



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, NOVEMBER 11, 2024
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

CALL TO ORDER (Council Members, City Staff, Members of the Public - when speaking during the meeting please speak directly into the microphones on the dais or podium)

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE United States and Texas Flags

1. Scout Troop 205 will lead the Pledge of Allegence.

ANNOUNCEMENTS

PRESENTATIONS

1. Presentation of Employee of the Month Award for the month of November

PUBLIC COMMENT This is an opportunity for citizens to address the Council on items not posted on the current meeting agenda. Only those who have submitted a proper "Request to Speak Form" Shall be permitted to speak. Citizens should provide their name and address for the record and will have no more than 3 minutes to speak. If representing an organization or group, the speaker should identify who they represent. Those wishing to speak are reminded 1). All comments are to be directed to the Council. 2) Be respectful of others. 3) No profanity permitted. 4) Violators will be removed from the premises. No discussion by the Council or Staff

is allowed except to correct factual inaccuracies or request that the item be placed on a future agenda.

PUBLIC TESTIMONY FOR ACTION ITEMS This is an opportunity for citizens to address the Council on current agenda action items (excludes presentations and reports). Only those persons who have submitted a proper “Request to Speak Form” will be allowed to speak. Citizens will be required to state their name and address for the record. They have up to 3 minutes to speak, and their comments must be germane to the item. If speaking for an organization or group, the speaker should identify the group represented. Council members may ask questions or discuss the item with the citizens directly.

REPORTS

CONSENT AGENDA All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items. Any council member wishing to pull an item may do so.

1. Consider action on approval of the Quarterly Investment Report for the period ending September 30, 2024.
Sandra Gibson, Interim City Manager and Director of Finance
2. Consider action on approval of the Capp Smith Park Splashpad Filtration Upgrade Project with Kraftsman Commercial Playgrounds & Water Parks for an amount not exceeding \$200,000.
Brian Teneyck, Assistant Director of Parks & Community Services
3. Consider action on approval of the Monthly Financial Report for the period ending September 30, 2024 (pre-audit).
Sandra Gibson, Interim City Manager and Director of Finance
4. Consider action on approval of a Resolution of the City Council of the City of Watauga, Texas amending Policy 6.02 Overtime and Compensatory Time, Policy 9.01 Mobile Communication Devices and Policy 14.03 Social Media of the Personnel, Administration and Financial Policies and Procedures Manual; providing for repeal; providing for severability; and providing an effective date.
Juliet Rodriguez, Human Resources and Civil Service Director
5. Consider action on approval of a Resolution by the City Council of the City of Watauga, Texas adding policy 6.08 Timekeeping to the Personnel, Administration and Financial Policies and Procedures Manual; providing for repeal; providing for severability; and providing an effective date.
Juliet Rodriguez, Human Resources and Civil Service Director

6. Consider action to ratify the renewed Meet and Confer Agreement between the City of Watauga and the Watauga Firefighters Association.
Juliet Rodriguez, Human Resources and Civil Service Director
7. Consider action to declare the Fire Department November 2024 Surplus List as surplus personal property assets of the city approved for sale or disposition
Paul Hackleman, Director of Public Works

PUBLIC HEARINGS

ACTION ITEMS

1. Discuss and consider action on approval of an ordinance regarding the City of Watauga's Texas Municipal Retirement System benefits: (1) Adopting non-retroactive repeating colas, for retirees and their beneficiaries under the Texas Municipal Retirement System (TMRS) act §853.404(f) and (f-1), and (2) Authorizing annually accruing updated service credits and transfer updated service credits; providing a repealing clause; providing a severability clause; and providing for an effective date.
Sandra Gibson, Interim City Manager and Director of Finance
2. Discuss and consider action on approval of changing the staff reports from bi-weekly to monthly.
Cris Blackburn, Council Member, Place 2
Sandra Gibson, Interim City Manager and Director of Finance

EXECUTIVE SESSION The City Council will recess its open meeting and reconvene in executive session to discuss the following items pursuant to the below referenced section(s) of the Texas Government Code:

1. Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. To discuss and provide feedback regarding the annual performance evaluation of the City Secretary.
Arthur Miner, Mayor

RECONVENE The City Council will return to open session in the City Council Chamber for possible discussion and action as a result of the Executive Session.

ITEMS OF EXECUTIVE SESSION DELIBERATION

1. Consideration and possible action relating to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. To

discuss and provide feedback regarding the annual performance evaluation of the City Secretary.

Arthur Miner, Mayor

ITEMS FOR FUTURE AGENDAS

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the [City Council/Board/Commission/Committee] to address a subject matter on the agenda. Action, if any, will be taken in open session.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Linda Proskey, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on November 8, 2024, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

/S/ Linda Proskey
City Secretary





AGENDA MEMORANDUM

DATE: October 28, 2024
TO: Honorable City Council Members
FROM:
THROUGH:
SUBJECT: Presentation of Employee of the Month Award for the month of November

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Employee of the Month Presentation

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service
Director

Approved - 11/4/2024

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 11/4/2024

Linda Proskey, City Secretary

Final Approval -
11/4/2024

Approved as to form for inclusion on Agenda



November 2024

Employee of the Month

Michael Ayala



AGENDA MEMORANDUM

DATE: October 15, 2024

TO: Honorable City Council Members

FROM: Sandra Gibson, Interim City Manager and Director of Finance

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of the Quarterly Investment Report for the period ending September 30, 2024.

BACKGROUND/INFORMATION:

The Quarterly Investment Report for the period ending September 30, 2024 is attached for Council review and approval.

The City is required to comply with Chapter 2256 of the Government Code, otherwise known as the Public Funds Investment Act. Provisions of that act require at a minimum quarterly reporting. The accompanying Quarterly Investment Report lists, in summary form and in detail, the investment position of the City of Watauga's investment portfolio as of September 30, 2024. The overall strategy of running the City's investment portfolios is governed by the City's Investment Policy and overseen by the City's investment committee. All investments are governed by state law and the City's Investment Policy, which dictates the following investment objectives, in order of priority:

Safety of Principal
Liquidity
Return on Investments

As of September 30, 2024, the City held money market accounts and investments with a combined book value of \$54,436,298. The City's fund portfolio consists of operating funds, construction funds, and debt service funds. Construction funds account for 57% of the investment portfolio and are dedicated to funding various capital improvement projects throughout the City. The City's portfolio has averaged a yield of 5.36% for the fourth quarter of Fiscal Year 2024 and investment earnings for the quarter were \$657,273. The Federal Open Market Committee (FOMC) reduced the Fed Funds target range .50 to 4.75% - 5.00% and future rate cuts may be possible. The City Portfolio distribution is 6% in Certificates of Deposit, 66% in money market accounts, and 28% in pooled investment accounts.



AGENDA MEMORANDUM

The investment committee reviewed the Quarterly Investment Report. The Committee finds the report to be in compliance with the Public Funds Investment Act and recommends that the City Council receive and accept the report, as presented.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the Quarterly Investment Report for the period ending September 30, 2024

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Quarterly Investment Report September 30, 2024

REVIEWED BY:

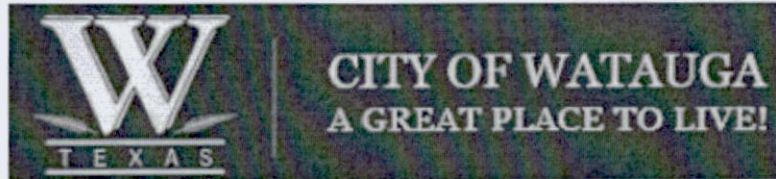
Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved - 10/29/2024

Final Approval -
10/30/2024

Approved as to form for inclusion on Agenda



QUARTERLY INVESTMENT REPORT

For the Quarter Ended

September 30, 2024

Prepared by

Valley View Consulting, L.L.C.

The investment portfolio of the City of Watauga is in compliance with the Public Funds Investment Act and the City of Watauga Investment Policy

City Manager

Director of Finance

Assistant Director of Finance

Disclaimer: These reports were compiled using information provided by the City of Watauga. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment adviser fees.

Annual Comparison

FYE Results by Investment Category:

Asset Type	September 30, 2023			September 30, 2024		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
DDA/MMA/NOW	5.60%	\$ 31,088,762	\$ 31,088,762	5.43%	\$ 35,960,144	\$ 35,960,144
Pools	5.36%	9,666,332	9,666,332	5.18%	15,171,875	15,171,875
CD/Security	5.80%	3,127,250	3,127,250	5.43%	3,304,278	3,304,278
Totals		\$ 43,882,344	\$ 43,882,344		\$ 54,436,298	\$ 54,436,298
Fourth Quarter-End Yield	5.56%			5.36%		

Average Quarter-End Yields (1):

	2023 Fiscal Year	2024 Fiscal Year
Watauga	4.84%	5.52%
Rolling Three Month Treasury	4.95%	5.42%
Rolling Six Month Treasury	4.77%	5.34%
TexPool	4.74%	5.29%
Fiscal YTD Interest Earnings	\$ 2,063,061 (Approximate)	\$ 2,785,173 (Approximate)

(1) Average Quarterly Yield calculated using quarter-end report average yield and adjusted book value.

Summary

Quarter End Results by Investment Category:

<u>Asset Type</u>	<u>June 30, 2024</u>		<u>September 30, 2024</u>		
	<u>Book Value</u>	<u>Market Value</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Ave. Yield</u>
DDA/MMA/NOW	\$ 30,143,567	\$ 30,143,567	\$ 35,960,144	\$ 35,960,144	5.43%
Pools	16,380,090	16,380,090	15,171,875	15,171,875	5.18%
CD/Security	3,260,516	3,260,516	3,304,278	3,304,278	5.43%
Totals	\$ 49,784,173	\$ 49,784,173	\$ 54,436,298	\$ 54,436,298	5.36%

Current Quarter Portfolio Performance (1)

Average Quarterly Yield	5.36%
Rolling Three Month Treasury	5.24%
Rolling Six Month Treasury	5.17%
TexPool	5.16%

Fiscal Year-to-Date Portfolio Performance (2)

Average Quarter End Yield	5.52%
Rolling Three Month Treasury	5.42%
Rolling Six Month Treasury	5.34%
TexPool	5.29%

Interest Earnings (Approximate)

Quarterly Interest Earnings	\$ 657,273
Fiscal YTD Interest Earnings	\$ 2,785,173

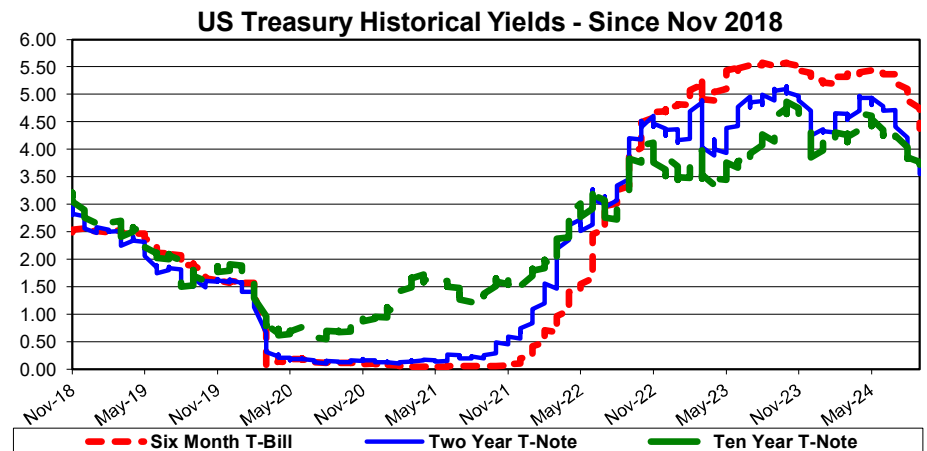
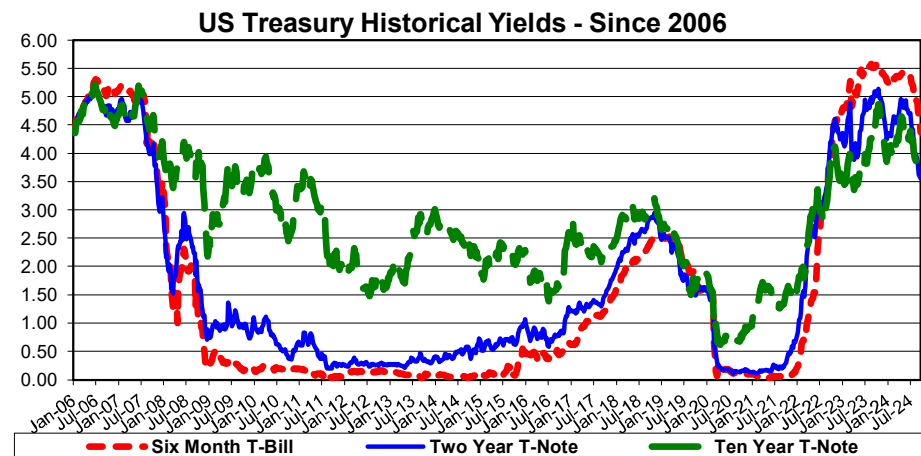
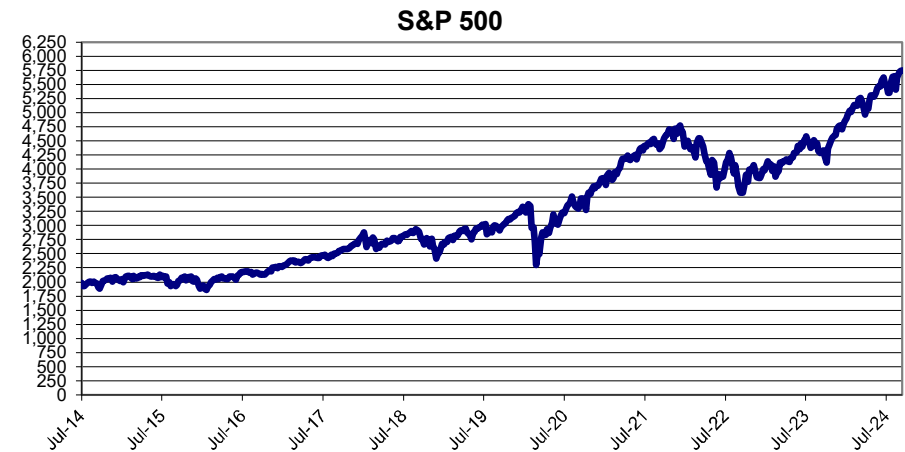
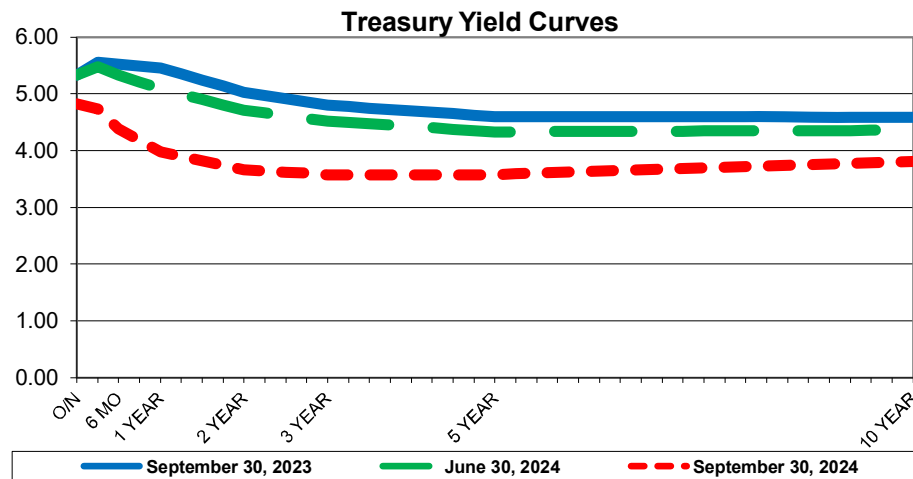
(1) **Current Quarter Average Yield** - based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(2) **Fiscal Year-to-Date Average Yields** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

Economic Overview

9/30/2024

The Federal Open Market Committee (FOMC) reduced the Fed Funds target range 0.50% to 4.75% - 5.00% (Effective Fed Funds trade +/-4.83%). Expectations are for two more 0.25% cuts by 12/31, although any actions will be meeting-by-meeting and "data-dependent." Sep Non-Farm Payroll surged 254k new jobs (above expectation), with the previous two months revised up boosting the Three Month Rolling Average 186k (from the previous 116k). Second Quarter 2024 GDP remained +3.0% due to increased consumer spending. The S&P 500 Stock Index exceeded 5,700 making new records. The yield curve dropped with the FOMC action and anticipated future actions. Crude Oil drifted slightly higher to +/- \$74 per barrel. Inflation remains above the FOMC 2% target (Core PCE +/-2.7% and Core CPI +/-3.2%). Declining global economic outlook, ongoing/expanding military conflicts and the domestic elections increase uncertainty.



Investment Holdings

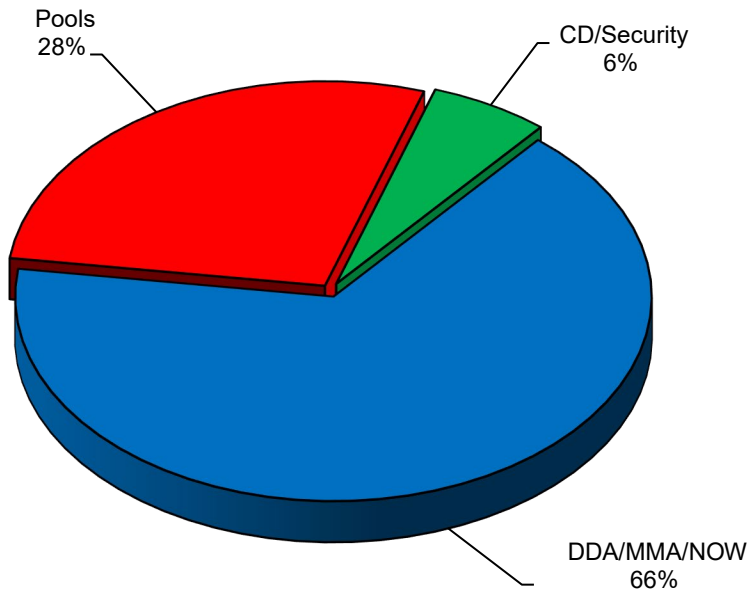
September 30, 2024

Description	Rating	Coupon/ Discount	Maturity Date	Settlement Date	Original Face\ Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
Southside Bank MMA		5.43%	10/01/24	09/30/24	\$ 35,960,144	\$ 35,960,144	1.00	\$ 35,960,144	1	5.43%
TexasDAILY	AAAm	5.16%	10/01/24	09/30/24	524,456	524,456	1.00	524,456	1	5.16%
LOGIC	AAAm	5.23%	10/01/24	09/30/24	345,009	345,009	1.00	345,009	1	5.23%
TexPool	AAAm	5.16%	10/01/24	09/30/24	12,912,098	12,912,098	1.00	12,912,098	1	5.16%
TexPool Prime	AAAm	5.28%	10/01/24	09/30/24	1,390,313	1,390,313	1.00	1,390,313	1	5.28%
East West Bank CD		5.29%	04/29/25	04/29/24	3,230,882	3,304,278	100.00	3,304,278	211	5.43%
					\$ 54,362,902	\$ 54,436,298		\$ 54,436,298	14	5.36%
									(1)	(2)

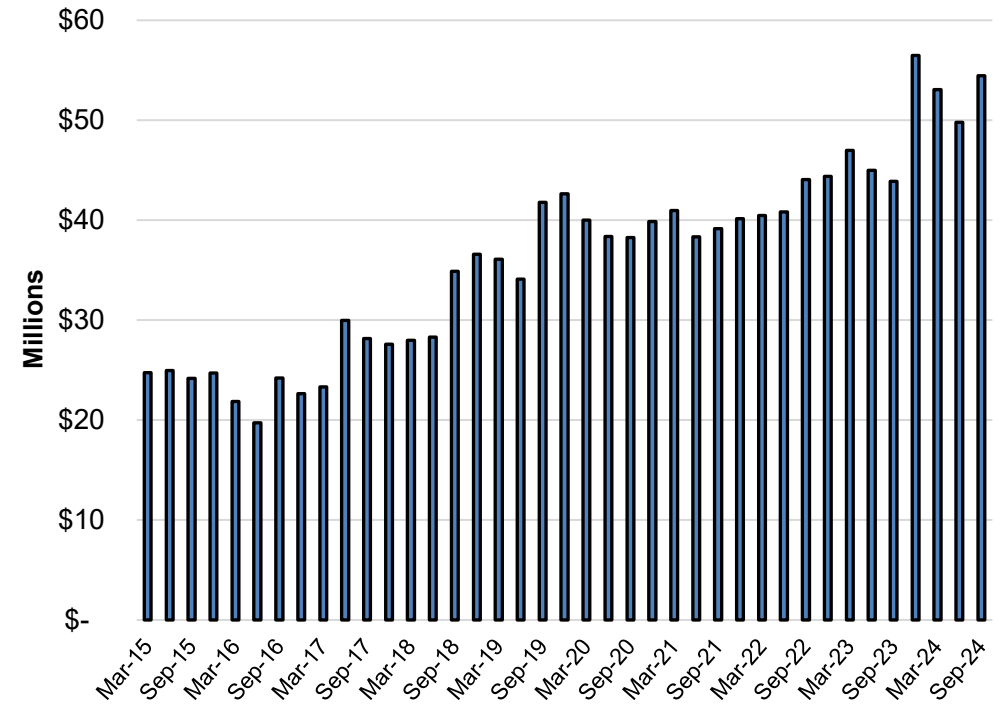
(1) **Weighted average life** - Pools, Money Market Funds, and Bank Deposits are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on Adjusted Book Value, adviser fees and realized and unrealized gains/losses are not considered. The pool and mutual fund yields are the average for the last month of the quarter. Bank deposit yields are estimated from the monthly allocated earnings.

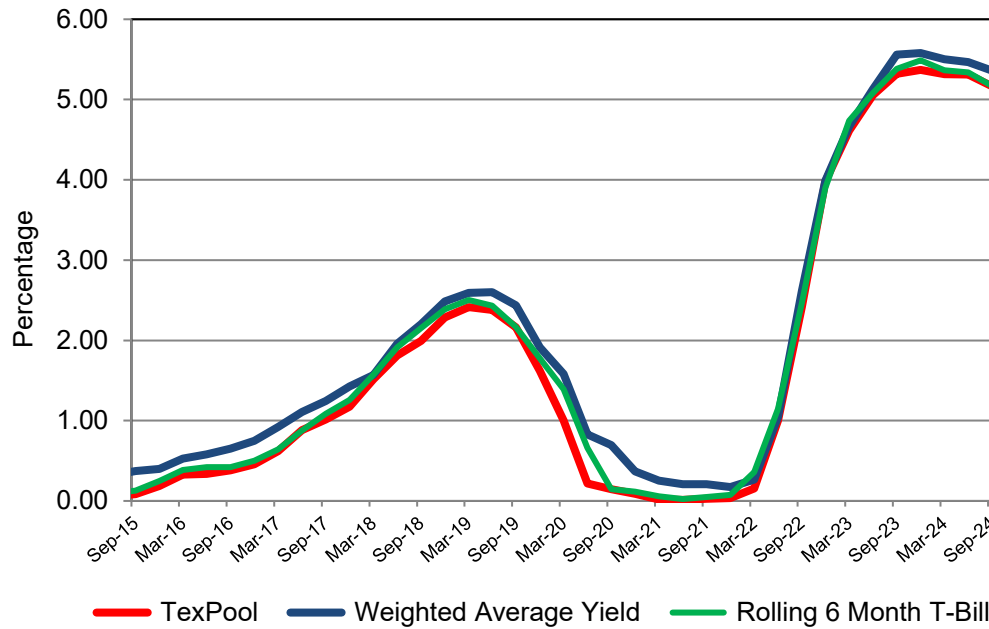
Portfolio Composition



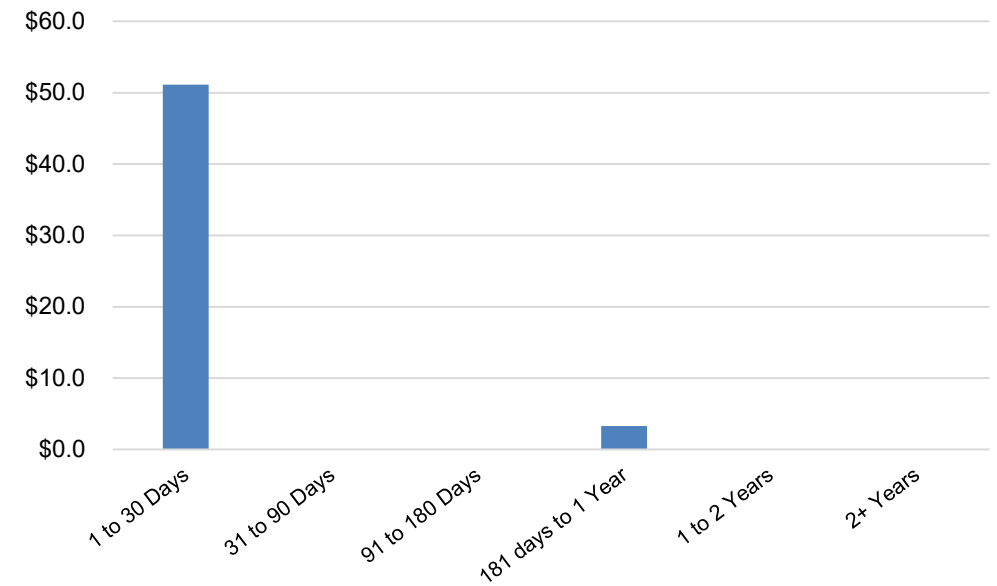
Quarter End Book Value



Total Portfolio Performance



Distribution by Maturity (Millions)



Book & Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 06/30/24	Increases	Decreases	Book Value 09/30/24	Market Value 06/30/24	Change in Market Value	Market Value 09/30/24
Southside Bank MMA	5.43%	10/01/24	\$ 30,143,567	\$ 5,816,577	\$ —	\$ 35,960,144	\$ 30,143,567	\$ 5,816,577	\$ 35,960,144
TexasDAILY	5.16%	10/01/24	517,589	6,867	—	524,456	517,589	6,867	524,456
LOGIC	5.23%	10/01/24	340,407	4,601	—	345,009	340,407	4,601	345,009
TexPool	5.16%	10/01/24	14,150,518	—	(1,238,420)	12,912,098	14,150,518	(1,238,420)	12,912,098
TexPool Prime	5.28%	10/01/24	1,371,576	18,737	—	1,390,313	1,371,576	18,737	1,390,313
East West Bank CD	5.29%	04/29/25	3,260,516	43,763	—	3,304,278	3,260,516	43,763	3,304,278
TOTAL / AVERAGE	5.36%		\$ 49,784,173	\$ 5,890,545	\$ (1,238,420)	\$ 54,436,298	\$ 49,784,173	\$ 4,652,126	\$ 54,436,298

Allocation
September 30, 2024
Book & Market Value

	Total	Consolidated Cash	Construction	Crime Control District
Southside Bank MMA	\$ 35,960,144	\$ 4,873,302	\$ 31,086,843	\$ –
TexasDAILY	524,456	524,456	–	–
LOGIC	345,009	345,009	–	–
TexPool	12,912,098	12,885,849	–	26,250
TexPool Prime	1,390,313	1,390,313	–	–
04/29/25–East West Bank CD	3,304,278	3,304,278	–	–
Totals	\$ 54,436,298	\$ 23,323,206	\$ 31,086,843	\$ 26,250

Allocation
June 30, 2024
Book & Market Value

	Total	Consolidated Cash	Construction	Crime Control District
Southside Bank MMA	\$ 30,143,567	\$ 4,289,141	\$ 25,854,426	\$ –
Texas Term Daily	517,589	517,589	–	–
LOGIC	340,407	340,407	–	–
TexPool	14,150,518	14,124,613	–	25,905
TexPool Prime	1,371,576	1,371,576	–	–
04/29/24–East West Bank CD	3,260,516	3,260,516	–	–
Totals	\$ 49,784,173	\$ 23,903,842	\$ 25,854,426	\$ 25,905



AGENDA MEMORANDUM

DATE: October 24, 2024

TO: Honorable City Council Members

FROM: Brian Teneyck, Assistant Director of Parks & Community Services

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of the Capp Smith Park Splashpad Filtration Upgrade Project with Kraftsman Commercial Playgrounds & Water Parks for an amount not exceeding \$200,000.

