the next two years and save it up, but we still need to figure that out. We may not be able to do that without a TIP.

Donna Gardino: Another idea was to have a mini project evaluation board that would evaluate congestion mitigation, air quality, or carbon reduction since there is funding available. The Technical Committee would score those projects and we would develop a mini TIP but we need those projects in the MTP before they can be added to the TIP. Were still trying to figure out how to move forward.

Bob Charles: We still would like to know and understand how the state prioritizes projects and the criteria that is used.

Kim Sollien: We can have Alaska DOT&PF present on that next month.

c. Representative Welcome Packet

We are waiting for one more signature for the MOU. Once the MOU is complete, that will be added to the welcome packet and be available online and in hard copy if requested.

d. STIP Update

Ben White and Adam Bradway provided an overview of the STIP process. Alaska DOT&PF was given a 180-day extension to get the STIP approved and in place. Alaska DOT&PF is going through the 24 pages of funding from FHWA. The STIP deadline is March 31st. To give FHWA 30 days top review, the response needs to be sent back on March 1st.

Mike Brown: How did we get to this point?

Ben White: There are a lot of moving parts in STIP development. Our usual process involved a huge spreadsheet, and we started looking into how other states were doing their STIP. We decided to try a different process and program. We needed better communication, and we started it too late.

Adam Bradway: The good news is that the PL funds are outside of the STIP there is less of an impact to MVP as a new MPO. We are going to try to

MVP for Transportation MPO Policy Board Meeting
program money for MVP to set aside. That may not be accepted by FHWA.
We are asking questions.

e. Transit Update

The Mat-Su Borough is transitioning from rural transit to urban transit funding. That needs to be shown in the STIP. The MSB, as the designated recipient for the MPO, needs to request that money from FTA.

Alaska DOT&PF did program funds into the STIP, it was based on an estimate from a conversation that occurred a year and a half ago. The idea was that 1.5 million would get programmed to the Mat-Su area to support transit. FTA has not certified or guaranteed that amount. FTA has not released the formula fund amount for the Mat-Su urban area. It is unknown how much funding FTA is going to program to the area so the local match discussions or grant applications can't be completed yet. Once it is determined how much money will be received, the public transit contract will go to bid. FTA does not know its annual budget yet. Once its budget is determined, then the amount of money that MVP will receive will be determined.

Brian Winnestaffer: Is Valley Transit able to request funding for areas outside the core area?

Adam Bradway: Yes, it would be based on a percentage of their service area.

I. Other Issues

None

J. Informational Items

a. Articles of Incorporation submittal

The state has been notified that MVP is submitting the Articles of Incorporation.

K. Policy Board Comments

No comments

L. Adjournment

Motion to adjourn the meeting (Winnestaffer), seconded. The meeting was adjourned at 3:3.4pm.

Next Scheduled MPO Policy Board Meeting – **March 19th**, to be held via Microsoft TEAMS Meeting

MVP for Transportation MPO Policy Board Meeting

Representatives:

Bob Charles – Knik Tribe
Edna DeVries, Mayor - MSB
Glenda Ledford, Mayor – City of Wasilla
Brian Winnestaffer, Chickaloon Native Village
Mike Brown - MSB
Sean Holland - ADOT&PF
Steve Carrington, City of Palmer



Microsoft Teams meeting

Join on your computer or mobile app.

[Click here to join the meeting](#)

Meeting ID: 239 571 842 83

Passcode: Sgf2im

Or call in (audio only)

+1 605-937-6140 (U.S. Sioux Falls)

(844) 594-6237 (toll-free)

Phone Conference ID: 959 952 654#

Minutes

Tuesday, March 19th, 2024

2:00-3:30 pm

A. Meeting called to order.

The meeting called to order with quorum at 2:01 pm

B. Introduction of Members and Attendees

Members Present

Sean Holland, Alaska DOT&PF
Steve Carrington, City of Palmer
Bob Charles, Knik Tribe
Edna DeVries, MSB
Glenda Ledford, City of Wasilla
Mike Brown, MSB
Brian Winnestaffer, Chickaloon Native Village

Members Absent

None

Visitors Present

Elise Blocker, RESPEC
Donna Gardino, Gardino Consulting Services
Adam Bradway, Alaska DOT&PF
Clint Adler, Alaska DOT&PF
Natalie Lyon, RESPEC
Alex Strawn, MSB
Randy Durham, Visitor
Shonda Erickson, Alaska Legislature
Luke Bowland, Alaska DOT&PF
Julie Jenkins, FHWA
John Linnell, Alaska DOT&PF
Maija DiSalvo, MSB
Ben White, Alaska DOT&PF
Kate Dueber, ARRC

C. Approval of the March 19th, 2024, Agenda – (Action Item)

Motion to approve the March 19th, 2024 agenda (DeVries), seconded. No edits. Passed unanimously.

MVP for Transportation MPO Policy Board Meeting

D. Approval of the February 20th, 2024, Minutes – (Action Item)

Motion to approve the February 20th, 2024 minutes (Carrington), seconded. No edits. Passed unanimously.

E. Committee/Working Group Reports (Including the Staff Report)

1. Staff Report

Kim Sollien is no longer at the Mat-Su Borough. She will be starting her new position at FAST Planning as the MVP MPO Coordinator on April 1st, 2024.

F. Voices of the Visitors (Non-Action Items)

None

G. Old Business

a. STIP Update

Donna Gardino provided an overview summary and highlights. Located on page 6 of the meeting packet, there is a STIP discussion timeline. The allocation on page 8 of the meeting packet was presented by Deputy Commissioner Keith. On page 10 of the meeting packet, is the planning finding by FHWA. Located in that document is Appendix B which is on page 20. Page 34 of the meeting packet is a letter raising concerns about the proposal to remove projects from the STIP. On page 36, is the response to the STIP that was made in September which proposes to remove suballocations. On page 41 of the timeline, if the sub allocations are removed, it is unclear where the funding is going. Page 45 is the FHWA response. On page 57, is the proposed MVP ledger that was proposed by Alaska DOT&PF. Yesterday we received a new ledger and the dollar amounts have been reinserted where in the previous ledger they were blank. We are wondering if the Policy Board could come up with a list of projects and Alaska DOT&PF could design and construct under a categorical exclusion relatively quickly so MVP's allocation could be applied. We were hoping to have the Deputy Commissioner present to answer questions. In summary, the approved STIP does not contain sub-allocations for MVP but we were presented a ledger subsequent to the STIP submittal that includes sub-allocations.

Adam Bradway: We were also hoping that the Deputy Commissioner would be present. Alaska DOT&PF would like to hear from MVP on their projects and funding allocations. We would like to hear suggestions on what MVP would like to see. We will follow up with the staff. The STIP is a big document. I am working on breaking out projects within the boundary to make understanding easier.

Mike Brown: Is Alaska DOT&PF expecting this to go back to the Technical Committee and then to the Policy Board regarding the STIP and the funding? I like the idea of pavement preservations as quick to execute. Demonstrating some quick wins for the MPO would be helpful. My understanding is that this isn't done, and we are waiting for FHWA to allocate funding specifically in 2025, is that correct?

MVP for Transportation MPO Policy Board Meeting

Donna Gardino: We have been presented an updated ledger that contains funding for both fiscal years 24 and 25. Because those groupings were removed FHWA and FTA have said the state needs to show how those funds are being used. I don't know if that has changed. Yes, the intent is for us to come up with a response to this proposal and then go through the technical committee.

Adam Bradway: Staff would bring proposals to MVP and then provide a recommendation to Alaska DOT&PF. Our first amendment would make these changes.

Donna Gardino: We need to know if what we are proposing through the pavement preservation program is feasible or not.

Sean Holland: From a practical standpoint, if we are going to spend 2025 money, these would have to be very simple projects.

Donna Gardino: If this scenario isn't feasible, then we will see which projects are in the STIP and then we can see which projects the Policy Board would rather see funding be allocated to.

Mike Brown: So, projects that DOT&PF already has on the book depending on the stage they are in, they can bring that funding forward to design or construct earlier than expected, correct?

Donna Gardino: Correct. But not tying MVP to funding it to future years. Also, to be eligible for August Redistribution, which we will explain later in the agenda, all of the state's fiscal year funding will have to be obligated.

Mike Brown: Would lighting be a good example of a quick upgrade, like LED upgrades?

Donna Gardino: LED lighting requires different spacing. It often depends on the highway or street.

Clint Adler: That's correct.

Adam Bradway: I think Alaska DOT&PF could discuss the feasibility of putting together a quick pot of money and what projects could fall into that.

b. Letter/Invoice from DOT to MSB – Match Allocation

Adam Bradway provided an overview of the letter.

c. Project Development Authorization for MVP PL Allocation status

Adam Bradway provided a summary of allocation status.

d. Technical Committee designation reminder

A reminder that we are still looking for Technical Committee members. There are vacancies in public transit and trucking.

MVP for Transportation MPO Policy Board Meeting

H. New Business

a. Presentation to House Transportation Committee

The House Transportation Committee has requested a presentation. The Policy Board has not gone through the process of outlining our goals and priorities. This will occur during the Metropolitan Transportation Planning development process later this year.

Glenda Ledford: Are there any suggestions on how Kim Sollien should address the request of the House Transportation Committee?

Mike Brown: I think it would be helpful to be available to answer questions and be available. We don't have a TIP. At the very least be there to say thank you for the funding and their support.

Donna Gardino: I attended the House Transportation Committee last week. FAST Planning was there to provide an MPO 101, so doing that won't be necessary. But being there would be helpful.

b. Technical Committee appointment approvals (Action Item)

Located within the packet are two applications for the mobility advocate.

Motion to approve Stuart Leidner as the mobility advocate on the Technical Committee (Winnestaffer), seconded. Passed unanimously.

I. Other Issues

a. August Redistribution

Donna Gardino explained the August Redistribution. The letter within the packet is information from FHWA that funding will be available once our MTP and TIP are in place.

J. Informational Items

Mike Brown: Does Alaska DOT&PF have an update on the Seward Meridian bid?

Clint Adler: The bid is opening tomorrow at 2 pm.

K. Policy Board Comments

No comments

L. Adjournment

The meeting adjourned at 2:49 pm.

Next Scheduled MPO Policy Board Meeting – **April 16th**, to be held via Microsoft TEAMS Meeting

MVP For Transportation Technical Committee

Action Items

April 9, 2024

Motion: To approve the April 9, 2024 Agenda. **Motion by Winnestaffer.**

Amendment: To move item 7b to the May meeting. **Kim Sollien.**

Amended Motion: To approve the April 9, 2024 agenda as amended. **Motion by Adler.**
Passed unanimously.

Motion: To approve the March 12, 2024 minutes. **Motion by Adler.**

Amendment: To fix spelling error in Section 11, "Toma Adam" to "Tom Adams". **Adler.**
Correction made administratively; no formal motion made. Passed unanimously.

Motion: To recommend to the Policy Board the approval of the Letter of Support for
Prioritization Process Pilot Program. **Motion by Adler.** Passed unanimously.

Motion: to recommend to the Policy Board the approval of the Mat-Su Travel Demand
Model 2019 Base Model Proposal. **Motion by Adler.** Passed unanimously.



F. 4.

Palmer City Council Meeting

Meeting Date: 04/23/2024

Submitted For: Shelly Acteson, City Clerk

Department: City Clerk's Office

Subject

City Attorney's Report - Overview of Lindke v. Freed regarding new U.S Supreme Court test for elected public official's social media activity; and the City of Palmer Code of Ethics and Conduct for Elected Officials

Summary Statement/Background

Administration's Recommendation:

Attachments

Code of Ethics and Conduct

City of Palmer

Code of Ethics and Conduct

for Elected Officials

Purpose

The Palmer City Council (Council) adopts this Code of Ethics and Conduct for Elected Officials for the promotion of public confidence and trust in the City of Palmer (City) government.

A. ETHICS

The Council supports accountable City government as follows:

- Compliance with laws and policies affecting City government activities;
- Be independent, impartial and fair in Council judgment and actions;
- Act in the public's interest;
- Avoid personal benefit; and
- Promote respect and civility during official City proceedings.

In accord with the foregoing principles the Council adopts the following principles:

1. **Act in the Public Interest.** The Council will act in the public's interests when exercising City official action.
2. **Compliance with Law.** The Council will comply with applicable law when engaged in official business.
3. **Conduct of Members.** The Council should avoid the appearance of impropriety.
4. **Respect for Process.** Councilmembers shall perform their duties in accordance with council processes and rules of order. Members should conduct deliberations with civility and refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
5. **Conduct at Public Meetings.** Councilmembers should be familiar with City services, activities and matters presented for Council action and be prepared for Council meetings. Councilmembers should listen courteously and attentively to public testimony.
6. **Decision making.** Councilmembers shall consider their decisions on the merits, substance, and public testimony of the matter at hand.
7. **Quasi-judicial decision making.** When making quasi-judicial decisions Councilmembers should base their decisions on the evidence presented at the hearing.

For quasi-judicial matters pending before the Council, councilmembers shall refrain from receiving ex-parte communications. Councilmembers shall publicly disclose ex-parte communications.

8. **Conflict of Interest.** To assure independence and impartiality, council members shall use best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Councilmembers shall not use their official positions to influence government decisions in which they have (a) a

substantial financial interest that equals 10% of total income, unless the (1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or (2) action or influence would have insubstantial or conjectural effect on the matter. Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The Council finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The Council further recognizes that (1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of City government; (2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and (3) standards of ethical conduct for Councilmembers need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

A member who has a potential conflict of interest regarding a particular decision shall disclose that interest in accord with the process contained in City code and AS 29.20.010.

9. **Gifts and Favors.** Councilmembers shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Councilmembers must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Councilmembers shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Councilmembers shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Palmer, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Councilmembers shall respect and adhere to the council- manager structure of Palmer City government as outlined in the Palmer City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members

shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Workplace Environment.** Councilmembers shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Palmer.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the mayor in maintaining order*
It is the responsibility of the mayor to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action and may be rigorously but respectfully debated.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member he or she should call to the mayor for a point of order.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Council Conduct with the Public in Public Meetings

The mayor and councilmembers should make the public feel welcomed by exercising respect and civility.

- (a) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

- (b) *Ask for clarification, but avoid debate and argument with the public*
Only the chair, not individual members, can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (a) *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- (b) *Do not disrupt City staff from their jobs*
Elected officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff.
- (c) *Never publicly criticize an individual employee*
Elected and appointed officials should avoid expressing concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager.
- (d) *Do not get involved in administrative functions*
Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- (e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the leadership and should be treated with appreciation and respect.

- (a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- (b) *Limit contact with Board, Committee and Commission members to questions of clarification*
It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- (c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
The Mayor appoints and City Council confirms individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.
- (d) *Be respectful of diverse opinions*
A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.
- (e) *Keep political support away from public forums*
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. **IMPLEMENTATION**

- (a) *Acknowledgement of Code of Ethics and Conduct*
Councilmembers shall sign an acknowledgement that they have read and understand the Code of Ethics and Conduct for Elected Officials.
- (b) *Ethics Training for Local Officials*
The Council may receive periodic ethics training.
- (c) *Behavior and Conduct*
The Palmer Code of Ethics and Conduct expresses standards of ethical conduct expected for the Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have confidence in the integrity of government. The Council may intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the

Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy Mayor. It is the responsibility of the Mayor (or Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

When deemed warranted, the Mayor or majority of Council may call for an investigation into alleged ethical violations. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates city code or state or federal law.

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for the Council. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for Mayor and City Council, and newly elected officials. Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct for Elected Officials. In addition, the Code of Ethics and Conduct for Elected Officials shall be periodically reviewed by the Mayor and City Council and updated as necessary.

I affirm that I have read and understand the City of Palmer Code of Ethics and Conduct for Elected Officials.

Signature

Date

Printed Name



H. 1.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: Kimberly Green, HR Director
Department: City Manager's Office
Agenda Category: Ordinance
Legislation Number: ORD 24-002

Subject

Ordinance No. 24-002: Amending the Palmer Municipal Code, Title 4, Personnel

Summary Statement/Background

PMC Title 4 has had various sections updated over the years, but the regulation remains largely unchanged since it's original creation in 2008. The revisions reflect both changes and corrections to various Federal and State regulations, as well additions to match current regulations and best practices.

Administration's Recommendation:

Approve Ordinance 24-002

Fiscal Impact

Total Amount of funds listed in this legislation: 0.00

Line Item(s): No fiscal impact

Attachments

Title 4 Listing of Substantive Changes
ORD 24-002

Palmer Municipal Code Title 4

Substantive Changes

- Annual driver's license checks for all city drivers – currently requiring license checks on new hires and only CDL operators have license checks annually.
- Removed waiting requirements for longevity in accordance with council's approval of the pay plan.
- Travel reimbursement to match US Office of Personnel Management (OPM) Guidelines.
- Human Resources to conduct investigations – currently department directors conduct investigations and determine disciplinary action.
- Workplace Violence definition – previously Title 4 referenced WPV but did not include a definition.
- Updated/references federal and state regulations for USERRA, FMLA, AFLA, COBRA – currently federal and state regulations are listed, and several are outdated/incorrect.
- Updated EEO definitions
- Updated part-time employee hours worked to receive an evaluation to 1,040 to match other part of regulation.
- Changed bereavement leave to 5 days (previously 3) and included part-time employees.
- Created regulation to allow for 2 volunteer days per year – cannot be cashed in and must be used locally.
- Created regulation for waste, fraud, abuse.
- Changed reclassification of job descriptions to one time per year and included finance approval requirement.
- Changed max merit step increase to limit to one step at align with new pay plan.
- Created regulation to require a mandatory pay change for voluntary downgrades.
- Created a driver's license matrix – regulations currently require an “acceptable” driver's record but did not include a matrix to designate what was acceptable.
- Changed background check from SOA Troopers to allow for national background service due to number of new hires who are relatively new to Alaska.
- Updated application process to online application system.
- Changed probationary period extension to require city manager approval – currently only requires department director and HR approval.
- Restrictions on who can drive vehicles home.
- Changed leave accrual to allow for partial accrual in case of LWOP – currently any LWOP causes an employee to lose all leave accrued in a pay period.
- Updated sexual harassment definition/regulation.
- Updated harassment definition/regulation.
- Updated discrimination definition/regulation.
- Updated drug-free workplace policy to match federal guidelines.
- Added Employee assistance program which was added to the city's benefit package in 2020.
- Added post-accident drug testing to include any accident requiring medical attention.
- Updated Federal Motor Carriers Safety Association (FMSCA) commercial driver's license (CDL) drug testing policy to match federal regulations.
- Added regulations regarding computer access/use.

**City of Palmer
Ordinance No. 24-002**

Subject: Approval of Revisions to Palmer Municipal Code, Title 4 - Personnel

Agenda of: March 12, 2024

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: Kimberly Green, Human Resources Manager

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|------------------|-----------------------------|-------------------|--------------|
| _____ | Community Development | _____ | _____ |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: _____

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|-------------------|-----------------|
| City Manager | _____ | _____ |
| City Attorney | _____ | _____ |
| City Clerk | _____ | _____ |

Attachment(s):

1. Ordinance No. 24-002

Summary Statement/Background:

PMC Title 4 was last fully updated in 2008. Since that time, there have been numerous changes to Federal and State employment laws, as well as changes in best practices. This update brings Title 4 current with various regulations and includes updated definitions, policies, and procedures.

Administration's Recommendation:

Adopt Ordinance No. 24-002

LEGISLATIVE HISTORY

Introduced by:
Date:
Public Hearing:
Action:
Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Ordinance No. 24-002

An Ordinance of the Palmer City Council Amending Palmer Municipal Code, Title 4 to Reflect Changes in Federal and State Laws and to Include Current Employment Law Best Practices.

WHEREAS, Palmer City Code, Title 4, was created in 2008; and

WHEREAS, Palmer City Code, Title 4 has been occasionally updated since that time but largely remains unchanged; and

WHEREAS, the city recognizes the need to updated the code to reflect changes in employment law.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section _____ is hereby amended to read as follows (new language is underlined and deleted language is stricken):

INSERT CODE CHANGES HERE (not in bold)

- ~~4.05 — General Provisions~~
- ~~4.10 — Position Classifications~~
- ~~4.15 — Employment~~
- ~~4.20 — Hours of Work, Holidays with Pay, and Overtime~~
- ~~4.30 — Types of Leave~~
- ~~4.40 — Grievances~~
- ~~4.50 — Disciplinary Action and Termination~~
- ~~4.60 — Expenses Related to City Business~~
- ~~4.70 — Computer Use, Social Media Use, and Facebook Standard Policy~~
- ~~4.80 — Personnel Inquiries and Requests~~
- ~~4.90 — Sexual Harassment Policy~~

- 4.100 — Harassment and Discrimination Policy
- 4.110 — Drug-Free Workplace Policy
- 4.120 — Alcohol and Controlled Substance Definitions and Testing
- 4.130 — Drug-Free Workplace Policy Applicability for Commercial Drivers
- 4.140 — Whistleblowers Protection Policy
- 4.150 — Legal Representation

Chapters:

- 4.05 General Provisions
- 4.10 Position Classifications
- 4.15 Employment
- 4.20 Hours of Work, Holidays with Pay, and Overtime
- 4.30 Types of Leave
- 4.40 Grievances
- 4.50 Disciplinary Action, Termination, Layoffs, Resignations and Retirements
- 4.60 Expenses Related to City Business
- 4.70 Computer Use, Social Media Use, and Facebook Standard Policy
- 4.80 Personnel Inquiries and Requests
- 4.90 Sexual Harassment Policy
- 4.100 Harassment and Discrimination Policy
- 4.110 Drug-Free Workplace Policy
- 4.140 Whistleblowers Protection Policy
- 4.150 Legal Representation
- 4.160 ADA Accommodations

Palmer Municipal Code Section 4.05.005 Definitions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~D. "At will employee" means an employee that is employed at the will of the city and can be dismissed at any time for any reason. All temporary, on call, seasonal employees, the police chief, the fire chief, and all department directors are at will.~~

D. "At- will Employee" means an employee that is employed at the will of the city and can be dismissed at any time for any reason. All temporary, on-call, and seasonal employees, police chief, fire chief, and all Department Directors are at-will. Temporary, on-call, and seasonal employees may be terminated at the completion of their assignment (season) or may be retained based on the needs of the city.

~~E. "Certified trainer" means an employee who is certified by a state or federal agency or a recognized professional organization to provide training.~~

E. "Certified Trainer" means an employee who is certified by a state or federal agency or a recognized professional organization to provide training.

~~F. "City manager" means city manager or designee, and acting city manager in the absence of the city manager.~~

F. "City Manager" means City Manager or designee or acting City Manager in the absence of the City Manager.

~~G. "Classified service" shall be comprised of all positions with the exception of elective and appointive officers, and at will employees.~~

G. "Classified Service" shall be comprised of all positions except for elective, appointive officers, and at-will employees.

~~H. "Computation of time," except when otherwise provided, means the time within which an act is required to be done and shall be computed by excluding the day of the act, event or default from which the designated period of time begins to run and including the last day of the period unless the last day is Sunday or a holiday, in which case it shall also be excluded.~~

H. "Computation of Time" except when otherwise provided, means the time within which an act is required to be done and shall be computed by excluding the day of the act, event, or default from which the designated period of time begins to run and including the last day of the period unless the last day is Sunday or a holiday, in which case it shall also be excluded.

~~Ø. "Exempt employee" means an employee who is exempt from the payment of overtime as determined by the personnel officer based on the Federal Fair Labor Standards Act.~~

O. "Exempt Employee" means an employee who is exempt from the payment of overtime as determined by the Human Resources Manager based on the Federal Fair Labor Standards Act.

~~P. "Family" means spouse, eligible same-sex domestic partner, siblings, parents and children. In-laws are covered under the term "family."~~

P. "Family" means a spouse, eligible same-sex domestic partner, siblings, parents, in-laws, and children.

~~Q. "Flex-schedule" means variable work hours requiring employees to work a standard number of core hours within a specified period of time, allowing the city greater flexibility in an employee's starting and ending times.~~

Q. "Flex Schedule" means variable work hours requiring employees to work a standard number of core hours within a specified period.

~~S. "Light duty" is alternative work for employees who are unable to perform some or all of their routine duties due to illness or injury. The work is physically or mentally less demanding than normal job duties. An employee must present a physician's note to be placed on light duty.~~

S. "Light Duty" is alternative work for employees who are unable to perform some or all their routine duties due to illness or injury. The employee must present a physician's note to be placed on light duty. Light duty is not automatically approved and requires review from the Human Resources Manager and Department Director. Light duty is subject to the needs of the city.

~~T. "Merit anniversary date" means the month and day that the employee completes his or her probationary period. The anniversary date will be advanced by the number of calendar days that the employee's total leave without pay exceeds 30 days during any anniversary year of the employee.~~

T. "Merit Anniversary Date" is the day an employee completes his or her probationary period. The anniversary date will be advanced by the number of calendar days that the employee's total leave without pay exceeds 30 days during any anniversary year of the employee.

~~W. "Personnel officer" is the human resources specialist and designated employee representative (DER).~~

W. "Personnel Officer" is the Human Resources Manager; this person is also the designated employee representative (DER).

~~Y. "Promotion" means a change in status of an employee from a position of one class to a position of another class having a higher maximum salary limit.~~

Y. "Promotion" is a change in status of an employee from a position of one level to a position of a different level which has a higher maximum salary limit.

~~Z. "Regular full-time employee" means an employee who has completed the initial probationary period including any extensions together and who is not a seasonal or temporary employee and regularly works 30 or more hours a week.~~

Z. "Regular Full-Time Employee" is an employee who has completed the initial probationary period including any extensions, who is not a seasonal or temporary employee and regularly works 30 or more hours a week.

~~AA. "Regular part-time employee" means an employee who is hired to work on a regular and continuing basis for less time than a full-time employee.~~

AA. "Regular Part-Time Employee" is an employee who has completed the initial probationary period, including any extensions, who is not a seasonal or temporary employee and regularly works less than 30 hours per week.

~~BB. "Seasonal employee" refers to an employee who occupies a position for less than 12 months each year where it is anticipated that the same employee may return to the position when needed.~~

BB. "Seasonal Employee" refers to an employee who occupies a position for no more than 6 months per year and where it is anticipated that the same employee may return to the position when needed. Seasonal employees must have a break in service between working periods but may remain in active status providing he/she does not return to work until the following season.

~~DD. "Temporary employee" means an employee who is needed for a certain period, which may exceed 12 consecutive months.~~

DD. Temporary Employees means an employee who is needed for a certain period , which may not exceed 12 consecutive months.

~~EE. "Transfer" means the movement of an employee from a classification to another having the same maximum salary.~~

EE. "Lateral Transfer" means the movement of an employee from one classification to another having the same maximum salary.

HH. "Workplace Violence" is violence or the threat of violence against workers. It can occur outside of or within the workplace and may range from threats and verbal abuse up to physical assaults and homicide.

II. "Waste/Fraud/Abuse" is defined as:

A. Fraud: Any intentional act or omission designed to deceive others, resulting in the victim (City of Palmer) suffering a loss and/or the perpetrator achieving a gain. Examples include but are not limited to falsifying financial records to conceal the theft of money or city property; theft or misuse of the City of Palmer money, equipment, supplies and/or other materials and/or labor; solicit or accepting a bribe or kickback; falsifying payroll information.

B. Waste: The intentional or unintentional, thoughtless, or careless expenditure, consumption, mismanagement, use, or squandering of city resources. Waste also includes incurring unnecessary costs because of inefficient or

ineffective practices, systems, or controls. Examples include but are not limited to unnecessary spending of city funds to purchase supplies or equipment; failure to reuse or recycle major resources or reduce waste generation.

C. Abuse: Intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of city resources. Extravagant or excessive use as to abuse one's position or authority. Abuse can occur in financial or non-financial settings. Examples include, but are not limited to: failure to report damage to city equipment or property; receiving favor for awarding contracts to certain vendors; creating unneeded overtime; misusing the employee's position for personal gain; travel choices that are contrary to existing travel policies or are unnecessarily expensive; using one's position as a city employee to garner personal favors (i.e. having an employee complete work for one's home, vehicles, personal errands, etc.); using a city vehicle for personal use; using city fuel supplies in personal vehicles.

Palmer Municipal Code Section 4.05.010 Application is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The chief of police may, with the approval of the city manager, prepare policies for the conduct of peace officers, as defined by the Alaska Police Standards Council, as well as dispatchers and other police department related personnel ("others").~~

B. The chief of police may, with the approval of the City Manager and after review by the city attorney, prepare policies for the conduct of peace officers, as defined by the Alaska Police Standards Council, as well as dispatchers and other police department related personnel ("others"). These policies must be on file with the Human Resources Manager prior to implementation.

~~C. Elected officials and appointive officers are not classified employees. The council may make some or all of the personnel regulations applicable to the city manager and clerk.~~

C. Appointive officers are not classified employees. The council may make some or all the personnel regulations applicable to the City Manager and clerk.

~~D. At will employees are subject to all provisions of this title with the exception of PMC 4.50.005 through 4.50.080.~~

D. At-will employees are subject to all provisions of this title except for PMC 4.50.

~~E. The following sections of this title shall apply to volunteer firefighters: this section, PMC 4.15.080(B) and (C), and Chapters 4.70, 4.90, 4.100, and 4.110 PMC. (Ord. 15-012 § 4, 2015; Ord. 12-001 § 3, 2013; Ord. 08-016 § 4, 2008)~~

Palmer Municipal Code Section 4.05.020 General Purpose is hereby amended as follows (new language is underlined and deleted language is stricken):

~~D. Duty to Report. City employees have a responsibility to promptly report problems in the workplace to city management so that such problems may be investigated and remedied as necessary, without retaliation. (Ord. 12-001 § 3, 2013)~~

D. City employees have a responsibility to promptly report problems in the workplace to city management so that such problems may be investigated and remedied as necessary, without retaliation. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.05.030 Equal Opportunity Employer is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city is an equal opportunity employer. The city will not unlawfully discriminate against qualified applicants or employees with respect to compensation, or in a term, condition or privilege of employment, because of the~~

~~person's race, religion, color, national origin, sexual orientation, gender identity, or other basis protected by law, or because of the person's age, physical or mental disability, genetic information, gender, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, gender, marital status, changes in marital status, pregnancy or parenthood.~~

A. The City of Palmer is an Equal Employment Opportunity (EEO) employer. As an EEO employer, the city will conduct its staffing activities, selection, promotion, demotion, transfer, training, and separation in accordance with Federal, State and Local EEO laws and regulations as they affect the city. The City of Palmer will not discriminate against any applicant or employee based on race, color, national origin, sex, sexual orientation, age, religion, pregnancy, veteran status, genetic information, or disability.

~~B. When necessary, the city will reasonably accommodate employees and applicants with disabilities if the person is otherwise qualified to safely perform all of the essential functions of the position. It is the applicant's and employee's responsibility to notify the personnel officer regarding requests for reasonable accommodations. (Ord. 15-014 § 3, 2015; Ord. 12-001 § 3, 2013)~~

B. When accommodations are requested, the city will provide accommodations in accordance with the American's Disability Act (ADA) to allow employees and applicants with qualified disabilities to safely perform the essential functions of the position or completion of an employment application. It is the applicant's and employee's responsibility to notify the Human Resources Manager regarding requests for reasonable accommodation. (Ord. 15-014 § 3, 2015; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.05.040 Personnel File is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Access to Personnel Files:~~

~~1. In accordance with AS 23.10.430, an employee or a former employee may inspect and make copies of his or her own personnel file during normal office hours; provided, the employee or former employee shall pay the reasonable costs of any duplication.~~

~~2. A personnel file may be inspected by the employee's department director in the presence of the personnel officer.~~

~~3. Review of any personnel files shall be conducted in the presence of the personnel officer or designee. No document shall be removed from a personnel file without prior written approval from the personnel officer and notice to the employee. Any person examining a personnel file shall sign for the personnel record and the signature shall be dated.~~

B. Access to Personnel Files

1. In accordance with AS 23.10.430, an employee or a former employee may inspect and make copies of his or her own personnel file during normal office hours; provided, the employee or former employee shall pay the reasonable costs of any duplication.

2. A personnel file may be inspected by the employee's Department Director in the presence of the Human Resources Manager.

3. Review of any personnel files shall be conducted in the presence of the Human Resources Manager or designee. No document shall be removed from a personnel file without prior written approval from the Human Resources Manager and notice to the employee. Any person examining a personnel file shall sign for the personnel record and the signature shall be dated.

4. To the extent required by law, medical information regarding an employee's medical condition must be kept in a separate medical file and treated as a confidential medical record.

Palmer Municipal Code Section 4.05.050 Conflicts of Interest is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. It shall be the responsibility of each city employee to remain free from indebtedness or favors which tend to create a conflict of interests between personal and official interest, or might reasonably be interpreted as affecting the impartiality of the individual employee.~~

A. It shall be the responsibility of each city employee to remain free from indebtedness or favors which tend to create a conflict of interests between personal and official interest or might reasonably be interpreted as affecting the impartiality of the individual employee.

Palmer Municipal Code Section 4.10.005 Job Descriptions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Job descriptions shall be established and maintained by the human resources specialist for each of the job classifications.~~

~~A. Once every 12 months, department directors will review all job descriptions for their departments to assure descriptions are accurate.~~

~~B. A job description may be revised or a new description may be prepared by a department director at any time in order to document the establishment of a new job classification or changes in the nature and scope of job responsibilities of an existing job classification that are considered significant.~~

~~C. New or revised job descriptions shall be reviewed and approved by the city manager or designee.~~

~~D. Once approved, the new or revised job title must be on the current year pay plan and presented to city council if the new or revised job description has a title or level change. (Ord. 12-001 § 3, 2013)~~

Job descriptions shall be established and maintained by the Human Resources Manager for each of the job classifications.

A. Annually, as determined by the City Manager, Department Directors will review all job descriptions for their departments to ensure the descriptions are accurate.

B. A job description may be revised, or a new description may be prepared by a Department Director during the annual review to document the establishment of a new job classification or changes in the nature and scope of job responsibilities of an existing job classification that are considered significant. Job descriptions that have been updated shall be reviewed with employee(s) currently occupying that position. Employees must sign their job descriptions annually.

C. New or revised job descriptions shall be reviewed and approved by the City Manager or designee.

D. Job descriptions All active job descriptions must be on the current year pay plan and presented to city council if the job description has a title or level change. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.10.010 Classification Plan for City Service is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The city manager shall establish and maintain the classification plan which shall group together under the same title those positions that are sufficiently similar in knowledge, skills, and abilities of work to warrant application of the same pay rate or levels of rates and same general selection standards. Such groupings shall be based upon the current essential functions and responsibilities of positions in the municipal service.~~

~~C. The classification plan shall be amended or modified from time to time by the city manager.~~

~~D. The city manager shall have the duty of assigning positions to the appropriate classes when changes in duties and responsibilities justify such action. Departmental requests for reclassification shall be submitted to the city manager for review at such times and in the required form. Changes shall become effective upon approval of the city manager. Initial request shall be made by the employee through the appropriate departmental chain of command up to the city manager. (Ord. 12-001 § 3, 2013)~~

A. The classes of positions, job titles and job descriptions shall constitute the classification plan. All positions shall be placed on the classification plan.

B. The City Manager shall establish and maintain the classification plan which shall group together under the same title those positions that are sufficiently similar in knowledge, skills, and abilities of work to warrant application of the same pay rate or levels of rates and same general selection standards. Such groupings shall be based upon the current essential functions and responsibilities of positions in the municipal service.

C. Amendments or modifications to the classification plan, or exceptions to position levels based on the point leveling guide, shall be approved by the City Manager with concurrence required from the Finance Director and Human Resources Manager. Amendments, modifications or exceptions shall become effective upon approval of City Council.

D. Departmental requests for reclassification shall be submitted by the director to the City Manager for review at such times and in the required form. Jobs will be evaluated by the Human Resources Manager to determine the proper level on the classification plan; this information will be presented to the City Manager along with the Human Resources Manager's recommendations. Changes shall become effective upon approval of the city council. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.10.020 Pay Plan is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The pay plan table with biweekly and hourly rates for all positions shall be established by resolution of the council. The salary rates are based on full-time employment. New or revised job descriptions that have a title or level change must be added or changed on the pay plan.~~

A. The pay plan table with biweekly and hourly rates for all positions shall be established by resolution of the council. The salary rates are based on full-time employment.

Upon approval from the City Manager, a new or revised job description that has a title or level change must be added or changed to the pay plan. The change must be approved by the City Council prior to becoming effective.

Palmer Municipal Code Section 4.10.030 Compensation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The policy of the city is to provide compensation after considering that paid by other employers within the region for work comparable in duties and responsibilities to those of city employees. The city manager shall periodically review the pay plan with pay scales of other employers and recommend pay plan amendments to the council.~~

B. The policy of the city is to provide compensation after considering the duties and responsibilities of the position and considering local market wages for similarly situated positions. The City Manager or Human

Resources Manager shall periodically review the pay plan with pay scales of other employers and recommend pay plan amendments to the City Manager who will submit recommended amendments to city council for their review.

Palmer Municipal Code Section 4.10.040 Pay Ranges and Merit Increases is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The pay ranges provided for the several classes shall be applied as follows:~~

The pay ranges shall be applied as follows:

~~A. The minimum rate for each range shall be the normal entering rate. However, the city manager may authorize initial appointment above the minimum rate:~~

~~2. In the case of a candidate who possesses exceptional skills or superior training or whose experience or special achievements are such that his or her addition to the city staff at a higher rate is deemed warranted.~~

A. The minimum rate for each range shall be the normal entering rate. However, the Department Director, with concurrence of the City Manager, may authorize initial appointment above the minimum rate:

2. In the case of a candidate who possesses exceptional skills, superior training, or whose experience or special achievements are such that his or her addition to the city staff at a higher rate is deemed warranted.

B. Regular Full-Time Employees.

~~2. If the probationary period has not been completed satisfactorily, the department director, with the approval of the city manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may be advanced not more than two step increments in the salary level in which the employee was hired and then shall be eligible for the next advancement within the salary range on the employee's merit anniversary date.~~

2. If the probationary period has not been completed satisfactorily, the Department Director, with the concurrence of the Human Resources Manager and approval of the City Manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may be advanced not more than one step i in the salary level in which the employee was hired and then shall be eligible for the next advancement within the salary range on the employee's merit anniversary date.

C. Regular Part-Time Employees.

~~1. Upon satisfactory completion of the probationary period (as established in PMC 4.15.050) after initial appointment, the salary of the employee is limited to two steps in accordance with the current city of Palmer pay plan.~~

~~2. If the probationary period has not been completed satisfactorily, the department director, with the approval of the city manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may not be advanced more than two steps in the salary level in which the employee was hired and then shall be eligible for the next advancement after an additional 2,080 hours worked.~~

1. Upon satisfactory completion of the probationary period after the initial appointment, the salary of the employee is limited to a one step increase in accordance with the current city of Palmer pay plan.
2. If the probationary period has not been completed satisfactorily, the Department Director, with the concurrence of the Human Resources Manager and approval of the City Manager, may extend the probationary period as indicated in PMC 4.15.050, or the employee shall be terminated. The employee, if retained, following satisfactory probation, may not be advanced more than one step in the salary level at which the employee was hired and then shall be eligible for the next advancement after an additional 1,040 hours worked.

D. Employee Performance

~~The performance of each employee (including temporary and continuous part-time employees) shall be reviewed as outlined in PMC 4.10.050.~~

The performance of each employee shall be reviewed as outlined in PMC 4.10.050.

~~1. A department director shall submit to the personnel officer a performance appraisal to determine eligibility for an increase in salary to the next higher step within the established level.~~

1. A Department Director shall submit to the Human Resources Manager a performance appraisal to determine eligibility for an increase in salary to the next higher step within the established level.

~~2. A step increase shall not be automatic merely upon completion of a specific period of service.~~

2. A step increase shall not be automatic merely upon completion of a specific period of service but rather should be contingent upon performance based on job knowledge, skills, abilities, and qualifications as well as metrics outlined in the evaluation form.

~~4. The employee may not be advanced more than two steps.~~

4. The employee may not be advanced more than one step.

Palmer Municipal Code Section 4.10.050 Employee Performance Appraisal (EPA) is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city manager shall, in cooperation with the personnel officer, department directors, and others, develop and adopt a system of evaluating the performance of employees in the classified service.~~

A. The City Manager shall, in cooperation with the Human Resources Manager, develop and adopt a system of evaluating the performance of employees in the classified service.

C. Preparation

~~1. Each department director, with the assistance of the personnel officer, shall develop and use performance standards suited to the requirements of his or her department.~~

~~2. Standards of performance established as a basis for personnel appraisal shall have reference to the quality and quantity of work, the manner in which service is rendered, and such characteristics as will measure the value of the employee to the classified service.~~

~~3. Employees should be informed of such standards.~~

1. Each Department Director, with the assistance of the Human Resources Manager, shall develop and use performance standards suited to the requirements of his or her department.

2. Standards of performance established as a basis for personnel appraisal shall have reference to the quality and quantity of work, the way service is rendered, and such characteristics as will measure the value of the employee to the classified service.

3. Employees should be informed of such standards via their job descriptions and feedback provided by his/her supervisor and/or Department Director.

D. Nature, Form and Frequency of Reports

~~1. The personnel officer shall prescribe the nature, form and frequency of reports, and will confer with the department director concerning the EPA prior to distribution to the employee.~~

~~2. Department directors who desire assistance in preparation of the EPA should consult with the personnel officer prior to their review of the employee.~~

~~3. Employee performance appraisals will be completed:~~

~~a. Prior to completion of probation, six months for regular full-time employees, or 1,040 hours worked for regular part-time employees, exclusive of overtime, from the date of hire;~~

~~b. For regular full-time employees one month prior to merit anniversary date for regular part-time employees when the employee has completed 2,080 work hours.~~

1. The Human Resources Manager shall prescribe the nature, form, and frequency of reports, and will confer with the Department Director concerning the EPA prior to distribution to the employee.

2. Department Directors who desire assistance in the preparation of the EPA should consult with the Human Resources Manager prior to their review of the employee.

3. Employee performance appraisals will be completed:

a. Prior to completion of probation, six months, or 1,040 hours of work, exclusive of overtime, for regular full-time employees. For regular part-time employees, upon completion of six months and 520 hours worked, exclusive of overtime, from the date of hire.

b. For regular full-time employees one month prior to merit anniversary date. For regular part-time employees when the employee has completed 1,040 work hours.

E. Review of EPA with Employee

~~1. Employee's direct supervisor shall prepare the EPA.~~

1. Employee's direct supervisor shall prepare the EPA. EPA must be reviewed and approved by the Human Resources Manager prior to presenting the evaluation to the employee.

~~F. Distribution of EPA. Upon completion of the review, the personnel officer shall furnish the employee with a copy of the EPA. The original shall be filed in the employee's personnel file.~~

F. Upon completion of the review, if requested, the Human Resources Manager shall furnish the employee with a copy of the EPA. The original shall be filed in the employee's personnel file.

~~G. Appraisals Are Not Grievable. The EPA shall not be the subject of a grievance.~~

G. The EPA shall not be the subject of a grievance.

~~H. Employee's Signature Not Concurrence. The employee's signature on the appraisal does not constitute concurrence with the substance of the appraisal.~~

H. The employee's signature on the appraisal does not constitute concurrence with the substance of the appraisal.

J. After a regular full-time employee has successfully completed six months or 1,040 hours of work for his/her probationary period or a regular part-time employee six months and 520 hours of work for his/her probationary period, exclusive of overtime, the employee may be advanced a maximum of one step in accordance with the adopted City of Palmer pay plan to the next higher pay step in the salary level in which the employee was hired. That date becomes the employee's merit anniversary date.

Palmer Municipal Code Section 4.10.060 Salary Adjustment on Transfer, Promotion and Demotion is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.10.060 — Salary adjustment on transfer, promotion and demotion~~

4.10.060 Salary Adjustment on Transfer, Promotion, and Demotion

A. Transfer

~~3. After a regular full-time employee has successfully completed six months or a regular part-time employee 1,040 hours of work, exclusive of overtime, the employee may be advanced a maximum of two steps in accordance with the adopted city of Palmer pay plan to the next higher pay step in the salary level in which the employee was hired. That date becomes the employee's merit anniversary date.~~

B. Promotion

~~2. There shall be a minimum raise equal to a step increase in the employee's previous level.~~

2. There shall be a minimum raise equal to one step increase in the employee's previous level but a maximum raise equal to two step increase in the employee's previous level.

~~3. On satisfactory completion of the probationary period, the employee will be moved to the next merit step and that date becomes the employee's merit anniversary date, except in the case of an employee who is promoted into a level on the longevity scale, in which case the longevity scale increases shall apply.~~

3. On satisfactory completion of the probationary period, the employee will be moved to the next merit step and that date becomes the employee's merit anniversary date.

C. Voluntary Demotion

3. Employees requesting a voluntary downgrade will receive a reduction in salary of one step, from their current pay rate, for each level between their current position and the new position however their new rate of pay will not be lower than the mid-range of the pay scale for the new position.

Palmer Municipal Code Section 4.15.005 General Provisions is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Minimum Age. The minimum age for city employment shall be in accordance with the minimum ages prescribed by state law.~~

B. Minimum Age. All classified employees and volunteers, except for the Palmer Fire & Rescue Explorer program, must be at least 18 years of age.

~~C. No person who seeks employment or promotion with respect to any position may directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her tests, appointment, proposed appointment, promotion or proposed promotion.~~

C. No person who seeks employment or promotion with respect to any position may directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her tests, appointment, proposed appointment, promotion, or proposed promotion.

~~D. A person reemployed shall be appointed to the position in accordance with the pay and benefits scale in effect at the time of the new appointment. The fact that the person was formerly employed in accordance with a higher scale shall not be considered in making the new appointment.~~

D. A person reemployed shall be appointed to the position in accordance with the pay and benefits scale in effect at the time of the new appointment. The fact that the person was formerly employed on a higher scale shall not be considered in making the new appointment, however previous work experience may be considered when determining the rate of pay.

E. Nepotism

~~1. No person may be employed in a position by the city who is a spouse, domestic partner, or close relative of the city manager.~~

1. No person may be employed in a position by the city who is a spouse, domestic partner, or close relative of the City Manager or Human Resources Manager.

Palmer Municipal Code Section 4.15.010 Recruitment is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Each department director shall notify in writing both the city manager and the personnel officer as soon as practicable of the need to fill a vacant or a new position. The personnel officer shall coordinate with the department director and city manager to prepare the job announcement.~~

A. Each Department Director shall notify in writing both the City Manager and the Human Resources Manager as soon as practicable of the need to fill a vacancy or a new position. The Human Resources Manager shall be responsible for posting all recruitment announcements.

~~B. The personnel officer shall utilize appropriate recruiting measures to obtain qualified applicants. The personnel officer will provide the following information in the job announcement: the title and salary range of the class or position, the minimum qualifications required, the final date and time when applications will be accepted, whether examinations or testing will be required, and other pertinent information and requirements. If certain categories of individuals will receive preference in filling vacant positions, those categories should be listed.~~

B. The Human Resources Manager shall utilize appropriate recruiting measures to obtain qualified applicants. The Human Resources Manager will provide the following information in the job announcement: the title and salary range of the class or position, the minimum qualifications required, the final date and time when applications will be accepted, and other pertinent information and requirements. If certain categories of individuals will receive preference in filling vacant positions, those categories should be listed.

~~C. Job announcements will be published for no less than 10 working days, unless a shorter period is approved by the city manager. The city manager may authorize a job announcement for five working days when necessary.~~

C. Job announcements will be published for no less than 10 working days unless a shorter period is approved by the City Manager. The City Manager may authorize a job announcement for five working days when necessary.

~~D. Subject to subsection (E) of this section, a copy of the job description will be furnished with the announcement and both are to be distributed to all city departments and the Mat-Su office of the Alaska State Employment Service.~~

D. All classified positions within the city will be posted, either internally, externally, or both. Non-competitive placement for classified positions, including Department Directors, is not authorized.

~~E. A department director may restrict recruitment for a vacancy to current employees of the department, provided all of the following are met:~~

E. A department director may restrict recruitment for a vacancy to current employees of the department, provided all the following are met:

~~1. The department director has submitted a written request to the city manager and the personnel officer requesting in department only recruitment;~~

1. The department director has submitted a written request to the City Manager and the Human Resources Manager requesting in-department-only recruitment.

~~3. The city manager and personnel officer both approve the request in writing.~~3. The City Manager and Human Resources Manager both approve of the request in writing.

Palmer Municipal Code Section 4.15.020 Selection is hereby amended as follows (new language is underlined and deleted language is stricken):

4.15.020 Selection

A. Filing Applications

~~1. To be considered for a position, each applicant (including current city employees) must submit a city of Palmer application to the city of Palmer, Human Resource Department, 231 W. Evergreen Avenue, Palmer, Alaska 99645.~~

1. To be considered for a position, each applicant (including current city employees) must apply via the city's recruitment system.

~~3. Applications received after the closing deadline shall not be accepted for the particular position in the announcement.~~

3. Applications received after the closing deadline shall not be accepted.

B. Minimum Qualification/Disqualification

~~1. The personnel officer or designee shall screen applicants by reviewing the job applications.~~

1. The Human Resources Manager or designee shall review applications received to ensure proper minimum qualifications criteria were met. Department Directors may choose to defer minimum qualifications if the applications received do not meet those criteria.

~~C. Examinations. An applicant will be eligible to take examinations if he or she meets the minimum qualifications established by the department director. These qualifications may include education, experience, and other factors as related to the ability of the applicant to perform with reasonable efficiency the essential functions of the position with or without an accommodation.~~

C. Examinations. An applicant will be eligible to take examinations if he or she meets the minimum qualifications established by the Department Director. These qualifications may include education, experience, and other factors related to the ability of the applicant to perform with reasonable efficiency the essential functions of the position with or without accommodation.

D. Examination Contents and Procedure

~~1. All examinations required shall be practical and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall measure the relative capacity and fitness of the person examined to perform the essential functions of the class of positions to which they seek to be appointed (or promoted). The examination or other tests found reasonable by the personnel officer used to determine the fitness and relative ability of the applicant may consist of one or more of the following:~~

- ~~a. Written tests;~~
- ~~b. Performance tests;~~
- ~~c. Physical tests of strength, stamina or dexterity;~~
- ~~d. Evaluation of education, training and experience as shown on the application;~~
- ~~e. Interviews designed to determine general fitness for the position;~~
- ~~f. Pre-employment health examinations;~~
- ~~g. Drug test; and~~
- ~~h. Interviews.~~

1. All examinations required shall be practical and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall measure the relative capacity and fitness of the person examined to perform the essential functions of the class of positions to which they seek to be appointed (or promoted). The examination or other tests found reasonable by the Human Resources Manager used to determine the fitness and relative ability of the applicant may consist of one or more of the following:

- a. Written tests
- b. Performance test.
- c. Physical tests demonstrating the applicant's ability to perform the essential functions and duties of the position.
- d. Evaluation of education, training and experience as shown on the application
- e. Interviews which are designed to determine general fitness for the position.
- f. Pre-employment health examinations as needed to demonstrate the applicant's ability to perform the essential functions and duties of the position.
- g. Drug tests
- h. Interviews

~~In addition, for police officers, additional testing requirements may be required, including, but not limited to: polygraph examination, psychological examination, fingerprinting, extensive background investigation and criminal background review.~~

For police officers and firefighters, additional testing requirements may be required, including, but not limited to polygraph examination, psychological examination, fingerprinting, extensive background investigation and criminal background reviews.

~~In addition, for all other police department employees, additional testing requirements may be required, including, but not limited to: fingerprinting, extensive background investigation and criminal background review.~~

For all other police department employees or those employees requiring access to the building, additional testing requirements may be required, including, but not limited to fingerprinting, extensive background investigation and criminal background reviews.

~~2. Five working days before applications for the position close, the department director will submit for the personnel officer's approval any examinations to be used to rank the applicants.~~

2. Prior to the closing of a position for recruitment, the Department Director or authorized designee, will submit for the Human Resources Manager's approval any examinations to be used to rank the applicants.

~~3. The department director may require information as to education, training and experience of applicants and such other information as the department director may reasonably deem pertinent. If the department director determines a need to contact any applicant for further information, the personnel officer shall contact the applicant and all applicants similarly situated shall be extended this same opportunity. The personnel officer may require any applicant for examination to submit documented proof of the possession of any license, certificate, degree or other qualification claimed or required and may refuse credit for such qualifications in the absence of proof.~~

3. The Department Director or designee may require information as to the education, training and experience of applicants and such other information as the Department Director may reasonably deem pertinent. If the Department Director determines a need to contact any applicant for further information, the Human Resources Manager shall contact the applicant and all applicants similarly situated shall be extended this same opportunity. The Human Resources Manager may require any applicant for examination to submit documented proof of the possession of any license, certificate, degree, or other qualification claimed or required and may refuse credit for such qualifications in the absence of proof.

~~E. Conduct of Examinations. Examinations shall be conducted at a testing site approved by the personnel officer or under the supervision of the department director. All examiners and monitors used in the conducting of examinations shall be provided with such instructions as may be required for fair and impartial administration.~~

E. Conduct of Examinations. Examinations shall be conducted at a testing site approved by the Human Resources Manager or under the supervision of the Department Director. All examiners and monitors used in the conducting of examinations shall be provided with such instructions as may be required for fair and impartial administration. Examination results shall be retained in accordance with the city's records retention schedule.

~~F. Interviews. When an interview panel forms a part or all of the examination for a position, the city manager or designee shall appoint an interview board. This board shall consist of at least three members:~~

- ~~1. The director or designee of the department having the vacancy;~~
- ~~2. City of Palmer employee with the same job classification or higher as the position being filled; and~~
- ~~3. The personnel officer or designee. As a general rule, all applicants selected for interview shall be interviewed and rated by the same panel. Alternate members may be used only when determined necessary by the personnel officer.~~

F. Interviews. When an interview panel forms a part or all of the examination for a position, the Department Director or designee shall appoint an interview board. This board shall consist of at least three members:

1. The director or designee of the department having the vacancy.
2. City of Palmer employee with the same job classification or higher as the position being filled; and
3. The Human Resources Manager or designee.
4. As a general rule, all applicants selected for an interview shall be interviewed and rated by the same panel. Alternate members may be used only when determined necessary by the personnel officer.

G. Method of Ranking

~~2. Five working days before applications for the position close, the department director shall submit for the personnel officer's approval the interview questions and the method of ranking to be used for hiring list eligibility.~~

2. Prior to the closing of a position for recruitment, the Department Director shall submit for the Human Resources Manager's approval the interview questions and the method of ranking to be used for hiring list eligibility.

H. Offering Positions

~~1. Pre-Offer Procedure:~~

~~a. Qualified Candidates. The department director shall provide the names of the most qualified applicant(s) to the personnel officer.~~

~~b. Additional Information. If additional information is needed to document qualifications, a memo to the personnel officer shall be included.~~

~~c. References. Prior to selection of a candidate, the personnel officer shall check the references for the top candidates.~~

- a. Qualified Candidates. Upon conclusion of interviews, the Human Resources Manager shall provide the Department Director or designee with the ranking of those candidates interviewed.
- b. Additional Information. If additional information is needed to document qualifications, the Department Director will send a memo to the Human Resources Manager who will contact the applicant for the information as appropriate.
- c. References. Prior to selection of a candidate, the Human Resources Manager shall check the references for the top candidate(s).

2. Conditional Offers

~~a. Notification of Conditions.~~ Before making final selection of the most qualified applicant, the department director shall notify the personnel officer of any conditions of employment in writing.

a. Notification of Conditions. Before making the final selection of the most qualified applicant, the Department Director shall notify the Human Resources Manager of any conditions of employment in writing.

~~b. Examples.~~ Examples of conditions include without limitation the successful completion of a background investigation or post-offer medical examination, receipt of negative results of a post-offer drug test, or Alaska licensing.

b. Examples. Examples of conditions may include the successful completion of a background investigation or post-offer medical examination, receipt of negative results of a post-offer drug test, or Alaska licensing.

~~c. Conditional Job Offer.~~ The personnel officer will make conditional job offers for all non-department of public safety employees.

c. Conditional Job Offer. The Human Resources Manager will make conditional job offers for all non-police and fire department employees.

~~d. Conditional Job Offer – Palmer Police Department.~~

~~i. The chief of police shall make conditional job offers for Palmer police department employees.~~

~~ii. The conditions shall be based on the examples listed in this section.~~

~~iii. The chief of police shall forward all conditions of employment to the personnel officer.~~

d. Conditional Job Offer – Palmer Police Department and Palmer Fire & Rescue

i. The chief of police or Fire Chief shall make conditional job offers for their respective departments.

ii. The conditions shall be based on the examples listed in this section.

iii. The chief shall forward all conditions of employment to the Human Resources Manager.

4. Employment

~~a. All applicants must successfully pass the pre-employment drug screening prior to starting employment with the city.~~

~~b. All applicants must submit a copy of their driving record and a background report from the State Troopers during orientation with the personnel officer or designee.~~

~~c. The cost of the driving record and background report will be reimbursed during normal account payables procedures.~~

a. All applicants to include non-classified fire department personnel, must successfully pass the pre-employment drug screening prior to start working with the city.

b. If driving for their position is a requirement of the job, applicants must submit a copy of their driving record.

c. A completed background check is required no later than their first day of employment.

d. The cost of the driving record will be reimbursed during normal account payables procedures.

I. Eligibility List

~~1. The department director may include in the position announcement that not only a position opening exists but that an eligibility list may be made of top qualified applicants based on the examination. In such case, the department director may establish an eligibility list and provide a copy to the personnel officer.~~

1. The Department Director may include in the position announcement that an eligibility list may be made of top qualified applicants based on the examination. In such a case, the Department Director may establish an eligibility list and provide a copy to the Human Resources Manager.

~~2. Within 30 days of the establishment of the eligibility list, the personnel officer shall notify all qualified applicants in writing whether their names have or have not been included on the eligibility list.~~

2. Within 30 days of the establishment of the eligibility list, the Human Resources Manager shall notify all qualified applicants in writing whether their names have or have not been included on the eligibility list.

~~3. If a position for which an eligibility list exists becomes open for hiring, the personnel officer at the request of the department director and approval of the city manager may choose to hire from the eligibility list.~~

3. If a position for which an eligibility list exists becomes open for hiring, the Human Resources Manager at the request of the Department Director and approval of the City Manager may choose to hire from the eligibility list.

4. Filling Vacancy from Eligibility List

~~a. To fill a vacancy by selection of a candidate from an eligibility list, the department director shall submit the eligibility list to the personnel officer and city manager.~~

a. To fill a vacancy by selection of a candidate from an eligibility list, the Department Director shall submit the eligibility list to the Human Resources Manager and City Manager.

~~d. The request shall be subject to approval of both the personnel officer and city manager.~~

d. The request shall be subject to the approval of both the Human Resources Manager and City Manager.

~~6. The department director, after notifying the personnel officer in writing and receiving written approval from the personnel officer, may remove the name of an eligible candidate from the list for the following reasons:~~

6. The Department Director, after notifying the Human Resources Manager in writing and receiving written approval from the Human Resources Manager, may remove the name of an eligible candidate from the list for the following reasons:

J. Recruitment and Selection Records

~~1. Within five days of the offer being accepted by the employee or the establishment of the eligibility list, the department director shall organize in an orderly manner and deliver to the personnel officer all records and documents pertinent to the recruitment and selection.~~

1. Within five days of the offer being accepted by the employee or the establishment of the eligibility list, the Department Director shall organize in an orderly manner and deliver to the Human Resources Manager all records and documents pertinent to the recruitment and selection.

Palmer Municipal Code Section 4.15.040 Promoted Employee is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A promoted employee shall begin their probationary period subject to PMC 4.15.050. The probationary employee retains eligibility to take leave subject to Chapter 4.30 PMC. (Ord. 12-001 § 3, 2013)~~

A promoted employee shall begin their probationary period subject to PMC 4.15.050.

Palmer Municipal Code Section 4.15.050 Probationary Period is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. At any time during the probationary period, the department director or city manager may summarily discharge the probationary employee from the position, with or without cause and without right of hearing or appeal; provided, however, such discharge will be made in conjunction with prior attorney consultation.~~

B. At any time during the probationary period, the Department Director or City Manager may summarily discharge the probationary employee from the position, with or without cause and without right of hearing or appeal; provided, however, prior to such discharge will be made in conjunction with the Human Resources Manager and city attorney consultation.

~~1. Full-time employees shall serve a probationary period of six months or 1,040 hours worked, exclusive of overtime.~~

~~a. When an employee in a probationary status is transferred to another level, the probationary period for the new level shall start on the date of the transfer.~~

~~b. After an employee has successfully completed six months and 1,040 hours of work, exclusive of overtime, in the new level the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of the class. That date becomes the employee's merit anniversary date.~~

~~c. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.~~

a. When an employee in a probationary status is transferred to another level, the probationary period for the new level shall start on the date of the transfer.

b. After a full-time employee successfully completes six months or 1,040 hours of work, exclusive of overtime, the employee may be advanced a maximum of one step to the next higher pay step in the salary range of the class. That date becomes the employee's merit anniversary date.

c. The probationary period may be extended at the discretion of the Department Director, concurrence of the Human Resources Manager and approval of the City Manager.

~~2. Part-time employees shall serve a probationary period of six months and 520 hours worked, exclusive of overtime.~~

~~a. After an employee has successfully completed six months and 520 hours of work, exclusive of overtime, the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of class. That date becomes the employee's merit anniversary date.~~

~~b. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.~~

2. Regular Part-time employees shall serve a probationary period of six months and 520 hours worked, exclusive of overtime.

a. After an employee has successfully completed six months and 520 hours of work, exclusive of overtime, the employee may be advanced a maximum of one step to the next higher pay step in the salary range of class. That date becomes the employee's merit anniversary date.

b. The probationary period may be extended at the discretion of the Department Director, concurrence of the Human Resources Manager and approval of the City Manager.

~~F. During the probationary period, a probationary employee accrues leave time, and shall be eligible for holiday benefits.~~

~~1. Repealed by Ord. 20-009.~~

~~2. The leave accrual will not be paid for an employee who leaves employment with the city of Palmer for any reason prior to successfully completing the probationary period including any extensions. (Ord. 20-009 § 3, 2020; Ord. 16-012 § 3, 2016; Ord. 12-001 § 3, 2013)~~

F. During the probationary period, a probationary employee accrues leave time, and shall be eligible for holiday benefits.

1. Repealed by Ord. 20-009.

2. Providing an employee completes his/her required probationary period (including any extensions) and has no disciplinary actions or Performance Improvement Plans issued, he/she will receive payment for all accrued leave upon his/her separation. (Ord. 20-009 § 3, 2020; Ord. 16-012 § 3, 2016; Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.15.070 Driving License Required is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.15.070 — Driver's license required.~~

4.15.070 Driver License Requirements

~~All employees whose job description requires a valid Alaska driver's license of a specific class or with or without endorsements, including a commercial driver's license (CDL), shall obtain and maintain such driver's license.~~

A. All employees whose job description requires a valid Alaska driver's license of a specific class or with or without endorsements, including a commercial driver's license (CDL), shall obtain and maintain such driver's license.

B. Employees who drive on behalf of the city must meet the following driving guidelines (regardless of what vehicle is driven):

| Category | Type of Conviction(s) | Number of Convictions | 0 to 3 Years | 4 to 5 Years | 6 to 10 Years | 11 Years & Beyond |
|----------|--|-----------------------|----------------|----------------|----------------|-------------------|
| I | DUI/DWI or Refusal to submit to a Chemical Test | 1 | Not Acceptable | Acceptable | Acceptable | Acceptable |
| | DUI/DWI, Reckless, or Refusal to Submit to a Chemical Test | 2+ | Not Acceptable | Not Acceptable | Not Acceptable | Not Acceptable |
| II | Driving with a suspended, revoked, or cancelled license | 1 | Not Acceptable | Acceptable | Acceptable | Acceptable |
| III | Combination of Category I and II | 2 | Not Acceptable | Not Acceptable | Not Acceptable | Acceptable |
| | Combination of Category I and II | 3 or more | Not | Not | Not | Not |

| | | | | | | |
|----|-------------------------|-----------|----------------|------------|------------|------------|
| | | | Acceptable | Acceptable | Acceptable | Acceptable |
| IV | Other moving violations | 3 or more | Not Acceptable | Acceptable | Acceptable | Acceptable |

C. City vehicles may be driven only for city business. Except for fire department responders, public works crew members, airport superintendent, and police officers, employees are not authorized to utilize city vehicles for personal use. Fire department responders, airport superintendent, public works crew members and police officers driving vehicles both on and off duty, are required to limit personal use of city vehicles and may not drive the city vehicle further than 25 miles from city limits unless for work purposes. The Chief of Police may, on a case-by-case basis, approve personal use outside 25 miles based on operational needs. Department Directors may, on a case-by-case basis, allow personal use of city vehicles on a temporary basis (i.e. two weeks or less).

D. Employees who drive on behalf of the city, regardless of if the requirement to drive listed in the employee's job description, must annually submit to review of his/her driving record. Department Directors are responsible for updating their department's eligible drivers list with Human Resources as changes occur.

E. Employees driving city vehicles are required to immediately advise his or her Department Director as well as the Human Resources Manager if the vehicle is involved in an accident, regardless of the amount of damage.

~~A. An employee, who is required to have a CDL whose operating privilege is suspended, revoked or canceled for any period, shall not operate any city vehicle for which such license or endorsement is required during the period of suspension, revocation, cancellation, loss or disqualification.~~

F. An employee who is required to have a CDL or drive as a function of his/her position, whose operating privilege is suspended, revoked, or canceled for any period, shall not operate any city vehicle for which such license or endorsement is required during the period of suspension, revocation, cancellation, loss, or disqualification.

~~B. An employee whose operating privilege is suspended, revoked or canceled, who loses the privilege to operate a motor vehicle in any state for any period, shall notify his or her department director or the city manager of that fact before the end of the business day following the day the employee receives notice of the suspension, revocation, cancellation, loss or disqualification. An employee whose operating privilege is suspended, revoked, or canceled from operating a motor vehicle may not operate a city vehicle or his or her own personal vehicle for city business.~~

G. An employee whose operating privilege is suspended, revoked, or canceled, who loses the privilege to operate a motor vehicle in any state for any period, shall notify his or her Department Director or the City Manager of that fact before the end of the business day following the day the employee receives notice of the suspension, revocation, cancellation, loss, or disqualification. An employee whose operating privilege is suspended, revoked, or canceled from operating a motor vehicle may not operate a city vehicle or his or her own personal vehicle for city business.

~~C. Violation of subsection (A) or (B) of this section constitutes cause for termination.~~

H. Violation of subsection (F) or (G) of this section constitutes cause for termination.

~~D. The suspension, revocation, cancellation, loss or disqualification of the operating privilege constitutes cause for involuntary demotion to a lower job classification for which the employee is qualified without the privilege. If there is no opening available in a lower job classification for which the employee is qualified without the operating privilege, the employee may be terminated.~~

I. The suspension, revocation, cancellation, loss, or disqualification of the operating privilege constitutes cause for involuntary demotion to a lower job classification for which the employee is qualified without the operating privilege. If there is no opening available in a lower job classification for which the employee is qualified without the operating privilege, the employee may be terminated.

~~E. In addition to the above, the employee may be terminated at the discretion of the city manager or may be required to:~~

~~1. Obtain a new, valid driver's license of such class or with such endorsements, including a commercial driver's license, that meets the requirements of his or her job description within 60 calendar days of the effective date of the suspension, revocation, cancellation, loss or disqualification;~~

~~2. Obtain a reinstatement of the prior operating privileges within 60 calendar days of the suspension, revocation, cancellation, loss or disqualification; or~~

~~3. Obtain limited license privileges and a new valid driver's license or have the prior operating privileges reinstated such that the employee does not lack the driver's license authority meeting the requirements for his or her job description for more than 60 calendar days, consecutive or nonconsecutive.~~

J. In addition to the above, the employee may be terminated at the discretion of the City Manager or may be required to:

1. Obtain a new, valid driver's license of such class or with such endorsements, including a commercial driver's license, that meets the requirements of his or her job description within 60 calendar days of the effective date of the suspension, revocation, cancellation, loss or disqualification.