BACKGROUND/INFORMATION:

In the FY2025 Capital Projects budget, \$100,000 (\$90,000 plus \$10,000 contingency) was allocated through the 2024 Certificate of Obligations and the WEDC FY2025 budget appropriations for the Splashpad Filtration Upgrade Project also in the amount of \$100,000 (\$90,000 plus \$10,000 contingency). The project will include an ultraviolet (UV) system to be the secondary treatment of water and reconstruction and re-piping of the cabinet area to meet the current State of Texas code requirements for the sanitation of the Splashpad recirculated water.

State law requires that corporations hold a public hearing on projects funded by 4B tax proceeds and that projects considered at a public hearing wait 60 days after first public notice of the project. The public notice of the project was published on September 6, 2024 and the public hearing was held at the September 17, 2024 WEDC meeting with no feedback or comments from the public then or in the interim.

The City of Watauga is a member of BuyBoard, and per authority granted by Local Government Code Section 271.102 and Texas Government Code Chapter 791, government entities may utilize cooperative purchasing between local government entities and cooperative purchasing organizations. The code is designed to allow government entities to utilize contracts for products and services that have already gone through the bid process, thereby meeting all state and local purchasing laws and requirements. The City of Watauga, as a member, may utilize contracts offered through the purchasing cooperatives, thus enhancing the purchasing power and reducing costs and work hours. This purchase would utilize one of these contracts if approved.

FINANCIAL IMPLICATIONS:

Funds for this FY2025 Capital Project is available through the 2024 Certificate of Obligations and the WEDC FY2025 budget appropriations.



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the Splashpad Filtration Upgrade Project with Kraftsman Commercial Playgrounds & Water Parks for an amount not exceeding \$200,000 as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 2024 Kraftsman pump room design standard
2. Kraftsman Quote Q82677 - Capp Smith Park Splashpad Filtration Upgrade Project - 10-23-24
3. 1295 CERTIFICATE

REVIEWED BY:

Deby Woodard, Assistant Director of Finance

Approved - 11/1/2024

Frieda Buck, Financial Svcs Tech

Approved - 11/1/2024

David Berman, City Attorney

Approved - 11/3/2024

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 11/4/2024

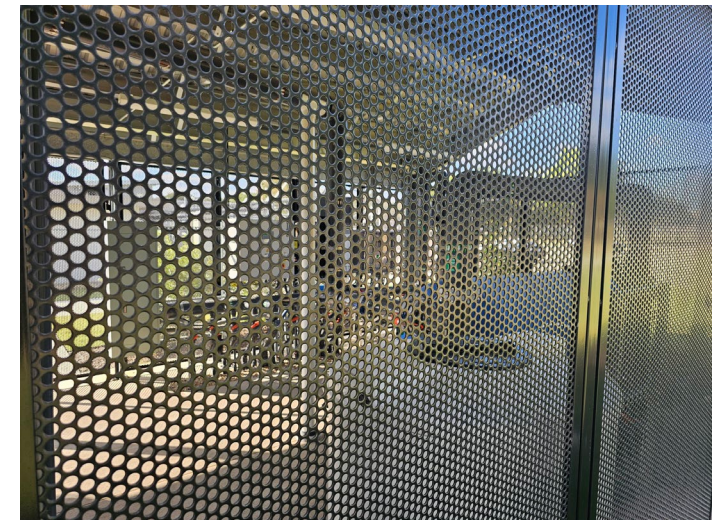
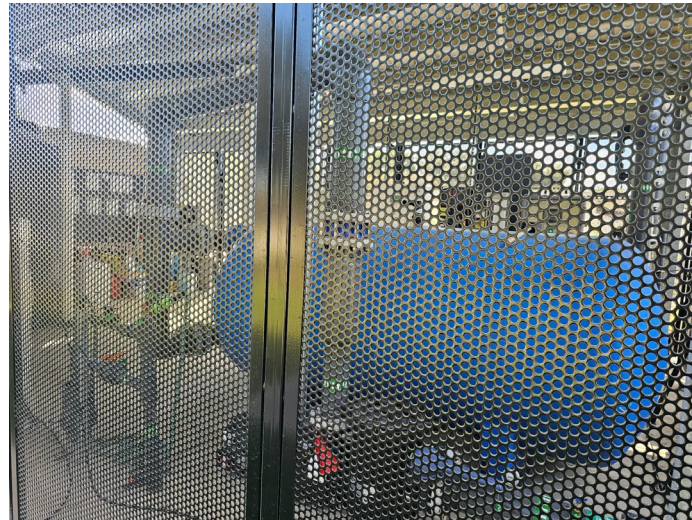
Linda Proskey, City Secretary

Final Approval - 11/4/2024

Approved as to form for inclusion on Agenda



2024 example of recent construction of this new design standard in Duncanville, TX





Kraftsman
COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring, TX 77388
Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q82677

Date: 10/23/2024

Project: 31133

Created By: Jeff Goodman

Quote Name: Perf Panel Filtration Room and UV

Page 1 of 4

BILL TO

Watauga, City of
Timothy Hamilton
Capp Smith Pumproom
7105 Whitley Rd
Watauga, TX 76148

SHIP TO

Watauga, City of
Timothy Hamilton
Capp Smith Pumproom
5800 Hightower
Watauga, TX 76148

☎ 817-994-6269

Terms:
Percentage Completed Draws

QTY	Code	Description	Size	Weight	Color
1	DISCBB	Proposal includes Discount on BuyBoard Purchase, BuyBoard Contract #679-22			
Shelter Enclosure					
1	ENCLOSURE	Perforated Panel enclosure with CMU block 4th wall including a lockable double walk gate and metal roof includes to protect and cover filtration equipment, pumps, and feature controllers.	20' x 37'	24x36	
4	PIERS36X060	Concrete piers pavilion & canopy columns, with anchor bolts set, and with steel rebar reinforcement, By: Kraftsman	36"x60"	7.06	
Mechanical Improvements					
1	UV-SPLASH-2	Medium Pressure UV system for secondary treatment of water in SplashParks. 6" flanged connections for flow rates 243-405 GPM. 1x2A By Kraftsman			
1	SERVICE	Move SPK and Filtration Piping.			
1	REMOVE	Removal, haul off, and proper disposal of existing equipment. By: Kraftsman *** FILL IN BELOW LIST QTY'S AND DESCRIPTION OF EQUIPMENT TO BE REMOVED BELOW IN THIS LINE ITEM DESCRIPTION THEN DELETE THIS STATEMENT *** - (76 LF) Fencing - (1) XL Aluminum Cabinet			
1	SPLASHPARK CONTROLS	SplashPark Electrical Control System. By: Kraftsman			
200	CONC5RB	Concrete Pad, 5" thick concrete pad with, rebar reinforced, broom finish, minimum 500 sq. ft.			
1	BOND1	Performance & Payment Surety Bond, and processing of the bond documentation.			
1	PERMIT 1	Obtain Necessary Building Permit for Playground and or Canopy installation. BUILDING PERMIT FEE TO BE PAID BY CUSTOMER OR CHANGE ORDER TO KRAFTSMAN.			

Total: \$180,402.75



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring, TX 77388
Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q82677

Date: 10/23/2024

Project: 31133

Created By: Jeff Goodman

Quote Name: Perf Panel Filtration Room and UV

Page 2 of 4

Special Terms and Conditions

Items not included:

These items are not included (unless separately listed in line-items of proposal):

- Utility Connections - See Utilities Note below for specifics
- Site Prep and pad site - See Site Work Note below for further details.
- Finish landscaping, sodding or seeding of disturbed areas. All disturbed areas to be leveled and raked out.
- Concrete lead walks or adjoining observation concrete deck areas.
- Shade systems or site amenities.
- Site usage signage for use instructions, rules, safety, or emergency notifications as needed or required.
- SplashDeck top surfacing/coating for slip resistance, colorization, or fall absorbency. (SplashDeck shall be Medium Broom Finished concrete for slip resistance.)
- Temporary security fence during construction.
- Storm Water Pollution Controls for project site.
- Safety wash station for chemical use area in filtration equipment enclosure if required.
- Anything not specifically listed in line items of proposal.

Sales Tax Exempt:

Sales tax is not included in prices quoted. Customer is to supply Sales Tax Exemption or Sales Tax Resale certificate at time of acceptance of proposal, or sales tax will be added to final contract and invoicing for the project.

Insurance Terms:

Kraftsman will supply a certificate of insurance verifying the limits of coverage. See terms page for details and charges for naming additional insured parties or adding special coverage's if required.

Credit Card terms:

If paying by American Express, there is a 6% processing fee charge. If paying by Visa or Master Card, there is a 4% processing fee charge.

Shipping Charges

Unless noted otherwise on quote, all shipping and handling charges on quote are firm for duration of 90 days.

Building Permits:

- Building permits are not included or provided.
- Engineer stamped plans are not included.
- Submittals and reviews for State of Texas ADA compliance and inspections are not included.

Delivery and Unloading:

If Installation is purchased: Kraftsman is responsible for ensuring that adequate staff and equipment resources are available for timely off-loading, safe handling, and secure storage of equipment upon receipt from motor freight carrier of installed product shipments. Unloading of materials from the truck will potentially require material handling equipment, i.e. forklift, pallet jack(s), to properly remove equipment from the delivery truck. In Most Cases when Kraftsman is installing a project the product will be received at Kraftsman's Warehouse and stored until needed on the project. Then transported to the site at the time of installation.

Start Up & System Training:

Service includes one day of technical support personnel on site to assist with balancing of features, system start up, and 4 hours of staff operations training.



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring, TX 77388
Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q82677

Date: 10/23/2024

Project: 31133

Created By: Jeff Goodman

Quote Name: Perf Panel Filtration Room and UV

Page 3 of 4

Force Majeure:

Each Party shall be excused from liability for the failure or delay in performance of any obligation under this Agreement (other than failure to make payment when due) by reason of any event beyond such Party's reasonable control including but not limited to Acts of God, fire, flood, explosion, earthquake, pandemic flu, or other natural forces, governmental orders or directives, war, civil unrest, acts of terrorism, accident, destruction or other casualty, any lack or failure of transportation facilities, any lack or failure of supply of raw materials, or any other event similar to those enumerated above. Such excuse from liability shall be effective only to the extent and duration of the event(s) causing the failure or delay in performance and provided that the Party has not caused such event(s) to occur. Notice of a Party's failure or delay in performance due to force majeure must be given to the other Party within (20) days after its occurrence has become identified by the Party. All delivery dates under this Agreement that have been affected by force majeure shall be tolled for the duration of such force majeure. In no event shall any Party be required to prevent or settle any labor disturbance or dispute, or to act outside of compliance with governmental orders or directives.

Storage Fees:

Please review lead times for production and shipping, If for whatever reason customer or customer's site is not ready for installation of product within 4 weeks of arrival from manufacturer at Kraftsman warehouse, a storage fee equal to 2% of the product will be incurred monthly to be paid at time of installation.

Initials _____



Kraftsman
COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring, TX 77388
Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q82677

Date: 10/23/2024

Project: 31133

Created By: Jeff Goodman

Quote Name: Perf Panel Filtration Room and UV

Page 4 of 4

General Terms and Conditions

Bill To:

Watauga, City of

Ship To:

Watauga, City of

Terms:

Percentage Completed Draws

CONDITIONS OF SALE

- Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the contract.
- No returns of merchandise will be accepted unless previously authorized in writing by Kraftsman. All returns are subject to restocking fee of 25% plus freight charges incurred for return to original shipment origination.
- Title for all equipment is reserved by Kraftsman Commercial Playgrounds and Water Parks until payment in full is received. The right to enter the property and repossess said equipment is hereby granted to Kraftsman Commercial Playgrounds and Water Parks if payment is not rendered in accordance with the terms above. All payments made prior to repossession under this contract shall be forfeited to Kraftsman Commercial Playgrounds and Water Parks as cost incurred to recover the equipment. Repossession of product does not waive any damages or costs due as awarded by the court.
- All collections or litigation concerning this contract shall be governed by the laws of the State of Texas, with venue in Harris County.
- Kraftsman warrants the merchandise on this proposal to be up to the manufacturers published standards as to material and workmanship. See catalogs or attached drawings for specific layouts, warranties, and specifications.
- Kraftsman reserves the right to review contract for final acceptance by management and to make corrections of clerical errors.
- A service charge of 1.5% per month will be assessed on all past due amounts.
- Payments to Kraftsman by credit card will incur a processing fee of 4% for Visa and MasterCard, and 6% for American Express
- Installation services include all labor, equipment required to complete the job, and insurance coverage's as required by law. Extra installation charges will incur for abnormal sub surfaces, ie. rock, landfill, etc. Price quoted includes Kraftsman's standard insurance coverages of \$2 million in General Liability & Completed operations, \$1 million in Automobile Liability, \$1 million per occurrence/\$2 aggregate in Workman's Compensation. Any charges by Kraftsman's insurance carrier or agents for adding General Contractor or Owner as additional insured, waivers of subrogation, or changes to standard coverage shall be added to contract charges. No performance bond or labor and material payment bonds shall be provided by Kraftsman, unless listed as individual line item in proposal.
- Kraftsman Commercial Playgrounds and Water Parks is not liable for damages to underground utilities, and irrigations systems during installation. It is the customers responsibility to locate all underground utilities.
- Building permits required by local or state authorities & municipalities are not included and are the responsibility of the owner of the property, unless specifically included as a line item in the proposal. If you want Kraftsman to handle required permitting please contact our office and we will provide a quote if not included as a line item within this proposal.
- This proposal may be withdrawn by Kraftsman if not accepted within thirty (30) days.

Respectfully Submitted

Jeff Goodman

Date October 23, 2024

Acceptance of Proposal:

The prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. If contract is placed with an attorney for suit or collection through probate, bankruptcy or other legal proceedings, customer agrees to pay all expenses and reasonable attorney fees incurred. Any verbal instructions, agreements, or promises are not valid unless written as part of this contract.

Authorized Signature _____

PO#: _____

Printed Name & Title _____

Date of Acceptance _____

Authorized Signature _____

Printed Name & Title _____

WE STRONGLY RECOMMEND A RESILIENT FALL SURFACE BE INSTALLED UNDER ALL PLAY & FITNESS EQUIPMENT

Thank You! We Appreciate Your Business!

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Kraftsman, LP
Spring, TX United States

Certificate Number:
2024-1233261

Date Filed:
10/30/2024

Date Acknowledged:
11/1/2024

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Watauga

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Capp Smith Mech. Pump Room
CMU Block Enclosure & Upgraded Splash Pad Sanitization Equipment

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is Korey Soderberg, and my date of birth is 4.11.1978.

My address is 19535 Haude Rd,, Spring,, TX, 77388, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of TX, on the 31 day of October, 2024.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



AGENDA MEMORANDUM

DATE: October 28, 2024

TO: Honorable City Council Members

FROM: Sandra Gibson, Interim City Manager and Director of Finance

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of the Monthly Financial Report for the period ending September 30, 2024 (pre-audit).

BACKGROUND/INFORMATION:

The financial report for the period ending September 30, 2024 is attached for Council review and approval. This report is pre-audit and does not include year-end accrued revenues and expenditures.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Recommend approval of the Monthly Financial Report for the period ending September 30, 2024.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Council Report - September 2024 to Council November 11, 2024

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 11/6/2024

Linda Proskey, City Secretary

Final Approval - 11/6/2024

Approved as to form for inclusion on Agenda



Monthly Financial Report Fiscal 2023-2024 For the period ending September 30, 2024

Sales Tax

Sales tax receipts from the State Comptroller received in the month of October 2024 (reflecting August 2024 sales receipts) decreased in total by 3.8% compared to the same time last year.

This amount includes prior period adjustments, future period adjustments and audit collections.

Sales Tax Receipts	Aug-24	Aug-23	% change
City 1%	\$ 300,455	\$ 312,018	-3.7%
City 1/4% effective 10/1/2021*	\$ 75,114	\$ 78,005	-3.7%
Street Maint 1/4%**	\$ -	\$ -	0.0%
CCD 1/2%	\$ 149,339	\$ 155,597	-4.0%
EDC 1/4%	\$ 75,114	\$ 78,005	-3.7%
Totals	\$ 600,022	\$ 623,624	-3.8%

*approved by voters May, 2021 for effective date of 10/1/2021

**abolished January, 2021

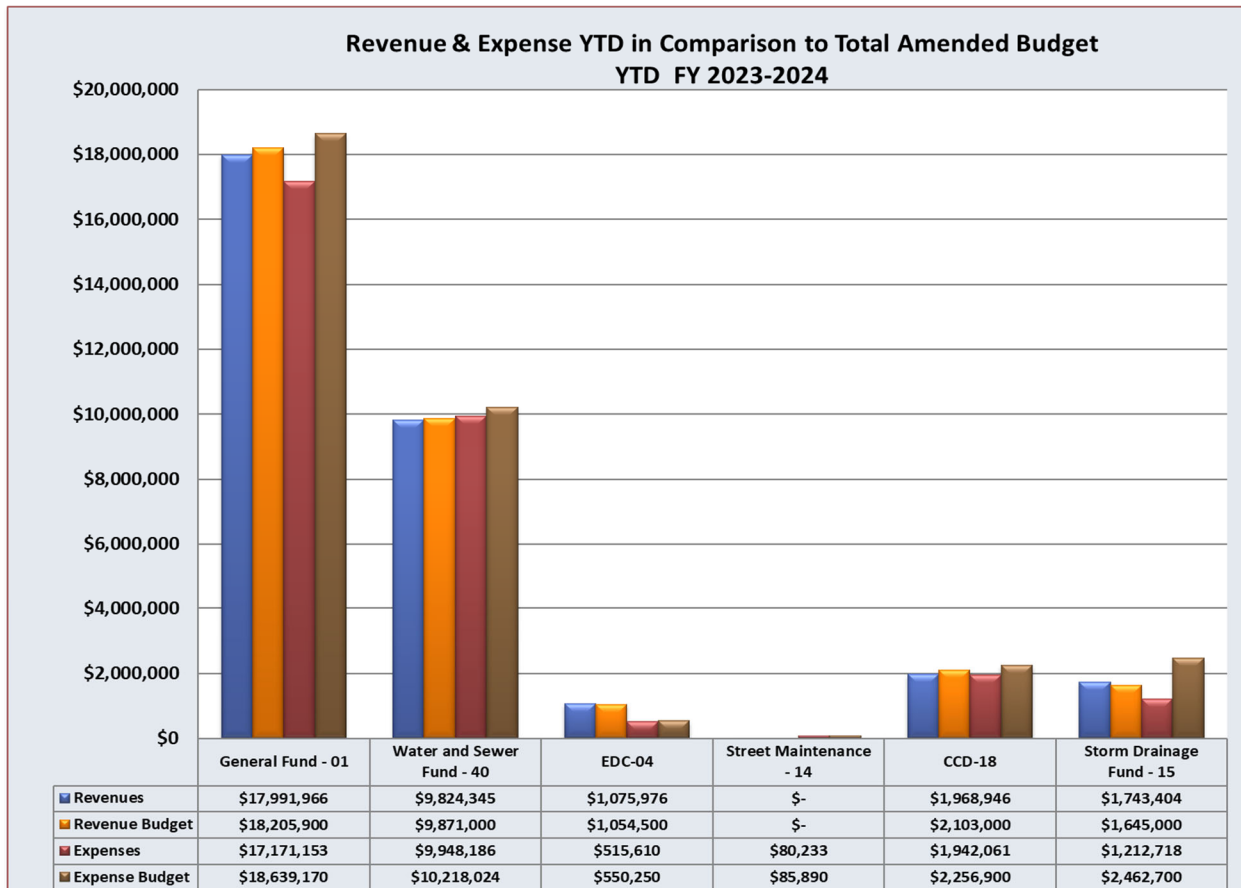
A comparison of August 2024 sales tax receipts for Watauga's and surrounding cities are shown below: These figures do not include Special District sales tax receipts.

SALES TAX RECEIPTS COMPARISONS August 2023 vs. August 2024 RECEIVED FROM COMPTROLLER - October FISCAL YEAR 2023-2024						
Sales Tax Receipts for the Month:						
City	August 2024 Sales		August 2023 Sales		\$ Change	% Change
Colleyville	\$	613,584.30	\$	585,165.13	\$ 28,419.17	4.86%
N. Richland Hills	\$	1,778,968.19	\$	1,706,795.59	\$ 72,172.60	4.23%
Haltom City	\$	1,637,241.10	\$	1,588,212.60	\$ 49,028.50	3.09%
Bedford	\$	1,458,309.85	\$	1,414,784.51	\$ 43,525.34	3.08%
Grapevine	\$	4,906,038.70	\$	4,800,639.41	\$ 105,399.29	2.20%
Roanoke	\$	1,891,670.66	\$	1,852,842.27	\$ 38,828.39	2.10%
Fort Worth	\$	19,250,244.85	\$	18,885,450.62	\$ 364,794.23	1.93%
Keller	\$	1,335,466.54	\$	1,312,668.08	\$ 22,798.46	1.74%
Watauga	\$	450,683.07	\$	468,027.18	\$ (17,344.11)	-3.71%
Saginaw	\$	633,646.38	\$	694,020.22	\$ (60,373.84)	-8.70%
Hurst	\$	1,346,765.81	\$	1,528,375.37	\$ (181,609.56)	-11.88%
Euless	\$	2,134,281.19	\$	2,479,522.03	\$ (345,240.84)	-13.92%
Richland Hills	\$	567,744.16	\$	783,881.48	\$ (216,137.32)	-27.57%
Southlake	\$	3,227,134.93	\$	4,939,883.70	\$ (1,712,748.77)	-34.67%
Source: State Comptroller						
City Collections only - not Special Purpose Districts or Transit						

The City will receive the distribution for September 2024 sales tax receipts on November 8, 2024. Sales tax revenues have been estimated for the September reporting period.

Financial Highlights

The City is 100% through the fiscal year 2023-2024. This report is preliminary and pre-audit. It will be modified as the year-end process of recording all revenues and expenditures for the year continues. Accrual estimates have been made to reflect revenues and expenditures that are anticipated, but not yet received or invoiced. Revenue and expenses are reflected with budget amendments in the chart below and details of each fund's revenues and expenditures are attached.



General Fund

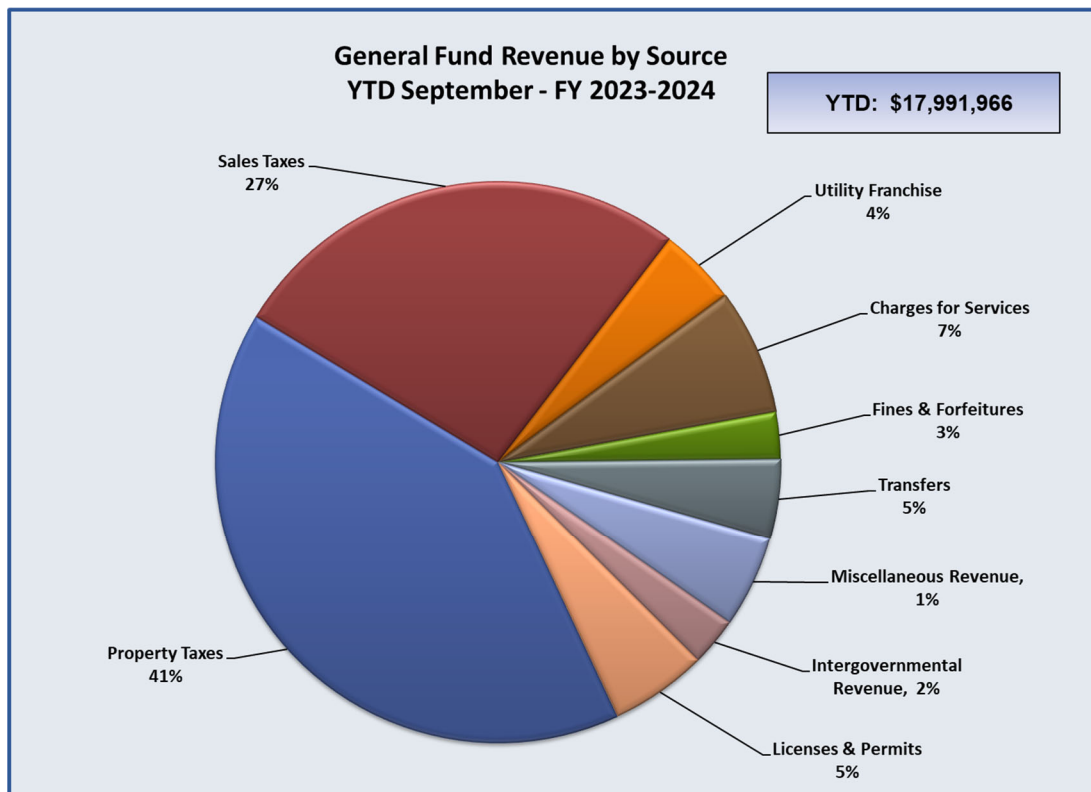
Revenues – Annual revenues represent 101.4% of the amended budget collected, or \$17,991,966. The increase is largely due to interest, ambulance fees, rec facilities rental fees, and permit fees increases this fiscal year. A budget amendment was approved at the August Council Meeting to adjust interest revenues, ambulance revenues, rec facilities revenues and permit revenues to year-end estimates.

Property Tax – At the end of the fiscal year, 2023-2024, the City has received 101.7% of amended budget property taxes. The majority of property tax revenues are received in December and January.

Utility Franchise Revenue - The majority of franchise receipts are received on a quarterly basis. The City has received \$805,466, or 90.7% in budgeted franchise fee revenues through September 2024. Fourth quarter receipts will be received in November, and it is anticipated that we will be closer to the target budget once received.

Sales Tax - Sales tax receipts for the General Fund are marginally below budget expectations and are estimated at 95.4% of the budget through September 2024. The September sales tax is estimated for this reporting period.

Licenses and Permits - License and permit fees are 109.5% of the amended budget collected with revenue received at \$999,714. Revenues in this category are over budget expectations due to permit receipts relating to commercial construction.



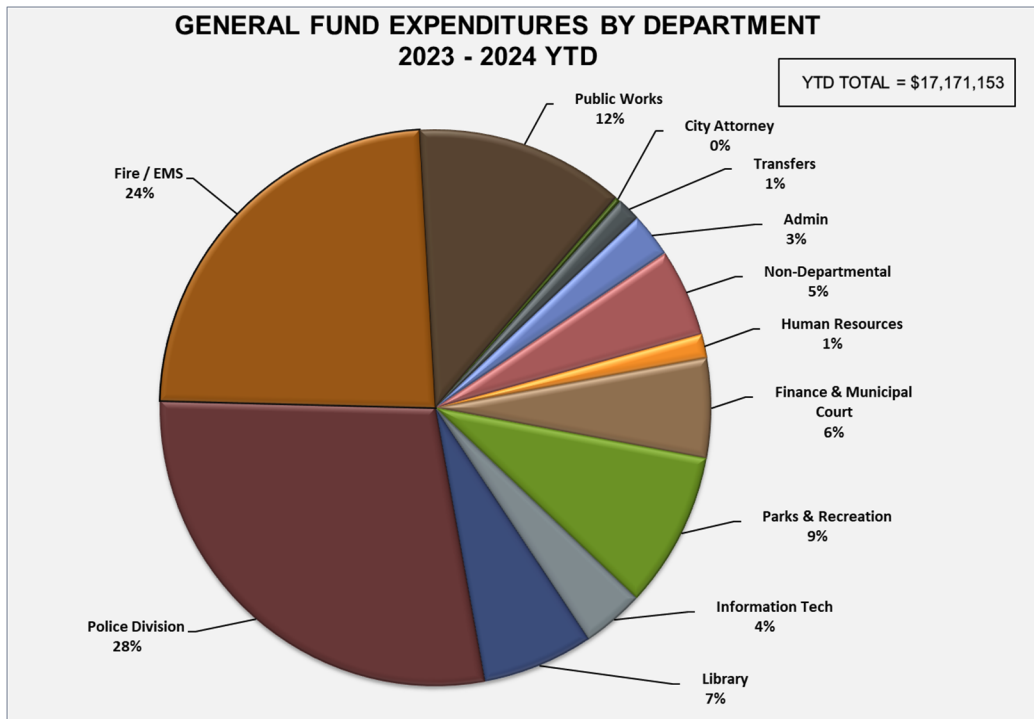
Charges for Services - Charges for Services revenues are 101.5% of the amended budget collected. Charges for services include recreation fees, ambulance services, garbage collection fees and animal adoption fees. For the month of September, this revenue category is up \$150,712 or 13.6% in comparison to the period last year-to-date.

Fines and Forfeitures - Fines and Forfeitures are 86.6% of the budget, which is \$13,922, or 3% higher than last year's collections.

Miscellaneous Revenue - Miscellaneous revenues include interest earnings, rental of recreational facilities, bingo, and other revenue. These receipts total \$949,484, which is 112.4% of the amended budget revenues. Interest income at the end of the year is higher than budget expectations.

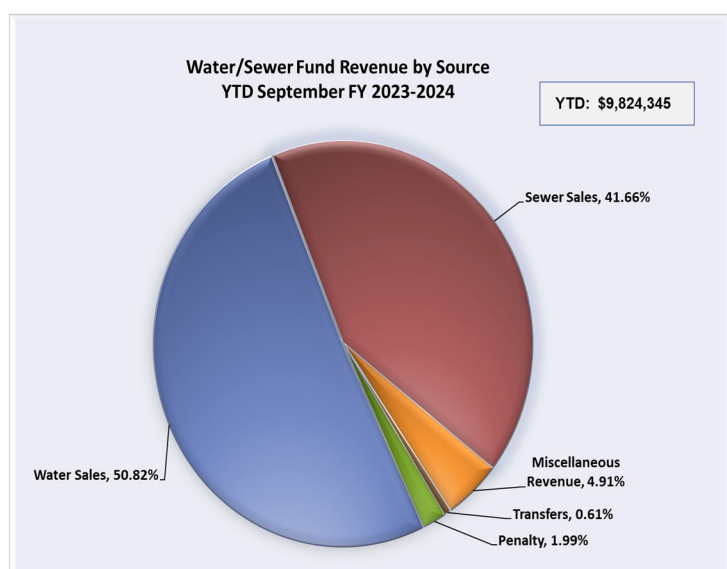
Intergovernmental Revenue and Transfers - Intergovernmental Revenue include transfers from other funds for services the general fund provides and payments in lieu of taxes from the enterprise funds. These targeted revenues will be reached with Intergovernmental at 100% of budget and Transfers at 96.3% of budget currently.

Expenses – General fund expenses are at 92.1% of amended budget expended and total \$17,171,153 for the year (pre-audit). Expenditures are 5% higher in comparison to the prior year. This is attributable to an increase in transfers to capital projects for street maintenance and increased personnel and operating costs.



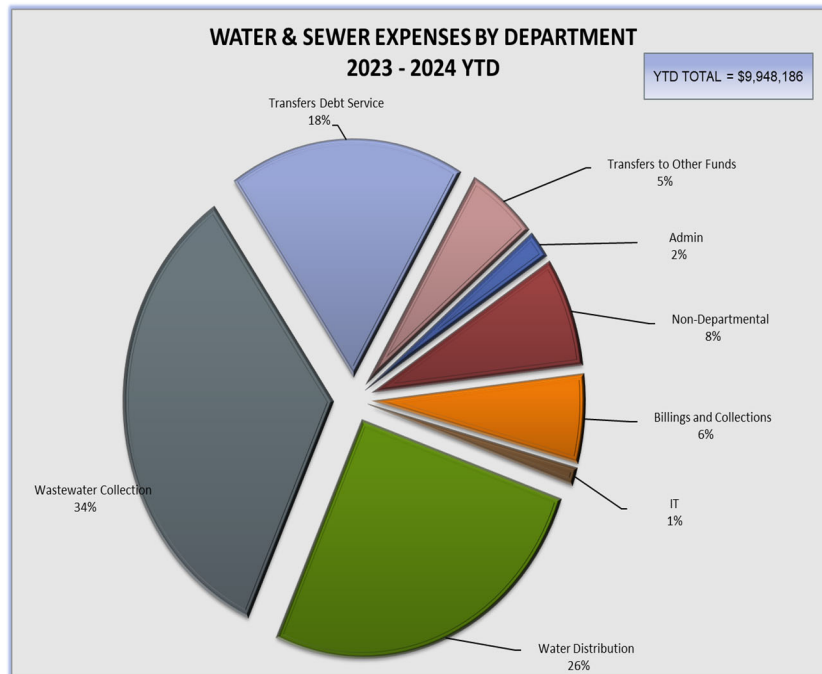
Water and Sewer Fund

The preliminary and pre-audit adjustment total water and sewer revenues are slightly below budget and are currently at 99.5% of budgeted revenues through the end of the fiscal year. Water sales are 100.9% of budgeted revenues and wastewater revenues are at 94.1% of budget. Water consumption varies due to seasonal fluctuations. Revenues for water are \$151,156 or 2.94% lower than prior year through September 2024. Wastewater collection revenues are up \$52,648 or 1.3% compared to prior year. Interest income has increased significantly from prior year. Total revenues are relatively flat compared to last year.



Miscellaneous Sales and Penalties - Miscellaneous sales include penalty revenue, EPA revenue, service charges, returned check fees, and damaged/tampering fees. This category of revenue is 106.9% of budget collected.

Expenses – Year-to-date preliminary and pre-audit expenses in the Water/Sewer fund are 97.4% of budget. Water purchases were up \$20,862, or 0.8% from prior year. Wastewater treatment costs are higher this year in total by 17.29% due to a higher wastewater volume treated in comparison to last fiscal year and continued increasing rates from the City of Ft. Worth in FY2024. Transfers to debt service are at 99.6% of budget due to payments processed February 1, 2024, and August 1, 2024.



Storm Drain Fund – Revenues are on target and represent 106% of budget collected. Expenses are at 49.2% of budget in this fund through September 2024. Capital projects budgeted in FY2023-2024 include Whitley Road and other storm drain improvements.

Special Revenue Funds

- **Street Maintenance Fund** expenses are 93.4% of budget. Projects are being funded using reserves.
- **Crime Control and Prevention District** revenues collected are 93.6% of budget and expenditures are at 86% of budget.
- **Economic Development Corporation Fund** has collected 95.55% of sales tax revenues and expenditures are at 93.7% of budget expended through September 2024.

General Debt Service Fund - Revenues represent 102.9% of budget collected. Expenses are at 100% of budget in this fund through September 2024. All debt service requirements for the fiscal year were met in August 2024.

Year-end Audit

The Finance staff has been preparing for year-end audit. This process includes review of financials, journal entries and preparation of various schedules and reports. The final report for Fiscal Year ending September 30, 2024, will be available and presented at the February or March Council meeting.

Fund Detail Report

SEPTEMBER 2024

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)

GENERAL FUND - 01

REVENUE:	ORIGINAL BUDGET	AMENDED BUDGET	9/30/2024 YTD ACTUAL	% USED	% AMD USED	% REMAINING	% AMD REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
TAXES										
AD VALOREM	7,135,000	7,250,000	7,252,781	101.65%	100.04%	-1.65%	-0.04%	6,674,448	578,333	8.66%
Delinquent	30,000	30,000	19,945	66.48%	66.48%	33.52%	33.52%	13,624	6,320	-46.39%
Penalty & Interest	29,500	29,500	35,144	119.13%	119.13%	-19.13%	-19.13%	39,436	(4,292)	-10.88%
SALES TAX	5,038,000	5,038,000	4,804,477	95.36%	95.36%	4.64%	4.64%	4,820,356	(15,879)	-0.33%
UTILITY FRANCHISE	889,500	889,500	806,446	90.66%	90.66%	9.34%	9.34%	879,489	(73,043)	-8.31%
LICENSES & PERMITS	762,700	912,700	999,714	131.08%	109.53%	-31.08%	-9.53%	783,980	215,734	27.52%
INTERGOVERNMENTAL REVENUE	503,000	503,000	503,000	100.00%	100.00%	0.00%	0.00%	514,000	(11,000)	-2.14%
CHARGES FOR SERVICES	1,203,000	1,288,000	1,306,869	108.63%	101.47%	-8.63%	-1.47%	1,156,157	150,712	13.04%
FINES & FORFEITURES	559,500	559,500	484,596	86.61%	86.61%	13.39%	13.39%	470,674	13,922	2.96%
MISCELLANEOUS INCOME	739,700	844,700	949,484	128.36%	112.40%	-28.36%	-12.40%	835,601	113,883	13.63%
OPERATING TRANSFERS IN	861,000	861,000	829,510	96.34%	96.34%	3.66%	3.66%	817,827	11,683	1.43%
TOTAL REVENUE	\$17,750,900	\$18,205,900	\$17,991,966	101.36%	98.82%	-1.36%	1.18%	\$17,005,592	\$986,374	5.80%
ADMINISTRATION	562,480	562,480	442,865	78.73%	78.73%	21.27%	21.27%	456,257	(13,392)	-2.94%
HUMAN RESOURCES	248,030	248,030	240,385	96.92%	96.92%	3.08%	3.08%	207,594	32,791	15.80%
BUILDINGS - PW	1,069,900	1,069,900	1,018,671	95.21%	95.21%	4.79%	4.79%	987,232	31,439	3.18%
FINANCE	603,210	603,210	563,565	93.43%	93.43%	6.57%	6.57%	539,349	24,216	4.49%
MUNICIPAL COURT - FIN	456,110	456,110	425,109	93.20%	93.20%	6.80%	6.80%	410,381	14,728	3.59%
DEVELOPMENTAL SERVICES - PW	291,860	291,860	262,820	90.05%	90.05%	9.95%	9.95%	206,394	56,426	27.34%
LIBRARY	1,175,200	1,175,200	1,114,538	94.84%	94.84%	5.16%	5.16%	1,002,312	112,226	11.20%
PARKS AND RECREATION	1,648,305	1,688,305	1,557,026	94.46%	92.22%	5.54%	7.78%	1,021,302	535,724	52.46%
POLICE	5,073,500	5,073,500	4,857,537	95.74%	95.74%	4.26%	4.26%	4,640,961	216,576	4.67%
FIRE/EMS	4,096,490	4,096,490	4,064,966	99.23%	99.23%	0.77%	0.77%	3,735,025	329,941	8.83%
PUBLIC WORKS - STREETS	719,780	719,780	584,126	81.15%	81.15%	18.85%	18.85%	559,974	24,152	4.31%
FLEET MANAGEMENT - PW	361,650	361,650	243,646	67.37%	67.37%	32.63%	32.63%	238,205	5,440	2.28%
NON-DEPARTMENTAL	879,415	879,415	878,506	99.90%	99.90%	0.10%	0.10%	724,739	153,767	21.22%
INFORMATION TECHNOLOGY	683,240	683,240	626,009	91.62%	91.62%	8.38%	8.38%	576,931	49,078	8.51%
ECONOMIC DEVELOPMENT	-	-	-	-	0.00%	-	0.00%	-	-	-
CITY ATTORNEY	95,000	95,000	56,384	59.35%	59.35%	40.65%	40.65%	64,839	(8,455)	-13.04%
TRANSFERS TO OTHER FUNDS	235,000	635,000	235,000	100.00%	37.01%	0.00%	62.99%	985,000	(750,000)	-76.14%
TOTAL EXPENDITURES	\$18,199,170	\$18,639,170	\$17,171,153	94.35%	92.12%	5.65%	7.88%	\$16,356,495	\$814,659	4.98%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$448,270)	(\$433,270)	\$820,813					\$649,097	\$171,716	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)

DEBT SERVICE FUND - 03

	CURRENT BUDGET	9/30/2024 YTD ACTUAL	% USED	% REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
TAXES							
AD VALOREM	4,149,000	4,241,745	102.24%	-2.24%	3,468,902	\$772,842	22.28%
Delinquent	11,000	10,405	94.59%	5.41%	6,382	\$4,024	63.05%
Penalty & Interest	11,000	17,656	160.51%	-60.51%	17,932	(\$276)	-1.54%
INTEREST EARNINGS	40,000	67,104	167.76%	-67.76%	40,873	\$26,231	64.18%
OTHER FINANCING SOURCES	-	-	-	-	-	-	-
OPERATING TRANSFERS IN	149,000	149,000	100.00%	0.00%	153,200	(\$4,200)	-2.74%
TOTAL REVENUE	\$4,360,000	\$4,485,910	102.89%	-2.89%	\$3,687,290	\$798,620	21.66%
 Contractual & Sundry	 4,150,768	 4,151,731	 100.02%	 -0.02%	 3,598,471	 \$553,260	 15.37%
TOTAL EXPENDITURES	\$4,150,768	\$4,151,731	100.02%	-0.02%	3,598,471	\$553,260	0.00%
 EXCESS REVENUE OVER (UNDER) EXPENDITURES	 \$209,232	 \$334,179			 \$88,818	 \$245,360	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)

WATER & SEWER - 40

	CURRENT BUDGET	9/30/2024 YTD ACTUAL	% USED	% REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
WATER SALES	4,950,000	4,992,683	100.86%	-0.86%	5,143,839	(151,156)	-2.94%
SEWER SALES	4,350,000	4,093,282	94.10%	5.90%	4,040,634	52,648	1.30%
MISCELLANEOUS	276,000	295,120	106.93%	-6.93%	286,137	8,983	3.14%
PENALTY	175,000	195,779	111.87%	-11.87%	172,728	23,051	13.35%
INTEREST	110,000	157,774	143.43%	-43.43%	123,778	33,997	27.47%
TRANSFERS	10,000	60,390	0.00%	0.00%	8,986	51,403	572.02%
TAP FEES	-	29,316	-	-	20,825	8,491	40.77%
SALE OF ASSETS	-	-	-	-	-	-	-
TOTAL REVENUE	\$9,871,000	\$9,824,345	99.53%	0.47%	\$9,796,928	\$27,417	0.28%
ADMINISTRATIVE	185,200	186,097	100.48%	-0.48%	169,011	17,086	10.11%
NON-DEPARTMENTAL	794,980	738,105	92.85%	7.15%	598,960	139,145	23.23%
BILLING & COLLECTIONS	615,410	598,459	97.25%	2.75%	571,677	26,782	4.68%
MGT. INFO SYSTEMS	126,990	119,297	93.94%	6.06%	106,367	12,931	12.16%
WATER DISTRIBUTION	2,865,830	2,613,066	91.18%	8.82%	2,592,204	20,862	0.80%
WASTEWATER COLLECTION	3,284,614	3,356,622	102.19%	-2.19%	2,861,740	494,881	17.29%
TRANSFERS	2,345,000	2,336,541	99.64%	0.36%	2,396,752	(60,211)	-2.51%
TOTAL EXPENDITURES	10,218,024	9,948,186	97.36%	2.64%	9,296,710	\$651,476	7.01%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$347,024)	(\$123,841)			\$500,217	(\$624,059)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)

STORM DRAIN FUND - 15

	CURRENT BUDGET	9/30/2024 YTD ACTUAL	% USED	% REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
USERS FEE	1,485,000	1,492,138	100.48%	-0.48%	1,484,499	7,638	0.51%
OTHER REVENUE	-	-	-	-	-	-	-
INTEREST INCOME	160,000	251,266	157.04%	-57.04%	181,991	69,276	38.07%
TOTAL REVENUE	\$1,645,000	\$1,743,404	105.98%	-5.98%	\$1,666,490	\$76,914	4.62%
PERSONNEL	506,800	403,395	79.60%	20.40%	\$429,853	(26,459)	-6.16%
SUPPLIES	37,400	27,458	73.42%	26.58%	\$21,916	5,542	25.29%
MAINTENANCE	37,000	22,056	59.61%	40.39%	\$27,293	(5,237)	-19.19%
CONTRACTUAL & SUNDRY	356,200	294,417	82.66%	17.34%	\$267,674	26,743	9.99%
CAPITAL	1,331,300	271,392	20.39%	79.61%	\$457,260	(185,868)	-40.65%
TRANSFERS TO OTHER FUNDS	194,000	194,000	100.00%	0.00%	\$73,500	120,500	163.95%
TOTAL EXPENDITURES	\$2,462,700	\$1,212,718	49.24%	50.76%	\$1,277,496	(\$64,778)	-5.07%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$817,700)	\$530,686			\$388,994	\$141,693	

**CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)**

CRIME CONTROL DISTRICT - 18

	ORIGINAL BUDGET	9/30/2024 YTD ACTUAL	% USED	% REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
SALES TAX	1,977,000	1,825,510	92.34%	7.66%	1,897,062	(71,552)	-3.77%
INTEREST EARNING/OTHER	126,000	143,436	113.84%	-13.84%	140,018	3,418	2.44%
TRANSFERS	-	-	-	-	-	-	-
TOTAL REVENUE	\$2,103,000	\$1,968,946	93.63%	6.37%	\$2,037,080	(\$68,134)	-3.34%
PERSONNEL SERVICES	1,301,400	1,136,556	87.33%	12.67%	\$1,126,436	10,120	0.90%
SUPPLIES	170,500	153,978	90.31%	9.69%	\$142,327	11,652	8.19%
MAINTENANCE	268,700	245,116	91.22%	8.78%	\$241,049	4,067	1.69%
CONTRACTUAL & SUNDRY	266,200	215,472	80.94%	19.06%	\$209,038	6,434	3.08%
TRANSFERS	38,000	36,510	96.08%	3.92%	\$37,827	(1,317)	-3.48%
CAPITAL OUTLAY	212,100	154,428	0.00%	0.00%	\$145,318	9,110	6.27%
TOTAL EXPENDITURES	2,256,900	1,942,061	86.05%	13.95%	\$1,901,994	\$40,067	2.11%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$153,900)	\$26,885			\$135,086	(\$108,201)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending September 30, 2024 (4th FY Qtr.)

STREET MAINTENANCE FUND - 14

	ORIGINAL BUDGET	AMENDED BUDGET	9/30/2024 YTD ACTUAL	% USED	% AMD USED	% REMAINING	% AMD REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:										
SALES TAX	-	-	-	-	0.00%	-	-	-	-	-
INTEREST EARNINGS	-	-	-	0.00%	0.00%	0.00%	0.00%	25,667	(25,667)	-100.00%
INTEREST/ESCROW	-	-	-	-	-	-	-	-	-	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	-	-	-	-	-
TOTAL REVENUE	\$0	\$ -	\$0	0.00%	0.00%	0.00%	0.00%	25,667	(\$25,667)	-100.00%
MAINTENANCE	63,016	85,890	80,233	127.32%	93.41%	-27.32%	6.59%	99,440	(19,207)	-19.32%
CONTRACTUAL & SUNDRY	-	-	-	0.00%	-	100.00%	-	4,865	(4,865)	-100.00%
CAPITAL OUTLAY	-	-	-	0.00%	-	100.00%	-	474,508	(474,508)	-100.00%
TOTAL EXPENDITURES	\$63,016	\$85,890	\$80,233	127.32%	93.41%	-27.32%	6.59%	\$578,813	(\$498,580)	-86.14%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$63,016)	(\$85,890)	(\$80,233)					-\$553,146	\$472,913	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2024
For the period ending: September 30, 2024 (4th FY Qtr.)

WATAUGA ECONOMIC DEVELOPMENT CORP - 04

	CURRENT BUDGET	AMENDED BUDGET	9/30/2024 YTD ACTUAL	% USED	% AMD USED	% REMAINING	% AMD REMAINING	9/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:										
SALES TAX	996,000	996,000	951,649	95.55%	95.55%	4.45%	4.45%	952,990	(1,341)	-0.14%
INTEREST EARNINGS	55,000	55,000	119,827	217.87%	217.87%	-117.87%	-117.87%	73,826	46,001	62.31%
INTEREST/ESCROW	-	-	-	-	-	-	-	-	-	0.00%
CONTRIBUTIONS/OTHER	3,500	3,500	4,500	128.57%	128.57%	-28.57%	-28.57%	2,813	1,688	60.00%
TOTAL REVENUE	\$1,054,500	\$1,054,500	\$1,075,976	102.04%	102.04%	-2.04%	-2.04%	\$1,029,628	\$46,348	4.50%
PERSONNEL SERVICES	-	-	-	-	-	-	-	-	-	0.00%
NON-DEPARTMENTAL	-	-	-	-	-	-	-	-	-	0.00%
SUPPLIES	1,000	1,000	421	42.13%	42.13%	57.87%	57.87%	308	113	0.00%
MAINTENANCE	1,000	1,000	-	0.00%	0.00%	100.00%	100.00%	-	-	0.00%
CONTRACTUAL & SUNDRY	85,250	120,250	87,189	102.27%	72.51%	-2.27%	27.49%	46,124	41,065	89.03%
TRANSFERS	428,000	428,000	428,000	100.00%	100.00%	0.00%	0.00%	419,700	8,300	1.98%
CAPITAL OUTLAY	-	-	-	-	-	-	-	1,200	(1,200)	0.00%
TOTAL EXPENDITURES	\$515,250	\$550,250	\$515,610	100.07%	93.70%	-0.07%	6.30%	\$467,332	\$48,278	10.33%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$539,250	\$504,250	\$560,366					\$562,296	(\$1,930)	

DEPARTMENTAL CONSOLIDATED REPORT

SEPTEMBER 2024

Budget Report

For Fiscal: FY2023-2024 Period Ending: 09/30/2024

Group Summary

Department	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
010 - CITY SECRETARY OFFICE	433450.00	433,450.00	41,988.82	411,510.69	0.00	21,939.31	5.06 %
011 - HUMAN RESOURCES	248030.00	248,030.00	30,742.32	240,385.14	0.00	7,644.86	3.08 %
013 - DEVELOPMENT SERVICES DIVISION	291860.00	291,860.00	32,510.40	262,820.07	0.00	29,039.93	9.95 %
015 - CITY MANAGER	314230.00	314,230.00	9,745.28	217,450.75	0.00	96,779.25	30.80 %
016 - BUSINESS RETENTION/EDC	6650.00	6,650.00	0.00	3,791.35	0.00	2,858.65	42.99 %
017 - BUSINESS ATTRACTION/EDC	24300.00	59,300.00	0.00	57,952.04	0.00	1,347.96	2.27 %
018 - GENERAL ADMINISTRATION/EDC	56300.00	56,300.00	2,285.54	25,866.79	0.00	30,433.21	54.06 %
020 - NON-DEPARTMENTAL	1764500.00	1,764,500.00	86,214.24	1,691,623.77	0.00	72,876.23	4.13 %
021 - CITY ATTORNEY	95000.00	95,000.00	12,433.22	56,383.93	0.00	38,616.07	40.65 %
030 - MUNICIPAL COURT DIVISION	456110.00	456,110.00	48,013.33	425,108.73	0.00	31,001.27	6.80 %
040 - FINANCE	694060.00	694,060.00	70,966.34	653,201.31	0.00	40,858.69	5.89 %
045 - BILLING & COLLECTIONS	615410.00	615,410.00	63,996.18	598,458.90	0.00	16,951.10	2.75 %
050 - INFORMATION TECHNOLOGY	810230.00	810,230.00	54,754.88	745,306.68	0.00	64,923.32	8.01 %
060 - LIBRARY	1185200.00	1,185,200.00	119,203.83	1,118,163.80	0.00	67,036.20	5.66 %
070 - RECREATION	700520.00	740,520.00	62,668.05	662,474.88	0.00	78,045.12	10.54 %
075 - PARKS DEPARTMENT	947785.00	947,785.00	137,533.53	894,550.74	0.00	53,234.26	5.62 %
080 - POLICE	7326400.00	7,326,400.00	618,991.17	6,778,045.78	0.00	548,354.22	7.48 %
085 - FIRE/MIS	4096490.00	4,096,490.00	481,853.91	4,064,966.34	0.00	31,523.66	0.77 %
090 - PUBLIC WORKS	1545200.00	1,545,200.00	153,839.12	1,239,644.13	0.00	305,555.87	19.77 %
093 - WATER DISTRIBUTION	2865830.00	2,865,830.00	232,662.21	2,613,066.18	0.00	252,763.82	8.82 %
094 - WASTEWATER COLLECTION	3284614.00	3,284,614.00	278,748.80	3,356,621.54	0.00	-72,007.54	-2.19 %
097 - FLEET MAINTENANCE	361650.00	361,650.00	45,119.22	243,645.70	0.00	118,004.30	32.63 %
098 - BUILDING MAINTENANCE	1069900.00	1,069,900.00	129,636.79	1,018,671.40	0.00	51,228.60	4.79 %
Report Total:	29,193,719.00	29,268,719.00	2,713,907.18	27,379,710.64	0.00	1,889,008.36	6.45 %

CERTIFICATES OF OBLIGATION FUNDS 2017
\$7,500,000 PROCEEDS
AS OF SEPTEMBER 2024
45-020-86122

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED:					
Whitley Road One (Starnes - Oakhill) - Construction	\$101,954.21	\$101,954.21	\$101,954.21		
Whitley Road Two (Watauga Rd - Chapman) - Engineering	\$355,500.00	\$355,500.00	\$355,500.00		
Whitley Road Two (Watauga Rd - Chapman) - Construction	\$2,094,978.50	\$2,094,978.50	\$2,094,978.50		
Sanitary Sewer Evaluation 2019	\$224,687.80	\$224,687.80	\$224,687.80		
Whitley Road Three (Chapman - Hightower) - Engineering	\$84,768.91	\$84,768.91	\$84,768.91		
Whitley Road Three (Chapman - Hightower) - Geo Testing & Construction	\$305,406.86	\$305,406.86	\$305,406.86		
Meadowlark Lane East (Water/Sewer) - Engineering	\$162,700.00	\$162,700.00	\$162,700.00		
Meadowlark Lane East (Water/Sewer) - Construction	\$1,492,684.73	\$1,492,684.73	\$1,492,684.73		
Starnes Rd Water Main (Indian Springs - Rufe Snow) - Engineering	\$123,000.00	\$123,000.00	\$123,000.00		
Starnes Rd Water Main (Indian Springs - Rufe Snow) - Construction	\$848,309.98	\$848,309.98	\$848,309.98		
IN PROGRESS:					
Whitley Road Four -Engineering	\$153,000.00	\$153,000.00	\$151,537.08	\$1,462.92	\$0.00
Whitley Road Four - Construction	\$1,553,009.01	\$1,553,009.01	\$1,501,052.89	\$51,956.12	\$0.00
PROJECTS TOTAL	\$7,500,000.00	\$7,500,000.00	\$7,446,580.96	\$53,419.04	\$0.00
TOTAL FUNDS REMAINING	\$0.00				