2. Obtain a reinstatement of the prior operating privileges within 60 calendar days of the suspension, revocation, cancellation, loss, or disqualification; or

3. Obtain limited license privileges and a new valid driver's license or have the prior operating privileges reinstated such that the employee does not lack the driver's license authority meeting the requirements for his or her job description for more than 60 calendar days, consecutive or nonconsecutive.

~~F. If an employee is subject to adverse action resulting from any change in license status or driving privileges, the provisions of PMC 4.50.040 and 4.50.050 must be followed. (Ord. 12-001 § 3, 2013)~~

K. If an employee is subject to adverse action resulting from any change in license status or driving privileges, the provisions of PMC 4.50.050 must be followed. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.15.080 Physical Examination is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. If the city manager or department director has reason to believe that a current employee has a physical or mental condition which substantially interferes with the employee's ability to perform the essential functions of his/her position in a safe and proficient manner, the personnel officer or department director, with the prior written approval of the personnel officer, may in writing require the employee to submit to a fitness for duty examination. If the city selects the medical or mental health professional, the city shall pay for the fitness for duty examination. If the employee elects to obtain a second opinion it will be at the employee's expense.~~

B. If the City Manager or Department Director has reason to believe that a current employee has a physical or mental condition which substantially interferes with the employee's ability to perform the essential functions of his/her position in a safe and proficient manner, the Department Director, with the prior written approval of the Human Resources Manager, may in writing require the employee to submit to a fitness for duty examination. If the city selects a health professional, the city shall pay for the fitness for duty examination. If the employee elects to obtain a second opinion it will be at the employee's expense.

~~C. If an employee suffers an injury or illness which prevents the employee from fully performing his or her essential functions of his/her job, the employee's department director may offer the employee light duty where such is approved by a medical or mental health professional and where the medical or mental health professional has released the employee for such light duty. The personnel officer shall be notified of the light duty status.~~

~~3. If light duty is not available, the employee must remain off the job until released by a medical or mental health professional to perform the essential functions of his/her position with or without accommodation.~~

~~4. When the employee is able to perform the essential functions of his/her position and a medical or mental health professional's written release to that effect has been received by the personnel officer, the employee shall be reassigned to the normal position in due course; provided, that:~~

C. If an employee suffers an injury or illness which prevents the employee from fully performing his or her essential functions of his/her job, the employee's Department Director, with concurrence of the Human Resources Manager, may offer the employee light duty if the health professional has released the employee for such light duty.

4. When the employee can perform the essential functions of his/her position and a health professional's written release to that effect has been received by the Human Resources Manager, the employee shall be reassigned to the normal position in due course; provided, that:

a. The medical release is received within 18 weeks of notice of the injury or illness; and

b. The position still exists and is not then filled by a regular employee who is not in a promotional probationary period.

~~D. If an employee is unable to return to work due to injury or illness that prevents them from performing essential job functions due to injury or illness, the employee shall advise his or her department director in writing. The department director may request physician updates on the status of the employee. (Ord. 12-001 § 3, 2013)~~

D. If an employee is unable to return to work due to injury or illness that prevents them from performing essential job functions due to injury or illness, the employee shall advise his or her Department Director in writing. The Human Resources Manager may request physician updates on the status of the employee. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.20.018 Floating Holidays is hereby amended as follows (new language is underlined and deleted language is stricken):

D. Floating holidays may not be cashed in.

Palmer Municipal Code Section 4.20.019 Floating Volunteer Days is hereby amended as follows (new language is underlined and deleted language is stricken):

4.20.019 Floating Volunteer Days

A. Martin Luther King, Jr., Day of Service (MLK Day) is the only federal holiday that is also designated by Congress as a National Day of Service – a “day on, not a day off.”

B. The City of Palmer understands the importance of service to the community and encourages employees to volunteer at local non-profit agencies, churches/synagogues/religious organizations, and community events. Full and part-time employees may, upon approval from and in coordination with their Department Director, provide service to local non-profit agencies, churches/synagogues/religious organizations and community events in lieu of performing regular work. Employees are entitled to two floating volunteer days per year, these days are not subject to cash-in and will be forfeited if not used by December 31st. Employees are encouraged to utilize one of the volunteer days on Martin Luther King Day if possible.

C. Full-time employees will receive pay not to exceed 8 hours per volunteer day. Regular part-time employees will receive pay equivalent to one regularly scheduled shift of work. Volunteer days are paid as straight-time hours; these hours are not subject to overtime pay.

D. Employees must complete the verification of service on a form and submit it to the Human Resource department.

Palmer Municipal Code Section 4.20.020 Overtime, Holiday Pay, Standby, Callout and Flex Schedule is hereby amended as follows (new language is underlined and deleted language is stricken):

~~C. In accordance with the Fair Labor Standards Act (FLSA), overtime pay shall apply when a nonexempt employee actually works more than 40 hours in a work week. Overtime work shall be paid at the rate of time and one-half.~~

C. In accordance with the Fair Labor Standards Act (FLSA), overtime pay shall apply when a nonexempt employee works more than 40 hours in a work week. Overtime work shall be paid at the rate of time and one-half; leave and holiday pay does not count towards overtime.

Palmer Municipal Code Section 4.20.030 Shift Differential for Police Officer and Dispatch Personnel is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Differential shall not be paid for the standard work day of 8:00 a.m. to 4:00 p.m.~~

B. Differential shall not be paid for the standard workday of 8:00 a.m. to 4:00 p.m.

Palmer Municipal Code Section 4.30.007 Personal Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.30.007 Personal leave Employees ineligible.~~

~~The following employees are ineligible to accumulate personal leave:~~

- ~~A. On call employees;~~
- ~~B. Temporary employees;~~
- ~~C. Seasonal employees;~~
- ~~D. Volunteer firefighters; and~~
- ~~E. Part-time employees working less than 20 hours per week. (Ord. 13-008 § 3, 2013)~~

4.30.007 Personal leave – Ineligible Employees

The following employees are ineligible to accumulate personal leave:

- A. On call employees
- B. Temporary employees
- C. Seasonal employees
- D. Non-classified fire department personnel; and
- E. Part-time employees working less than 20 hours per week. (Ord. 13-008 § 3, 2013)

Palmer Municipal Code Section 4.30.010 Personal Leave – Full-time Employees is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Personal leave shall be earned only upon completion of each full pay period.~~

A. Personal leave shall be credited at the end of each pay period. Employees who are on approved leave without pay during a pay period will be credited with a prorated amount of leave based on hours in a pay status for the pay period.

~~C. Upon completion of 1,040 continuous full-time hours exclusive of overtime, full-time employees shall be credited with the accrual as provided in this section, retroactive to the date of hire to the current full-time position.~~

C. For the purposes of this section, continuous service means the total amount of hours served in a regular full-time position as defined in PMC 4.05.005(Z). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.020 Personal Leave – Part-time Employees is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Part-time employees shall accumulate personal leave at an equivalent ratio of hours worked.~~

A. Regular part-time employees shall accumulate personal leave at an equivalent ratio of hours worked.

~~B. Personal leave shall be earned only upon completion of each full pay period.~~

B. Regular part-time employees who work 20-24 hours a week will accrue personal leave at the rate of 50 percent of the full-time employee in accordance with the following schedule:

1. 3.53 hours per pay period for employees with less than two years of continuous regular part-time service.
2. 4.46 hours per pay period for employees with two years and less than five years of continuous regular part-time service.
3. 4.92 hours per pay period for employees with five years and less than 10 years of continuous regular part-time service; and
4. 5.84 hours per pay period for employees with 10 years or more of continuous regular part-time service.

~~C. Part-time employees who work 20 or more hours a week will accrue personal leave at the rate of 50 percent of the full-time employee in accordance with the following schedule:~~

- ~~1. 3.53 hours per pay period for employees with less than two years of continuous part-time service;~~
- ~~2. 4.46 hours per pay period for employees with two years and less than five years of continuous part-time service;~~

- ~~3. 4.92 hours per pay period for employees with five years and less than 10 years of continuous part-time service; and~~
- ~~4. 5.84 hours per pay period for employees with 10 years or more of continuous part-time service.~~

C. Regular part-time employees who work 25-29 hours a week will accrue personal leave at the rate of 70 percent of the full-time employee in accordance with the following schedule:

1. 4.95 hours per pay period for employees with less than two years of continuous regular part-time service.
2. 6.24 hours per pay period for employees with two years and less than five years of continuous regular part-time service.
3. 6.89 hours per pay period for employees with five years and less than 10 years of continuous regular part-time service; and
4. 8.18 hours per pay period for employees with 10 years or more of continuous regular part-time service.

~~D. Upon completion of 1,040 continuous part-time hours exclusive of overtime, part-time employees shall be credited with the accrual as provided in this section, retroactive to the date of hire to the current part-time position.~~

D. For the purposes of this section, continuous service means the total amount of hours served in a regular part-time position as defined in PMC 4.05.005(AA). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)

~~E. For the purposes of this section, continuous service means the total amount of hours served in a regular part-time position as defined in PMC 4.05.005(Z). (Ord. 13-008 § 4, 2013; Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.30.040 Leave Without Pay Absence During Probationary Status is hereby amended as follows (new language is underlined and deleted language is stricken):

~~In the event there is a leave without pay absence during the probationary status, the merit anniversary date of the employee shall be adjusted forward to account for such leave. (Ord. 12-001 § 3, 2013)~~

In the event there is a leave without pay absence during the probationary status which exceeds 30 days, the merit anniversary date of the employee shall be adjusted forward to account for such leave. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.060 Maximum Accrual is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Unused leave in excess of the maximum accumulation as of December 31st of any calendar year shall be forfeited unless a written request is submitted to the personnel officer no later than December 15th of each year requesting to cash in the excess personal leave.~~

A. Unused leave more than the maximum accumulation as of December 31st of any calendar year shall be forfeited unless a written request is submitted to the Finance Director no later than December 15th of each year requesting to cash in the excess personal leave. Department directors track leave usage and inform employees in advance of such forfeit. Failure of the Department Director to advise employees of potential forfeiture does not negate the loss.

~~B. Payment for accrued leave shall not exceed the monetary equivalent of 500 hours of such leave, plus accumulated leave since January 1st of the year in which termination occurs. While an employee is on probation, the personal leave has no cash value.~~

B. Payment for accrued leave shall not exceed the monetary equivalent of 500 hours of such leave, plus accumulated leave from January 1st of the year in which termination occurs.

Palmer Municipal Code Section 4.30.070 Use of Mandatory Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

- ~~A. Each full-time employee shall take at least 10 days or 80 hours of personal leave each calendar year.~~
~~1. It shall be the responsibility of the department director to ensure that each employee is given the opportunity to use this leave, scheduled in accordance with the department work load.~~
~~2. In the event the employee does not take 10 days or 80 hours of leave in the calendar year, the employee will lose the unused balance of the 80 hours of accrued leave.~~

- A. Each full-time employee shall take at least 10 days or 80 hours of personal leave each calendar year.
1. It shall be the responsibility of the Department Director to ensure that each employee is given the opportunity to use this leave, scheduled in accordance with the department workload.
2. In the event the employee does not take 10 days or 80 hours of leave in the calendar year, the employee will lose the unused balance of the 80 hours of accrued leave. Waivers for mandatory leave usage are prohibited.

~~C. The department director may require that the employees apply for personal leave a reasonable length of time in advance of taking planned leave. The request for personal leave shall be approved or disapproved within 10 working days from date received. (Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)~~

C. The Department Director may require that the employees apply for personal leave a reasonable length of time in advance of taking planned leave. The request for personal leave shall be approved or disapproved within 10 working days from the date received. (Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)

~~D. The city manager may cancel the leave and/or payout of accrued leave for employees who resign either before, during, or after leave is approved. (Ord. 22-003 § 3, 2022; Ord. 14-006 § 3, 2014; Ord. 12-001 § 3, 2013)~~

D. A full-time employee who has received a promotion and is currently in a probationary period is required to use mandatory leave that corresponds to his/her date that he/she was first placed into a full-time position regardless of probationary status.

Palmer Municipal Code Section 4.30.075 Cancellation of Approved Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

4.30.075 Cancellation of Approved Leave

- D. Employees who are approved for leave, who resign their employment with the City of Palmer either before, during or after such leave has commenced will, at the direction of the City Manager:
1. Have their leave cancelled
 2. Have their termination date changed to the last day the employee worked
 3. Receive a payout for all available accrued leave if otherwise eligible to do so
 4. If the employee is benefit eligible, their benefits will be terminated effective on the last day of the month in which they last worked.
 5. Approved leave under 4.30.160 is not eligible to be cancelled under this section.

Palmer Municipal Code Section 4.30.080 Bereavement Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Regardless of probation status, full-time employees will receive three days of paid bereavement leave for the death of an employee's immediate family member (spouse, children, grandchildren, grandparents, mother, father, sister, or brother). For purposes of this section, in laws are not included in the term "immediate family member."~~

A. Regardless of probation status, full and regular part-time employees will receive five days of paid bereavement leave for the death of an employee's immediate family member (spouse, children, grandchildren, grandparents, mother, father, sister, brother, mother, and father in-law).

~~B. The employee shall provide appropriate documentation of death to the personnel officer. (Ord. 13-007 § 3, 2013; Ord. 12-001 § 3, 2013)~~

B. If requested, the employee shall provide appropriate documentation of death to the Human Resources Manager. (Ord. 13-007 § 3, 2013; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.30.090 Absence Without Prior Approval is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Failure to do so shall be cause for the time off to be charged as leave without pay.~~

B. Failure to do so may subject the employee to disciplinary action.

Palmer Municipal Code Section 4.30.100 Personal Leave Donations is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. Long Term Illness Defined. A long term illness is defined as a medical condition involving either the employee or the employee's family member and:~~

- ~~1. Requires the employee to be absent from work for a prolonged period of two or more weeks; and~~
- ~~2. Results in a loss of income because of the employee's lack of available accrued leave.~~

B. Long-Term Illness Defined. A long-term illness is defined as a medical condition involving either the employee or the employee's immediate family member and:

1. Requires the employee to be absent from work for a period of two consecutive weeks or more; and
2. Results in a loss of income because of the employees' lack of available accrued leave.

E. Employee Leave Donations

3. The form will be approved or denied by the city manager.

3. Employees are prohibited from requesting leave donations from other employees.

~~4. Employees are prohibited from requesting leave donations from other employees.~~

Palmer Municipal Code Section 4.30.130 Other Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

A. Jury Duty Leave. The city will grant an employee administrative leave for jury duty. Fees paid by the court (other than travel and subsistence allowances) will be turned in for deposit to the city's general fund.

A. Jury Duty Leave. The city will grant an employee administrative leave for jury duty. Fees paid by the court (other than travel and subsistence allowances) will be turned in to the Finance Department for a deposit to the city's general fund.

~~B. Short Term Military Leave with Pay.~~

~~1. A regular, full-time employee who has served with the city for six months or more immediately preceding an application for military leave and who is a member of the National Guard or a reserve component of the armed~~

~~forces of the United States is entitled to a leave of absence from their duties for a period not exceeding 15 calendar days in any calendar year.~~

~~2. Such leave shall be granted without loss of time, pay, or benefits to which they are entitled.~~

~~3. Employees receiving short-term military leave pay shall tender pay received from the military.~~

~~4. Military leave with pay may be granted only when an employee receives bona fide orders to active or training duty for a temporary period and shall not be paid if the employee does not return to their position immediately following the expiration of the period for which they were ordered to duty.~~

~~5. Military leave with pay shall not be granted to employees entering the service for extended and indefinite period of active duty.~~

B. Short-Term Military Leave with Pay.

1. Short-term military leave will be provided as outlined in AS 39.20.

~~C. Extended Military Leave without Pay.~~

~~1. An employee serving in the Guard or Reserve who is called to active duty for an extended tour of duty is eligible for an extended military leave of absence, which may continue up to five years.~~

~~2. Upon return from active duty service, they shall return to a position in the same range as their last position at the salary step prevailing for such position without loss of seniority or employment rights.~~

~~3. If it is established that they are not physically qualified to perform the duties of their former position by reason of such service, he or she shall be reinstated in other work that they are able to perform at the nearest appropriate level of the pay of their former position.~~

~~4. Such employees shall make application for reinstatement within 45 days of discharge or return and shall report to work within three months following separation from active duty.~~

~~5. Failure to comply will terminate the extended military leave.~~

~~6. When an employee voluntarily reenlists or extends his or her period of military service, this military leave shall be deemed canceled.~~

~~7. This rule shall apply so long as it does not violate 38 USC 2021—2026 pertaining to reinstatement of city employees returning from active duty. Only to the extent necessary to comply with 38 USC 2021—2026, those provisions shall prevail over this rule. (Ord. 12-001 § 3, 2013)~~

C. Extended Military Leave without Pay.

All city employees called for military duty shall receive benefits as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA), including five years of unpaid leave.

Palmer Municipal Code Section 4.30.140 Leave Without Pay is hereby amended as follows (new language is underlined and deleted language is stricken):

~~C. Leave in Excess of Five Working Days. Leave without pay in excess of five working days must be approved by the manager with the recommendation of the personnel officer and an accompanying report and recommendation from the department director.~~

C. Leave in Excess of Five Working Days. Leave without pay more than five working days in a calendar year must be approved by the City Manager with the recommendation of the Human Resources Manager and an accompanying report and recommendation from the Department Director.

~~D. Health Insurance. Health insurance to the extent provided for other employees shall continue in effect during leave without pay (including that resulting from suspension without pay).~~

~~1. Leave Without Pay Not Related to Family Medical Leave Act. An employee on leave without pay, not related to the family medical leave, shall pay both the employer and employee share of the monthly health insurance premium at a pro-rated amount when the employee's leave without pay exceeds two weeks;~~

~~2. Leave Without Pay Related to the Family Medical Leave Act. The city shall continue to pay the health insurance premium, for a period not to exceed 18 weeks, for an employee on approved family medical leave.~~

D. Health Insurance. Health insurance to the extent provided for other employees shall continue in effect during leave without pay (including that resulting from suspension without pay).

1. Leave Without Pay Not Related to Family Medical Leave Act or Alaska Family Leave Act. An employee on leave without pay, not related to the family medical leave or Alaska Family Leave Act, shall pay both the employer and employee share of the monthly health insurance premium at a pro-rated amount when the employee's leave without pay exceeds two weeks.

2. Leave Without Pay Related to the Family Medical Leave Act or Alaska Family Leave Act. The city shall continue to pay the city's portion of the health insurance premium, for a period not to exceed 18 weeks, for an employee on approved family leave. Employees are required to pay any employee portion of the premium within time limits prescribed by the Finance Director, not to exceed 30 days from the premium due date.

Palmer Municipal Code Section 4.30.160 Family and Medical Leave is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.30.160 — Family and medical leave.~~

4.30.160 Family and Medical Leave/Alaska Family Leave

~~A. When leave is due to a "qualifying exigency" an eligible employee may take up to 12 workweeks of leave during any 12-month period.~~

~~B. When leave is to care for an injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.~~

~~Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.~~

~~C. Certification:~~

~~1. An employee requesting family and medical leave shall provide to the personnel officer certification of the circumstances on which the request is being made, to include documentation of placement or adoption proceedings, the statement of a health care provider of the employee's pregnancy, spouse's pregnancy or a serious health condition of the employee or the employee's spouse, child, or parent.~~

~~2. Prior to returning to work, an employee who has been on family and medical leave due to his or her own serious health condition shall present a certificate from the employee's health care provider that the employee is released for duty.~~

~~D. Definition. A covered service member is:~~

~~1. A current member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or~~

~~2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.~~

~~E. Measuring Period. The 12-month period during which an employee is eligible for family and medical leave shall be the "rolling" 12-month period measured backward from the date an employee begins any family and medical leave.~~

The Alaska Family Leave Act and the federal Family and Medical Leave Act of 1993 entitle employees to periods of leave for childbirth, adoption, to care for a close relative with a serious health condition, or if the employee is unable to perform his or her duties because of a serious health condition. The city shall abide by both the federal Family and Medical Leave Act (FMLA) of 1993 and its subsequent amendments and the provisions of Alaska Family Leave Act (AFLA) under AS 39.20.500.

~~F. Coordination with Other Leave:~~

~~1. An employee requesting family and medical leave shall first exhaust accrued annual personal leave before utilizing leave without pay.~~

~~2. Injury leave due to a serious health condition is considered family and medical leave because of a serious health condition that makes the employee unable to perform the functions of his or her job and shall run concurrently with family and medical leave.~~

~~G. Health Insurance Benefit. Health insurance coverage for an employee on family and medical leave shall be maintained on the same basis as such coverage is available to an employee who is actively at work during the first 12 weeks of family and medical leave during the measuring period. An employee on extended family leave shall be eligible for such coverage only to the extent he or she pays for it, which shall be in the manner prescribed by the personnel officer.~~

~~H. Personal leave and holidays with pay will accumulate during family and medical leave.~~

~~I. Replacement of Employee on Family and Medical Leave. An employee on family and medical leave may be replaced by a temporary or substitute employee depending on the needs of the department and the duration of the family and medical leave. An employee shall resume his or her position upon completion of family and medical leave.~~

~~J. In the event that the employee is unable to work upon the expiration of the family and medical leave, such employee would be terminated without prejudice, subject to the discharge procedures in PMC 4.50.060 through 4.50.080.~~

~~K. In the event of disability discharge, the city will notify the employee of his or her right to extend health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. (Ord. 12-001 § 3, 2013)~~

A. Coordination with Other Leave.

1. An employee requesting FMLA or AFLA leave shall first exhaust accrued annual personal leave before utilizing leave without pay.

2. Leave resulting from a workplace (Workers' Compensation) injury is considered FMLA/AFLA leave if the condition prohibits the employee from being able to perform the functions of his or her job and shall run concurrently with FMLA/AFLA.

3. FMLA and AFLA will be run concurrently.

B. Personal leave and holidays with pay will accumulate during FMLA and AFLA leave.

C. Replacement of Employee on FMLA/AFLA leave. An employee on FMLA/AFLA leave may be replaced by a temporary employee depending on the needs of the department and the duration of the leave.

D. If the employee is unable to work upon the expiration of the FMLA/AFLA leave, such employee would be terminated without prejudice, subject to the discharge procedures in PMC 4.50.060 through 4.50.080.

E. In the event of disability discharge, the city will notify the employee of his or her right to extend health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. (Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.40.005 Scope of Coverage - Definitions is hereby amended as follows (new language is underlined and deleted language is stricken):

Any employee of the city having a work-related complaint is required to seek resolution of the complaint by following the procedures described in this section.

The intent of this procedure is to seek resolution of the complaint at the lowest level of the organization possible, to foster sound interpersonal relations between each level of the city's departments, and to be supportive of open communication between supervisors and subordinates.

~~4.40.010 — Timely — Definition.~~

~~In this chapter, "timely" means the grievance must be filed within 60 days of the grievable event. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.40.020 Procedure is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. When an employee has a grievance, the employee shall timely present the grievance in writing to his or her immediate supervisor who shall endeavor to resolve it within five working days. If the supervisor is unable to do so the supervisor shall refer it to the department director who shall have five working days for the settlement of the grievance.~~

A. When an employee has a grievance, the employee shall timely present the grievance in writing to his or her immediate supervisor who shall endeavor to resolve it within five working days. If the supervisor is unable to do so the supervisor, he/she shall refer it to the Department Director who shall have five working days from his/her receipt for the settlement of the grievance.

~~B. If the employee's supervisor is a department director, then the department director shall have seven working days to settle the grievance. If not resolved at the department director level, the grievance shall be reported in writing to the personnel officer.~~

B. If the employee's supervisor is a Department Director, then the Department Director shall have seven working days to settle the grievance. If not resolved at the Department Director's level, the grievance shall be reported in writing to the Human Resources Manager.

~~C. Once reported to the personnel officer or designee, the personnel officer or designee shall conduct an investigation. The decision on the findings shall be provided to the employee within 15 working days. If the grievance is not resolved at the personnel officer level, it shall be reported in writing along with the personnel officer's findings and decision to the city manager who shall conduct an investigation and hearings as may be appropriate and report his or her findings and decision to the employee within 15 working days. The decision of the city manager shall be final.~~

C. Once reported to the Human Resources Manager, the Human Resources Manager shall investigate. The decision on the findings shall be provided to the employee within 15 working days from receipt. If the grievance is not resolved at the Human Resources Manager level, it shall be reported in writing along with the Human Resources Manager's findings and decision to the City Manager who may accept the Human Resources Manager's findings or investigate, and hearings as may he or she deems appropriate and report his or her findings and decision to the employee within 15 working days from receipt. The decision of the City Manager shall be final.

~~D. In presenting grievances throughout the procedure, the aggrieved employee may have the assistance of any representatives as he or she considers desirable, at the employee's expense. Any employee of the city having a work-related complaint is required to seek resolution of the complaint by following the procedures described in this section.~~

D. Throughout the process, the aggrieved employee may have the assistance of any representative he or she considers desirable, at the employee's expense. City employees may not be compelled to assist an aggrieved employee and, if they choose to participate, may not do so while on duty.

~~E. The intent of this procedure is to seek resolution of the complaint at the lowest level of the organization possible, to foster sound interpersonal relations between each level of the city's departments, and to be supportive of open communication between supervisors and subordinates.~~

E. Once an employee has given notice of resignation or has been served with the notice of intent for adverse action according to Chapter 4.50 PMC, Disciplinary Action and Termination, their grievance rights cease. (Ord. 12-001 § 3, 2013)

~~F. Once an employee has given notice of resignation or has been served with the notice of intent for adverse action according to Chapter 4.50 PMC, Disciplinary Action and Termination, their grievance rights cease. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.50 Disciplinary Action and Termination hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.50 DISCIPLINARY ACTION AND TERMINATION~~

CHAPTER 4.50 DISCIPLINARY ACTION, TERMINATION, LAYOFFS, RESIGNATIONS AND RETIREMENTS

Sections:

- ~~4.50.005 Scope of coverage.~~
- ~~4.50.010 Suspension.~~
- ~~4.50.020 Involuntary demotion.~~
- ~~4.50.030 Category 1 Actions that may result in discipline.~~
- ~~4.50.040 Category 2 Actions that may result in discipline.~~
- ~~4.50.050 Department director procedure for imposing adverse action.~~
- ~~4.50.060 Classified employee's right to a hearing on department director's intent to impose adverse action.~~

Sections:

- 4.50.005 Scope of Coverage
- 4.50.010 Suspension
- 4.50.020 Involuntary Demotion
- 4.50.030 Actions That May Result in Discipline
- 4.50.050 Department Director Procedure for Imposing Adverse Action
- 4.50.060 Classified Employee's Right to a Hearing on Department Director's Intent to Impose Adverse Action
- 4.50.070 City Manager's Procedure for Imposing Adverse Action
- 4.50.080 Layoffs
- 4.50.090 Resignation
- 4.50.100 Retirement
- 4.50.110 COBRA

~~4.50.020 Involuntary demotion.~~

~~A department director or the city manager with concurrence of the personnel officer may notify an employee of intent to involuntarily demote an employee whose ability to perform required duties falls below an acceptable standard or for disciplinary purposes. The department director or city manager may notify the employee only after following the applicable procedures set forth in PMC 4.50.060 or 4.50.080, respectively. (Ord. 12-001 § 3, 2013).~~

4.50.020 Involuntary Demotion

A Department Director or the City Manager with concurrence of the Human Resources Manager may notify an employee of intent to involuntarily demote an employee whose ability to perform required duties falls below an acceptable standard or for disciplinary purposes. The Department Director or City Manager may notify the employee only after following the applicable procedures set forth in PMC 4.50.050. (Ord. 12-001 § 3, 2013).

Palmer Municipal Code Section 4.50.030 Category 1 – Actions That May Result in Discipline is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.030 Category 1 Actions that may result in discipline.~~

~~A. Reasons for disciplinary action up to and including discharge under this section include, but are not limited to, the following:~~

- ~~1. Unsatisfactory work quality or quantity; carelessness or inefficient performance of duties; neglect of duty or refusal to perform work assigned.~~
- ~~2. Refusal or willful disobedience to comply with instructions or lawful orders given by supervisors or designee;~~

- ~~3. Inappropriate conduct towards a supervisor, other employee(s), or member of the public including but not limited to: verbal or physical abuse of a supervisor, other employee(s), or member of the public, raising voice, making false or misleading statements that may damage the integrity or reputation of the supervisor or other employees; obscene or abusive language;~~
- ~~4. Excessive/habitual tardiness and/or absenteeism, unauthorized extension of break and lunch hours, and leaving work before scheduled;~~
- ~~5. Horseplay;~~
- ~~6. Conflict of interests as defined in city policy;~~
- ~~7. Committing or condoning a violation of law, including an ordinance or city rules and regulations;~~
- ~~8. Improper or unauthorized use of city owned or leased property vehicles, telephones, or credit cards. Misuse of city or government funds;~~
- ~~9. Failure to maintain required professional or technical certifications for the position;~~
- ~~10. Uncivil or discourteous acts toward citizens or other city employees, including subordinates, coworkers and superiors;~~
- ~~11. Smoking in prohibited areas including city owned vehicles;~~
- ~~12. Possession of alcoholic beverages on city property during work time;~~
- ~~13. Consumption of an alcoholic beverage or nonprescribed narcotics, tranquilizers, marijuana, or any illegal drugs within four hours before the employee is scheduled to report for work;~~
- ~~14. Willful negligence which results in injury to personnel or damage to city or government property;~~
- ~~15. Destruction, abuse, improper disposition, or unauthorized possession or removal from city premises of any property which does not belong to the employee;~~
- ~~16. Failure to report to the immediate supervisor an on-the-job injury or accident involving equipment, property, or employee;~~
- ~~17. Lewd or suggestive actions or behavior;~~
- ~~18. Failure to use or wear required safety equipment;~~
- ~~19. Other just cause.~~

~~B. These are not to be considered all-inclusive, and nothing herein prevents the city from properly disciplining and/or terminating an employee for any other reason. An employee may be subject to dismissal if he or she repeats an offense in Category 1 or has already received disciplinary action for the same offense.~~

~~C. Except in aggravated cases, before the department director or city manager notifies the employee, the department director or city manager will constructively counsel the employee in an effort to correct the behavior. In the event the employee does not make satisfactory progress and continuation of employment is in jeopardy, the department director or the personnel officer shall counsel the employee, and give the employee a copy of a written plan of improvement listing the requirements which the employee must meet and setting reasonable time limits in which they must be met to avoid termination. Thereafter, if the department director or the city manager believes the employee has failed to meet the requirements, the department director or city manager shall notify the employee of intent to discharge following the procedures set out in PMC 4.50.060 or 4.50.070. (Ord. 12-001 § 3, 2013)~~

4.50.030 Actions that may Result in Discipline

A. These are not to be considered all-inclusive, and nothing herein prevents the city from properly disciplining and/or terminating an employee for any other reason. Reasons for disciplinary action up to and including discharge under this section include, but are not limited to, the following:

1. Unsatisfactory work quality or quantity; carelessness or inefficient performance of duties; neglect of duty or refusal to perform work assigned.
2. Refusal or willful disobedience to comply with instructions or lawful orders given by supervisors or designee.
3. Inappropriate conduct towards a supervisor, other employee(s), or member of the public including but not limited to: verbal or physical abuse of a supervisor, other employee(s), uncivil or discourteous acts, or member of the public, raising voice, making false or misleading statements that may damage the integrity or reputation of the supervisor or other employees; obscene or abusive language.
4. Excessive/habitual tardiness and/or absenteeism, unauthorized extension of break and lunch hours, and leaving work before scheduled.
5. Horseplay

6. Conflict of interests as defined in city policy.
 7. Committing or condoning a violation of law, including an ordinance or city rules and regulations.
 8. Improper or unauthorized use of city owned or leased property vehicles, telephones, or credit cards. Misuse of city or government funds.
 9. Failure to obtain or maintain required professional or technical certifications for the position.
 11. Smoking in prohibited areas including city owned vehicles.
 12. Consumption of an alcoholic beverage or non-prescribed narcotics, tranquilizers, marijuana, or any illegal drugs within four hours before the employee is scheduled to report for work.
 13. Willful negligence which results in injury to personnel or damage to city or government property.
 14. Destruction, abuse, improper disposition, or unauthorized possession or removal from city premises of any property which does not belong to the employee.
 15. Failure to report to the immediate supervisor an on-the-job injury or accident involving equipment, property, or employee.
 16. Lewd or suggestive actions or behavior.
 17. Failure to use or wear required safety equipment.
 18. Other just cause
 19. Dishonesty; including, without limitation, falsifying or making a material omission on an employment application, time record, internal investigation statements, or any other official record.
 20. Deliberate disregard of the law or any other city rules and policies.
 21. Flagrant insubordination, including willful disobedience to a lawful order.
 22. Sexual harassment as defined by city policy.
 23. Harassment and discrimination as defined by city policy.
 24. Bringing firearms or other weapons to working areas (other than sworn officers).
 25. Workplace violence as defined by city policy.
 26. Computer use violation as defined by city policy.
 27. Drug and alcohol use in the workplace or during meal/break periods.
 28. Abuse, destruction, or theft of city property.
 29. Absences without proper notification to respective supervisor.
 30. Possession or use of nonprescribed narcotics, tranquilizers, marijuana, or any other illegal drugs either on city property, during work time or lunch break; or being under the influence of any of these substances during work time or lunch time.
 31. Failure to inform supervisor of prescribed medication where there is likelihood that such medication could affect your job performance and safety or refusal to submit written notification from a medical or mental health professional stating employee's prescription medication will not cause impairment in judgment, coordination, or physical abilities, if requested by supervisor.
 32. Driving a city-owned vehicle at any time the employee's ability to do so is impaired using prescription or nonprescription drugs or intoxicating substances. "Vehicle" includes, but is not limited to road grader, bobcat, front end loader, four-wheeler.
 33. Making false claims of work-related injury or illness.
 34. Engaging in any conduct which creates a safety, security, or health hazard, including disregard of safety rules.
 35. Falsification of city or official records.
 36. Negligence resulting in substantial environmental damage.
 37. Unauthorized sleeping on duty.
 38. Unauthorized use of overtime.
 39. Failure to notify the Department Director of any criminal conviction for a violation occurring no later than one day before such conviction.
 40. Failure to notify the Department Director during the shift of occurrence of any of the following, including but not limited to, work related personal injury, city property damage and/or injury or damage occurring to a third party.
 41. Violation of the city's waste/fraud/abuse or computer use regulations.
- B. If an employee is indicted in state or federal court on a felony charge, they may be placed on administrative leave without pay or benefits pending the outcome of the administrative investigation. (Ord. 12-001 § 3, 2013)