CERTIFICATES OF OBLIGATION FUNDS 2018**\$7,000,000 PROCEEDS****AS OF SEPTEMBER 2024**

VARIOUS

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
<i>Patrol Vehicles (5 units) & K-9 Vehicle</i>	<i>\$319,108.43</i>	<i>\$319,108.43</i>	<i>\$319,108.43</i>		
<i>Fire Marshal Vehicle</i>	<i>\$55,128.90</i>	<i>\$55,128.90</i>	<i>\$55,128.90</i>		
<i>Dedicated COVID Response Vehicle</i>	<i>\$11,373.58</i>	<i>\$11,373.58</i>	<i>\$11,373.58</i>		
<i>Public Works Fleet Shop Bay Doors</i>	<i>\$32,250.00</i>	<i>\$32,250.00</i>	<i>\$32,250.00</i>		
<i>Water Tower Fire Alarm Replacement</i>	<i>\$34,850.00</i>	<i>\$34,850.00</i>	<i>\$34,850.00</i>		
<i>Fire Engine</i>	<i>\$589,000.00</i>	<i>\$589,000.00</i>	<i>\$589,000.00</i>		
<i>Community Center Sign</i>	<i>\$80,812.30</i>	<i>\$80,812.30</i>	<i>\$80,812.30</i>		
<i>Public Works - Streets Division Ford F150 Truck</i>	<i>\$30,454.90</i>	<i>\$30,454.90</i>	<i>\$30,454.90</i>		
<i>Public Works - Building Maintenance Ford F150 Truck</i>	<i>\$31,841.00</i>	<i>\$31,841.00</i>	<i>\$31,841.00</i>		
<i>Foster Village Bridge & Sidewalk Improvements</i>	<i>\$48,042.00</i>	<i>\$48,042.00</i>	<i>\$48,042.00</i>		
<i>Needs Assessments - Library and Police</i>	<i>\$103,738.30</i>	<i>\$103,738.30</i>	<i>\$103,738.30</i>		
<i>Capp Smith Weir</i>	<i>\$27,150.00</i>	<i>\$27,150.00</i>	<i>\$27,150.00</i>		
<i>Branding Signs</i>	<i>\$237,574.97</i>	<i>\$237,574.97</i>	<i>\$237,574.97</i>		
<i>Sidewalks</i>	<i>\$141,716.84</i>	<i>\$141,716.84</i>	<i>\$141,716.84</i>		
<i>Bowie Street - Engineering</i>	<i>\$30,000.00</i>	<i>\$30,000.00</i>	<i>\$30,000.00</i>		
<i>Bowie Street - Construction</i>	<i>\$380,626.77</i>	<i>\$380,626.77</i>	<i>\$380,626.77</i>		
<i>Splashpad Shade Structures, Etc</i>	<i>\$99,977.00</i>	<i>\$99,977.00</i>	<i>\$99,977.00</i>		
<i>Splashpad</i>	<i>\$987,970.78</i>	<i>\$987,970.78</i>	<i>\$987,970.78</i>		
<i>Parks Trailer (partial funding - remaining in 2021 CO)</i>	<i>\$3,826.94</i>	<i>\$3,826.94</i>	<i>\$3,826.94</i>		
<i>Police Motorcycle (partial funding - remaining in 2021 CO)</i>	<i>\$11,352.78</i>	<i>\$11,352.78</i>	<i>\$11,352.78</i>		
<i>Parks Building Repairs</i>	<i>\$16,850.00</i>	<i>\$16,850.00</i>	<i>\$16,850.00</i>		
<i>Lighting Replacement (Capp Smith Park)</i>	<i>\$635,450.00</i>	<i>\$635,450.00</i>	<i>\$635,450.00</i>		
<i>Capp Smith Park Amenities</i>	<i>\$49,477.00</i>	<i>\$49,477.00</i>	<i>\$49,477.00</i>		
IN PROGRESS:					
Whites Branch Creek Trail @ Park Vista (Arcadia) - Design	\$33,347.00	\$33,347.00	\$33,347.00	\$0.00	\$0.00
Whites Branch Creek Trail @ Park Vista (Arcadia) - Construction	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	\$0.00
Park Vista Park Phase One Site - Construction	\$361,500.00	\$0.00	\$0.00	\$0.00	\$361,500.00
Park Vista Site Phase One - Engineering	\$38,500.00	\$38,500.00	\$22,715.00	\$15,785.00	\$0.00
Whitley Road Four - Engineering	\$437,000.00	\$437,000.00	\$432,773.28	\$4,226.72	\$0.00
Whitley Road Four - Construction	\$1,027,930.51	\$1,027,930.51	\$1,027,930.51	\$0.00	\$0.00
Site Amenities (various parks)	\$43,150.00	\$20,000.00	\$20,000.00	\$0.00	\$23,150.00
Street Overlays/Sidewalks	\$850,000.00	\$750,879.19	\$750,879.19	\$0.00	\$99,120.81

PROJECTS TOTAL	\$7,000,000.00	\$6,516,229.19	\$6,246,217.47	\$270,011.72	\$483,770.81
TOTAL UNDEFINED FUNDS REMAINING	\$0.00				

CERTIFICATES OF OBLIGATION FUNDS 2019

07-563-86220

\$8,850,000 PROCEEDS

45-563-86220

AS OF SEPTEMBER 2024

07-563-86220

45-563-86220

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
<i>Public Works - Manlift</i>	<i>\$22,111.98</i>	<i>\$22,111.98</i>	<i>\$22,111.98</i>		
<i>Parks Shade Structures - Hillview</i>	<i>\$16,577.00</i>	<i>\$16,577.00</i>	<i>\$16,577.00</i>		
<i>Public Works - Concrete Saw</i>	<i>\$30,797.50</i>	<i>\$30,797.50</i>	<i>\$30,797.50</i>		
<i>Information Technology - Cargo Van</i>	<i>\$31,475.00</i>	<i>\$31,475.00</i>	<i>\$31,475.00</i>		
<i>Parks Shade Structures - Virgil Anthony</i>	<i>\$26,977.00</i>	<i>\$26,977.00</i>	<i>\$26,977.00</i>		
<i>Flatbed (Dump Bed) Truck (fund 45)</i>	<i>\$44,426.74</i>	<i>\$44,426.74</i>	<i>\$44,426.74</i>		
<i>Police - Tahoes</i>	<i>\$121,989.71</i>	<i>\$121,989.71</i>	<i>\$121,989.71</i>		
<i>Police - ATV</i>	<i>\$19,932.52</i>	<i>\$19,932.52</i>	<i>\$19,932.52</i>		
<i>Police - ACO Unit</i>	<i>\$55,200.69</i>	<i>\$55,200.69</i>	<i>\$55,200.69</i>		
<i>Library - RFID</i>	<i>\$49,497.79</i>	<i>\$49,497.79</i>	<i>\$49,497.79</i>		
<i>Public Works Dump Truck (fund 07 & 45)</i>	<i>\$61,216.24</i>	<i>\$61,216.24</i>	<i>\$61,216.24</i>		
<i>2021 Silverado (replaces unit 158)</i>	<i>\$19,476.65</i>	<i>\$19,476.65</i>	<i>\$19,476.65</i>		
<i>Water/Wastewater Group 1: Engineering & Construction</i>	<i>\$2,057,503.88</i>	<i>\$2,057,503.88</i>	<i>\$2,057,503.88</i>		
<i>Water/Wastewater Group 4: Engineering & Construction</i>	<i>\$1,766,439.46</i>	<i>\$1,766,439.46</i>	<i>\$1,766,439.46</i>		
<i>Site Amenities (various parks locations) (fund 07)</i>	<i>\$33,523.35</i>	<i>\$33,523.35</i>	<i>\$33,523.35</i>		
<i>Backhoe Loader (fund 45)</i>	<i>\$166,797.83</i>	<i>\$166,797.83</i>	<i>\$166,797.83</i>		
<i>Water/Wastewater Projects Group 5: Engineering</i>	<i>\$290,000.00</i>	<i>\$290,000.00</i>	<i>\$290,000.00</i>		
IN PROGRESS:					
<i>Whitley Road Four - Construction</i>	<i>\$150,000.00</i>	<i>\$150,000.00</i>	<i>\$0.00</i>	<i>\$150,000.00</i>	<i>\$0.00</i>
<i>Water / Wastewater Projects:</i>					
Group 2: Construction Wastewater Rehabilitations	\$1,351,457.00	\$0.00	\$0.00	\$0.00	\$1,351,457.00
Group 2: Engineering	\$284,000.00	\$284,000.00	\$253,290.00	\$30,710.00	\$0.00
Group 3: Construction Summertime Lane (Carousel to Rufe Snow)	\$1,502,000.00	\$0.00	\$0.00	\$0.00	\$1,502,000.00
Group 3: Engineering	\$170,000.00	\$170,000.00	\$168,300.00	\$1,700.00	\$0.00
PROJECTS TOTAL	\$8,271,400.34	\$5,417,943.34	\$5,235,533.34	\$182,410.00	\$2,853,457.00

TOTAL UNDEFINED FUNDS REMAINING	\$578,599.66
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CERTIFICATES OF OBLIGATION 2020

\$3,000,000 PROCEEDS

AS OF SEPTEMBER 2024

07-575-85342

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
<i>Technology - Computers</i>	<i>\$216,000.00</i>	<i>\$216,000.00</i>	<i>\$216,000.00</i>		
<i>Fire Station Renovation Construction</i>	<i>\$893,148.28</i>	<i>\$893,148.28</i>	<i>\$893,148.28</i>		
<i>Police - ACO Truck</i>	<i>\$39,540.35</i>	<i>\$39,540.35</i>	<i>\$39,540.35</i>		
<i>Library Roof Replacement</i>	<i>\$69,525.00</i>	<i>\$69,525.00</i>	<i>\$69,525.00</i>		
<i>PW - Streets Heavy Equipment Drum Roller</i>	<i>\$38,057.00</i>	<i>\$38,057.00</i>	<i>\$38,057.00</i>		
IN PROGRESS:					
Whitley Road Four - Construction	\$445,801.36	\$445,801.36	\$445,801.36	\$0.00	\$0.00
Whitley Road Five - Construction	\$68,281.35	\$0.00	\$0.00	\$0.00	\$68,281.35
Fleet Building Expansion	\$163,470.76	\$163,470.76	\$153,056.12	\$10,414.64	\$0.00
Food Business Park - original location - Engineering	\$43,550.00	\$43,550.00	\$43,550.00	\$0.00	\$0.00
Food Business Park - Capp Smith Park Location - Construction	\$456,450.00	\$0.00	\$0.00	\$0.00	\$456,450.00
PA System (Rec Center)	\$40,000.00	\$0.00	\$0.00	\$0.00	\$40,000.00
Site Amenities (various parks)	\$23,879.83	\$23,879.83	\$22,019.83	\$1,860.00	\$0.00
Parks - Pole Barn Equipment Storage	\$140,000.00	\$0.00	\$0.00	\$0.00	\$140,000.00
PROJECTS TOTAL	\$2,637,703.93	\$1,932,972.58	\$1,920,697.94	\$12,274.64	\$704,731.35

TOTAL UNDEFINED FUNDS REMAINING		\$362,296.07			
CERTIFICATES OF OBLIGATION 2021					
\$4,700,000 PROCEEDS					
AS OF SEPTEMBER 2024					
07-560-85640					
PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
Motorcycle (replacing unit 68)	\$30,000.00	\$30,000.00	\$30,000.00		
Police Emergency Car (replacing unit 157)	\$59,630.39	\$59,630.39	\$59,630.39		
Weapons System	\$83,563.92	\$83,563.92	\$83,563.92		
Drone	\$25,000.00	\$25,000.00	\$25,000.00		
Fleet Truck F150 Unit # 214 (replacing unit 701)	\$54,709.99	\$54,709.99	\$54,709.99		
HVAC/Alarms Replacement	\$120,053.01	\$120,053.01	\$120,053.01		
Code Vehicle (replacing unit 205)	\$34,673.50	\$34,673.50	\$34,673.50		
Parks ATV (replacing unit 628)	\$16,235.82	\$16,235.82	\$16,235.82		
Parks F150 - unit 649 (replacing unit 620)	\$32,350.90	\$32,350.90	\$32,350.90		
Parks Trailer (partial funding - remaining in 2018 CO)	\$9,152.66	\$9,152.66	\$9,152.66		
Narcotic Testing System	\$26,302.65	\$26,302.65	\$26,302.65		
IN PROGRESS:					
Ballistic Vests	\$87,036.34	\$87,036.34	\$56,384.86	\$30,651.48	\$0.00
Fleet Service Truck F350 - unit 710 (replacing unit 709)	\$76,699.48	\$76,699.48	\$76,699.48	\$0.00	\$0.00
Servers/Switches	\$348,000.00	\$321,687.47	\$321,687.47	\$0.00	\$26,312.53
Whitley Road Five - Engineering	\$783,000.00	\$783,000.00	\$728,190.00	\$54,810.00	\$0.00
Whitley Road Five - Construction	\$2,910,134.24	\$0.00	\$0.00	\$0.00	\$2,910,134.24
PROJECTS TOTAL	\$4,696,542.90	\$1,760,096.13	\$1,674,634.65	\$85,461.48	\$2,936,446.77
TOTAL UNDEFINED FUNDS REMAINING		\$3,457.10			

CERTIFICATES OF OBLIGATION 2022**\$5,000,000 PROCEEDS****AS OF SEPTEMBER 2024**

07-563-86120

45-401-85140

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
<i>HVAC Replacement</i>	<i>\$79,938.00</i>	<i>\$79,938.00</i>	<i>\$79,938.00</i>		
<i>Police Code Vehicles (2) - Units 191 & 192</i>	<i>\$69,224.48</i>	<i>\$69,224.48</i>	<i>\$69,224.48</i>		
<i>Fire Marshal Vehicle</i>	<i>\$55,445.00</i>	<i>\$55,445.00</i>	<i>\$55,445.00</i>		
<i>Replacement Radios (police & fire)</i>	<i>\$673,116.17</i>	<i>\$673,116.17</i>	<i>\$673,116.17</i>		
<i>Public Works Vehicle</i>	<i>\$54,485.00</i>	<i>\$54,485.00</i>	<i>\$54,485.00</i>		
<i>Jet Vac (fund 45)</i>	<i>\$519,847.36</i>	<i>\$519,847.36</i>	<i>\$519,847.36</i>		
<i>Parks Vehicles (2)</i>	<i>\$84,202.82</i>	<i>\$84,202.82</i>	<i>\$84,202.82</i>		
<i>Police Motorcycle</i>	<i>\$44,318.68</i>	<i>\$44,318.68</i>	<i>\$44,318.68</i>		
IN PROGRESS:					
IT Hardware	\$85,000.00	\$83,543.04	\$83,543.04	\$0.00	\$1,456.96
Furniture & Fixtures	\$66,000.00	\$65,106.69	\$52,448.80	\$12,657.89	\$893.31
Hightower Road (Phase 1-5) - Engineering	\$1,694,000.00	\$1,694,000.00	\$1,224,423.20	\$469,576.80	\$0.00
Fleet Building Expansion	\$900,000.00	\$900,000.00	\$843,667.95	\$56,332.05	\$0.00
Foster Village Park	\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
Playground Equipment	\$240,000.00	\$189,848.88	\$189,848.88	\$0.00	\$50,151.12
Contingency	\$115,000.00	\$2,876.75	\$2,876.75	\$0.00	\$112,123.25
PROJECTS TOTAL	\$4,880,577.51	\$4,515,952.87	\$3,977,386.13	\$538,566.74	\$364,624.64

TOTAL UNDEFINED FUNDS REMAINING	\$119,422.49	NOTE: 30,152.64 (FUND 45)

CERTIFICATES OF OBLIGATION 2023
 \$8,950,000 PROCEEDS
 AS OF SEPTEMBER 2024
 07-563-86100

PROJECT	FINAL COST OR BUDGET	COMPLETE OR OBLIGATED	EXPENDED	REMAINING OBLIGATED	UNOBLIGATED
COMPLETED					
IN PROGRESS:					
Hightower Construction - Phase 1	\$6,328,000.00	\$0.00	\$0.00	\$0.00	\$6,328,000.00
Watauga Road - Engineering	\$2,232,000.00	\$0.00	\$0.00	\$0.00	\$2,232,000.00
Ambulance	\$390,000.00	\$379,591.95	\$153,590.92	\$226,001.03	\$10,408.05
PROJECTS TOTAL	\$8,950,000.00	\$379,591.95	\$153,590.92	\$226,001.03	\$8,570,408.05



AGENDA MEMORANDUM

DATE: October 30, 2024

TO: Honorable City Council Members

FROM: Juliet Rodriguez, Human Resources and Civil Service Director

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of a Resolution of the City Council of the City of Watauga, Texas amending Policy 6.02 Overtime and Compensatory Time, Policy 9.01 Mobile Communication Devices and Policy 14.03 Social Media of the Personnel, Administration and Financial Policies and Procedures Manual; providing for repeal; providing for severability; and providing an effective date.

BACKGROUND/INFORMATION:

Proposed Policy revisions were presented to City Council on Monday, October 28, 2024, at a City Council Workshop.

Policy 6.02 Overtime and Compensatory: The proposed revisions would update the policy to reflect the FLSA status for sworn shift personnel in the Police Department who are no longer on 28-day work week and are now on a 14-day workweek. This change was changed because it was more conducive for payroll as well as the police department.

Policy 9.01 Mobile Communication Devices: Revisions to this policy are being proposed to better align with our policy with its intent to assist with rather than fully pay for employee mobile phone costs. The revisions include the following:

- Elimination of the annual cell phone hardware stipend.
- Tier I - reduction of the monthly cell phone allowance from \$75 to \$50 monthly for those with an email set up and frequent supervisory business use.
- Tier II - reduction of the monthly cell phone allowance from \$40 to \$30 for those employees who regularly use their personal cell phones for work calls.
- Revisions to IT Responsibilities in reference to employee-owned devices regarding applications and troubleshooting.
- Revisions of the Mobile Allowance Authorization Form.

Policy 14.03 Social Media: The proposed revision to this policy is to incorporate the specific language from the model policy handed down from the DIR/DPS regarding SB 1863 concerning the TIKTOK provisions that needed to be adopted by November 20,



AGENDA MEMORANDUM

2024. This language also offers guidance for government entities to implement and maintain security measures.

Staff proposes these amendments to better align each of these policies with the law and our current intent and revise outdated information.

FINANCIAL IMPLICATIONS:

The only financial implications the city is currently facing is with the revision to Policy 9.01 Mobile Communication Devices, providing the city with a \$16,000 savings by removing the annual hardware stipend and reducing the monthly allowance for both tiers to better align with the intent of the policy.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully requests that City Council approve the presented resolutions amending policies 6.02, 9.01 and 14.03.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. DRAFT Resolution Amending Personnel Policies 6.02, 9.01, 14.03
2. 6.02 Overtime and Compensatory Time - Redline Exhibit A
3. 6.02 Overtime and Compensatory Time - Final Rev 1.1.25
4. 9.01 Mobile Communication Devices - Redline Exhibit A
5. 9.01 Mobile Communication Devices - Final Rev 1.1.25
6. 14.03 Social Media - Redline Exhibit A
7. 14.03 Social Media - Final Rev 11.15.24

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service
Director

Approved - 11/4/2024

David Berman, City Attorney

Approved - 11/5/2024

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 11/5/2024

Linda Proskey, City Secretary

Final Approval -
11/5/2024

Approved as to form for inclusion on Agenda

CITY OF WATAUGA, TEXAS
RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CITY'S PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL BY AMENDING POLICY 6.02 (OVERTIME AND COMPENSATORY TIME POLICY), POLICY 9.01 (MOBILE COMMUNICATION DEVICES POLICY), AND POLICY 14.03 (SOCIAL MEDIA); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Section 3.07(m), of the Home Rule Charter of the City of Watauga, Texas, provides that the City Council shall fix the salaries and compensation of city officers and employees, and establish qualifications, rules and standards of and for all employees of the City; and

WHEREAS, the City Council of the City has adopted a Personnel, Administration and Financial Policies and Procedures Manual ("Manual") applicable to City employees and the employment relationship between the City and its personnel; and

WHEREAS, City administration has recommended, and the Council concurs, that the Manual should be revised and amend these policies to better align with current FLSA pay period practice for sworn shift officers, and our intent for mobile phone allowance. Furthermore, to meet compliance regarding the SB 1863 deadline of the DIR/DPS model policy regarding TIKTOK; and

WHEREAS, the policy revisions approved herein add provisions for bridging of service for rehired employees to receive credit for prior years of service, revises the City's nepotism policy, revises and authorizes certification pay for civil service employees, and revises the compensation structure for merit, cost of living and shift differential pay, which the City Council finds and determines is in the best interest of the City and its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, THAT:

I.

The City Council of the City of Watauga hereby finds that the statements set forth in the recitals of this Resolution are true and correct and hereby incorporates such recitals as a part of this Resolution.

II.

Policy 6.02, "Overtime and Compensatory Time," of the City's Personnel, Administration and Financial Policies and Procedures Manual, be and is hereby amended as set forth in Exhibit "A" attached hereto and incorporated by reference, replacing the existing Policy 6.02, and the Manual is hereby amended accordingly.

III.

Policy 9.01, "Mobile Communication Devices," of the City's Personnel, Administration and Financial Policies and Procedures Manual be and is hereby amended as set forth in Exhibit "A" attached hereto and incorporated by reference, replacing the existing Policy 9.01, and the Manual is hereby amended accordingly.

IV.

Policy 14.03, "Social Media," of the City's Personnel, Administration and Financial Policies and Procedures Manual be and is hereby amended as set forth in Exhibit "A" attached hereto and incorporated by reference, replacing the existing Policy 14.03, and the Manual is hereby amended accordingly.

V.

This Resolution shall be and is hereby cumulative of all other Resolutions of the City of Watauga, Texas, and this Resolution shall not operate to repeal or affect any such other Resolutions

except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Resolution, in which event, such conflicting provisions, if any, in such other Resolutions are hereby repealed.

VI.

If any section, subsection, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution.

VII.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND APPROVED by the City Council of the City of Watauga, Texas this the ___ day of _____, 2024.

APPROVED:

ARTHUR L, MINER, Mayor

ATTEST:

LINDA PROSKEY, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, City Attorney



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Overtime and Compensatory Time
INITIAL EFFECTIVE DATE	October 24, 2016
LAST REVISION DATE	January 1, 2023 <u>January 1, 2025</u>
POLICY NUMBER	6.02

OBJECTIVE It is the policy of the City to comply with the Fair Labor Standards Act (FLSA).

SCOPE This policy applies to all employees.

POLICY

A. Definitions

All employees are covered by the FLSA but certain employee categories are exempted from the overtime pay requirements of the FLSA, such as those designated as "exempt". Under the FLSA, the City is required to pay at least minimum wage for all hours worked for which an employee is required or authorized to work for the City. The City will provide rates of pay for employees, and those rates will be determined by the City's adopted Classification Plan administered by the Director of Human Resources.

- 1. Exempt:** Positions paid on a salaried basis as determined by Human Resources based on job analysis to ensure compliance with Fair Labor Standards Act (FLSA). An exempt employee is one who is not covered by the overtime provisions under the FLSA therefore not eligible for compensation for hours worked in excess of 40 in the work week.
- 2. Non-Exempt:** Positions paid on an hourly basis as determined by Human Resources based on job analysis to ensure compliance with Fair Labor Standards Act (FLSA). Compensation of all hours worked including hours in excess of 40 in a work week either through overtime (time and ½) or compensatory time.
- 3. Work Schedules:** An employee's work schedule is determined by the department's operating requirements and is subject to change at any time by the Department Director or designee. An employee's work schedule may be adjusted within the work period to avoid the payment of overtime or accrual of compensatory time (comp time).
- 4. Unauthorized Work Time:** Unless approved in advance by the employee's supervisor, non-exempt employees performing work outside of the time authorized by the supervisor

is prohibited. Such time would include, but not be limited to, work performed before or after regular work hours or work taken home.

B. Overtime

Overtime, when ordered for maintenance of essential City functions, shall be allocated as evenly as possible among all non-exempt employees. Complete records of overtime of employees shall be maintained by each Department or Division. Overtime, when ordered, shall be considered mandatory. **Prior authorization from a supervisor is required before working overtime.**

The Fair Labor Standards Act (FLSA) established minimum wage, overtime, record keeping and child labor standards. FLSA provides the option for compensating time in lieu of overtime compensation for non-exempt employees. Non-exempt employees, under FLSA, shall be paid at one and one-half times their regular hourly rate or receive compensatory time off at one and one-half times their regular hourly rate for hours worked in excess of the maximum allowed under FLSA.

Supervisor Responsibilities: The supervisor must approve in advance all overtime or compensatory time worked.

Employee Responsibilities: An employee is only allowed to work overtime or accrue compensatory time with the express permission of the supervisor. The employee must accurately record all time worked within the pay period in which it was worked.

Overtime Payment: Overtime compensation will be paid to all employees in nonexempt positions who work overtime as defined in this policy, unless accruing compensatory time is approved in advance by the supervisor and the employee.

All non-exempt employees are eligible for overtime according to the following three (3) work schedules:

1. Standard Work Period (Category A): 40 hour employees are eligible for overtime compensation for actual time worked over 40 hours per week.

Work cycles for 40-hour employees include working for 40-hours during a period of seven (7) consecutive days beginning on Saturday at 12:00 a.m. and working through Friday at 11:59 p.m. Hours actually worked over 40-hours in a work period for 40-hour employees shall be considered overtime.

2. Fire Suppression Work Period (Category B): Firefighter/EMS employees that are covered under Section 207(k) of the FLSA and are eligible for overtime compensation for actual time worked greater than 106-hours within a 14-day work period.

Employees covered under the 207(k) plan 14-day work period shall have a maximum work hour standard of 106-hours in 14 consecutive days with the cycle beginning on Saturday

at 12:00 a.m. and working through Friday at 11:59 p.m. Hours worked in excess of the 106-hours in each 14-day work period are considered overtime.

3. Sworn Police Work Period (Category C): Sworn Police Officers, in the Patrol division, that are covered under Section 207(k) of the FLSA and are eligible for overtime compensation for actual time worked greater than ~~171~~85.5 hours within a ~~281~~4-day work period. A majority of employees within this category must agree in writing to a greater work period.

Employees covered under the 207(k) plan ~~281~~4-day work period shall have a maximum work hour standard of ~~85.5~~171-hours in ~~281~~4 consecutive days with the cycle beginning on Saturday at 12:00 a.m. and working through Friday at 11:59 p.m. Hours worked in excess of the ~~171~~85.5 -hours in each ~~281~~4-day work period are considered overtime. A majority of employees within this category must agree in writing to a greater work period.

Overtime compensation is paid to all non-exempt employees in accordance with State Law, Federal Law and in compliance with City Policy. In general, "hours worked" include all time that an employee is required to be on duty and all time during which the employee is authorized to work (under the definition provided by the Fair Labor Standards Act) for the City. Vacation leave, Holiday leave, Bereavement leave, Personal Day leave, Jury Duty leave, Sick leave, Family Medical leave, Compensatory time taken, Military leave, Injury leave, Suspension and all other leaves with/without pay are considered "hours not worked" and are not considered for overtime eligibility.

C. Compensatory Time Off

1. An employee may either be paid overtime compensation or the employee may accrue compensatory time for any overtime worked. The employee may not elect to receive both overtime compensation and to accrue compensatory time for overtime worked in the same day. Both the employee and the supervisor must agree in advance of the time worked to the election of compensatory time in lieu of overtime pay.
2. Non-exempt employees and Civil Service employees are eligible to accrue compensatory time. Non-exempt employees including Civil Service can have a maximum accrual of 80 hours of compensatory time.
3. Exempt employees are frequently required to work more than 40 hours a week. Although exempt employees are not covered under FLSA for overtime or compensatory time, the City Manager or designee may authorize exempt employees to take compensatory time rather than vacation or sick leave for absences.
4. An employee may request the use of their accrued compensatory time in the same manner as vacation leave or personal leave. A supervisor must allow an employee to use their accrued compensatory time within a reasonable period of time from the date of the request, provided the use is not unduly disruptive to the department's operation.

5. Generally, there is no additional compensation for compensatory time other than that outlined in this section unless specified in an employment agreement. The City Manager or designee may authorize payment for compensatory hours if requested by the employee. Generally this will only be authorized for emergencies such as medical expenses. Nevertheless, of and from January 1, 2023, employees who have accrued compensatory time off in excess of 80 hours will be paid for all accrued compensatory time in excess of 80 hours (a buy-down of excess accrued comp time). The City Manager may implement a comp time buy back policy whereby the City may buy back accrued comp time of less than 80 hours. The payment will be based on the employee's regular rate of pay at the time of the City's buy-down of the excess compensatory time.
6. Upon termination of employment with the City, or upon an employee's change of status to an exempt, part-time, or seasonal position, the employee will be paid for all accrued but unused compensatory time off. The compensatory time off payment will be the higher of: 1) the average regular rate of pay received by the employee during the last 3 years of employment, or 2) the final regular rate of pay at the time of termination or change of status to exempt, part-time, or seasonal.



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Overtime and Compensatory Time
INITIAL EFFECTIVE DATE	October 24, 2016
LAST REVISION DATE	January 1, 2025
POLICY NUMBER	6.02

OBJECTIVE It is the policy of the City to comply with the Fair Labor Standards Act (FLSA).

SCOPE This policy applies to all employees.

POLICY

A. Definitions

All employees are covered by the FLSA but certain employee categories are exempted from the overtime pay requirements of the FLSA, such as those designated as "exempt". Under the FLSA, the City is required to pay at least minimum wage for all hours worked for which an employee is required or authorized to work for the City. The City will provide rates of pay for employees, and those rates will be determined by the City's adopted Classification Plan administered by the Director of Human Resources.

- 1. Exempt:** Positions paid on a salaried basis as determined by Human Resources based on job analysis to ensure compliance with Fair Labor Standards Act (FLSA). An exempt employee is one who is not covered by the overtime provisions under the FLSA therefore not eligible for compensation for hours worked in excess of 40 in the work week.
- 2. Non-Exempt:** Positions paid on an hourly basis as determined by Human Resources based on job analysis to ensure compliance with Fair Labor Standards Act (FLSA). Compensation of all hours worked including hours in excess of 40 in a work week either through overtime (time and ½) or compensatory time.
- 3. Work Schedules:** An employee's work schedule is determined by the department's operating requirements and is subject to change at any time by the Department Director or designee. An employee's work schedule may be adjusted within the work period to avoid the payment of overtime or accrual of compensatory time (comp time).
- 4. Unauthorized Work Time:** Unless approved in advance by the employee's supervisor, non-exempt employees performing work outside of the time authorized by the supervisor

is prohibited. Such time would include, but not be limited to, work performed before or after regular work hours or work taken home.

B. Overtime

Overtime, when ordered for maintenance of essential City functions, shall be allocated as evenly as possible among all non-exempt employees. Complete records of overtime of employees shall be maintained by each Department or Division. Overtime, when ordered, shall be considered mandatory. **Prior authorization from a supervisor is required before working overtime.**

The Fair Labor Standards Act (FLSA) established minimum wage, overtime, record keeping and child labor standards. FLSA provides the option for compensating time in lieu of overtime compensation for non-exempt employees. Non-exempt employees, under FLSA, shall be paid at one and one-half times their regular hourly rate or receive compensatory time off at one and one-half times their regular hourly rate for hours worked in excess of the maximum allowed under FLSA.

Supervisor Responsibilities: The supervisor must approve in advance all overtime or compensatory time worked.

Employee Responsibilities: An employee is only allowed to work overtime or accrue compensatory time with the express permission of the supervisor. The employee must accurately record all time worked within the pay period in which it was worked.

Overtime Payment: Overtime compensation will be paid to all employees in nonexempt positions who work overtime as defined in this policy, unless accruing compensatory time is approved in advance by the supervisor and the employee.

All non-exempt employees are eligible for overtime according to the following three (3) work schedules:

1. Standard Work Period (Category A): 40 hour employees are eligible for overtime compensation for actual time worked over 40 hours per week.

Work cycles for 40-hour employees include working for 40-hours during a period of seven (7) consecutive days beginning on Saturday at 12:00 a.m. and working through Friday at 11:59 p.m. Hours actually worked over 40-hours in a work period for 40-hour employees shall be considered overtime.

2. Fire Suppression Work Period (Category B): Firefighter/EMS employees that are covered under Section 207(k) of the FLSA and are eligible for overtime compensation for actual time worked greater than 106-hours within a 14-day work period.

Employees covered under the 207(k) plan 14-day work period shall have a maximum work hour standard of 106-hours in 14 consecutive days with the cycle beginning on Saturday

at 12:00 a.m. and working through Friday at 11:59 p.m. Hours worked in excess of the 106-hours in each 14-day work period are considered overtime.

3. Sworn Police Work Period (Category C): Sworn Police Officers, in the Patrol division, that are covered under Section 207(k) of the FLSA and are eligible for overtime compensation for actual time worked greater than 85.5 hours within a 14-day work period. A majority of employees within this category must agree in writing to a greater work period.

Employees covered under the 207(k) plan 14-day work period shall have a maximum work hour standard of 85.5-hours in 14 consecutive days with the cycle beginning on Saturday at 12:00 a.m. and working through Friday at 11:59 p.m. Hours worked in excess of the 85.5 -hours in each 14-day work period are considered overtime. A majority of employees within this category must agree in writing to a greater work period.

Overtime compensation is paid to all non-exempt employees in accordance with State Law, Federal Law and in compliance with City Policy. In general, "hours worked" include all time that an employee is required to be on duty and all time during which the employee is authorized to work (under the definition provided by the Fair Labor Standards Act) for the City. Vacation leave, Holiday leave, Bereavement leave, Personal Day leave, Jury Duty leave, Sick leave, Family Medical leave, Compensatory time taken, Military leave, Injury leave, Suspension and all other leaves with/without pay are considered "hours not worked" and are not considered for overtime eligibility.

C. Compensatory Time Off

1. An employee may either be paid overtime compensation or the employee may accrue compensatory time for any overtime worked. The employee may not elect to receive both overtime compensation and to accrue compensatory time for overtime worked in the same day. Both the employee and the supervisor must agree in advance of the time worked to the election of compensatory time in lieu of overtime pay.
2. Non-exempt employees and Civil Service employees are eligible to accrue compensatory time. Non-exempt employees including Civil Service can have a maximum accrual of 80 hours of compensatory time.
3. Exempt employees are frequently required to work more than 40 hours a week. Although exempt employees are not covered under FLSA for overtime or compensatory time, the City Manager or designee may authorize exempt employees to take compensatory time rather than vacation or sick leave for absences.
4. An employee may request the use of their accrued compensatory time in the same manner as vacation leave or personal leave. A supervisor must allow an employee to use their accrued compensatory time within a reasonable period of time from the date of the request, provided the use is not unduly disruptive to the department's operation.

5. Generally, there is no additional compensation for compensatory time other than that outlined in this section unless specified in an employment agreement. The City Manager or designee may authorize payment for compensatory hours if requested by the employee. Generally this will only be authorized for emergencies such as medical expenses. Nevertheless, of and from January 1, 2023, employees who have accrued compensatory time off in excess of 80 hours will be paid for all accrued compensatory time in excess of 80 hours (a buy-down of excess accrued comp time). The City Manager may implement a comp time buy back policy whereby the City may buy back accrued comp time of less than 80 hours. The payment will be based on the employee's regular rate of pay at the time of the City's buy-down of the excess compensatory time.
6. Upon termination of employment with the City, or upon an employee's change of status to an exempt, part-time, or seasonal position, the employee will be paid for all accrued but unused compensatory time off. The compensatory time off payment will be the higher of: 1) the average regular rate of pay received by the employee during the last 3 years of employment, or 2) the final regular rate of pay at the time of termination or change of status to exempt, part-time, or seasonal.



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Mobile Communication Devices
INITIAL EFFECTIVE DATE	November 14, 2016
LAST REVISION DATE	Replaces Section 13.16 of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014. January 1, 2025
POLICY NUMBER	9.01

OBJECTIVE This policy addresses allowances provided to City employees for using their personally-owned MCDs or City-issued MCDs for business purposes.

SCOPE This policy applies to employees who receive an allowance for their personal mobile communication device or have been provided with a City issued mobile communication device.

POLICY

This policy will address issues surrounding personal mobile communication devices (MCDs) and city-issued MCDs. While at work, employees are expected to exercise the same discretion in using personal mobile devices as is expected for the use of city-issued mobile devices. Excessive personal calls during the workday, regardless of the mobile device used, can interfere with employee productivity and may be distracting to others. Therefore, personal mobile calls, texting, and web browsing/social media websites should be limited to use during non-work time where possible, on breaks, lunch, or before/after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on break. Abuse of this policy may result in the loss of the use of a city-owned mobile phone and/or disciplinary action.

A. Definitions

1. **Mobile Communications Device (MCD):** Any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with capability to access the Internet (generally referred to as a Smart Phone).
2. **Conversation:** Communication exchange between two (2) or more individuals taking place in voice or data format.

B. Personally Owned Mobile Communication Devices

The City will continue providing City-owned MCDs for assignment to eligible individual employees, however, employees with access to a personal MCD are encouraged to utilize the stipend process. On-call and medic phones will remain City-owned devices and issued to departments for shared, temporary or infrequent use.

1. Eligibility

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be submitted in writing by the Department Director to the City Manager for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- a. **Public/Personal Safety:** The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. **Accessibility:** The employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. **Responsiveness:** The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement. These requests would be reviewed and approved by the City Manager.

2. Allowance

The MCD allowance is not intended to pay the full costs of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable costs that the employee incurs while using the device/service as part of their City job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or overtime. Taxes

incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.

- d. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as Federal Income Tax, TMRS, etc. The allowance provided will be calculated on a monthly payment. This monthly payment will be then multiplied by twelve months, for a total annual cost to the City. The total annual cost will then be divided by the number of pay periods in a year and distributed to the employee as part of their payroll check every two weeks.
- e. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employees' own expense.
- f. There are two (2) Tier Levels for Mobile Communication Device allowances.

Tier I: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls, text messaging, capability of receiving/sending email, contacts, calendar events with City's Microsoft Exchange. The employee will receive a monthly stipend of ~~\$75~~\$50. ~~Each October the employee will receive an annual hardware stipend of \$75. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.~~

Tier II: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls and text messaging. The employee will receive a monthly stipend of ~~\$43~~\$0. ~~Each October the employee will receive an annual hardware stipend of \$40. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.~~

3. Employee Responsibilities

- a. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- b. Provide Department Director and Human Resources with current contact information or address of the communication device within three (3) days of activation. MCD Allowance Authorization Form (**See Form A**) must be completed by HR and approved by the Employee, Department Director and City Manager before implementation.
- c. Acknowledge that Department Director periodically request that the employee provide a copy of the first page of the phone bill in order to verify that they have an active mobile communications device. **Department Directors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.**

- d. Assure availability for communication, be in possession of the MCD, and have it charged and turned on during the days/times as specified by Department Director.
- e. Notify supervisor immediately of damaged, lost, or stolen MCD, and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by Department Director. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, Information Technology will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device. If theft is suspected, employees must file a police report and cooperate with law enforcement.
- f. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- g. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Watauga's email or other information system are reminded that these systems are intended for official City business only.
- h. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- i. **Acknowledge that MCD records may be subject to the Public Information Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, emails, all types of messaging, photographs, internet usage, and application usage. Information related to phone conversations typically obtained through the Public Information Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.**
- j. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- k. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.

- l. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- m. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.

4. Departmental Responsibilities

- a. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- b. The Department Director has the option of revoking the allowance approval.
- c. If an employee transfers, changes positions or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will ~~submit a Payroll Authorization Form showing notify HR of~~ the service end date to terminate the allowance and ~~will notify Human Resources immediately~~ HR will process the Payroll Action Form.
- d. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.
- e. Departments will budget the monthly allowance and annual device allowance for all approved devices within their annual budgets.

5. Information Technology Responsibilities

1. The Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor to vendor.
2. ~~When necessary,~~ Information Technology will not load applications ~~load City-licensed or City-required applications~~ onto employee-owned MCDs.
3. ~~Information Technology will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by Information Technology. Limited support may be provided for employees purchasing recommended devices.~~ Limited support and troubleshooting will be provided for employee-owned devices and shall only include city authorized applications or services.
4. Information Technology will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.

C. City-Issued Mobile Communication Device

The City will own and retain a certain number of mobile communications devices (MCDs) as departmental pool phones and for emergency use, or disaster response/recovery purposes. The intent of these MCDs is to improve and better facilitate communication with employees serving on a shift rotation basis or to employees in temporary situations.

City-owned MCDs issued to employees will improve efficiency, enable employees to respond promptly in emergency situations, and/or provide safety for Watauga citizens and employees when more conventional and cost effective means of communications are not available.

1. Eligibility

Justification for a City-owned MCD should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Requests for new City-owned MCD's should be submitted in writing to City Manager ([See Form B](#)) for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one of the following categories:

- a. Public/Personal Safety: The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. Accessibility: The employee requires immediate direct communication to conduct urgent city business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. Responsiveness: The employee requires immediate direct communication to conduct urgent city business to ensure responsiveness to operational and/or support functions.

2. General Guidelines for Use

After justification for a City-owned MCD has been approved, a device will be assigned to the department. City-owned MCD guidelines are as follows:

- a. Departments should only "check-out" the MCD to employees serving in positions which meet the Eligibility criteria defined above, serve on a shift rotation basis, or to employees who need to communicate while in temporary situations. It may not be assigned to an individual employee on a long-term basis.
- b. The device must be used for City-related business **ONLY**.
- c. The IRS may require that specific information be documented for each communication a City-owned MCD. Each department may be consulted to provide that information periodically.

- d. The device may not be utilized for personal use by any employee.

3. Employee Responsibilities

- a. For departments that have MCDs for “check-out”, the employee must “check-out” the City-owned MCD on a temporary basis or on an as needed basis (on-call, project, etc). “Check-outs” must be approved by the Department Director.
- b. Personal use of a City-owned MCD is strictly prohibited and will not be tolerated. Employee will be responsible for reimbursing the City for any personal usage. If personal usage continues, the employee may be reprimanded and suspended from usage of City-owned MCDs.
- c. Employees using City-issued MCDs shall have no expectation of privacy in mobile phone calls, pictures, or text messages on these phones.
- d. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City’s Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose job responsibilities include driving and who are issued a MCD for business use are expected to refrain from using their phone (includes web browsing, texting, taking pictures, etc.) while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the MCD. Special care should be taken in situations where there is traffic, inclement weather, or unfamiliar area.
- e. Employees whose MCDs are capable of accessing the City of Watauga’s email or other information systems are reminded that these systems are intended for official City business only.
- f. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- g. Employees in possession of a City-owned MCD are expected to protect the equipment from loss, damage, or theft. Upon separation of employment or at any time upon request, the employee will be asked to produce the phone for return and inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check.

4. Departmental Responsibilities

- a. Once eligibility is established, the Department Director must submit a detailed written justification/request to the City Manager for approval. The approved request will be forwarded to the Finance Department to be fulfilled.

- b. Finance will maintain logs which shows date and time MCD was “checked-out” including which employee used the MCD. Should the MCD need repair or replacement, the department will provide this request to the Finance Department.
- c. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- d. Supervisors are responsible for ensuring that employees do not conduct personal conversations on City-owned MCDs. Department Director and/or supervisor have the discretion to suspend usage of City-owned MCDs to employees who exhibit continued personal usage as well as conducting employee reprimand.
- e. As with any policy, management staff is expected to serve as role models for proper compliance and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

5. Information Technology Responsibilities

- a. Information Technology will provide recommendation for contracted service providers and MCDs.
- b. When necessary, Information Technology will load City-licensed or City-required applications onto City-owned MCDs. Limited support may be provided.

6. Public Information Act

Employees are advised that records related to calls, text messages, and/or pictures made and received on City-owned MCDs are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7. Monitoring of Mobile Phone Calls

Employees should be aware that mobile phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor mobile phone conversations without the consent of one of the parties to the conversation.

Although it is technically difficult, inadvertent monitoring of private mobile conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided mobile phone.



FORM A

**MOBILE COMMUNICATIONS DEVICE
ALLOWANCE AUTHORIZATION FORM**

Employee Name _____	Employee No. _____
Job Title _____	Department _____

Start Date _____	End Date _____
Voice Service Non-Supervisory – Monthly Allowance	Voice +Data Service Supervisory – Monthly Allowance
Equipment Replacement	
\$40.30 Plan	\$75.50 Plan
	\$75 (available Oct 1)

The City of Watauga will pay an amount up to the amount an employee would normally incur for a plan sufficient to meet the employee's business needs.

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities. I understand the amounts received under this plan are taxable income and not part of my base salary. I understand I am responsible for all costs and contract terms associated with my service plan.

Employee's Signature

Date

Department Director Justification (see sections B1, B2 and B3):

I certify this allowance is necessary to cover work related expenses for mobile communication usage. Business justification/explanation:

--

Mobile Device Number:

Department Director Signature

Date

____ City Manager Signature

____ Date



FORM B

MOBILE COMMUNICATIONS DEVICE

CITY OWNED

Employee Name _____ Employee No. _____
Job Title _____ Department _____

Check- out _____ Check-In _____

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities.

Employee's Signature

Date

Department Director:

I certify this MCD is necessary to facilitate communication with employees serving in the field, on a shift rotation basis or on-call situations.

Business justification/explanation:

Mobile Device Number: _____

Department Director Signature

Date

City Manager Signature

Date



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Mobile Communication Devices
INITIAL EFFECTIVE DATE	November 14, 2016
LAST REVISION DATE	January 1, 2025
POLICY NUMBER	9.01

OBJECTIVE This policy addresses allowances provided to City employees for using their personally-owned MCDs or City-issued MCDs for business purposes.

SCOPE This policy applies to employees who receive an allowance for their personal mobile communication device or have been provided with a City issued mobile communication device.

POLICY

This policy will address issues surrounding personal mobile communication devices (MCDs) and city-issued MCDs. While at work, employees are expected to exercise the same discretion in using personal mobile devices as is expected for the use of city-issued mobile devices. Excessive personal calls during the workday, regardless of the mobile device used, can interfere with employee productivity and may be distracting to others. Therefore, personal mobile calls, texting, and web browsing/social media websites should be limited to use during non-work time where possible, on breaks, lunch, or before/after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on break. Abuse of this policy may result in the loss of the use of a city-owned mobile phone and/or disciplinary action.

A. Definitions

1. **Mobile Communications Device (MCD):** Any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with capability to access the Internet (generally referred to as a Smart Phone).
2. **Conversation:** Communication exchange between two (2) or more individuals taking place in voice or data format.

B. Personally Owned Mobile Communication Devices

The City will continue providing City-owned MCDs for assignment to eligible individual employees, however, employees with access to a personal MCD are encouraged to utilize the stipend process. On-call and medic phones will remain City-owned devices and issued to departments for shared, temporary or infrequent use.

1. Eligibility

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be submitted in writing by the Department Director to the City Manager for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- a. **Public/Personal Safety:** The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. **Accessibility:** The employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. **Responsiveness:** The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement. These requests would be reviewed and approved by the City Manager.

2. Allowance

The MCD allowance is not intended to pay the full costs of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable costs that the employee incurs while using the device/service as part of their City job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or overtime. Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.

- d. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as Federal Income Tax, TMRS, etc. The allowance provided will be calculated on a monthly payment. This monthly payment will be then multiplied by twelve months, for a total annual cost to the City. The total annual cost will then be divided by the number of pay periods in a year and distributed to the employee as part of their payroll check every two weeks.
- e. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employees' own expense.
- f. There are two (2) Tier Levels for Mobile Communication Device allowances.

Tier I: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls, text messaging, capability of receiving/sending email, contacts, calendar events with City's Microsoft Exchange. The employee will receive a monthly stipend of \$50.

Tier II: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls and text messaging. The employee will receive a monthly stipend of \$30.

3. Employee Responsibilities

- a. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- b. Provide Department Director and Human Resources with current contact information or address of the communication device within three (3) days of activation. MCD Allowance Authorization Form ([See Form A](#)) must be completed by HR and approved by the Employee, Department Director and City Manager before implementation.
- c. Acknowledge that Department Director periodically request that the employee provide a copy of the first page of the phone bill in order to verify that they have an active mobile communications device. **Department Directors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.**
- d. Assure availability for communication, be in possession of the MCD, and have it charged and turned on during the days/times as specified by Department Director.
- e. Notify supervisor immediately of damaged, lost, or stolen MCD, and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by Department Director. Any associated costs for replacement

will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, Information Technology will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device. If theft is suspected, employees must file a police report and cooperate with law enforcement.

- f. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- g. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Watauga's email or other information system are reminded that these systems are intended for official City business only.
- h. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- i. **Acknowledge that MCD records may be subject to the Public Information Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, emails, all types of messaging, photographs, internet usage, and application usage. Information related to phone conversations typically obtained through the Public Information Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.**
- j. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- k. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.
- l. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- m. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.

4. Departmental Responsibilities

- a. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- b. The Department Director has the option of revoking the allowance approval.
- c. If an employee transfers, changes positions or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will notify HR of the service end date to terminate the allowance and HR will process the Payroll Action Form.
- d. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.
- e. Departments will budget the monthly allowance and annual device allowance for all approved devices within their annual budgets.

5. Information Technology Responsibilities

1. The Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor to vendor.
2. Information Technology will not load applications onto employee-owned MCDs.
3. . Limited support and troubleshooting will be provided for employee-owned devices and shall only include city authorized applications or services.
4. Information Technology will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.

C. City-Issued Mobile Communication Device

The City will own and retain a certain number of mobile communications devices (MCDs) as departmental pool phones and for emergency use, or disaster response/recovery purposes. The intent of these MCDs is to improve and better facilitate communication with employees serving on a shift rotation basis or to employees in temporary situations.

City-owned MCDs issued to employees will improve efficiency, enable employees to respond promptly in emergency situations, and/or provide safety for Watauga citizens and employees when more conventional and cost effective means of communications are not available.

1. Eligibility

Justification for a City-owned MCD should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Requests for new City-owned MCD's should be submitted in writing to City Manager (**See Form B**) for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one of the following categories:

- a. Public/Personal Safety: The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. Accessibility: The employee requires immediate direct communication to conduct urgent city business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. Responsiveness: The employee requires immediate direct communication to conduct urgent city business to ensure responsiveness to operational and/or support functions.

2. General Guidelines for Use

After justification for a City-owned MCD has been approved, a device will be assigned to the department. City-owned MCD guidelines are as follows:

- a. Departments should only "check-out" the MCD to employees serving in positions which meet the Eligibility criteria defined above, serve on a shift rotation basis, or to employees who need to communicate while in temporary situations. It may not be assigned to an individual employee on a long-term basis.
- b. The device must be used for City-related business **ONLY**.
- c. The IRS may require that specific information be documented for each communication a City-owned MCD. Each department may be consulted to provide that information periodically.
- d. The device may not be utilized for personal use by any employee.

3. Employee Responsibilities

- a. For departments that have MCDs for "check-out", the employee must "check-out" the City-owned MCD on a temporary basis or on an as needed basis (on-call, project, etc). "Check-outs" must be approved by the Department Director.
- b. Personal use of a City-owned MCD is strictly prohibited and will not be tolerated. Employee will be responsible for reimbursing the City for any personal usage. If personal usage continues, the employee may be reprimanded and suspended from usage of City-owned MCDs.

- c. Employees using City-issued MCDs shall have no expectation of privacy in mobile phone calls, pictures, or text messages on these phones.
- d. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose job responsibilities include driving and who are issued a MCD for business use are expected to refrain from using their phone (includes web browsing, texting, taking pictures, etc.) while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the MCD. Special care should be taken in situations where there is traffic, inclement weather, or unfamiliar area.
- e. Employees whose MCDs are capable of accessing the City of Watauga's email or other information systems are reminded that these systems are intended for official City business only.
- f. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- g. Employees in possession of a City-owned MCD are expected to protect the equipment from loss, damage, or theft. Upon separation of employment or at any time upon request, the employee will be asked to produce the phone for return and inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check.

4. Departmental Responsibilities

- a. Once eligibility is established, the Department Director must submit a detailed written justification/request to the City Manager for approval. The approved request will be forwarded to the Finance Department to be fulfilled.
- b. Finance will maintain logs which shows date and time MCD was "checked-out" including which employee used the MCD. Should the MCD need repair or replacement, the department will provide this request to the Finance Department.
- c. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- d. Supervisors are responsible for ensuring that employees do not conduct personal conversations on City-owned MCDs. Department Director and/or supervisor have the discretion to suspend usage of City-owned MCDs to employees who exhibit continued personal usage as well as conducting employee reprimand.

- e. As with any policy, management staff is expected to serve as role models for proper compliance and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

5. Information Technology Responsibilities

- a. Information Technology will provide recommendation for contracted service providers and MCDs.
- b. When necessary, Information Technology will load City-licensed or City-required applications onto City-owned MCDs. Limited support may be provided.

6. Public Information Act

Employees are advised that records related to calls, text messages, and/or pictures made and received on City-owned MCDs are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7. Monitoring of Mobile Phone Calls

Employees should be aware that mobile phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor mobile phone conversations without the consent of one of the parties to the conversation.

Although it is technically difficult, inadvertent monitoring of private mobile conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided mobile phone.



FORM A

**MOBILE COMMUNICATIONS DEVICE
ALLOWANCE AUTHORIZATION FORM**

Employee Name _____		Employee No. _____	
Job Title _____		Department _____	
Start Date _____		End Date _____	
Non-Supervisory – Monthly Allowance		Supervisory – Monthly Allowance	
___ \$ 30 Plan		___ \$ 50 Plan	

The City of Watauga will pay an amount up to the amount an employee would normally incur for a plan sufficient to meet the employee's business needs.

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities. I understand the amounts received under this plan are taxable income and not part of my base salary. I understand I am responsible for all costs and contract terms associated with my service plan.

Employee's Signature

Date

Department Director Justification (see sections B1, B2 and B3):

I certify this allowance is necessary to cover work related expenses for mobile communication usage. Business justification/explanation:

--

Mobile Device Number:

Department Director Signature

Date

City Manager Signature

Date



FORM B

**MOBILE COMMUNICATIONS DEVICE
CITY OWNED**

Employee Name _____ Employee No. _____
Job Title _____ Department _____

Check- out _____ Check-In _____

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities.

Employee's Signature

Date

Department Director:

I certify this MCD is necessary to facilitate communication with employees serving in the field, on a shift rotation basis or on-call situations.