C. Except in aggravated cases, and with concurrence of the Human Resources Manager, before the Department Director or City Manager notifies the employee, the Department Director or City Manager will constructively counsel the employee to correct the behavior. In the event the employee does not make satisfactory progress and continuation of employment is in jeopardy, the Department Director shall give the employee a copy of a written performance improvement plan listing the requirements which the employee must meet and setting reasonable time limits in which they must be met to avoid termination. Thereafter, if the department director or the City Manager believes the employee has failed to meet the requirements, the Department Director or City Manager shall notify the employee of intent to discharge following the procedures set out in PMC 4.50.050. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.040 Category 2 – Actions that May Result in Discipline is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.040 — Category 2 — Actions that may result in discipline.~~

~~A. The following rules apply to city employees and are for the protection of city employees and property. Violations of these rules may result in disciplinary action including and up to termination. The following list includes but is not limited to the following prohibitions:~~

- ~~1. Dishonesty; including, without limitation, falsifying or making a material omission on an employment application, time record, internal investigation statements, or any other city record;~~
- ~~2. Deliberate disregard of the law or any other city rules and policies;~~
- ~~3. Flagrant insubordination, including willful disobedience to a lawful order;~~
- ~~4. Sexual harassment as defined by city policy;~~
- ~~5. Harassment and discrimination as defined by city policy;~~
- ~~6. Intoxication or use of alcoholic beverages during work time or lunch breaks;~~
- ~~7. Bringing firearms or other weapons to working areas (other than sworn officers);~~
- ~~8. Work place violence as defined by city policy;~~
- ~~9. Computer use violation as defined by city policy;~~
- ~~10. Drug and alcohol use in the workplace as defined by city policy;~~
- ~~11. Abuse, destruction or theft of city property;~~
- ~~12. Absences without proper notification to respective supervisor;~~
- ~~13. Fighting (verbal threats or physical contact) on city property;~~
- ~~14. Possession or use of nonprescribed narcotics, tranquilizers, marijuana, or any other illegal drugs either on city property, during work time or lunch break; or being under the influence of any of these substances during work time or lunch time;~~
- ~~15. Use of prescription medication that causes impairment in judgment, coordination, and physical abilities;~~
- ~~16. Failure to inform supervisor of prescribed medication where there is likelihood that such medication could affect your job performance and safety;~~
- ~~17. Refusal to submit written notification from a medical or mental health professional stating employee's prescription medication will not cause impairment in judgment, coordination or physical abilities, if requested by supervisor;~~
- ~~18. Driving a city owned vehicle at any time the employee's ability to do so is impaired by the use of prescription or nonprescription drugs or intoxicating substances. "Vehicle" includes, but is not limited to: road grader, bobcat, front end loader, four wheeler;~~
- ~~19. Making false claims of work related injury or illness;~~
- ~~20. Engaging in any conduct which creates a safety, security or health hazard, to include disregard of safety rules;~~
- ~~21. Falsification of city records;~~
- ~~22. Negligence resulting in substantial environmental damage;~~
- ~~23. Unauthorized sleeping on duty;~~
- ~~24. Unauthorized use of overtime;~~
- ~~25. Failure to notify the department director of any criminal conviction for a violation occurring no later than one day of such conviction;~~

~~26. Failure to notify the department director during the shift of occurrence of any of the following, including but not limited to, work related personal injury, city property damage and/or injury or damage occurring to a third party.~~

~~B. If an employee is indicted in state or federal court on a felony charge they may be placed on administrative leave without pay or benefits pending the outcome of the administrative investigation. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.50.050 Department Director Procedure for Imposing Adverse Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.050 — Department director procedure for imposing adverse action.~~

~~A. Except as provided in PMC 4.50.030, before notifying an employee of intent to impose adverse action, a department director must consult with the personnel officer, city manger, and city attorney. Thereafter, the department director shall:~~

- ~~1. Give written notice to the employee of the charge or charges against the employee;~~
- ~~2. Explain to the employee the basis, i.e., the evidence, supporting each charge; and~~
- ~~3. Allow the employee a reasonable opportunity to present their side of the story. If the employee requires time to prepare the presentation, up to three days shall be provided. Such presentation shall not be prepared on city's premises. The employee may be represented by counsel at their own expense.~~

~~B. After steps in subsections (A)(1) through (3) of this section have occurred, the department director shall consult with the city manager and city attorney and determine in writing:~~

- ~~1. Whether there are reasonable grounds to believe the charges against the employee are true; and~~
- ~~2. Whether the charges support the adverse action.~~

~~C. Only after the procedures in subsection (A) of this section have been completed may the department director notify the employee of intent to impose adverse action.~~

~~D. The notice of intent to impose adverse action shall notify the employee:~~

- ~~1. Of the department director's intent to impose a specified adverse action on the employee;~~
- ~~2. Of the statement of cause for the action including the determination of items in subsection (A) of this section;~~
- ~~3. That the employee has the right to a hearing before a hearing officer to contest the imposition of the adverse action; and~~
- ~~4. That if the employee does not deliver a written request for the hearing to the city manager within two working days after service upon the employee of the notice of intent, the adverse action shall be imposed and the employee shall have waived all right of appeal.~~

~~E. For administrative investigation purposes only, a department director may require written statements from any employee, including the charged employee, describing or explaining the charged employee's conduct or omissions at any time. Failure by any employee to provide a complete and truthful statement may be grounds for expedited discharge. (Ord. 16-018 § 3, 2016; Ord. 12-001 § 3, 2013)~~

4.50.050 Procedures for Imposing Adverse Action

A. Except as provided in PMC 4.50.030, before notifying an employee of intent to impose adverse action, a Department Director must consult with the Human Resources Manager, City Manager, and city attorney. Administrative investigations will be conducted by the Human Resources Manager or his/her designee. Investigations involving alleged violations of PMC for police department personnel will be conducted by the Human Resources Manager; all other complaints including those from community/citizen will be investigated by the Chief of Police or his/her designee.

Thereafter, the Human Resources Manager will prepare a written notice of charges.

1. The Department Director and Human Resources Manager will give written notice to the employee of the charge or charges against the employee.
2. Allow the employee a reasonable opportunity to present their side of the story. If the employee requires time to prepare the presentation, up to three days shall be provided. Such presentations shall not be prepared on city premises. The employee may be represented by counsel at their own expense.

B. After steps in subsections (A)(1) through (2) of this section have occurred and upon completion of the administrative investigation, the Department Director shall consult with the City Manager, Human Resources Manager and city attorney and determine:

1. Whether there are reasonable grounds to support the charges against the employee and
2. Whether the evidence supports adverse action.
- C. Only after the procedures in subsection (A) of this section have been completed may the Department Director and Human Resources Manager notify the employee of intent to impose adverse action.
- D. The notice of intent to impose adverse action shall notify the employee:
 1. Of the Department Director's intent to impose a specified adverse action on the employee.
 2. Of the statement of cause for the action including the determination of items in subsection (A) of this section.
 3. That the employee has the right to a hearing before a hearing officer to contest the imposition of the adverse action; and
 4. That if the employee does not deliver a written request for the hearing to the City Manager within two working days after service upon the employee of the notice of intent, the adverse action shall be imposed, and the employee shall have waived all right of appeal.
- E. Failure by any employee to participate in an administrative investigation and may be grounds for discharge. (Ord. 16-018 § 3, 2016; Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.060 Classified Employee's Right to a Hearing on Department Director's Intent to Impose Adverse Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.060 — Classified employee's right to a hearing on department director's intent to impose adverse action.~~

4.50.060 Classified Employee's Right to a Hearing on Intent to Impose Adverse Action

B. Hearing Officer Appointment

~~3. — The city clerk shall solicit persons who are willing to serve as hearing officers, and shall maintain a list of interested persons determined to be qualified.~~

3. The Human Resources Manager shall solicit people who are willing to serve as hearing officers and shall maintain a list of interested people determined to be qualified.

~~D. — If the employee duly delivers a request for hearing, the department director's imposition of adverse action is stayed pending decision by the hearing officer. The hearing officer will hold a hearing within five working days from date of receipt of the request. The hearing officer may extend in writing the hearing date, but no extension of more than 10 working days shall be granted. The hearing officer shall duly notify the employee of the date, time and place of the hearing.~~

D. If the employee duly delivers a request for hearing, the Department Director's imposition of adverse action is stayed pending decision by the hearing officer. The hearing officer will hold a hearing as soon as possible but no later than five working days from the date of receipt of the request. The hearing officer may extend in writing the hearing date, but no extension of more than 10 working days shall be granted. The hearing officer shall duly notify the employee of the date, time, and place of the hearing. The employee will be on unpaid administrative leave during the appeal process. If the hearing officer's decision is in favor of the employee. Then the employee will receive retro pay for the period on unpaid administrative leave.

~~F. — If the employee wishes to question another employee or employees, the city manager will, if practical, provide for the employee's attendance for questioning at no cost to the charged employee. The employee must notify the hearing officer, city manager and the department director of the names of the employee(s) at least three working days before the hearing or this right is waived. The hearing officer may determine the relevancy of evidence.~~

F. If the employee wishes to question another employee or employees, the City Manager will, if practical, provide for the employee's attendance for questioning at no cost to the charged employee. The employee must notify the hearing officer, City Manager, and the Human Resources Manager of the names of the employee(s) at least

three working days before the hearing or this right is waived. The hearing officer may determine the relevancy of evidence.

Palmer Municipal Code Section 4.50.090 Resignation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. To resign in good standing an employee shall give at least two weeks' notice to enable the city to make proper provision for filling the position. The requirements may be waived by a department director where adequate provision can be made in a shorter period of time. All resignations shall be made in writing and presented to the department director. Failure to provide required notice shall result in a final appraisal stating the employee did not leave in good standing.~~

A. To resign in good standing an employee shall give at least two weeks' notice to enable the city to make proper provision for filling the position. The requirements may be waived by a Department Director where adequate provision can be made in a shorter period.
All resignations shall be made in writing and presented to the Department Director. Failure to provide required notice may be taken into consideration if the employee applies for a position with the city in the future.

~~B. Upon receipt of two weeks' notice the department director may elect to pay two weeks' severance pay in lieu of employee's service. (Ord. 12-001 § 3, 2013)~~

B. Upon receipt of a minimum of two weeks' notice the Department Director may elect to pay the employee in lieu of the employee's service. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.50.110 COBRA Notice is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.50.110 — COBRA notice.~~

~~A. Upon termination, the city or designee shall notify the employee of his or her right to extend the health plan coverage. This notice will be in accordance with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. Under COBRA, if an employee terminates employment with the city of Palmer, the employee is entitled to continue participating in the city's group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as an employee's divorce or death, the length of coverage period may be longer for qualified dependents.) COBRA coverage is not extended to employees terminated for gross misconduct.~~

~~B. The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 provides an employee who is on military leave of absence will retain their health insurance coverage for the first 31 days of uniformed service. Employees on military leave of absence which extends beyond the 31 days will be eligible for COBRA benefits for up to 24 months.~~

~~C. If a former employee chooses to continue group benefits under COBRA, he/she must pay the total applicable premium plus a two percent administrative fee. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions or becomes eligible for Medicare. (Ord. 12-001 § 3, 2013)~~

4.50.110 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
Benefit eligible employees will receive the required COBRA notices as required by law.

Palmer Municipal Code Section 4.60.005 Training is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Each department director shall develop and conduct such practical training programs as are suited to the special requirements of the department. The city manager shall institute and provide for the conduct of training programs which are needed for efficient management of two or more departments. Training programs shall particularly emphasize employee safety, OSHA compliance, sexual harassment, and workplace violence.~~

~~A. The Human Resources Manager shall be responsible for sourcing and assigning mandatory training for all classified employees. Training will include, at a minimum, sexual harassment prevention, workplace violence prevention, workplace safety, computer/internet safety, anti-harassment, and diversity. Supervisors may be assigned additional courses including, but not limited to, supervision training, training on federal/state laws, EEO recommended training.~~

~~1. Department directors shall monitor training assignments for completion. Training assignments for new employees will be completed within 30 days of hire. Annual training assignments will be completed no later than March 31st of each year. Department Director shall develop and conduct such practical training programs as are suited to the special requirements of the department.~~

~~B. Each department director may offer employees the opportunity to attend off site training, conferences or seminars, at the city's expense, subject to appropriation.~~

B. Each Department Director may offer employees the opportunity to attend off-site training, conferences, or seminars, at the city's expense, subject to appropriation.

~~C. An employee who terminates his or her employment within 12 months of date of training shall reimburse the city for the cost associated with the training.~~

~~1. Reimbursement shall be prorated; i.e., if training cost is \$1,200 and the employee leaves six months after training, the employee is required to reimburse the city \$600.00.~~

C. An employee who terminates his or her employment within 12 months of the date of training shall reimburse the city for the cost associated with the training.

1. Reimbursement shall be prorated, i.e., if the training cost is \$1,200 and the employee leaves six months after training, the employee is required to reimburse the city \$600.00.

Palmer Municipal Code Section 4.60.010 Official Travel is hereby amended as follows (new language is underlined and deleted language is stricken):

C. The city will not pay or reimburse costs associated with non-city employee travel.

Palmer Municipal Code Section 4.60.060 Private Vehicle Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. If a city vehicle is not available, the city will reimburse travelers for use of their privately owned vehicle at the currently approved rate not to exceed the cost of coach class airfare;~~

A. If a city vehicle is not available, the city will reimburse travelers for use of their privately owned vehicle at the currently approved mileage reimbursement rate.

~~B. If two or more employees travel in the same private vehicle, the reimbursement shall not exceed the cost that would have been incurred had they all traveled by air. Only the owner of the vehicle may claim reimbursement for mileage;~~

B. If two or more employees travel in the same private vehicle, only the owner of the vehicle may claim reimbursement for mileage.

Palmer Municipal Code Section 4.60.090 Per Diem and Day Travel Allowance is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. In State Travel over 12 Hours.~~

- ~~1. A per diem rate of \$70.00 shall be allowed for employees who are away from home for over 12 hours on city business.~~
- ~~2. The \$70.00 rate includes \$15.00 for breakfast, \$20.00 for lunch and \$35.00 for dinner.~~
- ~~B. Out-of-State Travel over 12 Hours:~~
 - ~~1. A per diem rate equal to the current IRS rate shall be allowed for employees who are away from home for over 12 hours on city business.~~
 - ~~2. The rate shall include the current amount for breakfast, lunch, and dinner.~~
- ~~C. Day Travel Allowance:~~
 - ~~1. Employees who travel on city business for a time period of more than four hours and less than 12 hours are entitled to an allowance of one meal.~~
 - ~~2. The meal allowance is based on the current rate for breakfast, lunch, or dinner.~~
 - ~~3. This is a taxable allowance and therefore will be an addition to the employee's wages on the payroll following the travel.~~

A. In-State Travel over 12 Hours.

1. Employees will be authorized per diem rate as outlined in the GSA schedule (minus lodging rates unless approved in advance by the City Manager). The first/last day of travel will be reimbursed at seventy-five percent (75%) and will not include lodging.

B. Out-of-State Travel over 12 Hours.

1. Employees will be authorized at the per diem rate as outlined in the GSA schedule. The first/last day of travel will be reimbursed at seventy-five percent (75%) and will not include lodging.

C. Day Travel Allowance.

1. Employees who travel on city business for a period of more than four hours and less than 12 hours are entitled to an allowance for one meal based on the rates as outlined in the GSA schedule.

2. This is a taxable allowance and therefore will be an addition to the employee's wages on the payroll following the travel.

3. Day travel allowance M&IE breakdown will be calculated based on US Department of State data https://aoprals.state.gov/content.asp?content_id=114&menu_id=81.

~~D. A deduction to per diem will be made for meals paid for separately by the city and meals paid for by others. This includes meals paid in advance and/or included in registration fees and business meals reimbursed to the traveler or reimbursed to another city traveler as a business meal. Meals provided by airlines do not impact per diem entitlement. Continental breakfasts which are provided do not impact per diem entitlement.~~

D. A deduction to per diem will be made for meals included as a part of the event, this includes meals paid in advance and/or included in registration fees, business meals reimbursed to the traveler or reimbursed to another city traveler as a business meal. Meals provided by airlines do not impact per diem entitlement. Continental breakfasts which are provided do not impact per diem entitlement.

~~E. The Internal Revenue Service requires that per diem be prorated for partial days of travel, which will occur on departure or arrival from the city. The following is the departure and arrival proration:~~

- ~~1. The actual departure and arrival of the aircraft will be used to determine the times.~~
- ~~2. If traveling by private vehicle, the times are based on the actual departure and arrival time from the point of origin.~~

~~Departure Time — In-State Allowance — Out-of-State Allowance~~

~~12:01 a.m. to 10:00 a.m. — \$15.00 Current IRS Rate~~

~~10:01 a.m. to 3:00 p.m. — \$20.00 Current IRS Rate~~

~~3:01 p.m. to midnight \$35.00 Current IRS Rate~~

~~Arrival Time — In-State Allowance — Out of State Allowance~~

~~12:01 a.m. to 10:00 a.m. — \$15.00 Current IRS Rate~~

~~10:01 a.m. to 3:00 p.m. — \$20.00 Current IRS Rate~~

~~3:01 p.m. to midnight \$35.00 Current IRS Rate~~

~~(Ord. 15-017 § 3, 2015; Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.60.100 Car Rental Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city will reimburse car rental costs only if car rental was approved on the travel authorization form, and then only for the days/mileage necessary to conduct official business.~~

A. The city will reimburse car rental costs only if car rental was approved on the travel authorization form, and then only for the days/mileage necessary to conduct official business. The most cost-efficient vehicle must be rented to be reimbursed.

Palmer Municipal Code Section 4.60.120 Other Expenses Related to City Business is hereby amended as follows (new language is underlined and deleted language is stricken):

C. Items not essential to the travel including dry cleaning, laundry service, pay-per-view movies, alcohol, atm charges, cash advance charges, valet parking (unless required), travel insurance, airline club memberships or fees, hotel mini bar or entertainment charges are not reimbursable. In addition, expenses paid for utilizing miles, points or airline vouchers will not be reimbursed.

Palmer Municipal Code Section 4.60.150 Car Rental Costs is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Credit card receipts shall be accompanied by itemized cash register receipts. (Ord. 12-001 § 3, 2013)~~

Credit card receipts shall be accompanied by itemized cash register receipts. Failure to provide itemized receipts may subject the employee to payroll deductions. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.70.005 Computer Use Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

It shall be the policy of the City to provide employees with technological resources when determined to be of benefit to the city. The purpose of this Policy is to provide regulations to ensure the efficient and appropriate use of the city's technology resources.

A. This Policy applies to all City employees, including contract employees using city-owned or leased technology resources.

B. A user of city technology resources shall be responsible for the information contained in this regulation. The burden of responsibility is on the user to inquire as to acceptable and unacceptable uses prior to using city technology resources.

C. Procedure/Rule

1. Definitions

a. Technology Resources. Any hardware, including personal computers, tablets, smart phones, mobile digital terminals (MDTs/Laptops), host systems, printers, scanners, flash/thumb drives, software, remote access, e-mail, text messages, Internet connection tools, and networks.

D. Confidentiality and Privacy

1. All data that is composed, transmitted, or received via city technology resources in the transaction of city business is considered part of the official records of the city and is subject to records retention laws and the Public Information Act. There is no expectation of personal privacy in the use of city technology resources.

2. The data that is composed via city technology resources may be viewed by the _____ City of Palmer or the city's IT service contractor(s) during routine maintenance, or as needed for administrative purposes, which includes investigations of possible violations of this regulation.

3. The city reserves the right to set permissions and accessibility rights as it deems necessary to all city technology resources. Except as pursuant to this section, no access shall be given to another employee's city technology resources without express permission from the appropriate Department Director or his/her designee, and such communication shall be communicated to the city's IT service contractor(s).

An employee shall not access, copy, alter or destroy another employee's city technology resources without express permission from the Department Director and unless authorized or required to do so by law or regulation.

E. City Property. City technology resources are the property of the city.

1. An employee shall respect the legal protection provided by copyrights, licenses, and federal, state, or local laws and regulations. Copying city-owned or licensed software or data to another computer system is prohibited without the prior written consent of the Department Director and notification sent to the city's IT service contractor(s).

2. No employee shall integrate personal technology resources containing inappropriate content with city technology resources.

F. Security ID

1. The city's technology resources requires that each employee have a unique identity, referred to as a "User ID," which represents and identifies an employee in various system activities, provides access to certain software. Assuming another employee's User ID, or assuming an anonymous identity, is expressly prohibited.

2. Each employee is responsible for any modification or access to system information made using his/her User ID. An employee shall not share his/her passwords or leave any technology resource unattended while logged on. An employee should be aware that merely turning an item off does not necessarily log the employee off the system.

G. Internet Use. Due to the very nature of Internet and online services, the city has no control over the content of messages or information postings on those services. The city reserves the right to use available technology to screen out information that may be offensive or not business-related, as determined by the city, although technology cannot block all sites that may contain offensive material, nor can the city prevent transmission and/or receipt of all offensive e-mail messages.

1. Right to Monitor. The City reserves the right to log, monitor and review all system and Internet connection and traffic information. If an employee receives offensive information, the employee should forward the information to the IT service contractor(s), who will attempt to minimize this type of activity.

2. Internet Connection. Internet use is provided using a dedicated connection, and a firewall. Internet use outside of this configuration is prohibited unless specifically authorized by the city's IT service contractor(s).

3. Pop-Ups. Offensive or obscene "pop-ups" should be reported to the IT service contractor(s).

H. Use While Driving. No employee shall use a city-issued or personal smart phone for city purposes while driving unless the employee is using the smart phone with hands-free technology. This prohibition does not apply to employees operating authorized emergency or law enforcement vehicles while acting in an official capacity.

I. Operating System. Each employee shall maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. Employees shall not alter the security that is in place by the manufacturer as default (a.k.a., "jailbreak" or "root" the device) or install software that allows the employees to bypass security features and controls. "Jailbroken" or "rooted" devices will immediately be disconnected from the city's network services.

J. Passwords. Employees shall password protect his/her device(s) and shall keep that password confidential.

K. City-Issued Devices. Issuance of a City-issued devices to an employee is at the discretion of the Department Director or her/his designee. The Department Director or his/her designee reserves the right to recall/disconnect city-issued devices if she/he determines that such use is not in the best interested of the city for such reasons, including:

1. Violation of this Policy.

2. Non-use or limited use of the device.

3. Excessive personal use of the device that interferes with job performance; or

4. Budgetary constraints.

L. Participation in Reimbursement Program Discretionary. Participation in the reimbursement program is discretionary. The Department Director or her/his designee reserves the right to cancel participation in the reimbursement program if she/he deems that such participation is not in the best interest of the city for such reasons, including those listed in section K above.

M. Separation of Employment. Upon separation of employment, employees who have been issued city-owned devices must turn in all devices no later than the last day of his/her employment. Failure to do so may result in payroll deductions as allowed by law.

- N. Viruses. The city desires to protect its technology resources from both the intentional and unintentional introduction of any computer virus. Therefore, an employee shall also practice safe computing, which includes:
1. Exercising care when receiving messages through the internet, software, or hardware from a third party; and
 2. Immediately report any suspicions of viruses to the IT service contractor(s).
- P. Prohibited Uses. In addition to the regulations specified in this section, an employee is specifically prohibited from using the city's technology resources in any manner identified in this section. Specific exemption to these prohibited uses may be made for Police Department investigations with the approval of the Chief of Police or his/her designee. Such prohibitions include, but are not limited to:
1. Use for any purpose that violates any City, state, or federal law.
 2. Destruction or damage to city technology resources.
 3. Use for private business, commercial purposes, or personal financial gain, including external consulting, or commercial advertising.
 4. Use that produces an adverse effect, disrupts the work environment, or interferes with workplace operations of the city.
 5. Use of city technology resources for purposes other than those intended by the department authorizing access, including allowing access by unauthorized persons.
 6. Personal use that is inappropriate or more than incidental or occasional.
 7. Storage of information that is private or personal and affects the performance of the technology resource.
 8. Downloading or use of applications, including games, other than those approved for city information management purposes.
 9. Viewing, sending, copying, or soliciting sexually oriented messages or images.
 10. Accessing internet sites which are "adult oriented" in nature, or which offer gambling services, or which contain obscene content of any nature.
 11. Use to defraud, threaten, libel, or harass others, including transmission of offensive or harassing statements or images that disparage others based on their race, national origin, sex, sexual orientation, age, disability, religious beliefs, political beliefs, or any other classification protected by law.
 12. Impersonation of any person or communication under a false or unauthorized name.
 13. Inappropriate mass mailing, "spamming" or "mail bombing".
 14. Tampering with any software protections or restrictions placed on computer applications or files or attempting to circumvent local or network system security measures.
 15. Knowingly or maliciously introducing any invasive or destructive programs into city technology resources or intentionally developing programs designed to harass other users or infiltrate and/or damage city technology resources.
 16. Attempting to modify, damage, interfere with or disrupt the operation of city technology resources.
 17. Use for fundraising, partisan politics or public relations activities not specifically authorized by the Department Director or designee and not related to city activities.
 18. Intentionally seeking information or security access rights on, obtaining copies of, or modifying files or data without proper authorization; or
 19. Intentionally copying or printing any software, electronic file, program, or data using city technology resources without specific authorization by the IT service contractor(s) or his/her designee and the Department Director or his/her designee.
- Q. Enforcement. An employee who violates this regulation shall be subject to revocation or suspension of user privileges and/or disciplinary action, up to and including termination of employment.

Palmer Municipal Code Section 4.70.010 Social Media Use Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

B. General

~~e. Wherever possible, content posted to city social media sites should contain links directing users back to the city's official website for in-depth information, forms, documents or online services necessary to conduct business with the city.~~

c. Wherever possible, content posted to city social media sites should contain links directing users back to the city's official website for in-depth information, forms, documents, or online services necessary to conduct business with the city.

~~5. City social media sites are subject to the Alaska Public Records Act and Chapter 2.90 PMC.~~

~~a. Any content maintained in a social media format that is related to city business, including a list of subscribers and posted communication, is a public record.~~

5. City social media sites are subject to the Alaska Public Records Act and Chapter 2.90 PMC.

a. Any content maintained in a social media format that is related to city business, including a list of subscribers, and posted communication, is a public record.

F. Administration of City of Palmer Social Media Sites

~~1. The information technology committee will maintain a list of all city of Palmer social media sites, including login and password information. Assigned department employees will inform the committee of any new social media sites or administrative changes to existing sites.~~

1. The city clerk will maintain a list of all City of Palmer social media sites, including login and password information. Assigned department employees will inform the committee of any new social media sites or administrative changes to existing sites.

Palmer Municipal Code Section 4.70.020 Facebook Standard Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Purpose. Facebook is a social networking site. Businesses and governments have joined individuals in using Facebook to promote activities, programs, projects and events. This standard is designed for city departments looking to drive traffic to the city's website and to inform more people about city activities. These standards should be used in conjunction with the city's social media use policy. As Facebook changes these standards may be updated as needed.~~

A. Purpose. Facebook is a social networking site. Businesses and governments have joined individuals in using Facebook to promote activities, programs, projects, and events. This standard is designed for city departments looking to drive traffic to the city's website and to inform more people about city activities. These standards should be used in conjunction with the city's social media use policy. As Facebook changes these standards may be updated as needed.

~~B. Establishing a Page. When a department determines it has a business need for a Facebook account, it will submit a request to the city manager via the information technology committee. Once approved, the information technology committee will create the boilerplate business page for the department. Applications are not to be added to a city Facebook site without approval by the committee. All city provided branding images must meet city branding standards.~~

B. Establishing a Page. When a department determines it has a business need for a Facebook account, it will submit a request to the City Manager via the city clerk. Once approved, the city clerk will create the boilerplate business page for the department. Applications are not to be added to a city Facebook site without approval by the city clerk. All city provided branding images must meet city branding standards.

~~C. Content.~~

~~1. Type of Pages.~~

~~a. The city will create "pages" in Facebook, not "groups." Facebook pages offer distinct advantages including greater visibility, customization and measurability.~~

C. Content

1. Type of Pages.

~~a. The city will create "pages" in Facebook, not "groups." Facebook pages offer distinct advantages including greater visibility, customization, and measurability.~~

~~2. Boilerplate.~~

~~a. The information technology committee will standardize and provide the Facebook page's image, consisting of a picture and the city's logo.~~

2. Boilerplate

a. The city clerk will standardize and provide the Facebook page's image, consisting of a picture and the city's logo.

6. Page Administrators

~~a. A successful page requires "babysitting" by the designated department employee responsible for monitoring the Facebook page. Posts should be approved by the employee or a designated alternate.~~

a. A successful page requires frequent monitoring by the designated department employee responsible for monitoring the Facebook page. Posts should be approved by the employee or a designated alternate.

8. Style

~~a. City Facebook pages will be based on a template that includes consistent city branding. The information technology committee will provide departments with the template.~~

a. City Facebook pages will be based on a template that includes consistent city branding. The city clerk will provide departments with the template.

~~b. Departments will use proper grammar and standard AP style, avoiding jargon and abbreviations. Facebook is more casual than most other communication tools but still represents the city at all times.~~

b. Departments will use proper grammar and standard AP style, avoiding jargon and abbreviations. Facebook is more casual than most other communication tools but still represents the city.

9. Applications

~~b. An application should not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source and is approved by the information technology committee.~~

b. An application should not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source, and is approved by the city clerk.

D. Archive

~~1. Each Facebook page will be set up in conjunction with an information technology committee designated city email account.~~

1. Each Facebook page will be set up in conjunction with a designated city email account.

Palmer Municipal Code Section 4.80.005 Officials Letter of Reference is hereby amended as follows (new language is underlined and deleted language is stricken):

~~B. The letter must be consistent with the last three employee appraisals.~~

B. For current and former full- and regular part-time employees, the letter must be consistent with the last three employee appraisals.

~~C. Prior to the issuance of such a reference, the human resources specialist shall review and approve the contents of the letter. (Ord. 12-001 § 3, 2013)~~

C. Prior to the issuance of such a reference, the Human Resources Manager shall review and approve the contents of the letter. (Ord. 12-001 § 3, 2013)

D. Requests for employment verifications are to be completed only by the Human Resources Manager.

Palmer Municipal Code Section 4.90.005 Sexual Harassment Violates the Law is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.90.005 Sexual harassment violates the law.~~

4.90.005 Sexual Harassment and Other Discriminatory Harassment

~~A. Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.~~

~~B. According to the United States Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when (1) submission to that conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of that conduct; or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.~~

~~C. It also is unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual.~~

~~D. Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in PMC 4.90.010. These examples are provided to illustrate the kind of conduct proscribed by this chapter. This list is not exhaustive.~~

~~E. Sexual harassment is unlawful, and the prohibited conduct exposes not only the city, but also the individuals involved in that conduct, to significant liability under the law. Accordingly, the city is committed to enforcing this policy regarding sexual harassment at all levels within the city. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker in a manner prohibited by law. (Ord. 12-001 § 3, 2013)~~

A. The city is committed to enforcing these policies regarding harassment in all forms. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker in a manner prohibited by law. (Ord. 12-001 § 3, 2013)

B. The overall responsibility for administration of these regulations is the City Manager. All Department Directors and supervisors are responsible for immediately notifying the City Manager or Human Resources Manager as soon as they become aware of any prohibited practices.

1. Harassment: Unwanted communication and/or conduct by a supervisor, co-worker or non-employee in the workplace which adversely affects the employment relationship or working environment for the employee or applicant for employment and is based on the sex, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of that individual. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

2. Sexual harassment: Addressed and defined by the U.S. Equal Employment Opportunity Commission in the Federal Guidelines on Discrimination Because of Sex published on November 10, 1980, and codified as 29 CFR Section 1604.11, sexual harassment is defined as follows:

a. “(a) Harassment on the basis of sex is violation of Sec. 703 of Title VII. 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 work environment.”

C. Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in PMC 4.90.010. These examples are provided to illustrate the kind of conduct proscribed by this chapter. This list is not exhaustive.

Palmer Municipal Code Section 4.90.010 Statement of Prohibited Conduct is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Physical assaults of a sexual nature, such as:~~

A. Physical assaults of a sexual nature, may include but is not limited to:

~~B. Unwanted sexual advances, propositions or other sexual comments, such as:~~

~~1. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct is unwelcome in his or her presence;~~

~~2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and~~

~~3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of the employee’s sex.~~

B. Unwanted sexual advances, propositions, or other sexual comments, may include but is not limited to:

1. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience directed at or made in the presence of any individual who indicates or has indicated in any way that such conduct is unwelcome in his or her presence.

2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting, or attempting to solicit any individual to engage in sexual activity for compensation or reward; and

3. Subjecting, or threats of subjecting, an individual to unwelcome sexual attention or conduct or intentionally making performance of the individual’s job more difficult because of the individual’s sex.

~~C. Sexual or discriminatory displays or publications anywhere in the city’s workplace by city employees (except as may be done in the ordinary course of work), such as:~~

C. Sexual or discriminatory displays or publications anywhere in the city’s workplace by city employees such as:

~~2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and~~

2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; or

~~D. Retaliation for sexual harassment complaints, such as:~~

~~1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and~~

D. Retaliation for sexual harassment complaints, such as:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and

~~E. Other acts, such as:~~

~~1. The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this chapter;~~

~~2. Sexual harassment is unlawful and hurts other employees. Moreover, each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. An employee who engages in sexual harassment will be made to bear the full responsibility for that unlawful act. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.90.020 Schedule of Penalties for Misconduct is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The following schedule of penalties applies to all violations of this chapter. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline. A written record of each action taken pursuant to this chapter will be placed in the offending employee's and alleged victim's personnel files. The record will reflect the conduct or alleged conduct; the nature, scope and findings of the investigation; and the warning given or other discipline imposed.~~

The following schedule of penalties applies to all violations in this chapter. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct to move up the scale of discipline. A written record of each action taken pursuant to this chapter will be placed in the offending employee's personnel files.