Business justification/explanation:

Mobile Device Number:

Department Director Signature

Date

City Manager Signature

Date



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Social Media
INITIAL EFFECTIVE DATE	July 25, 2016
LAST REVISION DATE	November 15, 2023 <u>November 15, 2024</u>
POLICY NUMBER	14.03

OBJECTIVE

The City endorses the secure use of social media to enhance communication, collaboration and information exchange, streamline processes, and foster productivity. This policy establishes the City's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

SCOPE This policy applies to all employees.

POLICY

Social media provides a new and potentially valuable means of assisting the City and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The City also recognizes the role that these tools play in the personal lives of some City personnel. The personal use of social media can have a bearing on City personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by City personnel.

A. Definitions

1. **Designated Administrator:** The Chief Information Officer is designated as the city-wide administrator of all social media sites.
2. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for "Web log."
3. **Page:** The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
4. **Post:** Content an individual shares on a social media site or the act of publishing content on a site.

5. **Profile:** Information that a user provides about himself or herself on a social networking site.
6. **Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram, Snap Chat), micro-blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
7. **Social Networks:** Online platforms where users can create profiles, share information and socialize with others using a range of technologies.
8. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape or other related forms of communication.
9. **Web 2.0:** The second generation of the World Wide Web focused on shareable user-generated content rather than static web pages. Some use this term interchangeably with social media.
10. **Wiki:** Web page(s) that can be edited collaboratively.
11. **Department personnel:** Any City employee or volunteer who is representing the City or a Department of the City in any capacity.

B. Department Use of Social Media

1. Set Up Requirements
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
 - b. Where possible, the page(s) shall link to the individual department's official website or to the City's main website
 - c. Where possible, the City's standard logo shall be used. Derivatives of the logo are not allowed.
 - d. Where possible, the City's standard slogan shall be used. Derivatives of the slogan are not allowed.
 - e. Social media page(s) shall be designed specifically for the target audience.
2. Procedures
 - a. All department social media sites or pages shall be approved by the City Manager or his or her designee before being activated.
 - b. A department social media site shall be maintained by a departmental designee, designated in writing by the Department Manager.

- c. Where possible, social media pages shall clearly indicate that they are maintained by the department and shall have department contact information prominently displayed.
 - d. Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records retention policies. Content is subject to the Freedom of Information Act and the Texas Public Information Act. Relevant records retention schedules apply to social media content. Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.
 - e. Whenever possible, social media pages shall maintain a one-way form of communication (City to public) wherein a visitor's ability to post comments is disallowed.
- 3. Department personnel representing a department via social media outlets shall conduct themselves at all times as representatives of the department and City, and accordingly, shall adhere to all department and City standards of conduct and observe conventionally accepted protocols and proper decorum.
 - 4. Department personnel shall identify themselves as members of the department and City.
 - 5. Department personnel shall not disseminate confidential information, including photographs or videos without the express written permission of the Department Head and/or City Manager.
 - 6. Department personnel shall not conduct political activities or private business on City social media, websites, pages, blogs, or any similar digital medium. Department personnel shall observe and abide by all copyright, trademark and service mark restrictions when posting materials. If in doubt, contact the Chief Information Officer.

C. Personal Use of Social Media

- 1. Barring state or federal law, or binding employee contracts to the contrary, City personnel shall abide by the following when using social media.
- 2. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the City for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City.
- 3. As public employees, City personnel are cautioned that speech on or off duty, made pursuant to their official duties – that is, that owes its existence to the employee's professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the City. City personnel should assume that their speech and related activity on social media sites will reflect upon their office and the City.
- 4. Employees shall not post, transmit, or otherwise disseminate any information or any confidential information to which they have access solely as a result of their employment without written permission from the City Manager or his or her designee. For safety and security reasons, City personnel are cautioned not to disclose their employment with the

City and are cautioned not to post information pertaining to any member of the City without their permission. This includes the use of the City logo, uniforms, or other similar identifying items on personal social media pages.

5. Employees shall adhere to the City's "Code of Ethics" Ordinance when posting to personal social media pages.
6. Employees may not divulge information gained by reason of their authority, make any statements, speeches, appearances or endorsements, or publish materials that could reasonably be considered to represent the views or positions of the City without express authorization.
7. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.
8. City time and equipment should not be used for updating social media sites, including updating personal pages or profiles. Time spent on social media sites should be limited in the same manner as time spent on the telephone or internet when conducting personal business.
9. Employees may not use the City's logo, letterhead or other identifying material including pictures of themselves or co-workers wearing or displaying the City's logo.
10. Employees may not post discriminatory, defamatory, libelous, or slanderous comments when discussing the City, its governing body, supervisors, and employees.
11. Employees must comply with City policies and personal sites may be monitored to determine compliance with City policies.
12. The City of Watauga prohibits the installation or use and requires the removal of TikTok or any successor application, or any other covered application specified by the Department of Information Resources and Department of Public Safety, on any city owned or leased electronic device, subject to exceptions for law enforcement or information security purposes. The following website identifies covered applications and prohibited software and hardware applications, equipment, developers and manufacturers:
 - <https://dir.texas.gov/information-security/prohibited-technologies>

D. Covered Applications and Prohibited Technology Policy

On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. Following the issuance of the Governor's directive, the 88th Texas Legislature passed Senate Bill 1893, which prohibits the use of covered applications on governmental entity devices. As required by the Governor's directive and Senate Bill 1893, this policy prohibits the installation or use of covered applications or prohibited technologies on applicable devices.

1. Scope and Definitions

Pursuant to Senate Bill 1893, this policy applies to all City of Watauga full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All City of Watauga employees are responsible for complying with this policy.

Under this policy, a covered application is:

- a. The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- b. A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

2. Covered Applications on City of Watauga-Owned or Leased Devices

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all City of Watauga-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

The City of Watauga will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
- b. Prohibit the use of a covered application.
- c. Remove a covered application from a City of Watauga-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d. Remove an application from a City of Watauga-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

The City of Watauga will manage all City-owned or leased mobile devices by implementing one or more of the security measures listed below:

- a. Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Other City-implemented security measures.

3. Ongoing and Emerging Technology Threats

To provide protection against ongoing and emerging technological threats to the State’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then the City of Watauga will remove and prohibit the covered application.

The City of Watauga may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

4. Bring Your Own Device Policy

If the City of Watauga has a “Bring Your Own Device” (BYOD) program, then the City of Watauga may consider prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

5. Covered Application Exceptions

The City of Watauga may permit exceptions authorizing the installation and use of a covered application on City-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

The Texas Government Code Section 620.004 only allows the City of Watauga to install and use a covered application on an applicable device to the extent necessary for:

- a. Providing law enforcement; or
- b. Developing or implementing information security measures.

If the City of Watauga authorizes an exception allowing for the installation and use of a covered application, the City must use measures to mitigate the risks posed to the state during the application's use including measures that the City deems appropriate for its own policy. The City of Watauga must document whichever measures it took to mitigate the risks posed to the state during the use of the covered application.

6. Policy Compliance

The City of Watauga will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

7. Policy Review

This policy will be reviewed annually and updated as necessary to reflect changes in state law, additions to applications identified under Government Code Section 620.006, updates to the prohibited technology list posted to DIR's website, or to suit the needs of the City of Watauga

D.E. Violations and Misuse

Violations of this policy are subject to disciplinary actions up to and including termination.



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Social Media
INITIAL EFFECTIVE DATE	July 25, 2016
LAST REVISION DATE	November 15, 2024
POLICY NUMBER	14.03

OBJECTIVE

The City endorses the secure use of social media to enhance communication, collaboration and information exchange, streamline processes, and foster productivity. This policy establishes the City's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

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6. Employees may not divulge information gained by reason of their authority, make any statements, speeches, appearances or endorsements, or publish materials that could reasonably be considered to represent the views or positions of the City without express authorization.
7. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.
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11. Employees must comply with City policies and personal sites may be monitored to determine compliance with City policies.
12. The City of Watauga prohibits the installation or use and requires the removal of TikTok or any successor application, or any other covered application specified by the Department of Information Resources and Department of Public Safety, on any city owned or leased electronic device, subject to exceptions for law enforcement or information security purposes. The following website identifies covered applications and prohibited software and hardware applications, equipment, developers and manufacturers:
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Bill 1893, this policy prohibits the installation or use of covered applications or prohibited technologies on applicable devices.

1. Scope and Definitions

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Under this policy, a covered application is:

- a. The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- b. A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

2. Covered Applications on City of Watauga-Owned or Leased Devices

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The City of Watauga will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
- b. Prohibit the use of a covered application.
- c. Remove a covered application from a City of Watauga-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d. Remove an application from a City of Watauga-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

The City of Watauga will manage all City-owned or leased mobile devices by implementing one or more of the security measures listed below:

- a. Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Other City-implemented security measures.

3. Ongoing and Emerging Technology Threats

To provide protection against ongoing and emerging technological threats to the State’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then the City of Watauga will remove and prohibit the covered application.

The City of Watauga may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

4. Bring Your Own Device Policy

If the City of Watauga has a “Bring Your Own Device” (BYOD) program, then the City of Watauga may consider prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

5. Covered Application Exceptions

The City of Watauga may permit exceptions authorizing the installation and use of a covered application on City-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

The Texas Government Code Section 620.004 only allows the City of Watauga to install and use a covered application on an applicable device to the extent necessary for:

- a. Providing law enforcement; or
- b. Developing or implementing information security measures.

If the City of Watauga authorizes an exception allowing for the installation and use of a covered application, the City must use measures to mitigate the risks posed to the state during the application's use including measures that the City deems appropriate for its own policy. The City of Watauga must document whichever measures it took to mitigate the risks posed to the state during the use of the covered application.

6. Policy Compliance

The City of Watauga will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

7. Policy Review

This policy will be reviewed annually and updated as necessary to reflect changes in state law, additions to applications identified under Government Code Section 620.006, updates to the prohibited technology list posted to DIR's website, or to suit the needs of the City of Watauga

E. Violations and Misuse

Violations of this policy are subject to disciplinary actions up to and including termination.



AGENDA MEMORANDUM

DATE: October 30, 2024

TO: Honorable City Council Members

FROM: Juliet Rodriguez, Human Resources and Civil Service Director

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of a Resolution by the City Council of the City of Watauga, Texas adding policy 6.08 Timekeeping to the Personnel, Administration and Financial Policies and Procedures Manual; providing for repeal; providing for severability; and providing an effective date.

BACKGROUND/INFORMATION:

Proposed Policy revisions was presented to City Council on Monday, October 28, 2024, at a City Council Workshop. This policy has been introduced to ensure compliance with the Department of Labor requirements. This policy mandates that the designated non-exempt employees must clock in and out using the newly acquired ExecuTime timeclock system. This policy provides guidance for employees, supervisors, and managers on effectively managing the new timeclocks systems.

FINANCIAL IMPLICATIONS:

No financial implications at this time.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully requests that City Council approve the presented resolution for the new Policy 6.08 Timekeeping.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. DRAFT Resolution Policy 6.08 Timekeeping
2. 6.08 Timekeeping Draft Exhibit A

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service Director

Approved - 11/4/2024

David Berman, City Attorney

Approved - 11/5/2024

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 11/6/2024

Linda Proskey, City Secretary

Final Approval -
11/6/2024

Approved as to form for inclusion on Agenda

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. _____**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS ADDING 6.08 TIMEKEEPING TO THE PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL IN ORDER TO ESTABLISH GUIDELINES BUDGET APPROPRIATIONS FOR PAY ON NEW CLASSIFICATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga (the " City") recognizes that public officials have a duty to uphold certain standards of conduct when acting in their official capacity; and

WHEREAS, the City Council Rules of Procedure Manual supplements the Home Rule Charter to ensure that all employees and members of City Council adhere to the guidelines established by City Council when conducting City affairs; and

WHEREAS, the new policy allows for compliance with the Department of Labors requirement to documented in time and out time for non-exempt employees. This policy also will provide guidance for employees, supervisors, and managers on effectively managing the new timeclock system.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The City Council of the City of Watauga hereby finds that the statements set forth in the recitals of this Resolution are true and correct and hereby incorporates such recitals as a part of this Resolution.

II.

Policy 6.08 Timekeeping of the City's Personnel, Administration and Financial Policies and Procedures Manual as set forth in Exhibit "A" attached hereto and incorporated by reference, is hereby adopted, and the Manual is hereby added accordingly.

III.

This Resolution shall be and is hereby cumulative of all other Resolutions of the City of Watauga, Texas, and this Resolution shall not operate to repeal or affect any such other Resolutions except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Resolution, in which event, such conflicting provisions, if any, in such other Resolutions are hereby repealed.

IV.

If any section, sub-section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution.

V.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the ____ day of _____, 2024.

APPROVED:

ARTHUR L, MINER, Mayor

ATTEST:

LINDA PROSKEY, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, City Attorney



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Timekeeping Policy
INITIAL EFFECTIVE DATE	December 1, 2024
LAST REVISION DATE	New Policy
POLICY NUMBER	6.08

OBJECTIVE The City of Watauga objective of this timekeeping policy is to ensure accurate and consistent tracking of employee work hours, attendance, and leave, in compliance with applicable federal, state, and local labor laws, including the Fair Labor Standards Act (FLSA). This policy aims to promote transparency, accountability, and efficiency in the management of work hours while supporting the City of Watauga's mission to provide effective services to the community. Accurate timekeeping ensures proper compensation, helps manage overtime, and contributes to the overall fiscal responsibility of the municipality.

SCOPE This policy applies to all City of Watauga employees, including full-time, part-time, temporary, and seasonal staff, regardless of their department or position. It covers the recording of work hours, meal periods, overtime, leave requests, and any other time-related records necessary to maintain accurate payroll and attendance information. Both non-exempt and exempt employees are expected to follow the guidelines outlined in this policy, with specific provisions for each group in compliance with the Fair Labor Standards Act (FLSA) and relevant state labor laws.

POLICY

A. Definitions

1. **EXECUTIME** – Program application used for tracking time.
2. **ACTUAL TIME IN** – After arriving at the workplace, the time an employee actually begins work.
3. **ACTUAL TIME OUT** – The time an employee actually completes doing anything connected with work duties or tasks. This does not include time spent driving home from work.
4. **FLSA** – Fair Labor Standards Act.
5. **GRACE PERIOD** – The period of time, currently 7 minutes, before and after a punch.

B. Timekeeping Roles and Responsibilities

1. Roles

- a. Directors – The individual within the department who has fiscal and operational authority.

Directors responsibilities are to record exceptions time directly on the timecard, review punches and absences. Enter corrections into ExecuTime for employees and timekeepers. Approve timecards using timeclock or computer. Verify employee approval and sign off on employee timecards.

- b. Supervisor – Any individual other than a timekeeper who has been given authority by the Director to approve changes in employee timecards within their division.

Supervisor responsibilities are to approve and submit time off requests using the time clock or computer. To record exceptions time directly on the timecard, review punches and absences. Enter corrections into ExecuTime for employees and timekeepers. Approve timecards using timeclock or computer. Verify employee approval and sign off on employee timecards.

- c. Timekeeper – The individual assigned to maintain the ExecuTime or Time and Attendance records for the department.

Timekeeper responsibilities are to record in/out times using the timeclock or computer and to submit time off requests using the time clock or computer. To record exceptions time directly on the timecard, review punches and absences. Enter corrections into ExecuTime for employees and timekeepers. Approve timecards using timeclock or computer.

- d. Employee – Individuals who work within the department who charge time against the department labor account.

- i. Employee Non-Exempt responsibilities are to record in/out times using the timeclock or any other approved method and to submit time off requests using the time clock or any other approved method. To review punches, and absences. Approve timecards using timeclock or computer.
- ii. Employee Exempt responsibilities are to submit time off requests using the time clock or computer. To review punches, and absences. Approve timecards using timeclock or computer.

C. Procedures

Pay Period

The regular work week is Saturday – Friday. Hours are applied to the day of the in punch or scheduled start time. The pay period for all employees is two weeks (14 days).

Non Exempt Employee Responsibilities – Non-exempt employees are required to clock in at the start and clock out at the end of each scheduled workday to ensure accurate compensation for hours worked. Employees must accurately and completely report their work hours and any leave taken for each pay period. When leaving during the workday for personal reasons, all employees must clock out when departing and clock back in upon returning. Requests for time off must be approved by a supervisor in advance and can be submitted through a time off request form in ExecuTime or by contacting the supervisor directly. Employees are responsible for ensuring the accuracy of the time reflected on their timecard, as well as verifying the accuracy of their pay stub.

Supervisor Responsibility – Supervisors are responsible for ensuring that all department employees are informed about and comply with the City's timekeeping policy. Supervisors must also enforce the policy consistently and fairly for all employees, and review requests for time off. Supervisors or their designees are required to verify the hours worked and leave taken by each employee. All work hours and time off must be approved by the supervisor and any other designated approvers in the department. If a supervisor is aware they will be out of the office and unable to approve time, they must notify the director or timekeeper to handle approvals in their absence. Directors, supervisors and timekeepers are responsible for creating and maintaining employee schedules. Directors will establish the department's meal break policy and give final approvals unless this task is delegated.

Time off Requests – Time off requests can be generated in ExecuTime using the timeclock or computer. The automated leave request must be properly approved by the supervisor, prior to the time being taken by the employee. Once approved, ExecuTime will apply the time off to the timecard.

ExecuTime - ExecuTime will display all leave totals both the accrued and those manually added by payroll for employees to apply to their time on the timeclock. Only the available time shown in ExecuTime can be submitted for supervisor approval.

Time Off Request During a Holiday - Holiday hours will reflect in ExecuTime, employees will need to apply the correct holiday within the pay period in which it is taken as per the Holiday Policy before submitting for approval. Holidays are not accrued and will be paid in the pay period for which the holiday occurs. See ***Holiday Policy 8.01*** for further details.

Electronic Timecard Approval and Deadlines– At the end of each pay period, employees must approve their recorded work hours and any leave taken using the timeclock or computer system. By approving the electronic timecard, employees confirm to the best of their knowledge that the submitted information is complete and accurate. Employees are accountable for any inaccuracies or omissions they are aware of at the time of approval. Knowingly submitting false or inaccurate information may result in disciplinary action, up to and including termination.

All time must be approved by 10:00am the Monday following the end of the pay period. All timecards must be reviewed and approved by the **Employee** and **Designated Approver**.

Delegating Approval to another Supervisor – In the event a supervisor will be out of the office, they can (with the Director's approval) notify the Director and/or Timekeeper that they must approve timesheets. It is the supervisor's responsibility to ensure that the delegate has the appropriate ExecuTime access to perform the delegated responsibilities prior to being out of the office.

Failure to Comply with the Timekeeping Policy - If an employee fails to complete and submit the required timecard information by the deadline given, he or she may be required to wait until the next pay period to be compensated for the leave time taken or the time worked.

In situations where an employee has time and attendance problems and/or abuses their leave time, the manager/supervisor may institute a more structured reporting requirement for the employee until the problem is corrected.

D. Non-Exempt Employee Reporting

Time Recording - Non-exempt employees are required to accurately and fully record their work hours. Any intentional falsification of time records, whether for oneself or another employee, will result in immediate disciplinary action, up to and including termination for all involved. Time clocks are available at various work locations and must be used by employees to record their time. Non-exempt employees at time clock locations must clock in and out each day. If no time clock is available, employees must log their work hours manually and get with supervisor for computer access to the electronic timecard system. Failure to use assigned time clocks, clocking in for another person, or having someone else clock in for you may result in disciplinary action, up to and including termination for all parties involved.

Time Window for Clocking In/Out - Employees should attempt to clock in/out as close to their designated start/end time as possible. However, in large work groups, it may not be possible for all employees to clock in at their exact designated start time. Therefore, a time window of a seven minute grace period before and after the designated start time has been created so that the employee will not be docked pay or paid overtime in these instances.

Clocking In Late - Employees are expected to clock in and out at times designated by their Supervisor/Director or Designee. Employees clocking in past their scheduled start time are considered late. Absenteeism and tardiness will be handled by the employee's supervisor and/or Director.

Clocking In Early - Employees may not clock in before the grace period of seven minutes before their scheduled work time without authorization from their manager or supervisor. Clocking in before the grace period results in overtime. Overtime must be preapproved.

Clocking Out Late - Employees may not clock out more than the grace period of seven minutes after the scheduled work end time without authorization from their supervisor/Director. Clocking out after the grace period results in overtime. Overtime must be preapproved.

Failure to Properly Clock In and Out - For employees using a time clock, it is their responsibility to clock in and out each day. If an employee forgets to clock in or out, they must inform their supervisor no later than one day after the missed punch. Failure to notify the supervisor by the payroll deadline may result in any time missed being delayed until the following payday for compensation.

Tardiness - Tracking tardies will be the responsibility of supervisors. Employees are expected to be ready to work at their designated/scheduled start times.

Meal and Other Breaks - Break periods will be entered based on departmental guidelines. ExecuTime will automatically deduct the scheduled meal period as determined by each department. If you do not have a scheduled meal period you will need to clock in and out for lunch or as directed by your department head. Non-exempt employees who are required to work through their meal period must be paid for that time, but this should be pre-approved. Any decision to work through a meal period must be authorized in advance by the department head.

Overtime - All overtime must be authorized in advance by departmental administration (this includes skipping lunches). Non-exempt employees who work overtime without authorization must still be paid for the time worked. Unauthorized overtime may result in disciplinary action up to and including termination.

Discipline for Missed Punches - Employees are responsible for clocking in and out. Consistently failing to record time in ExecuTime may result in disciplinary action, up to and including termination. Missed punches will be monitored throughout the attendance year. If an employee forgets or loses their ID badge and is unable to clock in, it will be recorded as a missed punch for that day. However, system errors that prevent punches from being transferred to the payroll system will not be counted as missed punches.

E. Exempt Employee Reporting

Exempt Employees will have a schedule in the system and will be required to update their exception time only using time off requests. Director/Manager/Supervisor/Designee may enter exception time if a time off request was not submitted and approved. For example, the ExecuTime schedule shows Mon.-Fri. 8-5 with an automatically deducted 1 hour lunch. If the employee calls in sick on Wed., employee will enter the time upon their return and employee is on leave during the payroll cut off then the Director/Manager/Supervisor/Designee must enter that exception pay code for the absence.

F. Daylight Savings

An employee working on a shift when daylight savings time goes into effect will be credited with the actual number of hours worked on that shift. An employee working on shift upon return to standard time is credited for the actual number of hours worked on that shift.

G. Timesheet Corrections

If time is submitted incorrectly, corrections will have to be made by supervisor or timecard approver prior to being submitted to payroll. Timesheet corrections after submission to be addressed with payroll before payroll submissions. Any pay corrections will need to be communicated to payroll via an email to payroll for correction on the next pay cycle.

H. System Procedures

Employee not appearing in ExecuTime – If all proper personnel actions for hiring or changing an employee have been completed and the employee does not appear in the timekeeping system, please contact payroll.

Time Clock Problems – If time clocks are not working, the timekeeper will make a note of time that may need adjusting and will make necessary adjustments after confirming the system did not collect the data. The timekeeper will immediately notify payroll and may be instructed to open a help desk ticket regarding any system problems.

Non-system issues in ExecuTime regarding time keeping and pay disputes should NOT be directed to the Information Technology department but to payroll directly.

Lost or Damaged I.D. Badges – Contact Human Resources if a badge is lost or damaged. There is a \$10 charge for badge replacement.



AGENDA MEMORANDUM

DATE: October 30, 2024

TO: Honorable City Council Members

FROM: Juliet Rodriguez, Human Resources and Civil Service Director

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action to ratify the renewed Meet and Confer Agreement between the City of Watauga and the Watauga Firefighters Association.

BACKGROUND/INFORMATION:

The City of Watauga and the Watauga Firefighters Association Meet and Confer Agreement expired on November 8, 2024. These Watauga Firefighters Association had no items to bring forward for meet and confer at this time. In Accordance with section 142.113 of the Texas Local Government Code (TLGC). The City of Watauga requested just a renewal of the current Meet and Confer agreement until the Watauga Firefighters association had items they would like to bring forward for deliberation, to avoid a lapse in the agreement. The Watauga Firefighters Association took a vote to renew the Meet and Confer as is, with only an updated term and signers.

On October 24, 2024, the Watauga Firefighters Association notified their firefighters of the ballot vote to approve the new term for 2024-2027, under TLGC 142.114. The number of voters was 18 total and the number that passed were 13 for and 0 against. The vote successfully passed to renew the agreement as it currently stands.

Pursuant to Section 142.11499(a)(1), a majority of the governing body of the municipality must ratify the agreement by a majority vote. This agreement is being brought before the Watauga City Council for consideration and ratification. The attached draft illustrates the changes to the agreement renewal in red, which are changes to the term and the signers. Additionally, the letter from the Watauga Firefighters Association is included.

FINANCIAL IMPLICATIONS:

No financial implications.

RECOMMENDATION/ACTION DESIRED:

Staff respectfully request the City Council ratify the 2024-2027 Meet and Confer Agreement renewal between the City of Watauga and the Watauga Firefighters Association.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. MC Vote letter 11.4.24
2. DRAFT 2024 Meet and Confer Agreement w WFA redline renewal
3. Final 2024 Meet and Confer Agreement w WFA renewal only

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service Director	Approved - 11/4/2024
David Berman, City Attorney	Approved - 11/5/2024
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 11/5/2024
Linda Proskey, City Secretary	Final Approval - 11/5/2024

Approved as to form for inclusion on Agenda



Watauga Firefighters Association

To: Juliet Rodriguez
Human Resources/Civil Service Director

Ref: Meet and Confer vote results

It is my pleasure to inform you that the voting process for our recent Meet and Confer Agreement between the City of Watauga and The Watauga Firefighters Association has concluded. On **Thursday, October 24, 2024**, I sent an email to all 18 eligible to vote members, notifying of them of the renewal. The Meet and Confer Agreement renewal with new term and signers only, was printed and placed next to the ballot box, making it available for all to read and review. The ballot box was placed in an open area of the Watauga Fire Department, and the ballots were printed by the ballot box. The email notified all that the voting has begun and the location of the agreement, ballot, ballot box, and time the voting period would end.

At this time, I would like to announce that we have successfully passed by vote the proposed renewal/additions with the following results:

For – **#13**
Against – **#0**

I look forward to the City of Watauga Council voting on this renewal.

Respectfully,

A handwritten signature in black ink, which appears to read "Michael Maglott", is written over a horizontal line.

Michael Maglott
President
Watauga Firefighters Association



MEET AND CONFER AGREEMENT

BETWEEN

CITY OF WATAUGA, TEXAS

AND

THE WATAUGA FIREFIGHTERS' ASSOCIATION

Proposed Term: ~~November 8, 2021 to November 8, 2024~~ November 11, 2024 to November 11, 2027

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ARTICLE I
DEFINITIONS

1. "Agreement" means the Meet and Confer Agreement entered between the Watauga Firefighters' Association and the City of Watauga.
2. "Association" means the Watauga Firefighters' Association, its elected leaders and its collective membership.
3. "Certified Firefighter" means an individual certified by the Texas Commission on Fire Protection (TCFP).
4. "City" means the City of Watauga, its mayor, city council members, city manager, fire chief, civil service director and those persons designated by the City of Watauga to manage the city and its fire department.
5. "WFA" means the Watauga Firefighters' Association.
6. The term "commission" means the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
7. The term "day" or "days" shall mean calendar days unless otherwise specified.
8. The term "Department" means the Watauga Fire Department.
9. The term "Department Head" means the Chief of the Watauga Fire Department, his or her designee, or the acting Chief of the Watauga Fire Department.
10. The term "director" means the Civil Service Director of the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
11. The term "local rules" means the Local Rules and Regulations promulgated by the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
12. The term "firefighter" means a firefighter employed by the Watauga Fire Department of the City of Watauga.
13. "Paramedic" means an individual certified or licensed by the Texas Department of State Health Services (TDSHS).
14. "TLGC" means the Texas Local Government Code.

ARTICLE II

AUTHORITY AND RECOGNITION

The City of Watauga and the Watauga Firefighter's Association have voluntarily met and reached an agreement on the conditions set out in this Agreement pursuant to the provisions of the TLGC, Chapter 142 et seq., Subchapter C.

To the extent that this Agreement is in conflict with or changes TLGC, Chapter 143 or any other statute, executive order, local ordinance, or rule, this Agreement shall supersede such provision. This preemption provision is authorized by section 142.117 of the TLGC. The Parties have agreed expressly that each and every provision involving or creating such a conflict shall have the effect of superseding the statutory standard or result which would otherwise be obtained, in the absence of this Agreement. This provision is of the essence to the bargain and Agreement which has been reached.

The Association submitted a petition for recognition on April 11, 2013, as authorized by TLGC Chapter 142.103, which was recognized by Watauga City Council on April 22, 2013. The City recognizes the Association, for the purposes of meet and confer, as the sole and exclusive bargaining agent for the covered firefighters as described in the petition for recognition, excluding the head of the fire department and excluding the employees exempt under Subsection (b) of section 142.103, in accordance with Subchapter C of Chapter 142 TLGC and the petition.

ARTICLE III

ASSOCIATION DUES

The City agrees to deduct dues bi-weekly for the Association only upon receipt of a signed authorization from a firefighter on a form supplied by the City. The employee has the right to revoke the authorization to directly deposit association dues, at any time, upon 2 weeks' notice to the City.

The Association shall notify the City in writing of any change in the amount of the regular dues.

ARTICLE IV

HIRING PROCESS

As part of the hiring process, all Firefighters applicants are subject to a thorough background check, polygraph examination, psychological evaluation, medical evaluation,

drug screen and interview. They must also meet the Eligibility Standards set forth in the City of Watauga Firefighters' and Police Officers Civil Service Rules and Regulations. If the Chief Executive does not appoint the person having the highest grade on an eligibility list due to the unsuccessful completion of the previously stated requirements, the Civil Service Director shall notify the candidate that they are no longer in the hiring process.

ARTICLE V

HIRING AGE LIMIT

Eligibility for Beginning Position in the Fire Department

- A. A person may not take an entrance examination for a beginning position in the fire department unless the person is at least eighteen (18) years of age, but have not attained forty (40) years of age or older.
- B. A person may not be certified as eligible for a beginning position in the fire department if the person has attained forty (40) years of age or older.

ARTICLE VI

LATERAL ENTRY FOR BEGINNING POSITIONS

- A. A person may be eligible for lateral entry to a beginning position if they are certified as a Firefighter and Paramedic.
- B. Lateral entry applicants must successfully meet and complete all Fire Department Eligibility Standards as set by Section 4.08 of the City of Watauga Firefighters' and Police Officers' Civil Service Rules and Regulations.
- C. A person eligible for lateral entry shall be placed on the City's approved step plan at the step which equates to their years of experience, up to a maximum of Step 5. Only years of experience at a paid Fire Department will apply.
- D. A person who obtains a position for lateral entry will not be eligible for promotion until they have served in the next lower position at the Watauga Fire Department for at least two (2) years before the date the promotional examination is held.

- E. Seniority points shall be calculated at one (1) point for each full year of service with the Watauga Fire Department as a commissioned firefighter, up to a maximum of ten (10) points. Service with another agency will not apply.

ARTICLE VII

INTERVIEW PANEL FOR BEGINNING POSITIONS

A Fire Department applicant must successfully pass a structured interview conducted by an Interview Panel. The panel members may not have any previous relationship, personal or professional, with any applicant. Panel members may not be on any type of disciplinary probation. The panel will consist of a maximum of five (5) members, but may conduct the interview with a minimum of four (4) members. The Interview Panel shall be composed of the Assistant Fire Chief, a Fire Lieutenant, a Driver/Engineer and two (2) members of the association of any rank, if available. If association members are not available, the interviews will continue as scheduled.

The Association will select two (2) members to serve on the Interview Panel. The Association will provide the Civil Service Director with the names of the selected panel members in writing. The list will include primary and secondary panel members. The secondary panel member will serve as an alternate in the absence of the primary. The selected panel members will serve until written notification of a change is presented to the Civil Service Director.

The Civil Service Director or designee may serve as a moderator during the interview. The role of the Director is to oversee the process.

ARTICLE VIII

LAST CHANCE AGREEMENT

In the event a firefighter commits a serious violation of a policy, rule or statute, the use of a last chance agreement provides the Department Head with an alternate to indefinite suspension. The use of the last chance agreement will be at the Department Head's discretion.

In considering appropriate disciplinary action, the Department Head may require that a firefighter be evaluated by a qualified professional designated by the Department Head. The designated qualified professional must be an in-network provider under the City's current health plan. If that professional recommends a program of counseling and/or rehabilitation for the firefighter, the Department Head may offer the firefighter, as an alternative to indefinite suspension, the opportunity to enter into a last chance agreement.

The agreement may include the following provisions in addition to any other provisions agreed upon by the firefighter and the Department Head.

- A. The firefighter shall successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
- B. The program of counseling and/or rehabilitation will be completed on the firefighter's off duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The firefighter shall be responsible for paying all costs of the program of counseling and/or rehabilitation, which are not covered by the firefighter's health insurance plan.
- C. The firefighter shall agree to a probationary period not to exceed one (1) year, with the additional requirement that if, during the probationary period, the firefighter commits the same or a similar act of misconduct, the firefighter will be indefinitely suspended without right of appeal.
- D. If the firefighter's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the firefighter submit to mandatory alcohol or drug testing, upon order by the Department Head, during the probationary period.
- E. If the firefighter accepts the opportunity for a last chance agreement, the firefighter may not appeal any terms of the agreement. Successful completion of a counseling and/or rehabilitation program will be specifically defined in the agreed alternative discipline document. If the firefighter fails to successfully complete the agreed upon program, the firefighter may be indefinitely suspended without right of appeal, nor right to bring any contract dispute regarding the suspension, before any administrative or judicial body.
- F. The Use of a last Chance Agreement does not prohibit the Department Head from imposing discipline for violation(s) of other unrelated infractions as described in Section 143.051.

ARTICLE IX

EXTENSION OF PROBATIONARY PERIOD FOR NEW EMPLOYEES

- A. A person appointed to a beginning position in the fire department who is certified as a Firefighter and Paramedic must serve a probationary period of twelve (12) months beginning on the first day of that person's employment as a firefighter.

- B. A person appointed to a beginning position in the fire department who is not certified as a Firefighter and Paramedic shall have their probationary period extended by twelve (12) months upon successful completion of both certifications.
- C. The probationary period may also be extended by a period not to exceed twelve (12) months due to prolonged leave. This extension will be at the Department Head's discretion and only due to required military leave, medical leave, and/or injury leave. The length of time in which the probation period is extended will not exceed the length of time the employee was on military leave, medical leave, and/or injury leave. The Department Head's offer of a probationary extension to the firefighter will be agreed upon in writing.

ARTICLE X

PROMOTIONAL PROCESS

A. Written Examination

Each firefighter seeking a promotion shall be given a written examination in the presence of the other eligible promotional candidates. Identical examinations will be given to the promotional candidates. Promotional candidates who successfully pass the written examination with a raw score of 70% or better will proceed to participate in a Promotional Panel. Only the written examination may be appealed as defined in Section 143.034 of the Local Government Code.

B. Promotional Panel

There shall be an established Promotional Panel to conduct an Assessment Center. The panel shall consist of four (4) firefighters from outside the Watauga Fire Department, preferably from a department with equal or greater number of firefighters as the Watauga Fire Department. Promotional Panel members must not be on any type of probation. Up to three (3) members of the panel should be of the same rank being sought by the applicant. At least one (1) of the panel members should be of next higher rank than the position being sought. In the case that not all panel members can be present, it is acceptable to perform the assessment with three (3) panel members. It is required that the members of the Panel not be personally acquainted with the candidates nor be employed by the Watauga Fire Department.

Each member of the Panel will certify by a written, sworn, and notarized affidavit that he or she has not and will not talk to or correspond with ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, prior to and during participation in the assessment center process. The member must further stipulate that he or she has no direct relationship with any candidate, other than professional, that would interfere with the assessor's objectivity in providing a fair, balanced, and impartial evaluation of the candidate. Each candidate will certify by a written, sworn,

and notarized affidavit that he or she has not and will not talk to or correspond with ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, prior to and during participation in the assessment center process.

The panel shall assess the candidate's skills based on leadership group exercises, decision making exercises and oral interview questions. There will be a total of ten (10) questions and/or exercises which are equally weighted at ten (10) points each.

No part of the Assessment Center may be appealed.

Upon completion of all assessments, the Civil Service Director shall provide each candidate a written performance evaluation. The evaluation shall at minimum highlight the candidate's strengths and weaknesses as observed throughout the process.

The Civil Service Director or his/her designee shall be in attendance at all of the exercises conducted by the assessment board. The Civil Service Director's role will be to oversee the process. The Civil Service Director is not to be an assessor nor provide any input or evaluation. No observers other than the Director of Civil Service or his/her designee shall be allowed during the assessment center.

C. Seniority Points

The final promotional score of each candidate shall also include seniority points.

Seniority points shall be calculated at one (1) point for each full year of service with the Watauga Fire Department as a commissioned fire fighter, up to a maximum of ten (10) points. Cut off for seniority time will be the date of the written examination. Only those employees receiving a passing grade (70%) on the written test are eligible for seniority points.

D. Scoring Methodology

Each candidate's final score shall be the sum of the scores from the written examination and assessment center plus seniority points. The final score on the total promotional system determines placement of candidates on the eligibility list, as follows:

Written Examination - Maximum Possible Score: 60 points

Promotional Panel - Maximum Possible Score: 40 points

Maximum Total Score: 100 points

Additional Points:

Seniority - Maximum Possible: 10 points

Total Maximum Score: 110 points

Note: Additional points for seniority are added to the candidates total score, if and only when the candidate has scored a minimum of 70% or greater on the written examination.

- E. Certain test vendors will not provide an answer key to the City and will require that the City submit answer sheets for grading. Results for promotional testing will be provided to the City within 3 business days. The Civil Service Director will work with the test vendor to expedite scoring. The eligibility list will be posted as soon as possible, but no later than 2 business days upon receipt of the scores.

ARTICLE XI

REAPPOINTMENT AS A FIREFIGHTER AFTER RESIGNATION

A. Application for Reappointment

A person who previously served as a City of Watauga Firefighter may apply in writing to the Department Head for reappointment within three (3) years of the effective date of separation if the applicant meets the eligibility requirements in *Section B. Eligibility* herein. A person applying under this article will not be required to take an entrance examination and will not be placed on an eligibility list.

B. Eligibility

An applicant for reappointment must have resigned voluntarily and in good standing from the Watauga Fire Department as a Firefighter. Reappointment will not be considered if the applicant resigned pending disciplinary action or investigation.

An applicant eligible for reappointment must meet the following requirements:

1. Hold a valid and current Basic Firefighter certification from the Texas Commission on Fire Protection.
2. Hold a valid and current Paramedic license from the Texas Department of State Health Services.
3. Successfully complete a physical/medical evaluation and drug screen.
4. Successfully pass a background investigation.

An applicant for reappointment must meet all the eligibility requirements for a person in the classification of Firefighter, with the exception of the age requirement, as provided under *Section 4.08 Eligibility Standards for Beginning Position in the Fire Department* of the Watauga Firefighters' and Police Officer's Local Rules.

C. Reappointment

It shall be at the Department Head's discretion to determine the applicant's suitability for reappointment. In the event the Department Head determines that the applicant should not be reappointed, the applicant shall be notified of the decision in writing and the reappointment process is terminated. The Department Head shall forward a copy of this documentation to the Civil Service Director.

If the Department Head approves a reappointment and the applicant successfully completes and meets all of the reappointment requirements, the applicant will be reappointed if a vacancy exists. Notice of the reappointment shall be given in writing to the Civil Service Director. A candidate for reappointment may be appointed regardless of the availability of an eligibility list. A candidate for reappointment has priority over candidates on an eligibility list.

In the event there is no vacancy for a Firefighter at the time of application for reappointment, the Department Head may retain the application. Reappointment can be made only within three (3) years of the date of resignation. If there is no reappointment within three years from date of resignation of the applicant, the reappointment process is automatically terminated.

D. Restoration of Certain Benefits

Upon reappointment, the applicant's prior years of service with the City of Watauga Fire Department in the classification of Firefighter will be counted only for the following purposes:

1. Longevity Pay
2. Accrual Benefits
3. Determination as to the appropriate placement in the Civil Service Step Plan

If reappointed, the applicant shall serve a one (1) year probation and not receive the benefits of Civil service protection. The applicant's seniority and eligibility for purposes of promotion shall be determined by their reappointment date and in accordance with the Watauga Firefighters' and Police Officer's Local Rules.

ARTICLE XII

PART-TIME FIREFIGHTER/PARAMEDIC OR PART-TIME PARAMEDIC PROGRAM

A. Overview

The primary duty of a Part-Time Firefighter/Paramedic or Part-Time Paramedic is to augment the Watauga Fire Department's ambulance and emergency response services including fire suppression. Part-Time Firefighter/Paramedics or Part-Time Paramedics may also work a variety of special events.

Part-Time Firefighter/Paramedics or Part-Time Paramedics wear exactly the same uniforms as regular full-time Firefighter/Paramedics. Equipment and uniforms are provided by the Watauga Fire Department. In addition, Part-Time Firefighter/Paramedics or Part-Time Paramedics must complete the same training required of regular full-time Firefighter/Paramedics to maintain certifications and licenses.

B. Benefits and Salary

1. Salary is based on amount approved by City Council in the Classification Plan
2. Designated as a temporary employee
3. Not eligible to accrue leave benefits
4. Not eligible for Texas Municipal Retirement System pension benefits
5. Not eligible for permanent appointment or promotion
6. Not eligible for step-up pay
7. Designated as an at-will employee and not eligible to become a full-fledged Civil Service employee unless they take a department entrance exam and are hired in accordance with Local Government Code Chapter 143, The Watauga Firefighters' and Police Officers' Civil Service Rules and Regulations and this Meet and Confer Agreement.
8. A paid Part-Time Firefighter/Paramedic or Part-Time Paramedic must be dismissed before a permanent civil service employee may be dismissed in the event of a reduction of force.

C. Minimum Qualifications and Requirements

1. Be a United States Citizen
2. Be at least 18 years of age
3. Possess a High School diploma or GED equivalency
4. Possess a valid Texas Driver's license and acceptable driving record
5. Must have a current Texas Paramedic License/Certificate issued by the Texas Department of State Health Services or must have a current Texas Paramedic License/Certificate issued by the Texas Department of State Health Services and a Basic Structural Firefighter Certificate issued by the Texas Commission on Fire Protection

6. If discharged from the military must be "honorable," or "under honorable conditions"
7. Must successfully pass a comprehensive background investigation, oral board, polygraph, medical, drug screen and psychological evaluation
8. The City may waive the polygraph and psychological evaluation if the applicant is currently working for a municipal Fire Department
9. Not required to take department written and physical ability entrance examination
10. Must successfully complete the Watauga Fire Department's Field Training Program
11. Must maintain certification and training hours at the same level as a regular firefighter/paramedic or paramedic
12. Must adhere to policies of the City of Watauga's Administration and Financial Policies and Procedures Manual, policies of the Watauga Fire Department and special orders of the Watauga Fire Departments.
13. Part-Time Firefighter/Paramedics or Part-Time Paramedics, who have been employed with the City of Watauga for a minimum of three (3) months, and take a Watauga Fire Department Entrance Exam are eligible to receive five (5) extra points if they receive a passing score of 70 or more on the written exam.

ARTICLE XIII

TERM OF AGREEMENT

This Agreement shall have an effective date of November 8, 2021, and shall remain in full force and effect through November 8, 2024 and extended thereafter until superseded by a new Agreement.

ARTICLE IV

SAVINGS CLAUSE & AMENDMENT CLAUSE

Savings Clause

If any provision of this Agreement is rendered invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this Agreement, which shall continue to be in full force and effect for the duration of the Agreement, and the parties shall meet as soon as possible to agree on a substitute provision. However, if the parties are unable to agree within thirty (30) days following commencement of the initial meeting, then the matter shall be postponed until subsequent Meet and Confer negotiations are resumed. To this end, the provisions of this Agreement are severable. This Agreement may be amended by written mutual agreement.

Amendment Clause

This Agreement may not be changed or altered in any manner except by mutual written agreement. The Parties agree that upon mutual agreement additional provisions may be negotiated and added as Amendments or as a Restated Agreement. Any Amendments of this Agreement shall be in writing, shall contain an effective date, and shall be dated and signed by the authorized representatives of the respective parties. All Amendments are ratified in the same manner as provided by state law, the TLGC, Chapter 142 et seq., Subchapter C, for original ratification.

EXECUTED THIS ____ DAY OF _____, 202~~1~~4

FOR THE CITY OF WATAUGA, TEXAS:

_____ Date: _____

~~ROBERT PARKER~~SANDRA GIBSON

INTERIM CITY MANAGER

ATTEST:

LINDA PROSKEY

CITY SECRETARY

APPROVED:

APPROVED AS TO FORM:

~~SHAWN FANNAN~~RANDY BARKLEY, FIRE CHIEF

CAROLINE

~~KELLEY~~DAVID BERMAN, CITY ATTORNEY

FOR THE WATAUGA FIREFIGHTERS' ASSOCIATION:

_____ Date: _____

~~STEPHEN SANIEI~~MICHAEL MAGLOTT

PRESIDENT

_____ Date: _____

CLAYTON MILLER

RYAN THOMAS VICE PRESIDENT



MEET AND CONFER AGREEMENT

BETWEEN

CITY OF WATAUGA, TEXAS

AND

THE WATAUGA FIREFIGHTERS' ASSOCIATION

Proposed Term: November 11, 2024 to November 11, 2027

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ARTICLE I
DEFINITIONS

1. "Agreement" means the Meet and Confer Agreement entered between the Watauga Firefighters' Association and the City of Watauga.
2. "Association" means the Watauga Firefighters' Association, its elected leaders and its collective membership.
3. "Certified Firefighter" means an individual certified by the Texas Commission on Fire Protection (TCFP).
4. "City" means the City of Watauga, its mayor, city council members, city manager, fire chief, civil service director and those persons designated by the City of Watauga to manage the city and its fire department.
5. "WFA" means the Watauga Firefighters' Association.
6. The term "commission" means the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
7. The term "day" or "days" shall mean calendar days unless otherwise specified.
8. The term "Department" means the Watauga Fire Department.
9. The term "Department Head" means the Chief of the Watauga Fire Department, his or her designee, or the acting Chief of the Watauga Fire Department.
10. The term "director" means the Civil Service Director of the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
11. The term "local rules" means the Local Rules and Regulations promulgated by the City of Watauga Firefighters' and Police Officers' Civil Service Commission.
12. The term "firefighter" means a firefighter employed by the Watauga Fire Department of the City of Watauga.
13. "Paramedic" means an individual certified or licensed by the Texas Department of State Health Services (TDSHS).
14. "TLGC" means the Texas Local Government Code.

ARTICLE II

AUTHORITY AND RECOGNITION

The City of Watauga and the Watauga Firefighter's Association have voluntarily met and reached an agreement on the conditions set out in this Agreement pursuant to the provisions of the TLGC, Chapter 142 et seq., Subchapter C.

To the extent that this Agreement is in conflict with or changes TLGC, Chapter 143 or any other statute, executive order, local ordinance, or rule, this Agreement shall supersede such provision. This preemption provision is authorized by section 142.117 of the TLGC. The Parties have agreed expressly that each and every provision involving or creating such a conflict shall have the effect of superseding the statutory standard or result which would otherwise be obtained, in the absence of this Agreement. This provision is of the essence to the bargain and Agreement which has been reached.

The Association submitted a petition for recognition on April 11, 2013, as authorized by TLGC Chapter 142.103, which was recognized by Watauga City Council on April 22, 2013. The City recognizes the Association, for the purposes of meet and confer, as the sole and exclusive bargaining agent for the covered firefighters as described in the petition for recognition, excluding the head of the fire department and excluding the employees exempt under Subsection (b) of section 142.103, in accordance with Subchapter C of Chapter 142 TLGC and the petition.

ARTICLE III

ASSOCIATION DUES

The City agrees to deduct dues bi-weekly for the Association only upon receipt of a signed authorization from a firefighter on a form supplied by the City. The employee has the right to revoke the authorization to directly deposit association dues, at any time, upon 2 weeks' notice to the City.

The Association shall notify the City in writing of any change in the amount of the regular dues.

ARTICLE IV

HIRING PROCESS

As part of the hiring process, all Firefighters applicants are subject to a thorough background check, polygraph examination, psychological evaluation, medical evaluation,

drug screen and interview. They must also meet the Eligibility Standards set forth in the City of Watauga Firefighters' and Police Officers Civil Service Rules and Regulations. If the Chief Executive does not appoint the person having the highest grade on an eligibility list due to the unsuccessful completion of the previously stated requirements, the Civil Service Director shall notify the candidate that they are no longer in the hiring process.

ARTICLE V

HIRING AGE LIMIT

Eligibility for Beginning Position in the Fire Department

- A. A person may not take an entrance examination for a beginning position in the fire department unless the person is at least eighteen (18) years of age, but have not attained forty (40) years of age or older.
- B. A person may not be certified as eligible for a beginning position in the fire department if the person has attained forty (40) years of age or older.

ARTICLE VI

LATERAL ENTRY FOR BEGINNING POSITIONS

- A. A person may be eligible for lateral entry to a beginning position if they are certified as a Firefighter and Paramedic.
- B. Lateral entry applicants must successfully meet and complete all Fire Department Eligibility Standards as set by Section 4.08 of the City of Watauga Firefighters' and Police Officers' Civil Service Rules and Regulations.
- C. A person eligible for lateral entry shall be placed on the City's approved step plan at the step which equates to their years of experience, up to a maximum of Step 5. Only years of experience at a paid Fire Department will apply.
- D. A person who obtains a position for lateral entry will not be eligible for promotion until they have served in the next lower position at the Watauga Fire Department for at least two (2) years before the date the promotional examination is held.

- E. Seniority points shall be calculated at one (1) point for each full year of service with the Watauga Fire Department as a commissioned firefighter, up to a maximum of ten (10) points. Service with another agency will not apply.

ARTICLE VII

INTERVIEW PANEL FOR BEGINNING POSITIONS

A Fire Department applicant must successfully pass a structured interview conducted by an Interview Panel. The panel members may not have any previous relationship, personal or professional, with any applicant. Panel members may not be on any type of disciplinary probation. The panel will consist of a maximum of five (5) members, but may conduct the interview with a minimum of four (4) members. The Interview Panel shall be composed of the Assistant Fire Chief, a Fire Lieutenant, a Driver/Engineer and two (2) members of the association of any rank, if available. If association members are not available, the interviews will continue as scheduled.

The Association will select two (2) members to serve on the Interview Panel. The Association will provide the Civil Service Director with the names of the selected panel members in writing. The list will include primary and secondary panel members. The secondary panel member will serve as an alternate in the absence of the primary. The selected panel members will serve until written notification of a change is presented to the Civil Service Director.

The Civil Service Director or designee may serve as a moderator during the interview. The role of the Director is to oversee the process.

ARTICLE VIII

LAST CHANCE AGREEMENT

In the event a firefighter commits a serious violation of a policy, rule or statute, the use of a last chance agreement provides the Department Head with an alternate to indefinite suspension. The use of the last chance agreement will be at the Department Head's discretion.

In considering appropriate disciplinary action, the Department Head may require that a firefighter be evaluated by a qualified professional designated by the Department Head. The designated qualified professional must be an in-network provider under the City's current health plan. If that professional recommends a program of counseling and/or rehabilitation for the firefighter, the Department Head may offer the firefighter, as an alternative to indefinite suspension, the opportunity to enter into a last chance agreement.

The agreement may include the following provisions in addition to any other provisions agreed upon by the firefighter and the Department Head.

- A. The firefighter shall successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
- B. The program of counseling and/or rehabilitation will be completed on the firefighter's off duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The firefighter shall be responsible for paying all costs of the program of counseling and/or rehabilitation, which are not covered by the firefighter's health insurance plan.
- C. The firefighter shall agree to a probationary period not to exceed one (1) year, with the additional requirement that if, during the probationary period, the firefighter commits the same or a similar act of misconduct, the firefighter will be indefinitely suspended without right of appeal.
- D. If the firefighter's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the firefighter submit to mandatory alcohol or drug testing, upon order by the Department Head, during the probationary period.
- E. If the firefighter accepts the opportunity for a last chance agreement, the firefighter may not appeal any terms of the agreement. Successful completion of a counseling and/or rehabilitation program will be specifically defined in the agreed alternative discipline document. If the firefighter fails to successfully complete the agreed upon program, the firefighter may be indefinitely suspended without right of appeal, nor right to bring any contract dispute regarding the suspension, before any administrative or judicial body.
- F. The Use of a last Chance Agreement does not prohibit the Department Head from imposing discipline for violation(s) of other unrelated infractions as described in Section 143.051.

ARTICLE IX

EXTENSION OF PROBATIONARY PERIOD FOR NEW EMPLOYEES

- A. A person appointed to a beginning position in the fire department who is certified as a Firefighter and Paramedic must serve a probationary period of twelve (12) months beginning on the first day of that person's employment as a firefighter.

- B. A person appointed to a beginning position in the fire department who is not certified as a Firefighter and Paramedic shall have their probationary period extended by twelve (12) months upon successful completion of both certifications.
- C. The probationary period may also be extended by a period not to exceed twelve (12) months due to prolonged leave. This extension will be at the Department Head's discretion and only due to required military leave, medical leave, and/or injury leave. The length of time in which the probation period is extended will not exceed the length of time the employee was on military leave, medical leave, and/or injury leave. The Department Head's offer of a probationary extension to the firefighter will be agreed upon in writing.

ARTICLE X

PROMOTIONAL PROCESS

A. Written Examination

Each firefighter seeking a promotion shall be given a written examination in the presence of the other eligible promotional candidates. Identical examinations will be given to the promotional candidates. Promotional candidates who successfully pass the written examination with a raw score of 70% or better will proceed to participate in a Promotional Panel. Only the written examination may be appealed as defined in Section 143.034 of the Local Government Code.

B. Promotional Panel

There shall be an established Promotional Panel to conduct an Assessment Center. The panel shall consist of four (4) firefighters from outside the Watauga Fire Department, preferably from a department with equal or greater number of firefighters as the Watauga Fire Department. Promotional Panel members must not be on any type of probation. Up to three (3) members of the panel should be of the same rank being sought by the applicant. At least one (1) of the panel members should be of next higher rank than the position being sought. In the case that not all panel members can be present, it is acceptable to perform the assessment with three (3) panel members. It is required that the members of the Panel not be personally acquainted with the candidates nor be employed by the Watauga Fire Department.

Each member of the Panel will certify by a written, sworn, and notarized affidavit that he or she has not and will not talk to or correspond with ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, prior to and during participation in the assessment center process. The member must further stipulate that he or she has no direct relationship with any candidate, other than professional, that would interfere with the assessor's objectivity in providing a fair, balanced, and impartial evaluation of the candidate. Each candidate will certify by a written, sworn,

and notarized affidavit that he or she has not and will not talk to or correspond with ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, prior to and during participation in the assessment center process.