A. Physical Assault of a Sexual Nature

~~2. An employee's intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body, will result in discipline at least as stringent as set forth in subsection (B) of this section, but may result in more stringent discipline up to and including dismissal for a first proven offense depending upon the severity of the misconduct.~~

2. An employee's intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, poking, or brushing against an individual's body, will result in discipline may result in discipline up to and including dismissal for a first offense depending upon the severity of the misconduct.

~~B. Other Acts of Harassment by an Employee. An employee's commission of acts of sexual harassment other than assault will result in nondisciplinary oral counseling on the alleged first offense; written warning, suspension or discharge on the first proven offense, depending on the nature or severity of the misconduct; and suspension or discharge on the second proven offense, depending on the nature or severity of the misconduct.~~

B. Retaliation. Any form of retaliation will result in disciplinary action up to and including discharge.

~~C.—Retaliation. Alleged retaliation against a sexual harassment complainant will result in nondisciplinary oral counseling. Any form of proven retaliation will result in suspension or discharge on the first proven offense, depending on the nature and severity of the retaliatory acts, and discharge on the second proven offense.~~

~~D.—Supervisors. A supervisor’s commission of acts of sexual harassment (other than assault) with respect to any other employee under that person’s supervision will result in non-disciplinary oral counseling on the alleged first offense; final warning or discharge for the first proven offense, depending on the nature and severity of the misconduct; and discharge for any subsequent offense. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Section 4.90.030 Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A.—Complaints.~~

~~1. An employee may make a sexual harassment complaint to the employee’s supervisor, department director or to the personnel officer. The purpose of having several persons to whom complaints may be made is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.~~

A. Complaints.

1. An individual may make a sexual harassment complaint to the employee’s supervisor, Department Director or to the Human Resources Manager. The purpose of having several people to whom complaints may be made is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.

~~2.—Complaints of acts of sexual harassment or retaliation that are in violation of this sexual harassment chapter will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to the employee’s supervisor, department director or to the personnel officer. A complaint need not be limited to someone who was the target of harassment or retaliation.~~

2. Complaints of acts of sexual harassment or retaliation that are in violation of this sexual harassment chapter will be accepted in writing. Anonymous complaints will be taken seriously and investigated. However, the city has a responsibility to ensure a safe work environment free of harassment for all employees. Therefore, anonymity is not guaranteed. Anyone who has observed sexual harassment or retaliation should report it to the employee’s supervisor, Department Director or to the Human Resources Manager. A complaint need not be limited to someone who was the target of harassment or retaliation.

~~3.—Only those who have an immediate need to know, including the investigative officer(s) and/or designee, the personnel officer, the city manager, the city attorney, the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses, may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties.~~

3. Only those who have an immediate need to know may be advised of the identity of the complainant or alleged harasser. All parties contacted during an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties.

~~4. Upon receipt of a complaint, a supervisor and a department director shall immediately notify the personnel officer; provided, however, if a complaint is against the personnel officer, a supervisor and a department director shall immediately notify the city attorney.~~

4. Upon receipt of a complaint, a supervisor and a Department Director shall immediately notify the Human Resources Manager. However, if a complaint is against the Human Resource Manager, a supervisor and a Department Director shall immediately notify the city attorney.

~~5. The personnel officer shall investigate the complaint and may appoint investigative officers to assist with the investigation. If the personnel officer is the subject of the complaint, the city attorney shall investigate the complaint and may appoint investigative officers to assist with the investigation.~~

5. The Human Resources Manager shall investigate the complaint and may appoint investigative officers to assist with the investigation. If the Human Resources Manager is the subject of the complaint, the city attorney shall investigate the complaint and may appoint investigative officers to assist with the investigation.

B. Investigations

~~2. When a complaint is made, the personnel officer will have the duty of immediately bringing the complaint to the confidential attention of the city manager.~~

2. When a complaint is made, the Human Resources Manager will have the duty of immediately bringing the complaint to the confidential attention of the City Manager.

~~3. All complaints will be investigated expeditiously by the personnel officer (or city attorney) and that person will produce a written report which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The investigative officer is empowered to recommend remedial measures based on the results of the investigation, and the personnel officer will promptly consider and act on that recommendation.~~

3. All complaints will be investigated expeditiously by the Human Resources Manager (or city attorney) and that person will produce a written report which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The investigative officer is empowered to recommend remedial measures based on the results of the investigation, and the Human Resources Manager will promptly consider and act on that recommendation.

Palmer Municipal Code Section 4.90.040 Imposition of Remedial Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~For handling sexual harassment matters that involve employees (to include "volunteers"), the personnel officer shall have the powers of a department director and shall follow the procedures set out for a department director to impose adverse action as stated in PMC 4.50.050. The employee subject to a sexual harassment claim shall have the rights set forth in PMC 4.50.060 and 4.50.070. For handling sexual harassment matters that involve customers and third parties of the city, the personnel officer may make recommendations to the city manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)~~

A. For handling sexual harassment matters that involve employees (to include "volunteers"), the Human Resources Manager shall have the powers of a Department Director and shall follow the procedures set out for imposition of adverse action as stated in PMC 4.50.050. The employee subject to a sexual harassment claim shall have the rights set forth in PMC 4.50.060. For handling sexual harassment matters that involve customers and third parties of the city, the Human Resources Manager may make recommendations to the City Manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.90.050 Procedures and Rules for Education and Training is hereby amended as follows (new language is underlined and deleted language is stricken):

~~2. The city manager's letter will be conspicuously posted along with the Alaska Human Rights Commission's poster on sexual harassment throughout the workplace and in each department: on each city bulletin board, in all central gathering areas, and in every locker room.~~

2. The City Manager's letter will be conspicuously posted along with the Alaska Human Rights Commission's poster on sexual harassment throughout the workplace and in each department.

Palmer Municipal Code Section 4.100.005 Harassment and Discrimination Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

B. Harassment is a form of discrimination. As with discrimination, there are different types of harassment, including unwelcome behavior by a co-worker, manager, client, or anyone else in the workplace, that is based on race, color, religion, sex (including pregnancy), nationality, age (40 or older), disability, or genetic information.

Palmer Municipal Code Section 4.100.010 Harassment is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. Harassment:~~

- ~~1. Is the conduct or actions, based on race, religion, sex, national origin, age, disability, military membership or veteran status, sexual orientation, gender identity, physical characteristics, marital/domestic status, family status, pregnancy, political affiliation, medical/criminal record, psychiatric treatment, occupation, citizenship status, personal appearance, status in receipt of public assistance, and is severe or pervasive enough to create a hostile, abusive, or intimidating work environment for a reasonable person.~~
 - ~~2. Is engaging in a course of comments or conduct that is known or ought reasonably to be known as unwelcome.~~
 - ~~3. Can make one feel uncomfortable, embarrassed, offended, or intimidated.~~
- ~~B. This behavior could range from posting offensive pictures, verbal taunts to physical assault.~~
- ~~C. This behavior could happen once or many times over a period of time. (Ord. 12-001 § 3, 2013)~~

A. Harassment:

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

1. Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

2. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

3. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

4. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

- 5. The victim does not have to be the person harassed but can be anyone affected by offensive conduct.
- 6. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Palmer Municipal Code Section 4.100.020 Discrimination is hereby amended as follows (new language is underlined and deleted language is stricken):

Discrimination:

- ~~A. Refers to practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's rights.~~
- ~~B. It is intolerant behavior towards individuals or groups.~~
- ~~C. The intolerant behavior may be direct (e.g., denying people access to jobs/promotions based on their color, nationality, dress, etc.) or systematic (e.g., denying someone a job because of culturally biased testing).~~
- ~~D. May come from an individual or through systems and attitudes within the city.~~
- ~~E. Is any policy or action taken related to recruiting, hiring, promotion, pay or training practices that result in an unfair disadvantage to either an individual or group of individuals who are considered part of a protected class. (Ord. 12-001 § 3, 2013)~~

A. Discrimination:

Employment discrimination generally exists where an employer treats an applicant or employee less favorably merely because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, status as a parent or protected veteran. Employment discrimination can be against a single person or a group.

Palmer Municipal Code Section 4.100.040 Retaliation is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city of Palmer forbids any director, manager, supervisor, or employee from treating any other employee or applicant adversely for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a discrimination or harassment investigation, or for filing a grievance. All employees who experience or witness any conduct they believe to be retaliatory should immediately notify their supervisor, director, or the personnel officer. (Ord. 12-001 § 3, 2013)~~

A. The City of Palmer forbids any director, manager, supervisor, or employee from treating any other employee or applicant adversely for reporting discrimination or harassment, for assisting another employee or applicant in making a report, for cooperating in a discrimination or harassment investigation, or for filing a grievance. All employees who experience or witness any conduct they believe to be retaliatory should immediately notify their supervisor, director, or the Human Resources Manager. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.050 Employee Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. All city employees will help assure that our workplace is free from prohibited discrimination, harassment, or retaliation.~~

A. All city employees will help ensure that our workplace is free from prohibited activities.

~~D. Every employee shall immediately report it to their direct supervisor or in the event it is their supervisor, or their supervisor does not act on the report, then they are to report it to the personnel officer. (Ord. 12-001 § 3, 2013)~~

D. Every employee shall immediately report it to their direct supervisor or in the event it is their supervisor, or their supervisor does not act on the report, then they are to report it to the Human Resources Manager. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.060 Employer Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city will investigate all reports promptly. All reports will be taken seriously. If it is determined that the policy was violated then appropriate corrective measures will be taken. During the investigation and in imposing discipline, if necessary, the city will attempt to preserve confidentiality. (Ord. 12-001 § 3, 2013)~~

A. The city will investigate all reports promptly. All reports will be taken seriously. If it is determined that the policy was violated, then appropriate corrective measures will be taken. During the investigation and in imposing discipline, if necessary, the city will attempt to preserve confidentiality. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.100.070 Imposition of Remedial Action is hereby amended as follows (new language is underlined and deleted language is stricken):

~~For handling harassment and discrimination matters, the department director, personnel officer or designee shall follow the procedures set out in PMC 4.50.050 and 4.50.070. The employee subject to a harassment and discrimination claim shall have the rights set forth in PMC 4.50.060 and 4.50.080. For handling harassment and discrimination matters that involve customers and third parties of the city, the personnel officer may make recommendations to the city manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)~~

A. For handling harassment and discrimination matters, the Human Resources Manager or designee shall follow the procedures set out in PMC 4.50.050. The employee subject to a harassment and discrimination claim shall have the rights set forth in PMC 4.50.060. For handling harassment and discrimination matters that involve customers and third parties of the city, the Human Resources Manager may make recommendations to the City Manager, who shall then act to resolve the complaint. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.110 Drug Free Workplace Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

- ~~4.110.005 — Purpose and goal.~~
- ~~4.110.010 — Applicability.~~
- ~~4.110.020 — Drug free workplace.~~
- ~~4.110.030 — Employer responsibility.~~
- ~~4.110.040 — Employee alcohol and controlled substances testing.~~

- 4.110.005 Purpose and Goal
- 4.110.010 Applicability
- 4.110.020 Drug Free Workplace
- 4.110.030 Substance Abuse Professional
- 4.110.040 Access to Testing
- 4.110.050 Training for Supervisors

Palmer Municipal Code Section 4.110.005 Purpose and Goal is hereby amended as follows (new language is underlined and deleted language is stricken):

~~The city of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to our goals. The city of Palmer has established a drug free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)~~

A. The City of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to our goals. The city of Palmer has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)

The city will establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace.
2. The city's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that the city may impose for drug abuse violations occurring in the workplace.

B. A drug free workplace is necessary:

1. To provide and maintain a safe, healthy working environment for all City employees.
2. To safeguard the reputation of the city and its employees as good, responsible citizens worthy of the trust of the people, businesses, and agencies for whom they provide services.
3. To reduce the incidence of accidental injury to person or property; and
4. To reduce absenteeism, tardiness, and poor job performance.

C. State and Federal Grants/Notification of Convictions

1. Every city employee shall be provided with a copy of this policy and shall abide by the terms of this policy. Every employee shall provide notice to the city, through the Human Resources Department, of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. Employees reporting such convictions may be disciplined, up to and including termination and/or may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the city.

D. Employee Assistance Program

1. Any employee who feels that he or she has developed an addiction to, dependence on or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought by calling the Employee Assistance Provider in confidence. Contact Human Resources if you need information. Each request for assistance is handled in confidence by the staff of the Employee Assistance Provider. All referrals to treatment centers or organizations are made in strict confidence by the agency. NO INFORMATION IS GIVEN TO THE CITY ON CALLS MADE BY CITY EMPLOYEES TO THE EMPLOYEE ASSISTANCE PROVIDER OR REFERRALS MADE BY THE EMPLOYEE ASSISTANCE PROVIDER TO TREATMENT CENTERS.

Palmer Municipal Code Section 4.110.010 Applicability is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Any individual who conducts business for the city, applies for a position or conducts business on the city's property is covered by the drug-free workplace policy. The policy includes, but is not limited to, all employees, contractors, volunteers, interns, and applicants. (Ord. 12-001 § 3, 2013)~~

A. It is the policy of the City of Palmer that its commercially-licenses drivers be free from substance abuse and alcohol abuse. Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers shall not use alcohol to engage in "prohibited conduct" as defined herein. The overall goal of this policy is to ensure a workplace free of drug-and alcohol.

B. The city prohibits the unlawful manufacture, distribution, dispensing, possession or use by an employee a controlled substances as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy 21 CFR 1308.11-1308.15 is prohibited in any workplace of the city.

C. Any individual who conducts business for the city, applies for a position or conducts business on the city's property is covered by the drug-free workplace policy. The policy includes, but is not limited to, all employees, contractors, volunteers, interns, and applicants. (Ord. 12-001 § 3, 2013)

D. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, whenever conducting business or representing the City, while on call, or on paid standby.

Palmer Municipal Code Section 4.110.020 Drug-Free Workplace is hereby amended as follows (new language is underlined and deleted language is stricken):

~~A. The city prohibits the unlawful manufacture, distribution, dispensing, possession, or use by an employee of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy at 21 CFR 1308.11—1308.15 is prohibited in any workplace of the city.~~

~~B. All employees will abide by the terms of this policy as a condition of their employment and will notify the city of any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after the conviction. Within two business days of receiving the notice of conviction, the city will take appropriate personnel action against the employee as prescribed by this title, up to and including termination.~~

~~C. The city must provide a statement to notify employees of this policy and to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the city's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.~~

~~D. Each employee will be provided a copy of this policy. (Ord. 12-001 § 3, 2013)~~

A. It is the policy of the City to provide a work environment that is free from the use, consumption, sale, distribution, or possession of controlled or illegal substances or alcohol. An employee is required to report to work in appropriate mental and physical condition to perform their job to deliver service in a safe, efficient, and conscientious manner.

B. Procedure/Rule

1. This policy is applicable to all employees of the City. City positions requiring a commercial driver's license (CDL) are also subject to specific regulations by the U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA), 49 C.F.R. Parts 40 and 382, as amended. To the extent of any conflict between this policy and the federal regulations, the federal regulations shall control as to such employees. Employees are encouraged to contact the Human Resources Department with any questions regarding these federal regulations.

C. Prohibited Conduct. An employee of the city is prohibited from engaging in the following conduct while on the job:

1. Using, purchasing, possessing, selling, or otherwise distributing prohibited drugs.

2. Reporting to work during normal working hours, including reporting from lunch or break, or remaining on the job while under the influence of any prohibited drug. Being under the influence is defined as having a blood alcohol concentration of .02 or more, or the state of not having the normal use of mental or physical faculties by reason of the introduction into the body of a Prohibited Drug.

3. Employees holding a CDL required for their positions are further prohibited from using prohibited drugs while on-call or within the four hours prior to reporting for work requiring performance of a safety-sensitive function.

4. Exposure. Employees who believe they have been exposed to a prohibited drug during the performance of their duties will immediately report it to their supervisor.

5. Use of Prescription or Over-The-Counter Drugs. The legal, authorized and intended use of prescribed drugs or over-the-counter medication is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger others. An employee shall advise their supervisor if the employee is taking a prescription or over-the-counter drug that may adversely affect the employee's ability to safely perform the functions of their position. It is the employees' responsibility to ascertain from their physician whether the prescription drug can or is likely to have an adverse impact on the employee's performance of their duties. If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or the safety of the employee or

others, the City reserves the right to limit, suspend or modify the employee's work activity, or otherwise reasonably mitigate such adverse effect or risk.

D. Testing

1. Pre-employment. All applicants who receive a conditional offer of employment are required to take a pre-employment drug test. A positive drug result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment. An employee who transfers into a position which requires a CDL shall be tested before the employee performs any safety-sensitive function. If an applicant fails a pre-employment drug test, he/she will be prohibited from applying for a position with the city for a period of 6 months.

2. Reasonable Suspicion. Any time reasonable suspicion exists that an employee may have violated the provisions of this policy, the City may require the employee to submit to drug or alcohol testing, which may consist of chemical analysis of one or more of the following substances: blood, breath and or urine.

a. Reasonable suspicion shall mean suspicion based upon observation and/or fact, which would lead a reasonably prudent person to believe it is likely that the employee in question is under the influence of prohibited drugs or prescription or over the counter drugs which have an adverse effect on the employee's performance or behavior.

b. A supervisor shall immediately report any unusual or impaired behavior by an employee believed to be under the influence of illegal drugs or alcohol to the Department Director or designee and the Human Resources Department. An employee shall immediately report to their supervisor any unusual or impaired behavior by an employee believed to be under the influence of illegal drugs or alcohol. A trained Human Resources representative or selected trained managerial staff shall determine whether the employee should be examined by a physician and/or tested for drugs and/or alcohol. Unusual behavior or appearance includes the following, but is not limited to:

o Slurred speech.

o Unusual drowsiness, irritability, or jumpiness;

o Odor of alcoholic beverage or illegal drug on or about the person, including on their breath.

o Inability to concentrate or complete tasks.

o Overall disorientation.

o Physical impairment.

o Pattern or repetitive series of accidents; and/or discovery of drug paraphernalia or detectable amount of prohibited drug in employee's possession or area of control.

c. When it is determined by Human Resources or trained managerial staff that reasonable suspicion exists, the employee will be required to stop working and asked to submit to a drug and/or alcohol test. The supervisor or designated person will drive the employee to a city approved testing site. Under no circumstances will the employee be allowed to drive. The supervisor or designated person shall stay with the employee being tested and upon returning to the worksite, shall arrange for the employee to be driven home. Employees asked to submit to an alcohol drug test will be placed on administrative leave with pay until results are made available.

d. A written record of the observations leading to a determination of reasonable suspicion shall be made within 24 hours of the observations and signed by the supervisor or employee making such observations.

3. Post-Accident Drug Testing.

a. For CDL operators, the DOT requires that any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. If a test is not administered within two hours, the responsible supervisor must report the reasons why, in writing, to the Human Resources Manager. Attempts to collect a breath sample are to cease in instances where alcohol collection cannot be made within 8 hours. Attempts to collect urine samples are to cease in instances where urine collection cannot be completed for purposes of post-accident testing within 32 hours.

b. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

| Type of Accident Involved | Citation Issued to the CDL Driver | Test Must Be Performed by Employer |
|--|-----------------------------------|---------------------------------------|
| Human Fatality: | YES | YES |
| | NO | YES |
| <u>Bodily injury with immediate medical treatment away from the scene:</u> | YES | YES |
| | NO | NO |
| <u>Disabling damage to any motor vehicle requiring tow away:</u> | YES | YES |
| | NO | NO |

c. The city shall provide CDL drivers with necessary post-accident information, procedures, and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

1. The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state, or local alcohol testing requirements, and that the results of the tests are obtained by the city.

2. The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state, or local controlled substances testing requirements, and that the results of the tests are obtained by the city.

4. Random Drug Testing

a. Employees holding a CDL required for their position or whose positions are deemed safety sensitive will be subject to random Drug and Alcohol testing without advance notice.

b. Twenty-five percent (25%) of the number of employees holding positions deemed "Safety Sensitive" will be randomly tested for drugs annually. Ten percent (10%) of the number of employees holding positions deemed "Safety Sensitive" will be randomly tested for alcohol annually. An employee selected will be notified by the Human Resources Department and his/her supervisor/Department Director at any time before, during, or after the employees work shift. The selected employee will undergo the City's Drug and Alcohol Testing immediately following such notification. Employees will be selected for random Drug Testing using a random selection computer program and administered by a third-party vendor.

c. Additional Provisions for Employees Holding Required CDLs. The following shall apply only to an employee holding a CDL required for their position:

1. Return-to-Duty Testing. The City will test any employee returning to duty after a violation of any provision of this policy and completion of any required substance abuse professional evaluation, referral, and/or education/treatment process, in accordance with FMSCA regulations.

2. Follow-Up Testing. The City will perform follow-up testing of any employee returning to duty under this section who has been identified by a substance abuse professional as needing further assistance, in accordance with FMSCA regulations.

3. All tests pursuant to this policy of employees holding a CDL required for their positions shall comply with all FMSCA standards and procedures.

F. Failure or Refusal to Submit to Testing. Failure or refusal of an employee to submit to drug or alcohol testing as required by this policy shall be grounds for disciplinary action, up to and including termination of employment. An employee holding a CDL required for their position who fails to submit to required testing shall immediately be prohibited from performing safety-sensitive functions or driving a City motor vehicle.

1. Tampering with Specimen. Employees found to have tampered with the specimen will be subject to disciplinary action up to and including termination.

G. Employee Assistance Program. The City encourages employees to voluntarily seek assistance for an alcohol or drug problem before the problem manifests itself in a violation of this Policy. Inquiries about assistance will

be kept confidential and shall be disclosed only to those people with a legitimate business who need to know the information. Employees who voluntarily seek treatment BEFORE being asked to submit to an alcohol and /or drug test will not be disciplined and will be given the opportunity to complete rehabilitation. [Employees involved in law enforcement activities who come forward with current or past use of illegal drugs may be subject to disciplinary action or termination under this subsection at the discretion of the Chief of Police, who will consider the recentness of the illegal drug use.]

H. An employee who is being treated for an alcohol or other drug problem may be placed on medical leave of absence by the City, and shall be subject to all rules, policies, and procedures governing such leaves of absence. These guidelines apply only to one requested leave of absence. Any request for an additional leave of absence under the Employee Assistance Program shall be handled on a case-by-case basis and granted only at the sole discretion of the City, and as permitted by law.

I. Consequences of Violation. The City shall consider any violation of this policy to constitute severe misconduct and shall take appropriate disciplinary action against an employee who violates this policy, up to and including termination from employment.

J. Definitions.

1. Medical Review Officer: A licensed physician responsible for receiving laboratory results generated by the City's Drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's verified positive test results together with their medical history and any other relevant biomedical information.

2. Prohibited Drug: (i) prescription drugs or over-the-counter drugs that are not being used as intended, or which were obtained under false pretenses; (ii) prescription drugs that were not prescribed to the affected employee by a licensed physician; (iii) illegal drugs; (iv) inhalants; and (v) alcoholic beverages.

3. Safety Sensitive: Title 49 of the Code of Federal Regulations Part 382 (Controlled Substances and Alcohol Use and Testing) defines "safety-sensitive function" as "all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: 1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; 2) All time inspecting equipment as required by § § 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; 3) All time spent at the driving controls of a commercial motor vehicle in operation; 4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in sleeper berth (a berth conforming to the requirements of § 393.76 of this chapter) 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

4. Tampering: Includes but is not limited to, diluting the specimen with water, adding any other substance to the specimen, or substituting specimens. Possession of a specimen when an employee or applicant reports to the laboratory shall constitute tampering.

5. Testing: Includes analysis of a specimen, which can include blood, breath, or urine.

Palmer Municipal Code Section 4.110.030 Employer Responsibility is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.110.030 — Employer responsibility.~~

~~The following steps will be taken to provide a drug-free workplace.~~

~~A. The city will publish a statement notifying employees that the violation of such prohibition will subject them to appropriate disciplinary action.~~

~~B. The city will establish a drug-free awareness program to inform employees about:~~

~~1. The dangers of drug abuse in the workplace;~~

~~2. The city's policy of maintaining a drug-free workplace;~~

~~3. The availability of drug counseling and rehabilitation programs;~~

~~4. The penalties that the city may impose for drug abuse violations occurring in the workplace.~~

- ~~C. As a condition of employment, each employee shall abide by the terms of the city's drug free workplace policy.~~
- ~~D. The city will take disciplinary action up to and including termination against an employee who violates this title.~~
- ~~E. Violations of this title which are also violations of federal or state law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently at the city and in the criminal justice system.~~
- ~~F. As a condition of employment, each employee shall notify the human resources office in writing of any conviction for a violation of a criminal drug statute no later than two business days after such conviction.~~
- ~~1. Within five calendar days after the city learns of a conviction, the city shall initiate personnel action as prescribed in subsection (D) of this section. (Ord. 12-001 § 3, 2013)~~

4.110.030 Substance Abuse Professionals

- A. The city will provide each employee, including an applicant or new employee who violates a DOT drug and alcohol policy, a listing of substance abuse professionals (SAP) readily available to the employee with names, addresses, and phone numbers.
- B. The city is not required to provide a substance abuse professional's (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and/or alcohol policy.
- C. Payment for substance abuse professional's (SAP) evaluations is the responsibility of the employee. The employee must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.04 or, if the prohibited conduct involved a controlled substance, a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Section 4.110.040 Employee Alcohol and Controlled Substance Testing is hereby amended as follows (new language is underlined and deleted language is stricken):

~~4.110.040 Employee alcohol and controlled substances testing.~~

- ~~A. The city will at a minimum provide for the establishment of alcohol and controlled substances testing programs as required by law; the imposition of penalties on employees when tests exceed allowable levels; compliance with reporting and record keeping requirements; dissemination to affected employees of educational materials explaining the legal requirements, this policy; and provide for appropriate staff and supervisor training.~~
- ~~B. All employees subject to laws mandating alcohol and controlled substances testing will comply with such laws and this policy as a condition of their employment. (Ord. 12-001 § 3, 2013)~~

4.110.040 Access to Test Results

A driver is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)

4.110.050 Training for Supervisors

A. The city shall ensure that all people designated to supervise drivers will receive at least the minimum training required by the FMSCA.

B. This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee drivers to undergo testing.

C. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.120 Alcohol and Controlled Substance Definitions and Testing is hereby amended as follows (new language is underlined and deleted language is stricken):

Chapter 4.120

~~ALCOHOL AND CONTROLLED SUBSTANCE DEFINITIONS AND TESTING~~

Sections:

~~4.120.005 — Definitions.~~

~~4.120.020 — Prohibitions.~~

~~4.120.030 — Pre-employment testing.~~

~~4.120.040 — Reasonable suspicion testing — Alcohol.~~

~~4.120.050 — Reasonable suspicion testing — Controlled substances.~~

~~4.120.060 — Required observations.~~

~~4.120.070 — Required observations — Alcohol — Timeframe.~~

~~4.120.075 — Test not administered following reasonable suspicion determination — Alcohol.~~

~~4.120.080 — Reporting to work or remaining on duty while impaired prohibited.~~

~~4.120.090 — Action based on employee behavior prohibited.~~

~~4.120.100 — Written record required.~~

~~4.120.110 — Post-accident testing.~~

~~4.120.120 — Alcohol test not administered following an accident.~~

~~4.120.130 — Controlled substance test not administered following an accident.~~

~~4.120.140 — Employee availability for testing.~~

~~4.120.150 — Test results — Alcohol.~~

~~4.120.160 — Test results — Controlled substances.~~

~~4.120.170 — Exceptions.~~

~~4.120.190 — City notification obligations.~~

~~4.120.200 — Testing procedures.~~

~~4.120.210 — Employee refusal to submit to a required alcohol or controlled substance test.~~

~~4.120.220 — Positive test.~~

~~4.120.230 — Access to test results.~~

~~4.120.240 — Records retention.~~

~~4.120.250 — Training for supervisors.~~

~~4.120.260 — Employee admission of alcohol and controlled substances use.~~

~~4.120.270 — Self-identification program.~~

~~4.120.280 — Reoccurrences of alcohol or controlled substance misuse.~~

~~4.120.005 — Definitions.~~

For purposes of this title, the following definitions apply:

A. ~~“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.~~

B. ~~“Alcohol use” means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.~~

C. ~~“Alcohol concentration” (or content) is the alcohol in a volume of breath or blood.~~

D. ~~“Commerce” means:~~

~~1. Any trade, traffic or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside of the United States; and~~

~~2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subsection (D)(1) of this section.~~

E. ~~“Commercial motor vehicle” or “CMV” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:~~

1. ~~Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or~~
 2. ~~Has a gross vehicle weight rating of 26,001 or more pounds; or~~
 3. ~~Is designed to transport 16 or more passengers, including the driver; or~~
 4. ~~Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC 5103(b)) and which require the motor vehicle to be placarded under hazardous materials regulations (49 CFR part 172, subpart F).~~
- F. ~~“Confirmation (or confirmatory) drug test” means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or metabolite.~~
- G. ~~“Confirmation (or confirmatory) validity test” means a second test performed on a urine specimen to further support a validity test result.~~
- H. ~~“Confirmed drug test” means a confirmation test result received by a medical review officer (MRO) from a laboratory.~~
- I. ~~“Consortium/third party administrator (C/TPA)” means a service agent that provides or coordinates one or more drug and/or alcohol testing services to the city. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers’ drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the city’s drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of this chapter.~~
- J. ~~“Controlled substance” includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine.~~
- K. ~~“Designated employer representative (DER)” is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from their duties and to make required decisions in the testing and appraisal processes.~~
- L. ~~“Disabling damage” means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.~~
1. ~~Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.~~
 2. ~~Exclusions.~~
 - a. ~~Damage which can be remedied temporarily at the scene of the accident without special tools or parts.~~
 - b. ~~Tire disablement without other damage even if no spare tire is available.~~
 - c. ~~Headlight or taillight damage.~~
 - d. ~~Damage to turn signals, horn, or windshield wipers which make them inoperative.~~
- M. ~~“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, part-time, seasonal, temporary, on call drivers, leased drivers and independent owner-operator contractors.~~
- N. ~~“Licensed medical practitioner” means a person who is licensed, certified, or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.~~
- O. ~~“Medical review officer (MRO)” is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the city’s drug testing program and evaluating medical explanations for certain drug test results.~~
- P. ~~“Positive rate for random drug testing” means the number of verified positive results for random drug tests conducted under this chapter plus the number of refusals of random drug tests required by this chapter, divided by the total number of random drug test results (i.e., positives, negatives, and refusals).~~
- Q. ~~“Refuse to submit (to an alcohol or controlled substances test)” means that an employee:~~
1. ~~Fails to appear for any test (except a pre-employment test) within two hours of having been directed to do so by the city;~~
 2. ~~Fails to remain at the testing site until the testing process is complete;~~
 3. ~~Fails to provide a urine specimen for any drug test required by this title;~~
 4. ~~In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver’s provision of a specimen;~~

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the employer or collector has directed the employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the medical review officer (MRO) as part of the verification process, or as directed by the designated employer representative (DER). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the medical review officer (MRO) as having a verified adulterated or substituted test result.

R. "Screening test (or initial test)" means:

1. In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs;
2. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath, saliva, or blood specimen.

S. "Stand-down" means the practice of temporarily removing an employee from the performance of his or her job duties based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

T. "Substance abuse professional" means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, a state licensed or certified marriage and family therapist or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC)) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc., and Affiliates/Master Addictions Counselor (NBCC) with knowledge about and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

U. "Violation rate" for random alcohol testing means the number of 0.02 and above random alcohol confirmation test results conducted under this chapter plus the number of refusals of random alcohol tests required by this chapter, divided by the total number of random alcohol screening tests (including refusals). (Ord. 12-001 § 3, 2013)

4.120.020 — Prohibitions:

A. An employee shall not:

1. Report for duty or remain on duty having an alcohol concentration of 0.02 or greater;
2. Report for duty within four hours of using alcohol or controlled substances;
3. Use alcohol or controlled substance while on duty, including during breaks or meals;
4. Possess alcohol or controlled substances while on duty, including during breaks or meals;
5. Use alcohol for eight hours following an accident, or until the employee undergoes a post-accident alcohol or controlled substance test, whichever occurs first;
6. Refuse to take an alcohol or controlled substance test when ordered by the city;
7. Report for duty or remain on duty using any drug or substance, identified in 21 CFR 1308.11 Schedule I;
8. Report for duty or remain on duty using any non-Schedule I drug or substance that is identified in the other schedules in 21 CFR 1308 except when the use is a licensed medical practitioner, as defined in this chapter, who is familiar with the employee's medical history and has advised the employee that the substance will not adversely affect the employee's ability to safely perform their work functions;
9. Report for duty, remain on duty or perform, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that an employee has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the employee to perform their work functions.

B. A supervisor or city official having actual knowledge that an employee has used a controlled substance shall not permit the employee to perform or continue to perform his or her duties.

C. An employee shall report any type of therapeutic drug use prescribed by his or her doctor to their supervisor.

D. If an employee engages in the conduct listed in this chapter, the employee is subject to disciplinary action as set forth in this title. (Ord. 12-001 § 3, 2013)

4.120.030 — Pre-employment testing.

A. For the purposes of pre-employment testing only, an employee includes applicants and current employees selected for employment.

1. After acceptance of a position, the employee shall undergo testing for controlled substances prior to reporting for duty.

2. An employee shall not perform his or her job duties unless the employee has received a controlled substances test result from the medical review officer (MRO) or consortium/third party administrator (C/TPA) indicating a verified negative test.

B. The applicable designated employer representative (DER) will obtain information on the employee's alcohol tests with a concentration result of 0.02 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the employee's previous employers. An employee shall not perform his or her job duties for more than 14 days without obtaining the information.