The panel shall assess the candidate's skills based on leadership group exercises, decision making exercises and oral interview questions. There will be a total of ten (10) questions and/or exercises which are equally weighted at ten (10) points each.

No part of the Assessment Center may be appealed.

Upon completion of all assessments, the Civil Service Director shall provide each candidate a written performance evaluation. The evaluation shall at minimum highlight the candidate's strengths and weaknesses as observed throughout the process.

The Civil Service Director or his/her designee shall be in attendance at all of the exercises conducted by the assessment board. The Civil Service Director's role will be to oversee the process. The Civil Service Director is not to be an assessor nor provide any input or evaluation. No observers other than the Director of Civil Service or his/her designee shall be allowed during the assessment center.

C. Seniority Points

The final promotional score of each candidate shall also include seniority points.

Seniority points shall be calculated at one (1) point for each full year of service with the Watauga Fire Department as a commissioned fire fighter, up to a maximum of ten (10) points. Cut off for seniority time will be the date of the written examination. Only those employees receiving a passing grade (70%) on the written test are eligible for seniority points.

D. Scoring Methodology

Each candidate's final score shall be the sum of the scores from the written examination and assessment center plus seniority points. The final score on the total promotional system determines placement of candidates on the eligibility list, as follows:

Written Examination - Maximum Possible Score: 60 points

Promotional Panel - Maximum Possible Score: 40 points

Maximum Total Score: 100 points

Additional Points:

Seniority - Maximum Possible: 10 points

Total Maximum Score: 110 points

Note: Additional points for seniority are added to the candidates total score, if and only when the candidate has scored a minimum of 70% or greater on the written examination.

- E. Certain test vendors will not provide an answer key to the City and will require that the City submit answer sheets for grading. Results for promotional testing will be provided to the City within 3 business days. The Civil Service Director will work with the test vendor to expedite scoring. The eligibility list will be posted as soon as possible, but no later than 2 business days upon receipt of the scores.

ARTICLE XI

REAPPOINTMENT AS A FIREFIGHTER AFTER RESIGNATION

A. Application for Reappointment

A person who previously served as a City of Watauga Firefighter may apply in writing to the Department Head for reappointment within three (3) years of the effective date of separation if the applicant meets the eligibility requirements in *Section B. Eligibility* herein. A person applying under this article will not be required to take an entrance examination and will not be placed on an eligibility list.

B. Eligibility

An applicant for reappointment must have resigned voluntarily and in good standing from the Watauga Fire Department as a Firefighter. Reappointment will not be considered if the applicant resigned pending disciplinary action or investigation.

An applicant eligible for reappointment must meet the following requirements:

1. Hold a valid and current Basic Firefighter certification from the Texas Commission on Fire Protection.
2. Hold a valid and current Paramedic license from the Texas Department of State Health Services.
3. Successfully complete a physical/medical evaluation and drug screen.
4. Successfully pass a background investigation.

An applicant for reappointment must meet all the eligibility requirements for a person in the classification of Firefighter, with the exception of the age requirement, as provided under *Section 4.08 Eligibility Standards for Beginning Position in the Fire Department* of the Watauga Firefighters' and Police Officer's Local Rules.

C. Reappointment

It shall be at the Department Head's discretion to determine the applicant's suitability for reappointment. In the event the Department Head determines that the applicant should not be reappointed, the applicant shall be notified of the decision in writing and the reappointment process is terminated. The Department Head shall forward a copy of this documentation to the Civil Service Director.

If the Department Head approves a reappointment and the applicant successfully completes and meets all of the reappointment requirements, the applicant will be reappointed if a vacancy exists. Notice of the reappointment shall be given in writing to the Civil Service Director. A candidate for reappointment may be appointed regardless of the availability of an eligibility list. A candidate for reappointment has priority over candidates on an eligibility list.

In the event there is no vacancy for a Firefighter at the time of application for reappointment, the Department Head may retain the application. Reappointment can be made only within three (3) years of the date of resignation. If there is no reappointment within three years from date of resignation of the applicant, the reappointment process is automatically terminated.

D. Restoration of Certain Benefits

Upon reappointment, the applicant's prior years of service with the City of Watauga Fire Department in the classification of Firefighter will be counted only for the following purposes:

1. Longevity Pay
2. Accrual Benefits
3. Determination as to the appropriate placement in the Civil Service Step Plan

If reappointed, the applicant shall serve a one (1) year probation and not receive the benefits of Civil service protection. The applicant's seniority and eligibility for purposes of promotion shall be determined by their reappointment date and in accordance with the Watauga Firefighters' and Police Officer's Local Rules.

ARTICLE XII

PART-TIME FIREFIGHTER/PARAMEDIC OR PART-TIME PARAMEDIC PROGRAM

A. Overview

The primary duty of a Part-Time Firefighter/Paramedic or Part-Time Paramedic is to augment the Watauga Fire Department's ambulance and emergency response services including fire suppression. Part-Time Firefighter/Paramedics or Part-Time Paramedics may also work a variety of special events.

Part-Time Firefighter/Paramedics or Part-Time Paramedics wear exactly the same uniforms as regular full-time Firefighter/Paramedics. Equipment and uniforms are provided by the Watauga Fire Department. In addition, Part-Time Firefighter/Paramedics or Part-Time Paramedics must complete the same training required of regular full-time Firefighter/Paramedics to maintain certifications and licenses.

B. Benefits and Salary

1. Salary is based on amount approved by City Council in the Classification Plan
2. Designated as a temporary employee
3. Not eligible to accrue leave benefits
4. Not eligible for Texas Municipal Retirement System pension benefits
5. Not eligible for permanent appointment or promotion
6. Not eligible for step-up pay
7. Designated as an at-will employee and not eligible to become a full-fledged Civil Service employee unless they take a department entrance exam and are hired in accordance with Local Government Code Chapter 143, The Watauga Firefighters' and Police Officers' Civil Service Rules and Regulations and this Meet and Confer Agreement.
8. A paid Part-Time Firefighter/Paramedic or Part-Time Paramedic must be dismissed before a permanent civil service employee may be dismissed in the event of a reduction of force.

C. Minimum Qualifications and Requirements

1. Be a United States Citizen
2. Be at least 18 years of age
3. Possess a High School diploma or GED equivalency
4. Possess a valid Texas Driver's license and acceptable driving record
5. Must have a current Texas Paramedic License/Certificate issued by the Texas Department of State Health Services or must have a current Texas Paramedic License/Certificate issued by the Texas Department of State Health Services and a Basic Structural Firefighter Certificate issued by the Texas Commission on Fire Protection

6. If discharged from the military must be "honorable," or "under honorable conditions"
7. Must successfully pass a comprehensive background investigation, oral board, polygraph, medical, drug screen and psychological evaluation
8. The City may waive the polygraph and psychological evaluation if the applicant is currently working for a municipal Fire Department
9. Not required to take department written and physical ability entrance examination
10. Must successfully complete the Watauga Fire Department's Field Training Program
11. Must maintain certification and training hours at the same level as a regular firefighter/paramedic or paramedic
12. Must adhere to policies of the City of Watauga's Administration and Financial Policies and Procedures Manual, policies of the Watauga Fire Department and special orders of the Watauga Fire Departments.
13. Part-Time Firefighter/Paramedics or Part-Time Paramedics, who have been employed with the City of Watauga for a minimum of three (3) months, and take a Watauga Fire Department Entrance Exam are eligible to receive five (5) extra points if they receive a passing score of 70 or more on the written exam.

ARTICLE XIII

TERM OF AGREEMENT

This Agreement shall have an effective date of November 8, 2021, and shall remain in full force and effect through November 8, 2024 and extended thereafter until superseded by a new Agreement.

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SAVINGS CLAUSE & AMENDMENT CLAUSE

Savings Clause

If any provision of this Agreement is rendered invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this Agreement, which shall continue to be in full force and effect for the duration of the Agreement, and the parties shall meet as soon as possible to agree on a substitute provision. However, if the parties are unable to agree within thirty (30) days following commencement of the initial meeting, then the matter shall be postponed until subsequent Meet and Confer negotiations are resumed. To this end, the provisions of this Agreement are severable. This Agreement may be amended by written mutual agreement.

Amendment Clause

This Agreement may not be changed or altered in any manner except by mutual written agreement. The Parties agree that upon mutual agreement additional provisions may be negotiated and added as Amendments or as a Restated Agreement. Any Amendments of this Agreement shall be in writing, shall contain an effective date, and shall be dated and signed by the authorized representatives of the respective parties. All Amendments are ratified in the same manner as provided by state law, the TLGC, Chapter 142 et seq., Subchapter C, for original ratification.

EXECUTED THIS ____ DAY OF _____, 2024

FOR THE CITY OF WATAUGA, TEXAS:

_____ Date: _____

SANDRA GIBSON
INTERIM CITY MANAGER

ATTEST:

LINDA PROSKEY

CITY SECRETARY

APPROVED:

RANDY BARKLEY, FIRE CHIEF

APPROVED AS TO FORM:

DAVID BERMAN, CITY ATTORNEY

FOR THE WATAUGA FIREFIGHTERS' ASSOCIATION:

_____ Date: _____

MICHAEL MAGLOTT

PRESIDENT

_____ Date: _____

RYAN THOMAS

VICE PRESIDENT



AGENDA MEMORANDUM

DATE: October 30, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action to declare the Fire Department November 2024 Surplus List as surplus personal property assets of the city approved for sale or disposition

BACKGROUND/INFORMATION:

Per the current City of Watauga – Personnel, Administration and Financial Policies and Procedures Manual, Article 13 Finance, Section 13.05 Surplus Asset Disposal last revised on April 23, 2018, the Public Works Director will recommend real property for the City Council to review before it is declared surplus. Once the property is declared surplus by City Council, surplus equipment may be disposed of by one of the following methods:

- (1) Sold competitively by public auction or by accepting sealed bids;
- (2) Traded in for new equipment; or
- (3) If the item has no value except for salvage, the City Manager or his designee, may authorize such items to be sold as scrap.

The surplus list below shows all items by the Fire department that are being recommended to be declared surplus. The items will be traded in for new replacements. The Council approved the purchase of the replacement Cardiac Monitors on 10/28/24, and we anticipate placing the order soon. The new cardiac monitors are expected to arrive after the first of the year, though there may be manufacturing delays.

November 2024 Fire Department List:

1. Cardiac Monitor – Physci Control – LifePAK 15 – Serial #40135179 – Unit 12-001 - \$2,500 Trade-in
2. Cardiac Monitor – Physci Control – LifePAK 15 – Serial #40133530 – Unit 12-002 - \$2,500 Trade-in
3. Cardiac Monitor – Physci Control – LifePAK 15 – Serial #42035824 – Unit 18-001 - \$2,500 Trade-in
4. Ambulance - 2008 Ford - VIN #1FDWF36R88EA18353



AGENDA MEMORANDUM

City employees/City Council Members and their immediate families may not purchase any surplus city property either by sealed bid, at an auction, or resale from trade-in.

FINANCIAL IMPLICATIONS:

Revenue from the trade-in of property shall be used to offset the cost of the new assests

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends City Council declare the real property as attached to this agenda item as surplus property

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Agenda Memo - 10-28-2024 - Fire Engine
2. Agenda Memo - 10-28-2024 - Cardiac Monitors

REVIEWED BY:

Paul Hackleman, Director of Public Works
Deby Woodard, Assistant Director of Finance
Randy Barkley, Fire Chief
Sandra Gibson, Interim City Manager and Director of Finance
Linda Proskey, City Secretary

Approved - 10/31/2024

Approved - 11/6/2024

Approved - 11/6/2024

Approved - 11/6/2024

Final Approval - 11/6/2024

Approved as to form for inclusion on Agenda



AGENDA MEMORANDUM

DATE: October 17, 2024

TO: Honorable City Council Members

FROM: Randy Barkley, Fire Chief

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval of the Purchase of one Spartan CAFS pumper on a Metro Star Chassis with equipment as specified from Metro Fire Apparatus Specialist

BACKGROUND/INFORMATION:

The Watauga Fire Department operates two fire apparatus: a 2012 Pierce Arrow XT Quint, which currently serves as a reserve unit, and a 2018 Spartan CAFS pumper on a Metro Star Chassis, which is the department's front-line fire apparatus. As the 2012 Quint nears the end of its useful service life, replacing it with a new Spartan CAFS pumper is crucial to maintain operational readiness and ensure compliance with NFPA standards regarding fire apparatus service life. According to these standards, fire apparatus should serve no more than 10 years on the front line and a maximum of 20 years overall.

Production times for new fire apparatus have now extended to three years and beyond in some cases, while costs have risen by nearly 50% over the past six years. Delaying the purchase could lead to further price hikes and extended delivery delays. By proceeding with the purchase now, the city will maximize the trade-in value of the 2012 Quint before it depreciates further. Additionally, the 2018 Spartan pumper can transition into a high-quality reserve unit, potentially extending its service life and enhancing the department's overall capacity.

Fire obtained a quote from Metro Fire Apparatus for the fire engine utilizing the Sourcewell Contract # 113021-RVG-4 in the amount of \$1,308,990, which includes a trade in discount for the 2012 Quint for a value of 230,000.

The City is a member of the Cooperative which allows us to utilize contracts offered through the cooperative per Local Government Code Section 271.102 and Texas Government Code 791. The codes were designed to allow government entities the ability to utilize contracts for products and services that meet all State and Local purchasing laws and requirements.

FINANCIAL IMPLICATIONS:



AGENDA MEMORANDUM

Funds are approved and available in the Fiscal Year 2024-2025 Budget utilizing 2024 CO funds.

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommends the City Council approve the purchase of the Fire Engine from Metro Fire Apparatus as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga TX FY25' Pumper Proposal
2. Watauga TX FY25' Pumper Drawing REV 1
3. 1295 CERTIFICATE

REVIEWED BY:

Deby Woodard, Assistant Director of Finance
Frieda Buck, Financial Svcs Tech
David Berman, City Attorney
Sandra Gibson, Interim City Manager and Director of Finance
Linda Proskey, City Secretary

Approved - 10/21/2024

Approved - 10/21/2024

Approved - 10/21/2024

Approved - 10/22/2024

Final Approval -
10/22/2024

Approved as to form for inclusion on Agenda



AGENDA MEMORANDUM

DATE: October 17, 2024

TO: Honorable City Council Members

FROM: Randy Barkley, Fire Chief

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on approval for the purchase of three (3) Cardiac Monitors for the Fire/EMS Department from Stryker Corporation

BACKGROUND/INFORMATION:

The Watauga Fire Department currently has three cardiac monitors in service, used on our two Mobile Intensive Care Units (MICUs) and the front-line fire apparatus. Each ambulance requires its own cardiac monitor, along with a dedicated monitor for the front-line fire apparatus that responds to EMS calls. The existing monitors are over 10 years old, have reached the end of their serviceable life, and are no longer supported by the manufacturer, making repairs and part replacement increasingly challenging.

The new monitors will offer advanced technology that enhances our ability to recognize heart attacks and facilitates easier transmission of EKG data to receiving facilities. This capability allows for faster continuity of care, ultimately leading to improved patient outcomes. Given the critical role cardiac monitors play in our emergency medical response, upgrading to the latest technology is essential for maintaining high-quality care for the community.

Fire obtained a quote from Stryker Corporation utilizing the Sourcewell Cooperative Contract # 041823-STY in the amount of \$190,612.60, which includes a trade in discount for the three existing monitors for a value of \$7,500 in total.

The City is a member of the Cooperative which allows us to utilize contracts offered through the cooperative per Local Government Code Section 271.102 and Texas Government Code 791. The codes were designed to allow government entities the ability to utilize contracts for products and services that meet all State and Local purchasing laws and requirements.

FINANCIAL IMPLICATIONS:

Funds are approved and available in the Fiscal Year 2024-2025 Budget

RECOMMENDATION/ACTION DESIRED:



AGENDA MEMORANDUM

Staff respectfully recommends the City Council approve the purchase of the cardiac monitors from Stryker Corporation as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga_LP35X3
2. 1295 CERTIFICATE

REVIEWED BY:

Deby Woodard, Assistant Director of Finance
Frieda Buck, Financial Svcs Tech
David Berman, City Attorney
Sandra Gibson, Interim City Manager and Director of Finance
Linda Proskey, City Secretary

Approved - 10/21/2024
Approved - 10/21/2024
Approved - 10/21/2024
Approved - 10/22/2024

Final Approval -
10/22/2024

Approved as to form for inclusion on Agenda



AGENDA MEMORANDUM

DATE: October 22, 2024

TO: Honorable City Council Members

FROM: Sandra Gibson, Interim City Manager and Director of Finance

THROUGH:

SUBJECT: Discuss and consider action on approval of an ordinance regarding the City of Watauga's Texas Municipal Retirement System benefits: (1) Adopting non-retroactive repeating colas, for retirees and their beneficiaries under the Texas Municipal Retirement System (TMRS) act §853.404(f) and (f-1), and (2) Authorizing annually accruing updated service credits and transfer updated service credits; providing a repealing clause; providing a severability clause; and providing for an effective date.

BACKGROUND/INFORMATION:

During the October 14, 2024 Workshop, the City Council received a presentation regarding the TMRS Calculation and Retro and Non-Retroactive Cola Option. House Bill 2464 during the 88th Texas Legislative Session in 2023 added subsections to the TMRS act to add an option for a non-retroactive repeating COLA. The new option applies COLAs based on the previous 12-month change in the Consumer Price Index for All Urban Consumers. Previously, the TMRS Act only allowed retroactive COLAs from the retiree's original retirement date.

The non-retroactive COLA plan reduces the City's contribution rate, creating \$100,000 in savings when compared to the current retroactive COLA plan. If Council approves the proposed ordinance, this change will go into effect January 1, 2025. The City will still offer the 70% maximum COLA option, but the non-retroactive repeating COLA plan will replace the retroactive repeating COLA plan currently in place. Should Council adopt this change, the affect to current retirees will be minimal.

FINANCIAL IMPLICATIONS:

Decrease of retirement contribution rate and potential savings of approximately \$100,000.

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and take action on the item presented.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga TMRS Model Ordinance - USC-RT_COLA-R_HB2464
2. Watauga Transmittal- USC-T_Non-retro_COLA_R
3. Watauga 2025 Plan Change Study_70% NR COLA

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 10/22/2024

David Berman, City Attorney Approved - 11/5/2024

Sandra Gibson, Interim City Manager and Director of Finance Approved - 11/5/2024

Linda Proskey, City Secretary Final Approval - 11/5/2024

Approved as to form for inclusion on Agenda

ORDINANCE NO. _____

AN ORDINANCE REGARDING THE CITY OF WATAUGA’S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS: (1) ADOPTING NON-RETROACTIVE REPEATING COLAS, FOR RETIREES AND THEIR BENEFICIARIES UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) ACT §853.404(f) AND (f-1), AND (2) AUTHORIZING ANNUALLY ACCRUING UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City of Watauga, Texas (the “City”), elected to participate in the Texas Municipal Retirement System (the “System” or “TMRS”) pursuant to Subtitle G of Title 8, Texas Government Code, as amended (which subtitle is referred to as the “TMRS Act”); and

Whereas, House Bill 2464, 88th Texas Legislature, R.S., 2023 (“HB 2464”), added Subsections 853.404(f) and (f-1) to the TMRS Act and authorized cities participating in the System to provide certain retirees and their beneficiaries with an annually accruing (“repeating”) annuity increase (also known as a cost of living adjustment, or “COLA”) based on the change in the Consumer Price Index for All Urban Consumers for the one-year period that ends 12 months before the January 1 effective date of the applicable COLA (a “non-retroactive repeating COLA”); and

Whereas, new TMRS Act §853.404(f) and (f-1) allow participating cities to elect to provide non-retroactive repeating COLAs under certain circumstances, as further described by this Ordinance, by adopting an ordinance to be effective January 1 of 2024, 2025 or 2026, in accordance with TMRS Act §854.203 and §853.404; and

Whereas, TMRS Act §853.404(f-1) provides the non-retroactive repeating COLA option applies only to a participating city that, as of January 1, 2023, either (1) has not passed an annually repeating COLA ordinance under TMRS Act §853.404(c) or had previously passed a repeating COLA ordinance and then, before January 1, 2023, passed an ordinance rescinding such repeating COLA, or (2) does provide an annually repeating COLA under §853.404(c) and elects to provide a non-retroactive repeating COLA under §853.404(f) for purposes of maintaining or increasing the percentage amount of the COLA; and

Whereas, the City Council acknowledges that the City meets the above-described criteria under §853.404(f-1) and is eligible to elect a non-retroactive repeating COLA under §853.404(f) and that such election must occur before January 1, 2026, and after that date future benefit changes approved by the City may require reversion to a retroactive repeating COLA; and

Whereas, the City Council finds that it is in the public interest to: (1) adopt annually accruing non-retroactive COLAs for retirees and their beneficiaries under TMRS Act §853.404(f) and (f-1); and (2) in accordance with TMRS Act §853.404 and §854.203(h), reauthorize annually accruing Updated Service Credits and transfer Updated Service Credits. Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, THAT:

Section 1. Adoption of Non-Retroactive Repeating COLAs.

(a) On the terms and conditions set out in TMRS Act §854.203 and §853.404, the City authorizes and provides for payment of the increases described by this Section to the annuities paid to retired City employees and beneficiaries of deceased City retirees (such increases also called COLAs). An annuity

increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed in accordance with TMRS Act §853.404(f) as the sum of the prior service and current service annuities, as increased in subsequent years under TMRS Act §854.203 or TMRS Act §853.404(c), of the person on whose service the annuities are based on the effective date of the annuity increase, multiplied by **70%** of the percentage change in the Consumer Price Index for All Urban Consumers during the 12-month period ending in December of the year that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation under this Section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed under this Section.

(e) In accordance with TMRS Act §853.404(f-1)(2), an increase under this Section only applies with respect to an annuity payable to a TMRS member, or their beneficiary(ies), which annuity is based on the service of a TMRS member who retired, or who is deemed to have retired under TMRS Act §854.003, not later than the last day of December of the year that is 13 months before the effective date of the increase under this Section.

(f) The amount of an increase under this Section is an obligation of this City and of its account in the benefit accumulation fund of the System.

(g) The initial increase in annuities authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the Board of Trustees of the System (“Board”). Pursuant to TMRS Act §853.404, an increase in retirement annuities shall be made on January 1 of each subsequent year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

Section 2. Authorization of Annually Accruing Updated Service Credits and Transfer Updated Service Credits.

(a) As authorized by TMRS Act §854.203(h) and §853.404, and on the terms and conditions set out in TMRS Act §§853.401 through 853.404, the City authorizes each member of the System who on the first day of January of the calendar year immediately preceding the January 1 on which the Updated Service Credits will take effect (i) has current service credit or prior service credit in the System by reason of service to the City, (ii) has at least 36 months of credited service with the System, and (iii) is a TMRS-contributing employee of the City, to receive “Updated Service Credit,” as that term is defined and calculated in accordance with TMRS Act §853.402.

(b) The City authorizes and provides that each employee of the City who (i) is eligible for Updated Service Credits under Subsection (a) above, and (ii) who has unforfeited prior service credit and/or current service credit with another System-participating municipality or municipalities by reason of previous employment, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in TMRS Act §853.601 (also known as “Transfer USC”), both as to the initial grant and all future grants under this Ordinance.

(c) The Updated Service Credit authorized and provided under this Ordinance shall be **100%** of the "base Updated Service Credit" of the TMRS member calculated as provided in TMRS Act §853.402.

(d) Each Updated Service Credit authorized and provided by this Ordinance shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) The initial Updated Service Credit authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the System's Board. Pursuant to TMRS Act §853.404, the authorization and grant of Updated Service Credits in this Section shall be effective on January 1 of each subsequent year, using the same percentage of the "base Updated Service Credit" stated in Subsection (c) in computing Updated Service Credits for each future year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

Section 3. Repealing Clause.

All ordinances of the City of Watauga, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Watauga not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. Severability Clause.

Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 5. Effective Date.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and the publication of the hereof as prescribed by law and Charter.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the ____ day of _____, 2024.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

TMRS-USC-RT_COLA-R_HB2464

Revised 11/2023

DAVID M. BERMAN, CITY ATTORNEY



October 22, 2024

Sandra Gibson
Director of Finance
City of Watauga
7101 Whitley Road
Watauga, TX 76148

Dear Ms. Gibson:

We are pleased to enclose a model ordinance for your city to adopt:

**100% Updated Service Credit with Transfers
&
70% Non-retroactive Cost of Living Adjustment Increase to Annuitants
Both Annually Repeating**

Both Effective January 1, 2025

By statute, when a city offers Updated Service Credits (USC) on an annually repeating basis, the city must readopt this annually repeating provision when adopting Cost of Living Adjustments (COLA). Therefore, the enclosed ordinance includes the city's readoption of this benefit.

By adopting this ordinance, the city will not have to adopt an ordinance each year to reauthorize the calculation of USC/COLA. These benefits will remain in effect for future years until such time as they are discontinued by an ordinance adopted by the City Council.

With the adoption of this benefit, the city's contribution rate will be **17.04%** beginning January 1, 2025.

Please make sure the ordinance is adopted and signed before the effective date. When the ordinance is adopted, please send a copy to City Services at cityservices@tmrs.com.

If you have any questions about the model ordinance or anything else, please call me at 512-225-3742.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colin Davidson", is written over a light blue circular stamp.

Colin Davidson
Director of City and Member Services

TEXAS MUNICIPAL RETIREMENT SYSTEM

P.O. Box 149153 • Austin, Texas 78714-9153
800-924-8677 • www.tmrs.com

2025 Rates • Watauga

October 21, 2024

Plan Provisions	Current	Option 1
Employee Contribution Rate	7%	7%
City Matching Ratio	2 to 1	2 to 1
Updated Service Credit (USC)	100% (Repeating)	100% (Repeating)
Transfer USC *	Yes	Yes
COLA	70% (Repeating)	70% (Repeating)
Retroactive COLA	Yes	No
Retirement Eligibility Any Age	20 years	20 years
Vesting	5 years	5 years
Supplemental Death Benefit	Actives + Retirees	Actives + Retirees
Contribution Rates	2025	2025
Normal Cost Rate	11.26%	11.09%
Prior Service Rate	<u>6.19%</u>	<u>5.67%</u>
Retirement Rate	17.45%	16.76%
Supplemental Death Rate	<u>0.28%</u>	<u>0.28%</u>
Total Contribution Rate	17.73%	17.04%
Unfunded Actuarial Liability	\$9,102,397	\$8,375,463
Funded Ratio	87.6%	88.5%
Benefit Increase Amortization Period	20 years	20 years

* As of the December 31, 2023 valuation date, there were 35 employees with service in other TMRS cities eligible for transfer USC.



AGENDA MEMORANDUM

DATE: November 4, 2024

TO: Honorable City Council Members

FROM: Arthur Miner, Mayor

THROUGH: Arthur Miner, Mayor
Juliet Rodriguez, Human Resources and Civil Service Director

SUBJECT: Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. To discuss and provide feedback regarding the annual performance evaluation of the City Secretary.

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service Director	Approved - 11/6/2024
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David Berman, City Attorney	Approved - 11/6/2024
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Sandra Gibson, Interim City Manager and Director of Finance	Approved - 11/6/2024
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Linda Proskey, City Secretary	Final Approval - 11/6/2024
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Approved as to form for inclusion on Agenda