C. An employee shall not perform his or her job duties if the city obtains information showing an alcohol test with a concentration of 0.02 or greater, or a verified positive controlled substances test results, or refusal to be tested, unless the applicable designated employer representative (DER) obtains information on the employee's subsequent substance abuse professional evaluation and associated successful return to duty testing. (Ord. 12-001 § 3, 2013)

4.120.040 — Reasonable suspicion testing — Alcohol.

The city shall require an employee to submit to an alcohol test when the city believes the employee has violated the prohibitions of this title concerning alcohol. The city's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. (Ord. 12-001 § 3, 2013)

4.120.050 — Reasonable suspicion testing — Controlled substances.

The city shall require an employee to submit to a controlled substances test when the city has reasonable suspicion to believe that the employee has violated the prohibitions of this title concerning controlled substances. The city's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. (Ord. 12-001 § 3, 2013)

4.120.060 — Required observations.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or city official who is trained in accordance with this title. The alcohol or controlled substances test shall be performed by a third party. (Ord. 12-001 § 3, 2013)

4.120.070 — Required observations — Alcohol — Timeframe.

Alcohol testing is authorized only if the observations required by this title are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance. (Ord. 12-001 § 3, 2013)

4.120.075 — Test not administered following reasonable suspicion determination — Alcohol.

A. If an alcohol test required by this title is not administered within two hours following the reasonable suspicion determination, the city shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.

B. If the alcohol test required by this title is not administered within eight hours following the reasonable suspicion determination, the city shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

C. The report(s) shall be forwarded to the applicable designated employer representative (DER). (Ord. 12-001 § 3, 2013)

4.120.080 — Reporting to work or remaining on duty while impaired prohibited.

Notwithstanding the absence of a reasonable suspicion alcohol test under this title, no employee shall report for duty or remain on duty while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the city permit the employee to perform or continue to perform his or her duties, until:

A. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or

~~B. Twenty four hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions concerning the use of alcohol. (Ord. 12-001 § 3, 2013)~~

~~4.120.090 — Action based on employee behavior prohibited.~~

~~Except as provided in this title, the city shall not take any action against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. (Ord. 12-001 § 3, 2013)~~

~~4.120.100 — Written record required.~~

~~A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the supervisor or city official who made the observation, within 24 hours of the observed behavior or before the results of the controlled substance tests are released, whichever is earlier. (Ord. 12-001 § 3, 2013)~~

~~4.120.110 — Post accident testing.~~

~~As soon as practicable following a motor vehicle accident involving a city vehicle, the city shall test the employee for alcohol and controlled substances if:~~

~~A. The accident involved the loss of human life; or~~

~~B. A citation is issued under state or local law for a moving traffic violation arising from the accident; or~~

~~C. The accident involved:~~

~~1. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or~~

~~2. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. (Ord. 12-001 § 3, 2013)~~

~~4.120.120 — Alcohol test not administered following an accident.~~

~~A. If an alcohol test is not administered within two hours following the accident, the city shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~B. If an alcohol test is not administered within eight hours following the accident, the city shall cease attempts to administer an alcohol test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~C. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request. (Ord. 12-001 § 3, 2013)~~

~~4.120.130 — Controlled substance test not administered following an accident.~~

~~A. If a controlled substance test is not administered within 32 hours following the accident, the city shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~B. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request. (Ord. 12-001 § 3, 2013)~~

~~4.120.140 — Employee availability for testing.~~

~~An employee who is subject to post accident testing shall remain readily available for such testing, or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. (Ord. 12-001 § 3, 2013)~~

~~4.120.150 — Test results — Alcohol.~~

~~The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this chapter, provided such tests conform to the applicable federal, state or local alcohol testing requirements, and that the results of the tests are obtained by the city. (Ord. 12-001 § 3, 2013)~~

~~4.120.160 — Test results — Controlled substances.~~

~~The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this chapter, provided such tests conform to the applicable federal, state or local controlled substances testing requirements, and that the results of the tests are obtained by the city. (Ord. 12-001 § 3, 2013)~~

~~4.120.170 — Exceptions.~~

~~This chapter does not apply to an occurrence:~~

- A. Involving only boarding or alighting from a stationary motor vehicle; or
- B. Involving only the loading or unloading of cargo. (Ord. 12-001 § 3, 2013)

4.120.190 — City notification obligations:

The designated employer representative (DER) will:

- A. Notify an applicant who has accepted a position with the city of the results of a pre-employment controlled substance test conducted under this chapter, if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application;
- B. Notify an employee of the results of random (in the case of an employee with a commercial driver's license) reasonable suspicion and post-accident tests for controlled substances conducted under this chapter if the test results are verified positive;
- C. Contact the employee with the results of the tests. The employee may request to meet with the medical review officer to discuss the results. (Ord. 12-001 § 3, 2013)

4.120.200 — Testing procedures:

The city shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in this title.

A. Alcohol:

- 1. Tests will be conducted under the guidance of a breath alcohol technician selected by the city.
- 2. The site(s) will afford privacy to the individual being tested. If the result of an initial test is an alcohol concentration of less than 0.02, no further testing is required and the results are transmitted to the DER in a confidential manner.
- 3. If the result of an initial test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed within 20 minutes. The results of an initial test and the confirmation test are printed on the breath alcohol test forms, signed by both the breath alcohol technician and the driver, and transmitted to the applicable designated employer representative (DER) in a confidential manner.

B. Controlled Substances:

- 1. The city requires testing for marijuana, cocaine, opiates, amphetamines and phencyclidine. Tests for these substances will be conducted under the guidance of the medical review officer selected by the city at one or more designated collection sites. Collection of urine samples will allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen. It is a violation of federal law and this policy to adulterate or dilute a specimen during the collection procedure.
- 2. Test results are given to the medical review officer for analyzing and reporting to the applicable DER. (Ord. 12-001 § 3, 2013)

4.120.210 — Employee refusal to submit to a required alcohol or controlled substance test:

- A. No employee shall refuse to submit to a pre-employment controlled substance test, a post-accident required alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, a return to duty alcohol or controlled substance test, follow up alcohol or controlled substance test.
- B. The city shall not permit an employee who refuses to submit to such tests to perform or continue to perform his or her duties. The driver will be immediately removed from duty and such refusal will be treated as a positive test.
- C. Failure to provide adequate breath for testing when required without a valid medical explanation, failure to remain available for post-accident testing, failure to provide adequate urine for testing without a valid medical explanation, engaging in conduct that obstructs the testing process, or failure to sign the alcohol testing form constitutes a refusal to submit to testing. (Ord. 12-001 § 3, 2013)

4.120.220 — Positive test:

When an employee has engaged in prohibited conduct, the employee will be subject to discipline up to and including termination. (Ord. 12-001 § 3, 2013)

4.120.230 — Access to test results:

An employee is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)

4.120.240 — Records retention:

- A. The human resources office shall maintain records of alcohol misuse and controlled substances use prevention programs.

- ~~B. The records shall be maintained in a secure location with controlled access.~~
- ~~C. The records shall be retained according to the city's adopted retention schedule. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.250 — Training for supervisors.~~
~~The city shall ensure that all persons designated to supervise will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. This training will be used by the supervisors to determine whether reasonable suspicion exists to require an employee to undergo testing. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.260 — Employee admission of alcohol and controlled substances use.~~
~~Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy; provided, that:~~
- ~~A. The admission is in writing and in compliance with the city's voluntary self-identification program;~~
- ~~B. The employee does not self-identify in order to avoid testing under the requirements of the program;~~
- ~~C. The employee makes the admission of alcohol misuse or controlled substances use prior to performing his or her duties; and~~
- ~~D. The employee does not perform his or her duties until the city is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.270 — Self-identification program.~~
- ~~A. The city will not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this program and PMC 4.120.260;~~
- ~~B. The city will allow the employee 10 working days to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem and provide proof to the DER and supervisor of having undergone assessment screening. The proof must contain the treatment recommendations of the substance abuse professional;~~
- ~~C. The city will permit the employee to return to duty only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;~~
- ~~D. The city will ensure that the employee:~~
- ~~1. Undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or~~
 - ~~2. Undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and~~
 - ~~3. At least monthly, the employee will furnish the DER and supervisor with proof of their continuing participation in the recommended treatment program until completed. (Ord. 12-001 § 3, 2013)~~
- ~~4.120.280 — Reoccurrences of alcohol or controlled substance misuse.~~
~~Reoccurrences of alcohol or controlled substance misuse will be subject to disciplinary action up to and including the termination of employment. (Ord. 12-001 § 3, 2013)~~

Palmer Municipal Code Chapter 4.130 Drug-Free Workplace Policy Applicability for Commercial Drivers is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.130~~
~~DRUG-FREE WORKPLACE POLICY APPLICABILITY FOR COMMERCIAL DRIVERS~~

- ~~Sections:~~
- ~~4.130.010 — Purpose and goal.~~
- ~~4.130.020 — Drug free workplace.~~
- ~~4.130.030 — Employer responsibility.~~
- ~~4.130.040 — Employee alcohol and controlled substances testing.~~
- ~~4.130.050 — Definitions.~~
- ~~4.130.060 — Applicability.~~
- ~~4.130.070 — Prohibitions.~~
- ~~4.130.080 — Requirement for notice.~~
- ~~4.130.090 — Required tests.~~

- 4.130.100 — Post-accident testing.
- 4.130.110 — Random testing.
- 4.130.120 — Substance abuse professionals.
- 4.130.130 — Follow-up testing.
- 4.130.140 — City notification obligations.
- 4.130.150 — Testing procedures.
- 4.130.160 — Employee refusal to submit to a required alcohol or controlled substance test.
- 4.130.170 — Positive test.
- 4.130.180 — Access to test results.
- 4.130.190 — Records retention.
- 4.130.200 — Training for supervisors.
- 4.130.210 — Employee admission of alcohol and controlled substances use.
- 4.130.010 — Purpose and goal.

The city of Palmer is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is recognized that alcohol abuse and drug use pose a significant threat to city goals. The city of Palmer has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The city encourages employees to voluntarily seek help with drug and alcohol problems. (Ord. 12-001 § 3, 2013)

4.130.020 — Drug-free workplace.

A. The city prohibits the unlawful manufacture, distribution, dispensing, possession, or use by an employee of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by policy at 21 CFR 1308.11—1308.15 is prohibited in any workplace of the city.

B. All employees will abide by the terms of this policy as a condition of their employment and will notify the city of any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after the conviction. Within two business days of receiving the notice of conviction, the city will take appropriate personnel action against the employee as prescribed by this title, up to and including termination.

C. The city must provide a statement to notify employees of this policy and to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the city's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

D. Each employee will be provided a copy of this chapter. (Ord. 12-001 § 3, 2013)

4.130.030 — Employer responsibility.

The following steps will be taken to provide a drug-free workplace.

A. The city will publish a statement notifying employees that the violation of such prohibition will subject them to appropriate disciplinary action.

B. The city will establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace;
2. The city's policy of maintaining a drug-free workplace;
3. The availability of drug counseling and rehabilitation programs;
4. The penalties that the city may impose for drug abuse violations occurring in the workplace.

C. As a condition of employment, each employee shall abide by the terms of the city's drug-free workplace policy.

D. The city will take disciplinary action up to and including termination against an employee who violates this title.

E. Violations of this title which are also violations of federal or state law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently at the city and in the criminal justice system.

F. As a condition of employment, each employee shall notify the human resources office in writing of any conviction for a violation of a criminal drug statute no later than two business days after such conviction.

1. Within five calendar days after the city learns of a conviction, the city shall initiate personnel action as prescribed in subsection (D) of this section. (Ord. 12-001 § 3, 2013)

4.130.040 — Employee alcohol and controlled substances testing.

~~A. The city will at a minimum provide for the establishment of alcohol and controlled substances testing programs as required by law; the imposition of penalties on employees when tests exceed allowable levels; compliance with reporting and record keeping requirements; dissemination to affected employees of educational materials explaining the legal requirements, this policy; and provide for appropriate staff and supervisor training.~~
~~B. All employees subject to laws mandating alcohol and controlled substances testing will comply with such laws and this policy as a condition of their employment. (Ord. 12-001 § 3, 2013)~~

~~4.130.050 — Definitions.~~

~~For purposes of this chapter, the following definitions apply:~~

~~A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.~~

~~B. "Alcohol use" means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.~~

~~C. "Alcohol concentration" (or content) is the alcohol in a volume of breath or blood.~~

~~D. "Commerce" means:~~

~~1. Any trade, traffic or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside of the United States; and~~

~~2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subsection (D)(1) of this section.~~

~~E. "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:~~

~~1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or~~

~~2. Has a gross vehicle weight rating of 26,001 or more pounds; or~~

~~3. Is designed to transport 16 or more passengers, including the driver; or~~

~~4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC 5103(b)) and which require the motor vehicle to be placarded under hazardous materials regulations (49 CFR part 172, subpart F).~~

~~F. "Confirmation (or confirmatory) drug test" means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or metabolite.~~

~~G. "Confirmation (or confirmatory) validity test" means a second test performed on a urine specimen to further support a validity test result.~~

~~H. "Confirmed drug test" means a confirmation test result received by a medical review officer (MRO) from a laboratory.~~

~~I. "Consortium/third party administrator (C/TPA)" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to the city. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the city's drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this chapter.~~

~~J. "Controlled substance" includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phenylelidine.~~

~~K. "Designated employer representative (DER)" is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from their duties and to make required decisions in the testing and appraisal processes.~~

~~L. "Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.~~

~~1. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.~~

~~2. Exclusions.~~

~~a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.~~

~~b. Tire disablement without other damage even if no spare tire is available.~~

~~c. Headlight or taillight damage.~~

~~d. Damage to turn signals, horn, or windshield wipers which make them inoperative.~~

- M. "DOT agency" means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing. 49 CFR part 382 in accordance with part 40 is applicable to the city.
- N. "Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, part time, seasonal, temporary, on call drivers, leased drivers and independent owner operator contractors.
- O. "Licensed medical practitioner" means a person who is licensed, certified, or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
- P. "Medical review officer (MRO)" is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the city's drug testing program and evaluating medical explanations for certain drug test results.
- Q. Performing (A Safety Sensitive Function). A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.
- R. "Positive rate for random drug testing" means the number of verified positive results for random drug tests conducted under this chapter plus the number of refusals of random drug tests required by this chapter, divided by the total number of random drug test results (i.e., positives, negatives, and refusals).
- S. "Refuse to submit (to an alcohol or controlled substances test)" means that a driver:
1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the city consistent with applicable DOT agency regulations, after being directed to do so by the city. This includes the failure of an employee to appear for a test when called by a C/TPA;
 2. Fails to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
 3. Fails to provide a urine specimen for any drug test required by this policy or DOT agency regulations; provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
 5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 6. Fails or declines to take a second test the employer or collector has directed the driver to take;
 7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
 8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
 9. Is reported by the MRO as having a verified adulterated or substituted test result.
- T. "Safety sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:
1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
 2. All time inspecting equipment as required by DOT regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
 3. All time spent at the driving controls of a commercial motor vehicle in operation.
 4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth as "sleeper berth" is defined by DOT regulations.
 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded.

~~6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV.~~

~~U. "Screening test (or initial test)" means:~~

~~1. In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.~~

~~2. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath, saliva, or blood specimen.~~

~~V. "Stand down" means the practice of temporarily removing an employee from the performance of his or her job duties based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.~~

~~W. "Substance abuse professional" means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, a state licensed or certified marriage and family therapist or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC)) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc., and Affiliates/Master Addictions Counselor (NBCC) with knowledge about and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.~~

~~X. "Violation rate" for random alcohol testing means the number of 0.02 and above random alcohol confirmation test results conducted under this chapter plus the number of refusals of random alcohol tests required by this chapter, divided by the total number of random alcohol screening tests (including refusals). (Ord. 12-001 § 3, 2013)~~

~~4.130.060 — Applicability.~~

~~This policy applies to all city employees who are required to hold a commercial driver's license as a function of their city employment. (Ord. 12-001 § 3, 2013)~~

~~4.130.070 — Prohibitions.~~

~~A. A driver shall not:~~

~~1. Report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.~~

~~2. Use alcohol while performing safety sensitive functions.~~

~~3. Perform safety sensitive functions within four hours after using alcohol. The city, having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety sensitive functions.~~

~~4. Use alcohol on the job, including during breaks or meals.~~

~~5. Possess alcohol on the job, including during breaks or meals.~~

~~6. Use alcohol for eight hours following an accident, or until the driver undergoes a required post-accident alcohol test, whichever occurs first.~~

~~7. Refuse to submit to a pre-employment controlled substance test required under DOT, post-accident alcohol or controlled substances test required under DOT, a random alcohol or controlled substances test required under DOT, a reasonable suspicion alcohol or controlled substances test required under DOT, or a follow-up alcohol or controlled substances test required under DOT. The city shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety sensitive functions.~~

~~8. Report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance, identified in 21 CFR 1308.11 Schedule I.~~

~~9. Report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other schedules in 21 CFR 1308 except when the use is a licensed medical practitioner, as defined in this policy, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.~~

~~10. Report for duty, remain on duty or perform a safety sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety sensitive functions.~~

- B. ~~An employer having knowledge that a driver has an alcohol concentration of 0.04 or greater shall not permit the driver to perform or continue to perform safety sensitive functions.~~
- C. ~~An employer having actual knowledge that a driver is using alcohol while performing safety sensitive functions shall not permit the driver to perform or continue to perform safety sensitive functions.~~
- D. ~~A supervisor or city official having actual knowledge that a driver has used a controlled substance shall not permit the driver to perform or continue to perform a safety sensitive function.~~
- E. ~~The city shall require a driver to inform the employer of any therapeutic drug use.~~
- F. ~~If an employee engages in the conduct described above, the employee is considered to have engaged in prohibited conduct, is immediately disqualified from performing a safety sensitive function, including operating a commercial motor vehicle, and is subject to disciplinary action as set forth in this title. (Ord. 12-001 § 3, 2013)~~

4.130.080 — Requirement for notice.

~~Before performing each alcohol or controlled substances test under this title, the city shall notify a driver that the alcohol or controlled substances test is required by DOT. The city shall not falsely represent that a test is administered under DOT. (Ord. 12-001 § 3, 2013)~~

4.130.090 — Required tests.

A. ~~Pre-Employment Testing.~~

~~1. For the purposes of pre-employment testing only, an employee includes applicants and current employees selected for employment in such a position or an employee who has been out of the random pool for a period of 90 days or longer.~~

~~a. Prior to the first time a driver performs safety sensitive functions for the city, the driver shall undergo testing for controlled substances as a condition prior to being used.~~

~~b. No driver will be allowed to perform safety sensitive functions unless the employee has received a controlled substances test result from the medical review officer (MRO) or consortium/third party administrator (C/TPA) indicating a verified negative test result for that driver.~~

~~2. The applicable designated employer representative (DER) will obtain, pursuant to a driver's consent, information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the employee's previous employers.~~

~~a. This information must be obtained and reviewed by the applicable DER no later than 14 calendar days after the first time a driver performs safety sensitive functions for the city, if it is not feasible to obtain the information prior to the driver performing safety sensitive functions.~~

~~b. A driver will not be allowed to perform safety sensitive functions more than 14 days without obtaining the information.~~

~~3. A driver will not be allowed to perform safety sensitive functions if the city obtains information showing an alcohol test with a concentration of 0.04 or greater, or a verified positive controlled substances test result, or refusal to be tested, unless the applicable DER obtains information on the driver's subsequent substance abuse professional evaluation and associated successful return-to-duty testing.~~

B. ~~Reasonable Suspicion Testing.~~

~~1. The city shall require a driver to submit to an alcohol test when the city believes the driver has violated the prohibitions of this policy concerning alcohol.~~

~~a. The city's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.~~

~~2. The city shall require a driver to submit to a controlled substances test when the city has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances.~~

~~a. The city's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.~~

~~b. The observations may include indications of the chronic and withdrawal effects of controlled substances.~~

~~3. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or city official who is trained in accordance with this policy. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.~~

4. ~~Alcohol testing is authorized by this section only if the observations required by this title are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance.~~

a. ~~A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions.~~

5. ~~Tests Not Administered.~~

a. ~~If an alcohol test required by this title is not administered within two hours following the reasonable suspicion determination, the city shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.~~

b. ~~If the alcohol test required by this policy is not administered within eight hours following the reasonable suspicion determination, the city shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.~~

c. ~~The report(s) shall be forwarded to the applicable DER.~~

C. ~~Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, no driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the city permit the driver to perform or continue to perform safety sensitive functions, until:~~

1. ~~An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or~~

2. ~~Twenty four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.~~

D. ~~Except as provided in this title, the city shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.~~

E. ~~A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the supervisor or city official who made the observation, within 24 hours of the observed behavior or before the results of the controlled substance tests are released, whichever is earlier. (Ord. 12-001 § 3, 2013)~~

4.130.100 — ~~Post accident testing.~~

A. ~~Post Accident Testing — Alcohol. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the city shall test for alcohol for each surviving driver:~~

1. ~~Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or~~

2. ~~Who receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:~~

a. ~~Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or~~

b. ~~One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.~~

B. ~~Post Accident Testing — Controlled Substances. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the city shall test for controlled substances for each of its surviving drivers:~~

1. ~~Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or~~

2. ~~Who receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:~~

a. ~~Bodily injury to any person who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or~~

b. ~~One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.~~

C. ~~The following table notes when a post accident test is required to be conducted by subsections (A) and (B) of this section:~~

| Type of Accident Involved | Citation Issued to the CMV Driver | Test Must Be Performed by Employer |
|---------------------------|-----------------------------------|------------------------------------|
| Human fatality | YES | YES |
| | NO | YES |

~~Bodily injury with immediate medical treatment away from the scene — YES — YES~~

~~— NO — NO~~

~~Disabling damage to any motor vehicle requiring tow away YES — YES~~

~~— NO — NO~~

~~D. Tests Not Administered — Alcohol.~~

~~1. If an alcohol test is not administered within two hours following the accident, the city shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~2. If an alcohol test is not administered within eight hours following the accident, the city shall cease attempts to administer an alcohol test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~3. Records shall be submitted to FMCSA upon request.~~

~~E. Tests Not Administered — Controlled Substance.~~

~~1. If a controlled substance test is not administered within 32 hours following the accident, the city shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

~~2. Records shall be submitted to the FMCSA upon request.~~

~~F. A driver who is subject to post-accident testing shall remain readily available for such testing, or may be deemed by the city to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.~~

~~G. The city shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.~~

~~1. The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state or local alcohol testing requirements, and that the results of the tests are obtained by the city.~~

~~2. The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state or local controlled substances testing requirements, and that the results of the tests are obtained by the city.~~

~~H. Exception. This section does not apply to an occurrence:~~

~~1. Involving only boarding or alighting from a stationary motor vehicle; or~~

~~2. Involving only the loading or unloading of cargo; or~~

~~3. In the course of the operation of a passenger car or a multipurpose passenger vehicle by the city unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked. (Ord. 12-001 § 3, 2013)~~

~~4.130.110 — Random testing.~~

~~A. Every driver shall submit to random alcohol and controlled substance testing as required in this section.~~

~~B. The random testing of drivers will be unannounced, spread reasonably throughout the year, and will be conducted to assure that all drivers have an equal chance of being tested.~~

~~C. The drivers to be tested will be randomly selected using a scientifically valid method.~~

~~D. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.~~

~~E. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions or such other rate as may be set annually by the Federal Motor Carrier Safety Administration.~~

~~1. The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.~~

~~2. Each driver selected for random alcohol and controlled substances testing under the selection process used shall have an equal chance of being tested each time selections are made.~~

3. ~~Each driver selected for testing shall be tested during the selection period.~~
4. ~~The city shall ensure that random alcohol and controlled substances tests conducted under this part are unannounced.~~
5. ~~The city shall ensure that the dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.~~
6. ~~The city shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety sensitive function and proceeds to the testing site as soon as possible.~~
7. ~~A driver shall only be tested for alcohol while the driver is performing a safety sensitive function, just before the driver is to perform a safety sensitive function, or just after the driver has ceased performing such function. (Ord. 12-001 § 3, 2013)~~

4.130.120 — Substance abuse professionals.

- A. ~~The city will provide to each employee including an applicant or new employee who violates a DOT drug and alcohol policy a listing of substance abuse professionals (SAP) readily available to the employee with names, addresses, and phone numbers.~~
- B. ~~The city is not required to provide a substance abuse professional's (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and/or alcohol policy.~~
- C. ~~Payment for substance abuse professional's (SAP) evaluations is the responsibility of the employee. The employee must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 or, if the prohibited conduct involved a controlled substance, a return to duty controlled substance test with a result indicating a verified negative result for controlled substance use. (Ord. 12-001 § 3, 2013)~~

4.130.130 — Follow up testing.

- ~~For each employee who has committed a DOT drug or alcohol policy violation and who seeks to resume employment with safety sensitive functions, the city must establish a written follow up testing plan.~~
- A. ~~The plan is established once the city has determined that the employee has successfully complied with a substance abuse professional's (SAP) recommendation for education and/or treatment. The substance abuse professional (SAP) must provide a copy of the written plan to the DER.~~
 - B. ~~Following a determination by a substance abuse professional that an employee is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, the employee is subject to unannounced follow up alcohol or controlled substance testing.~~
 - C. ~~The number and frequency of the tests will be determined by the substance abuse professional, but will at a minimum consist of at least six unannounced follow up tests in the first 12 months of safety sensitive duty following the employee's return to safety sensitive functions.~~
 - D. ~~The employer shall establish the specific dates for testing. The unannounced follow up testing may continue for up to five years. (Ord. 12-001 § 3, 2013)~~

4.130.140 — City notification obligations.

- A. ~~The DER will:~~
 1. ~~Notify a driver of the results of a pre-employment controlled substance test conducted under this title, if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application;~~
 2. ~~Notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this title if the test results are verified positive;~~
 3. ~~Make reasonable efforts to contact and request each driver who submitted a specimen under the city's program, regardless of the driver's employment status;~~
 4. ~~Contact and discuss the results of the controlled substances test with a medical review officer when the medical review officer has been unable to contact the driver;~~
 5. ~~Immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 72 hours;~~
 6. ~~Request alcohol and controlled substances information from previous employers;~~
 7. ~~Ensure that each driver receives an educational material that explains the requirements of this title with respect to meeting these requirements. Drivers will acknowledge in writing receipt of such information;~~

8. ~~Include detailed discussion of the following in the materials to be made available to drivers:~~
 - a. ~~The identity of the person designated by the city to answer driver questions about the materials;~~
 - b. ~~The categories of drivers who are subject to this title;~~
 - c. ~~Sufficient information about the safety sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this policy;~~
 - d. ~~Specific information concerning driver conduct that is prohibited by this policy;~~
9. ~~Supply written notice to representatives of employee organizations of the availability of information;~~
10. ~~Provide the circumstances under which a driver will be tested for alcohol and/or controlled substances under this chapter, including post accident testing under this title;~~
11. ~~Provide the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post accident information, procedures and instructions required by this policy;~~
12. ~~Provide the requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy;~~
13. ~~Provide an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences;~~
14. ~~Provide the consequences for drivers found to have violated policy, including the requirement that the driver be removed immediately from safety sensitive functions, and the procedures under this policy;~~
15. ~~Provide the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;~~
16. ~~Provide information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.~~

B. ~~The human resources office shall ensure that each driver signs a statement certifying that he or she has received a copy of these materials described in this section. The human resources office will maintain the original of the signed certificate and provide a copy of the certificate to the driver. (Ord. 12-001 § 3, 2013)~~

4.130.150 — Testing procedures.

~~The city shall ensure all alcohol or controlled substances testing conducted under this title complies with the procedures set forth in DOT regulations 49 CFR Part 40.~~

A. ~~Alcohol.~~

1. ~~Tests will be conducted under the guidance of a breath alcohol technician selected by the city and in accordance with DOT regulations at one or more designated testing sites.~~
2. ~~The site(s) will afford privacy to the individual being tested. If the result of an initial test is an alcohol concentration of less than 0.02, no further testing is required and the results are transmitted to the DER in a confidential manner.~~
3. ~~If the result of an initial test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed within 20 minutes. The results of an initial test and the confirmation test are printed on the breath alcohol test forms, signed by both the breath alcohol technician and the driver, and transmitted to the applicable DER in a confidential manner.~~
4. ~~A driver tested who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety sensitive functions, including driving a commercial motor vehicle, nor shall the driver perform or continue to perform safety sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.~~

B. ~~Controlled Substances.~~

1. ~~DOT regulations require testing for marijuana, cocaine, opiates, amphetamines and phencyclidine. Tests for these substances will be conducted under the guidance of the medical review officer selected by the city and in accordance with DOT regulations at one or more designated collection sites. Collection of urine samples will allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen. It is a violation of federal law and this policy to adulterate or dilute a specimen during the collection procedure.~~

~~2. Test results are given to the medical review officer for analyzing and reporting to the applicable DER. (Ord. 12-001 § 3, 2013)~~

~~4.130.160 — Employee refusal to submit to a required alcohol or controlled substance test.~~

~~A. A driver shall not refuse to submit to a pre-employment controlled substance test, a post-accident required alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substance test, follow-up alcohol or controlled substance test.~~

~~B. The city shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. The driver will be immediately removed from duty and such refusal will be treated as a positive test.~~

~~C. Failure to provide adequate breath for testing when required without a valid medical explanation, failure to remain available for post-accident testing, failure to provide adequate urine for testing without a valid medical explanation, engaging in conduct that obstructs the testing process, or failure to sign the alcohol testing form constitutes a refusal to submit to testing. (Ord. 12-001 § 3, 2013)~~

~~4.130.170 — Positive test.~~

~~When a driver has engaged in prohibited conduct, the employee will be dismissed for cause or provided a last chance agreement at the sole discretion of the city. (Ord. 12-001 § 3, 2013)~~

~~4.130.180 — Access to test results.~~

~~A driver is entitled, upon written request, to obtain copies of records pertaining to the employee's alcohol or controlled substances test results. (Ord. 12-001 § 3, 2013)~~

~~4.130.190 — Records retention.~~

~~The human resources office shall maintain records of alcohol misuse and controlled substances use prevention programs. The records shall be maintained in a secure location with controlled access:~~

~~A. Five-Year Record Retention.~~

~~1. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater;~~

~~2. Records of driver verified positive controlled substance test results;~~

~~3. Documentation of refusals to take required alcohol and/or controlled substance tests;~~

~~4. Driver evaluations and referrals;~~

~~5. Calibration documentation;~~

~~6. Records related to the administration of the alcohol and controlled substances testing programs; and~~

~~7. A copy of each annual calendar year summary required by DOT regulations.~~

~~B. Two-Year Record Retention. Records related to the alcohol and controlled substances collection process.~~

~~C. One-Year Record Retention. Records of any negative and canceled controlled substance test results and alcohol test results with a concentration of less than 0.02.~~

~~D. Indefinite Record Retention. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the city while the individual performs the functions which require the training and for two years after ceasing to perform those functions.~~

~~E. Types of Records. The following specific types of records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of DOT regulations. If the record is required to be prepared, it must be maintained.~~

~~1. Records Related to the Collection Process.~~

~~a. Collection logbooks, if used;~~

~~b. Documents relating to the random selection process;~~

~~c. Calibration documentation for evidential breath testing devices;~~

~~d. Documentation of breath alcohol technician training;~~

~~e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;~~

~~f. Documents generated in connection with decisions on post-accident tests;~~

~~g. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and~~

~~h. A copy of each annual calendar year summary as required by DOT regulations.~~

~~2. Records Related to a Driver's Test Results.~~

~~a. The city's copy of the alcohol test form, including the results of the test;~~

- b. ~~The city's copy of the controlled substances test chain of custody and control form;~~
- c. ~~Documents sent by the MRO to the city, including those required by DOT regulations;~~
- d. ~~Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this chapter;~~
- e. ~~Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered;~~
- f. ~~Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the employer must obtain in connection with the exception contained in policy and must obtain as required by policy;~~
- g. ~~Records related to other violations;~~
- h. ~~Records related to evaluations;~~
- i. ~~Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and~~
- j. ~~Records concerning a driver's compliance with recommendations of the substance abuse professional.~~

~~3. Records Related to Education and Training.~~

- a. ~~Materials on alcohol misuse and controlled substance use awareness, including a copy of the city's policy on alcohol misuse and controlled substance use;~~
- b. ~~Documentation of compliance with the requirements of DOT regulations, including the driver's signed receipt of education materials;~~
- c. ~~Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol or controlled substances testing based on reasonable suspicion;~~
- d. ~~Documentation of training for breath alcohol technicians as required; and~~
- e. ~~Certification that any training conducted complies with the DOT requirements for such training.~~

~~4. Administrative Records Related to Alcohol and Controlled Substances Testing.~~

- a. ~~Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party service providers;~~
- b. ~~Names and positions of officials and their role in the city's alcohol and controlled substances testing program(s);~~
- c. ~~Semi-annual laboratory statistical summaries of urinalysis required by DOT; and~~
- d. ~~The city's alcohol and controlled substances testing policy and procedures.~~

~~F. Location of Records.~~

~~1. All records required shall be maintained as required with DOT regulation and shall be made available for inspection at the city's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.~~

~~2. The human resources offices will be responsible for maintaining the additional records. (Ord. 12-001 § 3, 2013)~~

~~4.130.200 — Training for supervisors.~~

- A. ~~The city shall ensure that all persons designated to supervise drivers will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use.~~
- B. ~~This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee driver to undergo testing.~~
- C. ~~The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)~~

~~4.130.210 — Employee admission of alcohol and controlled substances use.~~

- A. ~~Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy; provided, that:~~
 - 1. ~~The admission is in writing and in compliance with the city's voluntary self-identification program;~~
 - 2. ~~The driver does not self-identify in order to avoid testing under the requirements of the program;~~
 - 3. ~~The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and~~
 - 4. ~~The driver does not perform a safety sensitive function until the city is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.~~

~~B. Self Identification Program.~~

- ~~1. The city will not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this program and subsection (A) of this section;~~
- ~~2. The city will allow the employee 10 working days to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem and provide proof to the DER and supervisor of having undergone assessment screening. The proof must contain the treatment recommendations of the substance abuse professional;~~
- ~~3. The city will permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;~~
- ~~4. The city will ensure that:~~
 - ~~a. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or~~
 - ~~b. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and~~
 - ~~c. At least monthly, the employee will furnish the DER and supervisor with proof of their continuing participation in the recommended treatment program until completed.~~
- ~~5. Reoccurrences of alcohol misuse or controlled substance use will be subject to disciplinary action up to and including the termination of employment. (Ord. 12-001 § 3, 2013)~~

4.110.050 Training for Supervisors

- A. The city shall ensure that all people designated to supervise drivers will receive at least the minimum training required by the FMSCA.
- B. This training will be used by the supervisors to determine whether reasonable suspicion exists to require employee drivers to undergo testing.
- C. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances; recurrent training is not required. (Ord. 12-001 § 3, 2013)

Palmer Municipal Code Chapter 4.140 Whistleblowers Protection Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

~~Chapter 4.140 Whistleblowers Protection Policy~~

~~4.140.005 Whistleblowers protection policy.~~

CHAPTER 4.140 WHISTLEBLOWERS PROTECTION POLICY AND WASTE, FRAUD AND ABUSE POLICY

Sections:

4.140.005 Whistleblowers Protection Policy

4.140.006 Waste, Fraud and Abuse

4.140.006 Waste, Fraud and Abuse

The City of Palmer and its employees are responsible for being fiscally responsible for all city resources. As such, the city prohibits violation of waste, fraud and abuse of all city resources including property, personnel, and money. Employees who have knowledge of waste, fraud and/or abuse should contact his/her Department Director, the City Manager, or the Human Resources Manager immediately.
Having knowledge of and failing to report waste, fraud or abuse subjects the employee to disciplinary action.

Palmer Municipal Code Chapter 4.160 ADA Accommodation Policy is hereby amended as follows (new language is underlined and deleted language is stricken):

CHAPTER 4.160 ADA ACCOMMODATION POLICY

4.160.000 Definition

4.160.010 Compliance

4.160.020 Procedures

4.160.000 Definition

A. The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit discrimination against individuals with disabilities. For individuals who work or apply for positions with the City of Palmer, this regulation is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. All qualified employers must provide reasonable accommodation to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

4.160.010 Compliance

A. The City of Palmer complies with all federal and state laws concerning the employment of persons with disabilities and will act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). It is the City's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

B. The City of Palmer will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes undue hardship. Individuals requesting an accommodation under the Americans with Disabilities Act should contact the Human Resources Manager.

C. Individuals who are currently using illegal drugs are excluded from coverage under the City's ADA policy.

4.160.020 Procedure

A. Requesting Accommodation

1. Employees or applicants with disabilities may request reasonable accommodation. This request should be made in writing to their supervisor or to the Human Resources Manager.

2. The employee should provide, if possible, accommodation he or she feels is appropriate to his/her needs.

B. Assessment

1. Upon receiving the reasonable accommodation request, Human Resource Officer will begin the interactive processes which may include some or all the following:

a. A determination of how the employee's disability limits their ability to perform the essential functions of their job to identify the employee as a qualified individual with a disability.

b. Identification of the type of accommodation needed.

c. Review of Medical Certification paperwork. The employee is responsible for ensuring his/her physician completes the paperwork in its entirety and the paperwork is submitted to the Human Resources Manager within 15 days.

C. Medical Documentation and Confidentiality

1. If the disability is not obvious and there is no other medical information already on record for the employee, the city will require the employee to provide documentation from a physician or other medical professional concerning the existence and extent of the disability. The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a need-to-know basis.

D. Determination

1. Once the medical certification has been received and reviewed by the Human Resources Manager, a meeting will be scheduled between the Human Resources Manager and the employee to determine (1) if the medical certification supports the employee's request for accommodations under ADA and (2) what accommodations would be appropriate.

E. Implementation

1. The employees' preference for accommodation will be considered. However, the City of Palmer reserves the right to select alternatives providing they are effective in ensuring the employee can complete the essential functions of his/her position.

2. Once the accommodation has been determined to be appropriate and does not cause undue hardship for the city, the Human Resources Manager will make the appropriate arrangements. Accommodation will be implemented as soon as reasonably available.

Section 4. Effective Date. Ordinance No. 22-0XX shall take effect upon adoption by the city of Palmer City Council.

Passed and adopted this ____ day of ____, 2024.

Steve Carrington, Mayor

Shelly M. Acteson, CMC, City Clerk



H. 2.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: John Moosey, City Manager
Department: City Manager's Office
Legislation Number: RES 24-020

Subject

Resolution No. 24-020: Authorizing the City Manager to Enter into an Agreement Not To Exceed \$15,000 with Wolf Architecture for the Schematic Redesign for the Palmer Public Library.

Summary Statement/Background

February 15, 2023: a devastating roof collapse rendered the 38-year-old library inoperable. This facility, serving a population of 39,500, was not just a repository of books but a vital hub for government services, educational support, and technological access for the Matsu Valley.

April 10, 2023: A Request for Proposal (RFP) for "Architectural services to evaluate the feasibility of repairing, expanding, or replacing in its entirety, and provide planning and design services for future needs of the Palmer Public Library" was issued on the City of Palmer's website.

June 27, 2023: The Palmer City Council approved Resolution No 23-019 which stated "Authorize the City Manager to Appropriate Funds from the Unassigned General Fund Balance and Award a Contract for Architectural Design Services to Evaluate Alternatives to Repair, Renovate and Expand or Replace the Palmer Public Library and Award a Professional Service Contract to Wolf Architecture Inc. in the Amount Not to Exceed \$160,000."

August 15 - August 17, 2023: The City of Palmer and Wolf Architecture hosted stakeholder meetings.

September 21, 2023: The City of Palmer and Wolf Architecture hosted a public meeting at The Depot for a discussion of community needs and Q&A about the plan for the Palmer Library rebuild. There were displays, planning exercises, and interior organization exercises.

November 15, 2023: The City of Palmer and Wolf Architecture hosted a public meeting at The Depot for a discussion of community needs and Q&A about the plan for the Palmer Library rebuild.

January 17, 2023: Wolf Architecture wrote an Executive Summary stating:

"Beginning in August of last year, preliminary meetings with the Library Building Committee (LBC), were convened to confirm scope and requirements of the project.

A plan for collecting insights, opinions, and expertise regarding the development of the Palmer Library was initiated. The plan was built on objectives established by the request for proposal and reflected input from the Design Team, LBC, and City staff to create an efficient, effective, and inclusive process.

A purposeful effort ensued to learn and incorporate the aspirations of Library stakeholders, the concerns of Palmer residents, and the long-term abilities for the City library to serve the local and greater regional community.

Site specific conditions such as wind, daylight/solar, utilities, parking, invasive landscape species, historic significance and master planning considerations were researched and incorporated. Vehicular as well as pedestrian patterns and accessibility helped determine potential building layouts. On-site parking capacity essential to City events will be retained.

Building programming considered current and future Library space needs, cost efficiency of form/levels, operation and maintenance costs, archives, storage, meeting space, interior and exterior, other user group needs/desires.

Public engagement successfully brought over 300 community members into the project via:

Friday Fling--Informational Boards & Targeted Surveys

Online Surveys--user group specific, teens, homeschoolers, etc.

Informational Boards and Comment Cards at Library

Public Work Sessions--three open house format meetings held at Palmer Depot

Stakeholder outreach--

Visioning meetings, convened over a three-day period, invited participation from stakeholder groups including: Library Staff, Friends of the Palmer Library, Palmer Museum, Palmer Historical Society, Palmer Chamber of Commerce, LBC, City Directors, and others.

A design charrette open house engaged the public to explore site and building configurations. That charrette became the impetus for an iterative design process yielding five, themed concepts."

"Following conclusion of the stakeholder and public engagement phase, the selected concepts were further developed by the design team and assessed by the LBC."

"In November, a Community Open House was held where several design options--including at least one which re-used a portion of the existing structure--were presented for discussion and input. From that input, a preferred alternative was selected for final development by the Design Team."

January 23, 2024: At the City Council meeting, Wolf Architecture gave a presentation to the City Council outlining the two phases that had been completed.

Phase I: Visioning/Community Engagement/Goal Setting

Phase 2: Programming/Concept Design/Schematic Design.

March 26, 2024: At the City Council meeting, during Audience Participation, 18 people spoke in favor of the new library design while two people spoke against it.

April 9, 2024: At the City Council meeting, Council Members Tudor and Melin directed the City Manager to get an estimate from Wolf Architecture to provide architectural drawings of a new library building with building costs being no more than \$10,000,000 and utilizing as much of the existing design elements as possible that was based on public input, including the operational costs of each plan. (If the estimate is available by the April 9 meeting, the council may take action)

FINANCES:

The City held \$5,000,000 insurance on the building

In October of 2023 the voters approved a \$10,000,000 bond

Representative DeLena Johnson secured \$5,000,000 from the FY24 Governors Budget. (This funding must be used within 5 years or will be forfeit).

The City has sought additional funding from following sources:

- › Senator Lisa Murkowski has been requested to provide \$10,500,00 via the Congressionally Directed Spending funds for FY25.
- › This project was submitted as the City's Priority 1 project to the FY2025 Alaska State Legislature CAPSIS system.

This legislation, Resolution 24-020, will require Wolf Architecture to decrease the overall building, parking, and paved/landscape areas. It will require the redesign of the library floor plan, which will likely be reduced to a single level facility. The overall scope of the project will be reduced by approximately 35% to achieve the approximate \$10,000,000 budget requested by the City Council.

Administration's Recommendation:

As directed by council during the April 9, 2024 City Council Meeting.

| | Fiscal Impact |
|--|---|
| Total Amount of funds listed in this legislation: | \$15,000.00 |
| Legislation creates expenditure in the amount of: | \$15,000.00 |
| Budgeted Y/N?: | N |
| Line Item(s): | 01-01-70-6078 Transfers Out; 08-00-00-3673 Transfers from Other Funds; 08-01-19-6220 Engineer Design Services |

Attachments

Palmer Library Schematic Redesign Study
Resolution 24-020 Wolf Architecture Redesign



April 9, 2024

City of Palmer
231 W Evergreen Ave
Palmer, Alaska 99645

Agreement to Perform Schematic Redesign for the Palmer Public Library

Proposal No.: 2024-03
Ph: (907) 745-3271
Attn: Mr. John Moosey, City Manager

We are pleased to provide you with design services necessary for the schematic redesign study for the Palmer Library project. We understand the current estimated \$18 million overall project budget exceeds the budgetary limits envisioned for the project by City Council. We also understand the focus of the outlined in this proposal is to reduce the project budget to approximately \$10 million. The primary avenue to achieve the goal is to reduce the overall size of the project. We anticipate the project will need to reduce the scope of the project by approximately 35%, as such the plans and decisions will be have focus on lowering the overall project cost.

Tasks:

- 1.) WA to evaluate the existing interior and exterior program areas.
 - a. Decrease the overall building footprint to between 13,500-14,000 sf
 - b. Decrease the number of new parking spaces
 - c. Decrease size of paved and landscaped areas.
- 2.) Redesign Library floor plan
 - a. We propose developing one single plan iteration
 - b. The likely plan iteration will likely result in a single level facility
- 3.) City Council Meeting 1
 - a. Present proposed area reductions and resultant floor plan/Site plan
 - i. Make council suggested plan changes
- 4.) City Council Meeting 2
 - a. Present final floor plan to City Council for approval

Schedule: We anticipate this effort will require approximately two and ½ to three weeks to complete.

Exclusions:

- 1) We understand WA is solely responsible for evaluating the program and will be responsible for the decisions on where it is most appropriate to make the reductions. We understand there will not be any public input into the reductions and that we will not be required to attend program reduction meetings.
 - a. WA may at our discretion conduct meetings to assist in program evaluation.
- 2) This proposal does not include any work to evaluate or redesign the likely building form associated with any redesigned floor plan.
- 3) This proposal does not include a new cost estimate and will rely on the rough order of magnitude costs developed during the previous project phase.

I. Basis of Compensation

A. Basic Compensation

Table of Hourly Rates

| Principal | Proj Mgr | Proj Arch | Arch III | Arch II | Admin |
|-----------|----------|-----------|----------|----------|----------|
| \$215.00 | \$170.00 | \$150.00 | \$135.00 | \$135.00 | \$100.00 |

We anticipate this effort will require approximately 78 hours.

| | | |
|-------------------------|----------|-------------|
| Meetings: | 6 hours | (2 person) |
| Program Re-development: | 4 hours | |
| Space Planning: | 12hours | |
| Floor Plan | 48 Hours | |
| Site Plan | 4 Hours | |
| Graphics/Presentation | 4 Hours | |

Total 78 hours @ \$150 = **\$11,700**

The summary above is an estimate of the hours we anticipate required for each task. The facility is complex and containing requires a great deal of coordination and testing with the furnishings, casework, and equipment. We are open to completing this work on an hourly basis if it is agreed that if the effort requires more than 78 hours the City of Palmer is willing to reimburse the additional cost.

Thank you for this opportunity, please give me a call if you have any questions about this proposal or the work we anticipate to be included in the proposal

Architect



Gary Wolf AIA LEED AP, President
Wolf Architecture, Inc.

LEGISLATIVE HISTORY

Introduced by:

Date:

Action:

Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Resolution No. 24-020

A Resolution of the Palmer City Council Authorizing the City Manager to Appropriate Funds And Enter Into Agreement With Wolf Architecture For The Schematic Redesign For The Palmer Public Library Not To Exceed \$15,000.

WHEREAS, the Palmer Public Library had a catastrophic event on February 15, 2023; and

WHEREAS, the repair and rebuild of the building is necessary; and

WHEREAS, Wolf Architecture has been contracted for the design of the new Palmer Public Library; and

WHEREAS, the City of Palmer requires the original scope of work and design be reduced by approximately 35% or \$8,000,000.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby authorizes the City Manager to enter into agreement with Wolf Architecture for a Schematic Redesign for the Palmer Public Library.

Approved by the Palmer City Council this ____ day of _____, 2024.

Steven J Carrington, Mayor

Shelly Acteson, MMC, City Clerk



I. 1.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: John Moosey, City Manager
Department: City Manager's Office
Agenda Category: Action Memorandum
Legislation Number: AM 24-023

Subject

Action Memorandum No. 24-023: Approving a Council Community Grant Request from Palmer Little League in the Staff Recommended Amount of \$1,380 for Scoreboard Replacement

Summary Statement/Background

Since 1967, Palmer Little League has been serving athletes in the Greater Palmer area each and every summer. Last year, over 650 players were enrolled in our baseball and softball programs, from age 4 to 18, spread across a record forty-nine teams through ten divisions. Our organization is 100% volunteer-run and depends on the support of the community and sponsors to make each season happen.

The scoreboards at our Sherrod Complex are aging - they need to be replaced. We have used them for over 20 years and they've lasted us well. We have also added additional fields to our program and those now need electronic scoreboards. Palmer Little League will also be hosting four state-wide All-Star tournaments in June and July, bringing hundreds of athletes, families, volunteers, and spectators to our small town.

If we use 2023 enrollment numbers, 650 players will get use of the scoreboards. Their families come watch them play and rely on the scoreboards to follow the game. So we're impacting potentially several thousand community members throughout the season, year after year. The current scoreboards are over 20 years old, and we'd be purchasing the same kind, so we know they will last.

In February 2014, the City Council adopted Ordinance NO. 14-043, which established the Council Community Grant Program. The City Council approved \$12,000.00 in the Community Council Grants line item for 2024.

| Legislation # | Organization | Amount Requested | Remaining | Date Approved |
|---------------|-----------------------------------|------------------|-------------|---------------|
| Res 24-005 | Beginning Balance-2024 Budget | | \$12,000.00 | |
| AM 24-002 | 2024 I Heart Hockey 8U Tournament | \$1,500 | \$10,500.00 | 1/9/2024 |
| AM 24-010 | 49th State Street Rodders | \$1,500 | \$9,000.00 | 3/12/2024 |

Administration's Recommendation:

Approve Action Memorandum No. 24-023

Fiscal Impact

Total Amount of funds listed in this legislation: \$1,380.00
Legislation creates expenditure in the amount of: \$1,380.00
Budgeted Y/N?: Y
Line Item(s): 01-02-10-6068 Council Community Grants

Attachments

Palmer Little League Scoreboard

Project Name: Palmer Little League Scoreboard Replace Date Received: 3.27.24

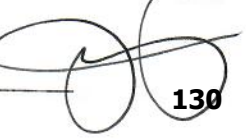
Reviewer Name: Jotta Moosey Date Reviewed: 3.29.24

Has the event previously received City funding? Y N List Years/Amounts:
 If yes, was the Post Event Report completed? Y N

Required Elements:

- Accessible to all members of the community
- Takes place in/within one mile of Palmer City Limits

| | | Expectations | | | Points |
|--------------------------------------|--|--|--|---------------|-----------|
| | | 10 pts | 7 pts. | 3-0 pts | |
| Accessibility & Strategic Priorities | The application clearly states the economic benefits, and the reader/evaluator easily understands the benefits to the community and residents of the city. | The application states the benefits; however, it is not clear and/or the reviewer/evaluator must assume or use reason to determine the benefits to the community and residents of the city. | The application does not clearly demonstrate the benefits and/or the reader/evaluator cannot determine through reasoning the benefits to the community or residents of the city. | 10 | |
| | The application clearly addresses how the project meets one or more of the City's Economic Development Strategic Priorities. | The application attempts to address how the project meets one or more of the City's Economic Development Strategic Priorities; however, the reviewer/evaluator must assume or use reason to determine how the project is addressing a strategic priority(s). | The application does not clearly demonstrate how the project is addressing a strategic priority and/or the reader/evaluator cannot determine through reasoning how the project is addressing a strategic priority. | 10 | |
| Fiscal | The application clearly states how much financial or in-kind services are being requested for the project. | The application contains information regarding financial and/or in-kind services as part of the project; however, it is not clear, and the reviewer/evaluator must assume or use reason to determine what is being requested. | The application does not clearly state what is being requested and/or the reviewer/evaluator cannot determine through reasoning. | 10 | |
| | The application includes a project budget which demonstrates sound fiscal practices and reviewer/evaluator can easily understand. | The application includes a project budget; however, the reviewer/evaluator has questions or must use reason to understand the overall budget for the project. | The application does not include a project budget, or the reviewer/evaluator cannot understand and/or has significant concerns about the budget as presented. | 10 | |
| Benefit | The application clearly states how the community will benefit because of the event. | The application states the degree of benefits; however, it is not clear, and the reviewer/evaluator must assume or use reason to determine the how the community will benefit because of this grant. | The application does not clearly demonstrate the degree of benefits and/or the reviewer/evaluator cannot determine the how the community will benefit because of this grant. | 10 | |
| Reporting | The application clearly states how and when the city will receive a post event report on this project. | The application attempts to address how a post event report will be given to the city; however, it is unclear, and the reviewer/evaluator must assume or use reason to determine how and when the report will be presented. | The application does not attempt to address how a post event report will be given to the city or the reviewer/evaluator cannot determine how the report will be presented. | 10 | |
| | | | | Total: | 60 |

Staff Recommendation: \$1380  **130**



City of Palmer • City Clerk's Office
231 W. Evergreen Avenue • Palmer, AK 99645
Phone: (907) 761-1301 • Fax: (907) 761-1340

Council Community Grant Application

Program Information

Program, service, project, or event title: Palmer Little League Scoreboard Replacement
Date(s) of program, service, project, or event: Summer 2024

Applicant Information

Name: David Combs
Address: PO Box 3878
City: Palmer State: AK Zip: 99645
Phone: 907-841-6638 Email: pllinfomanager@gmail.com

Organization Information

Name of organization/group: PLL
Type of organization/group: Non-profit Volunteer group Other: _____

Funding Request

Amount of Request: \$ 1380
Matching funds provided by applicant: \$ _____
Type of funds requesting: Cash In-Kind In-Kind Type: _____

Remittance Information

Remit Payment to: Palmer Little League
Address mail check to: PO Box 3878
City: Palmer State: AK Zip: 99645
Phone: 907-841-6638 Email: pllinfomanager@gmail

Eligibility

Describe how your program, service, project or event meets the eligibility guidelines.

Palmer Little League is a baseball/softball organization sanctioned until Little League International. Since 1967, Palmer Little League has been serving athletes in the Greater Palmer area each and every summer. Last year, over 650 players were enrolled in our baseball and softball programs, from age 4 to 18, spread across a record forty-nine teams through ten divisions. Our organization is 100% volunteer-run and depends on the support of the community and sponsors to make each season happen.

To refurbish the fields (Busby and Soule Fields in downtown Palmer behind the Borough building), we have relied on volunteers to help with manual labor, we have received donations and discounts for the heavy equipment work, we have received some grants to help shoulder the costs associated with the projects. Now we just need the scoreboards to finish out the project.

Project Summary Information

In the space below, provide a concise, one paragraph summary of your proposed program, service, project or event and how it benefits the community as well as how this supports the Council's strategic priorities.

The scoreboards at our Sherrod Complex are aging - they need to be replaced. We have used them for over 20 years and they've lasted us well. We have also added additional fields to our program and those now need electronic scoreboards. Palmer Little League will also be hosting four state-wide All-Star tournaments in June and July, bringing hundreds of athletes, families, volunteers, and spectators to our small town. We'd like to have the best equipment to showcase our town and organization. The softball program has been exponentially growing each year and we have two completely refurbished fields for the young women to play on. Those fields need working score boards.

Palmer Little League is a community partner - we help teach youth that volunteerism matters and that programs can only exist and succeed if people step up to help and persevere through challenges to be successful. Our players become volunteer umpires, coaches and board members as they grow. I myself was a Palmer Little League player growing up and now I have spent over a decade as the President of this league, ensuring continued success. My son, who has played since he was 4 in the League, is now 13 and will not only be playing this year, but also umpiring games. This cycle of leadership and volunteerism aligns with PCF by showing we can only be as great as the people who work to keep us going.

Project Scope of Work

Please list the steps to be taken to conduct the program, service, project or event. Be sure to address issues such as: beginning and ending date, who will work to conduct the event/project, clean-up team, where is the project going to occur (location).

We hope to have new scoreboards in place prior to the start of the 2024 season on May 11. We just need to purchase them and have them at the field.

Community Benefit

Please indicate how the results of your program, service, project or event will enhance economic development or generally benefit the city of Palmer. Describe the expected number of participants to be attracted by the event or project. Please explain how your organization will evaluate the community benefit of your event. Examples might include surveys, registrations, sign-in sheets, number of people served, etc.

If we use 2023 enrollment numbers: 650 players will get use of the scoreboards. Their families come watch them play and rely on the scoreboards to follow the game. So we're impacting potentially several thousand community members throughout the season, year after year. The current scoreboards are over 20 years old and we'd be purchasing the same kind, so we know they will last.

Detailed Budget

Revenue:

| Source: | Cash | In-Kind | Total |
|--------------------------------|------------------|----------|------------------|
| City of Palmer Community Grant | \$ \$1380 | \$ _____ | \$ \$1380 |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| Totals | \$ _____ | \$ _____ | \$ _____ |

Expenditures:

| Item/Service: | Cash | In-Kind | Total |
|----------------|------------------|----------|------------------|
| New Scoreboard | \$ \$1380 | \$ _____ | \$ \$1380 |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |
| Totals | \$ _____ | \$ _____ | \$ _____ |

Matching Funding Source

Describe source of matching funding. Have alternate sources of funding been explored?

We have also applied for a Palmer Community Foundation grant to assist with purchasing additional scoreboards. Should we not obtain the desired funds, we will work on additional fundraising opportunities to complete the project.

Post Event Report

Describe how you propose to provide a post-event report with details on the economic impact, how funding was spent on the sole purpose for which it was awarded, and if any unspent money is to be returned to the city (provide an expected date).

We will put City of Palmer logo on the scoreboard if it is donated. We will also recognize the donation at our opening ceremonies on May 11.

Applications may be submitted at any time to the address listed above. Please allow at least six weeks lead time for application review and City Council agenda scheduling.

Applicant signature: David Combs

Date: 03/27/2024

For Office Use Only

Date received by City Clerk's Office: _____

City Council agenda date: _____

Action Memorandum No.: _____

City Council: Approved Denied

Amount Approved: \$ _____

Date applicant notified of request outcome: _____

I-9 Form Submitted (for taxable organizations only): _____



I. 2.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: John Moosey, City Manager
Department: City Manager's Office
Agenda Category: Action Memorandum
Legislation Number: AM 24-022

Subject

Action Memorandum 24-022: Approving a Council Community Grant Request from Rodeo Alaska in the Staff Recommended Amount of \$1,500 for the 49th State Professional Rodeo Cowboys Association Xtreme Bulls Rodeo and Music Fest

Summary Statement/Background

Over 40 PRCA professional athletes and their families, over 250 local contestants, including junior rodeo contestants, TV Broadcasting crews, and thousands of spectators will travel to Palmer this year for our historical event at the Alaska State Fairgrounds in Palmer.

This outdoor 4-day event will give all our local Palmer businesses, such as hotels, restaurants, bed and breakfast. Gift shops and all of what downtown Palmer has to offer a chance to thrive and be a part of an award-winning event.

In February 2014, the City Council adopted Ordinance NO. 14-043, which established the Council Community Grant Program. The City Council approved \$12,000.00 in the Community Council Grants line item for 2024.

| Legislation # | Organization | Amount Requested | Remaining | Date Approved |
|---------------|-----------------------------------|------------------|-------------|---------------|
| Res 24-005 | Beginning Balance-2024 Budget | | \$12,000.00 | |
| AM 24-002 | 2024 I Heart Hockey 8U Tournament | \$1,500 | \$10,500.00 | 1/9/2024 |
| AM 24-010 | 49th State Street Rodders | \$1,500 | \$9,000.00 | 3/12/2024 |

Administration's Recommendation:

Approve Action Memorandum No. 24-022.

Fiscal Impact

Total Amount of funds listed in this legislation: \$1,500.00
Legislation creates expenditure in the amount of: \$1,500.00
Budgeted Y/N?: Y
Line Item(s): 01-02-10-6068 Council Community Grants

Attachments

Northernmost PRCA Request

Project Name: NORTHERNMOST PRCA Xtreme Bulls

Date Received: 3-25-24

Reviewer Name: John Moosey

Date Reviewed: 3-29-24

Has the event previously received City funding? Y N List Years/Amounts: 21, 22, 23
 If yes, was the Post Event Report completed? Y N

Required Elements:

- Accessible to all members of the community
- Takes place in/within one mile of Palmer City Limits

| Expectations | | | | Points |
|--------------------------------------|--|--|--|-----------|
| | 10 pts | 7 pts. | 3-0 pts | |
| Accessibility & Strategic Priorities | The application clearly states the economic benefits, and the reader/evaluator easily understands the benefits to the community and residents of the city. | The application states the benefits; however, it is not clear and/or the reviewer/evaluator must assume or use reason to determine the benefits to the community and residents of the city. | The application does not clearly demonstrate the benefits and/or the reader/evaluator cannot determine through reasoning the benefits to the community or residents of the city. | 10 |
| | The application clearly addresses how the project meets one or more of the City's Economic Development Strategic Priorities. | The application attempts to address how the project meets one or more of the City's Economic Development Strategic Priorities; however, the reviewer/evaluator must assume or use reason to determine how the project is addressing a strategic priority(s). | The application does not clearly demonstrate how the project is addressing a strategic priority and/or the reader/evaluator cannot determine through reasoning how the project is addressing a strategic priority. | 10 |
| Fiscal | The application clearly states how much financial or in-kind services are being requested for the project. | The application contains information regarding financial and/or in-kind services as part of the project; however, it is not clear, and the reviewer/evaluator must assume or use reason to determine what is being requested. | The application does not clearly state what is being requested and/or the reviewer/evaluator cannot determine through reasoning. | 10 |
| | The application includes a project budget which demonstrates sound fiscal practices and reviewer/evaluator can easily understand. | The application includes a project budget; however, the reviewer/evaluator has questions or must use reason to understand the overall budget for the project. | The application does not include a project budget, or the reviewer/evaluator cannot understand and/or has significant concerns about the budget as presented. | 10 |
| Benefit | The application clearly states how the community will benefit because of the event. | The application states the degree of benefits; however, it is not clear, and the reviewer/evaluator must assume or use reason to determine the how the community will benefit because of this grant. | The application does not clearly demonstrate the degree of benefits and/or the reviewer/evaluator cannot determine the how the community will benefit because of this grant. | 10 |
| Reporting | The application clearly states how and when the city will receive a post event report on this project. | The application attempts to address how a post event report will be given to the city; however, it is unclear, and the reviewer/evaluator must assume or use reason to determine how and when the report will be presented. | The application does not attempt to address how a post event report will be given to the city or the reviewer/evaluator cannot determine how the report will be presented. | 3 |
| Total: | | | | 53 |

Staff Recommendation: \$1500 *This is the 4th yr of request. QUESTION NEEDED FROM CITY.*



Council Community Grant Application

Program Information

Program, service, project, or event title: Northernmost PRCA XTREME BULLS rodeo and Music Fest
Date(s) of program, service, project, or event: May 25th - 27th 2024

Applicant Information

Name: Frank Koloski
Address: 2551 Lyvona Lane
City: Anchorage State: AK Zip: 99502
Phone: 907-748-7336 Email: rodeoalaska@gmail.com

Organization Information

Name of organization/group: Rodeo Alaska
Type of organization/group: Non-profit Volunteer group Other: _____

Funding Request

Amount of Request: \$ 5,000.00
Matching funds provided by applicant: \$ Yes
Type of funds requesting: Cash In-Kind In-Kind Type: _____

Remittance Information

Remit Payment to: Rodeo Alaska
Address mail check to: 2551 Lyvona lane
City: Anchorage, State: AK Zip: 99502
Phone: 907-748-7336 Email: rodeoalaska@gmail.co



City of Palmer
City Clerk's Office
231 W. Evergreen Avenue
Palmer, AK 99645
Phone: (907) 761-1301
Fax: (907) 761-1340

Council Community Grant Application Information

The purpose of the city of Palmer Council Community Grant Program is to recognize the valued contributions being provided through the volunteer efforts of community champions on behalf of its citizens. Community grant funding demonstrates the Council's commitment to programs, services, projects, and events that are a benefit to the community while at the same time recognizing the financial constraints impacting the city's ability to provide funding.

The goal and objective of the city of Palmer Council Community Grant are:

- Goal: to provide modest levels of support and assistance to help foster and develop community programs, services, projects, and events that enhance Palmer's quality of life.
- Objective: to treat all organizations fairly and consistently while creating a minimal administrative process.

Applicant eligibility:

Preference will be given to organizations and groups that demonstrate Palmer community support and that propose a program, service, project or event having the potential for positive economic and cultural impacts and that show evidence of efficient use of resources, sound business practices/accountability, and describe the organization's or group's knowledge and skills.

An applicant organization must meet the following general criteria in order to be considered for a Council Community grant:

1. To qualify for funding, the group must demonstrate its commitment to all of the following principles:
 - a. Program, service, project or event is open – accessible – to all members of the community;
 - b. Program, service, project or event is effective in providing a community benefit to Palmer;
 - c. Applicant is accountable through sound management and financial practices;
 - d. Individuals are not eligible;
 - e. Grant funds must be spent on the sole purpose for which it was awarded;
 - f. Unspent money shall be returned to the city.
2. Funding requests can be defined as programs, services, projects and events that economically benefit Palmer by supporting, sustaining, promoting, informing, educating, celebrating, preserving and/or providing access to the arts, culture, environment, heritage, recreation and/or health activities.
3. Defined as a program, service, project, or event that the council has determined provides significant benefits to the Palmer community as a whole.

Eligibility

Describe how your program, service, project or event meets the eligibility guidelines.

Rodeo Alaska in kind asks for the support to come together for and event that will benefit the entire community. This event will be outdoors in a large open area. It will serve to very large spectator attendance which will allow local small businesses a great opportunity to service another historical event.

Project Summary Information

In the space below, provide a concise, one paragraph summary of your proposed program, service, project or event and how it benefits the community as well as how this supports the Council's strategic priorities.

Inviting the top professional rodeo contestants in the world to have an opportunity of a life- time to compete in a historical event and to witness the beauty of our great state of Alaska!
Provide contestants and spectators from across our country the opportunity to witness this historical event. Provide our Alaskan community a Family Fun Grassroot event filled with powerful positive energy! Give our Alaskan spectators the opportunity to camp on a safe premise and enjoy a fun filled weekend in Palmer. Provide opportunity to support our local businesses to provide services to thousands of people and their families that will be here to celebrate this historical event. Provide a marketing strategy that will encompass the entire country.

Project Scope of Work

Please list the steps to be taken to conduct the program, service, project or event. Be sure to address issues such as: beginning and ending date, who will work to conduct the event/project, clean-up team, where is the project going to occur (location).

Rodeo Alaska has already working hard for this community event. Rodeo Alaska continues to develop its structure for this event including team build meetings with breakout gatherings for community and event awareness. The Alaska State Fair Grounds will be the destination for the community to come and enjoy never before seen action from the number one bucking horses in the world.

Community Benefit

Please indicate how the results of your program, service, project or event will enhance economic development or generally benefit the city of Palmer. Describe the expected number of participates to be attracted by the event or project. Please explain how your organization will evaluate the community benefit of your event. Examples might include surveys, registrations, sign-in sheets, number of people served, etc.

Structured formats of attendance tracking will be done through ticketing, online survey type tracking and vendor response. Rodeo Alaska will give final results,with in 72 hours from the events conclusion.

Detailed Budget

Revenue:

| Source: | Cash | In-Kind | Total |
|------------------|--------------|--------------|--------------|
| Rodeo Alaska | \$ 15,000.00 | \$ | \$ 15,000.00 |
| Sponsors | \$ 40,000.00 | \$ | \$ 40,000.00 |
| In Kind Sponsors | \$ | \$ 15,000.00 | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| | \$ | \$ | \$ |
| Totals | \$ | \$ | \$ |

Expenditures:

| Item/Service: | Cash | In-Kind | Total |
|-------------------------|--------------|---------|--------------|
| PRCA Event cost | \$ 30,000.00 | \$ | \$ 30,000.00 |
| Stock/Big Stone Alberta | \$ 46,000.00 | \$ | \$ 46,000.00 |
| Facility Rental | \$ 5,000.00 | \$ | \$ 5,000.00 |
| Equipt. Rental | \$ 10,500.00 | \$ | \$ 10,500.00 |
| Marketing | \$ 25,000.00 | \$ | \$ 25,000.00 |
| other | \$ 10,000.00 | \$ | \$ 10,000.00 |
| | \$ | \$ | \$ |
| Totals | \$ | \$ | \$ |

Matching Funding Source

Describe source of matching funding. Have alternate sources of funding been explored?

Rodeo Alaska will be supporting a substantial amount of funding for this event. Rodeo Alaska will also utilize community and business partnership opportunities that will also be used to help support this event. Partnerships will be made available for Businesses/individuals that would be interested in being involved with this historical event.

Post Event Report

Describe how you propose to provide a post-event report with details on the economic impact, how funding was spent on the sole purpose for which it was awarded, and if any unspent money is to be returned to the city (provide an expected date).

All Post event reports including cost expenditures will be available immediately after the event.

Applications may be submitted at any time to the address listed above. Please allow at least six weeks lead time for application review and City Council agenda scheduling.

Applicant signature: Frank Kobi

Date: 3-27-24

For Office Use Only

Date received by City Clerk's Office: _____

City Council agenda date: _____

Action Memorandum No.: _____

City Council: Approved Denied

Amount Approved: \$ _____

Date applicant notified of request outcome: _____

I-9 Form Submitted (for taxable organizations only): _____



I. 3.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: Brad Hanson, Community Development Director
Department: Community Development
Agenda Category: Consent Agenda
Legislation Number: AM 24-019

Subject

Action Memorandum No. 24-019: Authorizing the City Manager to Negotiate and Execute Two Lease Extension Agreements with ES Properties and Nicole Reed to Provide Long-term Storage for Library Books and the Temporary Library

Summary Statement/Background

As a result of the collapse of the Palmer Public Library on February 15, 2023, the City contracted with ES Properties and Nicole Reed for rental space in order to provide library services to the community. AM 24--019 Extends the leases at the two sites rented by the City of Palmer for the Library, including long-term storage and the temporary library. These are the same leases that were approved by the City Attorney in March '23 except for the lease term. Both landlords understand our need for rental space until a suitable facility is completed and are willing to extend the lease agreements.

This amount for lease extension is covered by insurance until the point a settlement is reached with our insurance carrier APEI.

Administration's Recommendation:

Approve AM 24-019 to negotiate and execute two lease agreements with ES Properties and Nicole Reed for library purposes.

Fiscal Impact

Total Amount of funds listed in this legislation: \$94,650
Legislation creates expenditure in the amount of: \$94,650
Budgeted Y/N?: y
Line Item(s): 01-19-10-6036

Attachments

Updated ES Properties Library Lease
Updated Alaska Commercial Lease Agreement for Library City of Palmer

REAL ESTATE LEASE

This Lease Agreement (this "Lease") is dated March 6, 2024, by and between ES Properties LLC ("Landlord"), and City of Palmer (Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant 2700 square feet of office and shop space located at 640 E Steel Loop Street, Palmer, AK 99645 (the "Premises).

TERM. The lease term will begin May 01, 2024, and continue until May 31, 2026, with the option to extend quarterly provided written notification is made at least 60 days in advance.

LEASE PAYMENTS. Tenant shall pay to Landlord monthly installments of \$4,062.00 payable in advance on the first day of each month. Monthly installments to include base rent at \$1.25 sq. ft. plus associated monthly property expenses.

Base rental rate is subject to 3% escalation every 12-month period. Associated monthly property expenses to be recalculated to actuals every 12-month period.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

USE OF PREMISES. Tenant may use the Premises for storage, offices, or manufacturing space. The Premises may be used for any other purpose only with the prior written consent of Landlord, which shall not be unreasonably withheld.

PROPERTY INSURANCE. Landlord and Tenant shall each maintain appropriate insurance for their respective interests in the Premises and property located on the Premises. Tenant is responsible for maintaining casualty insurance on its own property.

MAINTENANCE. Landlord shall have the responsibility to always maintain the Premises in good repair.

UTILITIES AND SERVICES. Landlord shall be responsible for all utilities and services incurred in connection with the Premises.

TAXES. Taxes attributable to the Premises or the use of the Premises shall be allocated as follows:

REAL ESTATE TAXES. Landlord shall pay all real estate taxes and assessments for the Premises.

TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon 60 days' written notice to Tenant that the Premises have been sold.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 5 days (or any other obligation within 10 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.

LATE PAYMENTS. For any payment that is not made within 5 days after its due date, Tenant shall pay a late fee of \$25.00.

HOLDOVER. If Tenant maintains possession of the Premises for any period after the termination of this Lease ("Holdover Period"), Tenant shall pay to Landlord lease payment(s) during the Holdover Period at a rate equal to the most recent rate preceding the Holdover Period. Such holdover shall constitute a month-to-month extension of this Lease.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative and shall not be construed as exclusive unless otherwise required by law.

NON-SUFFICIENT FUNDS. Tenant shall be charged \$35.00 for each check that is returned to Landlord for lack of sufficient funds.

REMODELING OR STRUCTURAL IMPROVEMENTS. Tenant shall have the obligation to conduct any construction or remodeling (at Tenant's expense) that may be required to use the Premises as specified above. Tenant may also construct such fixtures on the Premises (at Tenant's expense) that appropriately facilitate its use for such purposes. Such construction shall be undertaken, and such fixtures may be erected only with the prior written consent of the Landlord which shall not be unreasonably withheld. Tenant shall not install awnings or advertisements on any part of the Premises without Landlord's prior written consent. At the end of the lease term, Tenant shall be entitled to remove (or at the request of Landlord shall remove) such fixtures and shall restore the Premises to substantially the same condition of the Premises at the commencement of this Lease.

ACCESS BY LANDLORD TO PREMISES. Subject to Tenant's consent (which shall not be

unreasonably withheld), Landlord shall have the right to enter the Premises to make inspections, provide necessary services, or show the unit to prospective buyers, mortgagees, tenants or workers. However, Landlord does not assume any liability for the care or supervision of the Premises. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent. During the last three months of this Lease, or any extension of this Lease, Landlord shall be allowed to display the usual "To Let" signs and show the Premises to prospective tenants.

INDEMNITY REGARDING USE OF PREMISES. To the extent permitted by law, Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's possession, use or misuse of the Premises, except Landlord's act or negligence.

DANGEROUS MATERIALS. Tenant shall not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of Landlord is obtained, and proof of adequate insurance protection is provided by Tenant to Landlord.

COMPLIANCE WITH REGULATIONS. Tenant shall promptly comply with all laws, ordinances, requirements and regulations of the federal, state, county, municipal and other authorities, and the fire insurance underwriters. However, Tenant shall not by this provision be required to make alterations to the exterior of the building or alterations of a structural nature.

MECHANICS LIENS. Neither the Tenant nor anyone claiming through the Tenant shall have the right to file mechanics liens or any other kind of lien on the Premises and the filing of this Lease constitutes notice that such liens are invalid. Further, Tenant agrees to (1) give actual advance notice to any contractors, subcontractors or suppliers of goods, labor, or services that such liens will not be valid, and (2) take whatever additional steps that are necessary in order to keep the premises free of all liens resulting from construction done by or for the Tenant.

SUBORDINATION OF LEASE. This Lease is subordinate to any mortgage that now exists, or may be given later by Landlord, with respect to the Premises.

ASSIGNABILITY/SUBLETTING. Tenant may not assign or sublease any interest in the Premises, nor effect a change in the majority ownership of the Tenant (from the ownership existing at the inception of this lease), nor assign, mortgage or pledge this Lease, without the prior written consent of Landlord, which shall not be unreasonably withheld.

Termination Upon Non-Use of Premises. In the event that the building and premises become partially or wholly unusable so the tenant's purpose in renting the premises is significantly limited, constrained or becomes impractical then the tenant will notify the landlord in writing of the tenants desire to terminate the contract based upon non-use of premises; and this Agreement will be terminated within 30 days of written notice.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LANDLORD:

ES Properties, LLC
1960 S Eklutna St
Palmer, AK 99645

TENANT:

City of Palmer
231 West Evergreen
Palmer, AK 99645

Such addresses may be changed from time to time by either party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Alaska.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings, or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors, and assigns.

LANDLORD:
ES Properties LLC



By: _____ Date: 3/6/2024
Hans Vogel

TENANT:
City of Palmer



By: _____
John Moosey – City Manager

Date: 04.03.24

COMMERCIAL LEASE AGREEMENT

THE PARTIES. This Lease Agreement agreed on _____ 2023 is between:

The **Lessor** is 1 individual(s) known as Nicole Reed with a mailing address of 5222 Burgdorf Road, Bonanza, Oregon, 97623, hereinafter referred to as the "Lessor."

AND

The **Lessee** is a business entity known as City of Palmer with a mailing address of 645 E. Cope Industrial Way, Palmer, Alaska, 99645, hereinafter referred to as the "Lessee."

The Lessor and Lessee hereby agree as follows:

DESCRIPTION OF LEASED PREMISES. The Lessor agrees to lease to the Lessee the following described 4125.45 square feet (SF) of office space located at 137 E. Arctic Avenue, Palmer, Alaska, 99645.

Additional Description: Upstairs Suite 2B (752.47 sq ft), 2C (1048.76 sq ft), 2D "Kitchen" (357.59 sq ft) & 2E (251.90 sq ft).

Downstairs Suites 1B (337.71 sq ft), 1C (760.56 sq ft) & 1D (616.20 sq ft)

Hereinafter referred to as the "Premises".

USE OF LEASED PREMISES. The Lessor is leasing the Premises to the Lessee and the Lessee is hereby agreeing to lease the Premises for The Palmer Public library.

Any change in use or purpose of the Premises other than as described above shall be upon prior written consent of Lessor only otherwise the Lessee will be considered in default of this Lease Agreement.

EXCLUSIVE USE. The Lessee shall hold exclusive rights to operate on the Premises with the following use(s): The Landlord will not lease the remaining space on the Property to any other library.

TERM OF LEASE. This Lease shall commence on _____, 2023 and expire at Midnight on _____, 2025 ("Initial Term").

RENT AMOUNT. Payment shall be made by the Lessee to the Lessor in the amount of \$7,838.00 for the Initial Term of this Lease Agreement hereinafter referred to as the "Rent."

RENT PAYMENT. The Rent shall be paid under the following instructions:

Rent shall be paid by the Lessee to the Lessor on a per month basis with payment due no later than the 1st of every month.

Rent shall be paid by the Lessee to the Lessor's Bank Account with the following details:

Initials _____

Account Holder's Name: Nicole A Reed
Account Street Address: USAA, 9800 Fredericksburg Rd., San Antonio, Texas, 78288
E-Mail Address: nikiandlindsey@yahoo.com
Account Type: Checking
Routing Number: 314074269
Account Number: 0169676463

RETURNED CHECKS (NSF). If the Lessee attempts to pay Rent with a check that is not deemed valid by a financial institution due to non-sufficient funds, or any other reason for it to be returned, the Lessee will be subject to a fee of \$25 in addition to any late fee.

LATE FEE. The Lessor shall charge a late payment fee if rent is not paid on time in the following amount:

The Lessee shall be charged a late fee in the amount of \$50.00 per occurrence if the rent is not paid after the 10th day payment is due.

OPTION TO RENEW. The Lessee shall not have the right to renew this Lease Agreement.

EXPENSES. In accordance with a Gross Lease the responsibility of the expenses shall be attributed to the following:

It is the intention of the Parties, and they hereby agree, that the above mentioned Rent is the entirety of the payment due per month and expenses payable by Lessee to Lessor and Lessee is not obligated to pay any additional expenses including real estate taxes, insurance (other than on the Lessee's personal property) liens, charges or expenses of any nature whatsoever in connection with the ownership and operation of the Premises. The Lessor shall be obligated to maintain the general exterior structure of the Premises and, in addition, shall maintain all major systems such as the heating, plumbing and electrical, and shall maintain the parking area and shall also provide snow removal and ground maintenance of the grounds and lands surrounding the Premises, except as hereinafter set forth. The Lessee will maintain, at their expense, casualty insurance insuring the leased Premises against loss by fire and negligence. The Lessee shall provide and maintain personal liability and property damage insurance as a lessee and will designate the Lessor as an "also named insured". The Lessee shall provide the Lessor with a copy of such insurance certification or policy prior to the effective date of this Lease, at least to the limits of \$1,000,000.00.

UTILITIES. The Lessor shall be responsible for the following utilities on the Premises: Electric, Gas, Water, Sewer, Garbage

SECURITY DEPOSIT. In lieu of a deposit, the Landlord requires an assessment of the property at the time of vacancy. Wear and tear including but not limited to carpet replacement, bathroom repairs, etc. in the rented spaces and the common areas shall be paid for by the City of Palmer. The City of Palmer Library can take pictures of any defects prior to the start of the lease.

FURNISHINGS. The Lessor will not provide any furnishings to the Lessee under this Lease.

PARKING. Parking shall be provided to the Lessee in a shared manner provided on the Premises. There is no set number of parking spaces provided to the Lessee.

There shall be no fee charged to the Lessee for the use of the Parking Space(s).

LEASEHOLD IMPROVEMENTS. The Lessee agrees that no leasehold improvements, alterations or changes of any nature, (except for those listed on any attached addenda) shall be made to the leasehold Premises or the exterior of the building without first obtaining the consent of the Lessor in writing, which consent shall not be unreasonably withheld, and thereafter, any and all leasehold improvements made to the Premises which become affixed or attached to the leasehold Premises shall remain the property of the Lessor at the expiration or termination of this Lease Agreement. Furthermore, any leasehold improvements shall be made only in accordance with applicable federal, state or local codes, ordinances or regulations, having due regard for the type of construction of the building housing the subject leasehold Premises. If the Lessee makes any improvements to the Premises the Lessee shall be responsible for payment.

Nothing in the Lease shall be construed to authorize the Lessee or any other person acting for the Lessee to encumber the rents of the Premises or the interest of the Lessee in the Premises or any person under and through whom the Lessee has acquired its interest in the Premises with a mechanic's lien or any other type of encumbrance. Under no circumstance shall the Lessee be construed to be the agent, employee or representative of Lessor. In the event a lien is placed against the Premises, through actions of the Lessee, Lessee will promptly pay the same or bond against the same and take steps immediately to have such lien removed. If the Lessee fails to have the Lien removed, the Lessor shall take steps to remove the lien and the Lessee shall pay Lessor for all expenses related to the Lien and removal thereof and shall be in default of this Lease.

LICENSES AND PERMITS. A copy of any and all local, state or federal permits acquired by the Lessee which are required for the use of the Premises shall be kept on-site at all times and shall be readily accessible and produced to the Lessor and/or their agents or any local, state, or federal officials upon demand.

MAINTENANCE. The Lessee shall be responsible for all repairs and maintenance on the Premises due to normal wear and tear on the Premises. Particularly items which need immediate attention including but not limited to, the replacement of light bulbs, normal repair and cleaning of windows, cleaning of bathrooms, clearing of toilets, etc. The Lessee shall properly maintain the premises in a good, safe and clean condition and shall properly and promptly remove all rubbish and hazardous wastes and see that the same are properly disposed of according to all local, state or federal laws, rules regulations or ordinances.

In the event the Premises is damaged as a result of any neglect or negligence of Lessee, his employees, agents, business invitees, or any independent contractors serving the Lessee or in any way as a result of Lessee's use and occupancy of the premises, then the Lessee shall be primarily responsible for seeing that the proper claims are placed with the Lessee's insurance company, or the damaging party's insurance company, and shall furthermore be responsible for seeing that the building is safeguarded with respect to said damage and that all proper notices with respect to said damage, are made in a timely fashion, including notice to the Lessor, and the party or parties causing said damage.

SALE OF PROPERTY. Lessee shall, in the event of the sale or assignment of Lessor's interest in the building of which the premises form a part, or in the event of any proceedings brought for the foreclosure of, or in the event of exercise of the power of sale under any mortgage made by Lessor covering the premises, attorn to the purchaser and recognize such purchaser as Lessor under this Lease.

HVAC MAINTENANCE. Lessor will provide or engage a reputable and experienced firm for the purpose of periodically inspecting and maintaining the heating ventilating, and air conditioning equipment located on the Premises, hereinafter referred to as the "HVAC System." In addition, the Lessor shall be responsible for all costs associated to the everyday upkeep and maintenance of said HVAC System.

INSURANCE. In the event Lessee shall fail to obtain insurance required hereunder and fails to maintain the same in force continuously during the term, Lessor may, but shall not be required to, obtain the same and charge the Lessee for same as additional rent. Furthermore, Lessee agrees not to keep upon the premises any articles or goods which may be prohibited by the standard form of fire insurance policy, and in the event the insurance rates applicable to fire and extended coverage covering the premises shall be increased by reason of any use of the premises made by Lessee, then Lessee shall pay to Lessor, upon demand, such increase in insurance premium as shall be caused by said use or Lessee's proportionate share of any such increase.

Lessor requires a commercial liability insurance policy with a certificate of liability and Landlord named as addition insured for \$1,000,000 per occurrence. In addition, business personal property insurance and proof of workmen's compensation insurance for employees is required. If a subcontractor is used proof of insurance is needed.

SUBLET/ASSIGNMENT. The Lessee may not transfer or assign this Lease, or any right or interest hereunder or sublet said leased premises or any part thereof.

DAMAGE TO LEASED PREMISES. In the event the building housing the leased premises shall be destroyed or damaged as a result of any fire or other casualty which is not the result of the intentional acts or neglect of Lessee and which precludes or adversely affects the Lessee's occupancy of the leased premises, then in every such cause, the rent herein set forth shall be abated or adjusted according to the extent to which the Premises have been rendered unfit for use and occupation by the Lessee and until the demised premises have been put in a condition at the expense of the Lessor, at least to the extent of the value and as nearly as possible to the condition of the premises existing immediately prior to such damage. It is understood, however, in the event of total or substantial destruction to the Premises that in no event shall the Lessor's obligation to restore, replace or rebuild exceed an amount equal to the sum of the insurance proceeds available for reconstruction with respect to said damage.

The Lessee shall, during the term of this Lease, and in the renewal thereof, at its sole expense, keep the interior of the leased premises in as good a condition and repair as it is at the date of this Lease, reasonable wear and use excepted. This obligation would include the obligation to replace any plate glass damaged as a result of the neglect or acts of Lessee or her guests or invitees. Furthermore, the Lessee shall not knowingly commit nor permit to be committed any act or thing contrary to the rules and regulations prescribed from time to time by any federal, state or local authorities and shall expressly not be allowed to keep or maintain any hazardous waste materials or contaminants on the premises. Lessee shall also be responsible for the cost, if any, which would be incurred to bring her contemplated operation and business activity into compliance with any law or regulation of a federal, state or local authority.

HAZARDOUS MATERIALS LAWS. Shall mean any and all federal, state, or local laws, ordinances, rules, decrees, orders, regulations, or court decisions relating to hazardous substances, hazardous materials, hazardous waste, toxic substances, environmental conditions on, under, or about the Premises, the Building, or the Property, or soil and ground water conditions, including, but not limited

to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Hazardous Materials Transportation Act, any other law or legal requirement concerning hazardous or toxic substances, and any amendments to the foregoing.

LESSEE'S DEFAULT AND POSSESSION. In the event that the Lessee shall fail to pay said rent and expenses as set forth herein, or any part thereof, when the same are due and payable, or shall otherwise be in default of any other terms of said Lease for a period of more than 30 days, after receiving notice of said default, then the parties hereto expressly agree and covenant that the Lessor may declare the Lease terminated and may immediately re-enter said premises and take possession of the same together with any of Lessee's personal property, equipment or fixtures left on the premises which items may be held by the Lessor as security for the Lessee's eventual payment and/or satisfaction of rental defaults or other defaults of Lessee under the Lease. It is further agreed, that if the Lessee is in default, that the Lessor shall be entitled to take any and all action to protect its interest in the personal property and equipment, to prevent the unauthorized removal of said property or equipment which threatened action would be deemed to constitute irreparable harm and injury to the Lessor in violation of its security interest in said items of personal property. Furthermore, in the event of default, the Lessor may expressly undertake all reasonable preparations and efforts to release the Premises including, but not limited to, the removal of all inventory, equipment or leasehold improvements of the Lessee's, at the Lessee's expense, without the need to first procure an order of any court to do so, although obligated in the interim to undertake reasonable steps and procedures to safeguard the value of Lessee's property, including the storage of the same, under reasonable terms and conditions at Lessee's expense, and, in addition, it is understood that the Lessor may sue the Lessee for any damages or past rents due and owing and may undertake all and additional legal remedies then available.

LESSOR'S DEFAULT. The Lessee may send written notice to the Lessor stating duties or obligations that have not been fulfilled under the full performance of this Lease Agreement. If said duties or obligations have not been cured within 30 days from receiving such notice, unless the Lessor needs to more time to cure or remedy such issue in accordance with standard industry protocol, then the Lessor shall be in default of this Lease Agreement.

If the Lessor should be in default the Lessee shall have the option to terminate this Lease Agreement and be held harmless against any of its terms or obligations.

DISPUTES. If any dispute should arise in relation to this Lease Agreement the Lessor and Lessee shall first negotiate amongst themselves in "good faith." Afterwards, if the dispute is not resolved then the Lessor and Lessee shall seek mediation in accordance with the laws in the State of Alaska. If the Lessor and Lessee fail to resolve the dispute through mediation then the American Arbitration Association shall be used in accordance with their rules. Lessor and Lessee agree to the binding effect of any ruling or judgment made by the American Arbitration Association.

INDEMNIFICATION. The Lessee hereby covenants and agrees to indemnify, defend and hold the Lessor harmless from any and all claims or liabilities which may arise from any cause whatsoever as a result of Lessee's use and occupancy of the premises, and further shall indemnify the Lessor for any losses which the Lessor may suffer in connection with the Lessee's use and occupancy or care, custody and control of the premises. The Lessee also hereby covenants and agrees to indemnify and hold harmless the Lessor from any and all claims or liabilities which may arise from any latent defects in the subject premises that the Lessor is not aware of at the signing of the lease or at any time during the lease term.

Initials _____

BANKRUPTCY - INSOLVENCY. The Lessee agrees that in the event all or a substantial portion of the Lessee's assets are placed in the hands of a receiver or a Trustee, and such status continues for a period of 30 days, or should the Lessee make an assignment for the benefit of creditors or be adjudicated bankrupt, or should the Lessee institute any proceedings under the bankruptcy act or any amendment thereto, then such Lease or interest in and to the leased premises shall not become an asset in any such proceedings and, in such event, and in addition to any and all other remedies of the Lessor hereunder or by law provided, it shall be lawful for the Lessor to declare the term hereof ended and to re-enter the leased land and take possession thereof and all improvements thereon and to remove all persons therefrom and the Lessee shall have no further claim thereon.

SUBORDINATION AND ATTORNMENT. Upon request of the Lessor, Lessee will subordinate its rights hereunder to the lien of any mortgage now or hereafter in force against the property or any portion thereof, and to all advances made or hereafter to be made upon the security thereof, and to any ground or underlying lease of the property provided, however, that in such case the holder of such mortgage, or the Lessor under such Lease shall agree that this Lease shall not be divested or in any way affected by foreclosure, or other default proceedings under said mortgage, obligation secured thereby, or Lease, so long as the Lessee shall not be in default under the terms of this Lease. Lessee agrees that this Lease shall remain in full force and effect notwithstanding any such default proceedings under said mortgage or obligation secured thereby.

Lessee shall, in the event of the sale or assignment of Lessor's interest in the building of which the Premises form a part, or in the event of any proceedings brought for the foreclosure of, or in the event of exercise of the power of sale under any mortgage made by Lessor covering the Premises, attorn to the purchaser and recognize such purchaser as Lessor under this Lease.

USAGE BY LESSEE. Lessee shall comply with all rules, regulations and laws of any governmental authority with respect to use and occupancy. Lessee shall not conduct or permit to be conducted upon the premises any business or permit any act which is contrary to or in violation of any law, rules or regulations and requirements that may be imposed by any authority or any insurance company with which the premises is insured, nor will the Lessee allow the premises to be used in any way which will invalidate or be in conflict with any insurance policies applicable to the building. In no event shall explosives or extra hazardous materials be taken onto or retained on the premises. Furthermore, Lessee shall not install or use any equipment that will cause undue interference with the peaceable and quiet enjoyment of the premises by other Lessees of the building.

SIGNAGE. Lessee shall not place on any exterior door, wall or window of the premises any sign or advertising matter without Lessor's prior written consent and the approval of the local municipality. Thereafter, Lessee agrees to maintain such sign or advertising matter as first approved by Lessor in good condition and repair. Furthermore, Lessee shall conform to any uniform reasonable sign plan or policy that the Lessor may introduce with respect to the building. Upon vacating the premises, Lessee agrees to remove all signs and to repair all damages caused or resulting from such removal.

PETS. No pets shall be allowed on the premises without the prior written permission of Lessor unless said pet is required for reasons of disability under the Americans with Disability Act.

CONDITION OF PREMISES/INSPECTION BY LESSEE. The Lessee acknowledges they have had the opportunity to inspect the Premises and acknowledges with its signature on this Lease that the Premises are in good condition and comply in all respects with the requirements of this Lease. The Lessor makes no representation or warranty with respect to the condition of the premises or its fitness

Initials _____

or availability for any particular use, and the Lessor shall not be liable for any latent or patent defect therein. The Lessee represents that Lessee has inspected the premises and is leasing and will take possession of the premises with all current fixtures present in their "as is" condition as of the date hereof.

AMERICANS WITH DISABILITY ACT. Per 42 U.S. Code § 12183 if the Lessee is using the Premises as a public accommodation (e.g. restaurants, shopping centers, office buildings) or there are more than 15 employees the Premises must provide accommodations and access to persons with disabilities that is equal or similar to that available to the general public. Owners, operators, lessors, and lessees of commercial properties are all responsible for ADA compliance. If the Premises is not in compliance with the Americans with Disability Act any modifications or construction will be the responsibility of the Lessor.

RIGHT OF ENTRY. It is agreed and understood that the Lessor and its agents shall have the complete and unencumbered right of entry to the Premises at any time or times for purposes of inspecting or showing the Premises and for the purpose of making any necessary repairs to the building or equipment as may be required of the Lessor under the terms of this Lease or as may be deemed necessary with respect to the inspection, maintenance or repair of the building. In accordance with State and local laws, the Lessor shall have the right to enter the Premises without the consent of the Lessee in the event of an emergency.

ESTOPPEL CERTIFICATE. Lessee at any time and from time to time, upon at least ten (10) days prior notice by Lessor, shall execute, acknowledge and deliver to Lessor, and/or to any other person, firm or corporation specified by Lessor, a statement certifying that the Lease is unmodified and in full force and effect, or if the Lease has been modified, then that the same is in full force and effect except as modified and stating the modifications, stating the dates to which the fixed rent and additional rent have been paid, and stating whether or not there exists any default by Lessor under this Lease and, if so, specifying each such default.

HOLDOVER PERIOD. Should the Lessee remain in possession of the Premises after the cancellation, expiration or sooner termination of the Lease, or any renewal thereof, without the execution of a new Lease or addendum, such holding over in the absence of a written agreement to the contrary shall be deemed to have created and be construed to be a tenancy from month to month with the Rent to be due and payable in the same amount as the previous month, terminable upon 30 days' notice by either party.

WAIVER. Waiver by Lessor of a default under this Lease shall not constitute a waiver of a subsequent default of any nature.

GOVERNING LAW. This Lease shall be governed by the laws of the State of Alaska.

NOTICES. Notices shall be addressed to the following:

Lessor: Nicole Reed
5222 Burgdorf Road, Bonanza, Oregon, 97623

Lessee: City of Palmer
645 E. Cope Industrial Way, Palmer, Alaska, 99645

Initials _____

AMENDMENT(S). No amendment of this Lease shall be effective unless reduced to writing and subscribed by the parties with all the formality of the original.

SEVERABILITY. If any term or provision of this Lease Agreement is illegal, invalid or unenforceable, such term shall be limited to the extent necessary to make it legal and enforceable, and, if necessary, severed from this Lease. All other terms and provisions of this Lease Agreement shall remain in full force and effect.

BINDING EFFECT. This Lease and any amendments thereto shall be binding upon the Lessor and the Lessees and/or their respective successors, heirs, assigns, executors and administrators.

LESSOR SIGNATURE

Signature _____ Date _____
Nicole A Reed

LESSEE SIGNATURE

Signature _____ Date _____
Print Name _____

ACKNOWLEDGMENT OF NOTARY PUBLIC

State of _____

County of _____, ss.

On this ___ day of _____, 20___, before me appeared _____, as the **LESSOR(S)** of this Commercial Lease Agreement who proved to me through government issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public Signature: _____

Print Name: _____

My commission expires: _____

(Seal)

ACKNOWLEDGMENT OF NOTARY PUBLIC

State of _____

County of _____, ss.

On this ___ day of _____, 20___, before me appeared _____, as the **LESSEE(S)** of this Commercial Lease Agreement who proved to me through government issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public Signature: _____

Print Name: _____

My commission expires: _____

(Seal)

Initials _____



I. 4.

Palmer City Council Meeting

Meeting Date: 04/23/2024
Submitted For: Jude Bilafer, Public Works Director
Department: Public Works
Agenda Category: Action Memorandum
Legislation Number: AM 24-020

Subject

Action Memorandum No. 24-020: Authorizing the City Manager to Negotiate and Enter Into a Contract with Alaska Sure Seal Inc. in an Amount Not to Exceed \$151,287.50 for Road Striping and Crack Sealing of City Streets and Palmer Municipal Airport Asphalt Surfaces

Summary Statement/Background

Road Striping and Crack Sealing is an ongoing and annual project for the city.

An invitation to bid was posted for two weeks. The City of Palmer received three bids which were reviewed by City Staff. Alaska Sure Seal was the lowest, responsive bidder. Alaska Sure Seal has had the Road Striping and Crack Sealing contract for the past 3 years.

The Public Works Maintenance Superintendent will be responsible for overseeing this contract.

This Contract will allow for road striping, roadway mastic crack sealing, and rubberized crack sealing on roadways and airport surfaces for 2024. This contract will also have the option for the City to exercise two additional one-year contract extensions.

Administration's Recommendation:

To approve Action Memorandum No. 24-020 and authorize the City Manager to enter into a contract with Alaska Sure Seal.

Fiscal Impact

Total Amount of funds listed in this legislation: \$151,287.50

Legislation creates expenditure in the amount of: \$151,287.50

Budgeted Y/N?: Y

Line Item(s): 01-17-40-6048 Crack Sealing; 01-17-40-6065 Road Painting; 01-17-40-6079 Infared; 03-01-10-6045 Airport R & M; 08-01-10-7182 Curb Painting

Attachments

AK Sure Seal Bid Schedule

SECTION 00320
BID SCHEDULE

Bidders please note: Before preparing this bid schedule, read carefully "Instructions to Bidders" and the following:

- 1) The bidder shall insert a unit bid price and total bid price on the item listed below based on estimated quantity.
- 2) Conditioned or qualified bids will be considered non-responsive.
- 3) The contract award will be made based on the lowest responsible total bid.

Bid Schedule

| ITEM | ESTIMATED QUANTITY | DESCRIPTION | UNIT BID PRICE | TOTAL BID PRICE |
|------|--------------------|--|----------------|-----------------|
| 1 | 9,000 LB | Apply rubberized asphalt crack sealant Derry Super Stretch on streets, airports or pathways within City of Palmer incorporated city limits. (per pound applied sum) | 2.20 LB | 19,800.00 |
| 2 | 6,750 LB | Supply Derry Super Stretch (per pound supply sum) | 1.05 LB | 7087.50 |
| 3 | 10,000 LF | Supply Paint and Apply Painted traffic markings. 4" white (per linear foot) | .55 LF | 5,500.00 |
| 4 | 78,000 LF | Supply paint and Apply Painted traffic markings. 4" yellow (per linear foot) | .55 LF | 42,900.00 |
| 5 | 5,000 LF | Supply paint and Apply Painted traffic markings. Stand up and rolled 11"-12" yellow curb paint. (per linear foot) | 1.52 LF | 7,600.00 |
| 6 | 4000 LF | Supply Paint and Apply Painted traffic markings. Stand up and rolled 11"-12" red curb paint. (per linear foot) | 1.58 LF | 6320.00 |

| | | | | |
|----|----------|---|------------------------|------------------------|
| 7 | 30 Each | Supply Paint and Apply Painted traffic markings. 48" white turn arrow & straight arrow (each) | 125. ⁰⁰ EA | 3,750. ⁰⁰ |
| 8 | 1,200 LF | Supply Paint and Apply Painted traffic markings. 24" white stop bars (per linear foot) | 2.95 LF | 3540. ⁰⁰ |
| 9 | 1200 LF | Supply Paint and Apply Painted traffic markings. 24" white banded crosswalk (per linear foot) | 2.95 LF | 3540. ⁰⁰ |
| 10 | 500 LF | Supply Paint and Apply Painted traffic markings. 8" white (per linear foot) | .95 LF | 475. ⁰⁰ |
| 11 | 6 days | Supply Equipment and Asphalt to Infrared roadway pothole patching. (Per 10-hour workday) | 3850. ⁰⁰ EA | 23,100. ⁰⁰ |
| 12 | 4,500 LB | Apply rubberized asphalt Mastic One crack sealant on streets, airports or pathways within City of Palmer incorporated city limits. (per pound applied sum) | 5.05 LB | 22,725. ⁰⁰ |
| 13 | 4,500 LB | Supply Crafcoc Mastic One #33339 #33340 (per pound supply sum) | 1.10 LB | 4950. ⁰⁰ |
| | | | TOTAL | 151,287. ⁵⁰ |

Total Bid Amount (numerals): \$ 151,287.50

Total Bid Amount (written): one hundred fifty one thousand two hundred eighty seven Dollars and fifty Cents.