



NOTICE AND AGENDA OF REGULAR CALLED MEETING MOUNT PLEASANT CITY COUNCIL

**Tuesday, March 4, 2025 at 6:00 P.M.
501 North Madison, Mount Pleasant, Texas**



PURSUANT TO CHAPTER 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCIL MEMBERS MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING.

Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or Braille documents. In determining the type of auxiliary aid or services, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting several days before the meeting by mail, telephone, or RELAY Texas. TTY: 7-1-1.

The public may participate by joining YouTube: <https://www.youtube.com/@thecityofmountpleasanttexas1157/streams>

CALL TO ORDER

REGULAR AGENDA

1. Consider Approval of the February 18, 2025 and February 22, 2025 meeting Minutes.
2. Public Comments:
The City Council welcomes citizen participation and comments at all Council meetings. Citizen comments are limited to two minutes out of respect for everyone's time. The Council is not permitted to respond to your comments. The Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meetings. If your comments relate to a topic that is on the agenda, the Council will discuss the topic on the agenda at the time that the topic is discussed and deliberated.
3. Consider Ordinance 2025-6 Amending the Fiscal Year 2025 Budget
4. Presentation of 2024 Racial Profiling Report.
5. Presentation of the Mt. Pleasant Police Department 2024 Annual Report
6. Presentation of the Mt. Pleasant Fire Department 2024 Annual Report
7. Consider approval of the Administration staff conducting a comprehensive salary survey for the Council's evaluation in preparation for the upcoming budget year.
8. Consider Resolution 2025-3 Adopting the 2025 Personnel Policy Manual
9. Discussion and staff presentation on procedures for city substandard structure demolitions.
10. City Manager's Report

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following:

Consider appointment, duties, employment, and contract for City Manager--**Consultation with Attorney (Tex. Gov't Code §551.071) and Personnel Matters (Tex. Gov't Code §551.074)**

'Personnel Matters' and 'Consultation with Attorney' discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of a public officer or employee. (Tex Gov't Code 551.074 and 551.071) City Attorney

RECONVENE INTO THE REGULAR SESSION

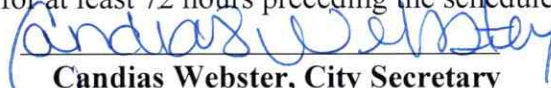
In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into regular session to consider action, if any, on matters discussed in executive session.

11. Discussion and Approval of City Manager's Contract.

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda as authorized by the Texas Government Code §551.071, (Consultation with Attorney), §551.072, (Deliberations about Real Property), §551.074, (Personnel Matters), §551.076, (Deliberations about Security Devices), §551.087, (economic development negotiations), or any other exception authorized by Chapter 551 of the Texas Government Code.

ADJOURN

I certify the above notice of meeting is a true and correct copy of said notice and that same was posted on the bulletin board of City Hall of the City of Mount Pleasant, Texas, a place readily accessible to the general public at times, by 5:00 pm on the 28th of February 2025 and remained so posted for at least 72 hours preceding the scheduled of said meeting.


Candias Webster, City Secretary



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Candias Webster, City Secretary

Department: Administration

Subject: Consider Approval of the February 18, 2025 and February 22, 2025 meeting Minutes.

Item Summary:

This is a typed copy of the minutes from the February 18, 2025 and February 22, 2025 Minutes.

Financial Impact:

N/A

Recommendation(s):

motion to Approve the February 18, 2025 and February 22, 2025 minutes

Attachments:

[2025.02.18 Regular](#)

[2025.02.22 Special](#)

STATE OF TEXAS

COUNTY OF TITUS

CITY OF MOUNT PLEASANT

The City Council of the City of Mount Pleasant, Texas, after notice posted in the manner, form and contents as required by law, met in Regular Session on February 18, 2025, at 5 :00 PM. at the Council Chambers located at 501 North Madison with the following members present:

Tracy Craig	-	Mayor
Carl Hinton	-	Mayor Pro-Tem
Sherri Spruill	-	Council Member
Kelly Redfearn	-	Council Member
Jonathan Hageman	-	Council Member
Debbie Corbell	-	Council Member
Greg Nyhoff	-	City Manager
Candias Webster	-	Assistant City Manager/City Secretary
Lea Ream	-	City Attorney

CONSIDER APPROVAL OF THE JANUARY 30, 2025, FEBRUARY 4, 2025, AND FEBRUARY 12, 2025 MEETING MINUTES.

Motion was made by Council Member Hageman and Seconded by Council Member Hinton to approve January 30, 2025, February 4, 2025, and February 12, 2025 meeting minutes. Upon a vote, the motion carried unanimously

MEMBERS OF THE PUBLIC WERE PROVIDED THE OPPORTUNITY TO COMMENT

No action was taken by the Council.

MONTHLY FINANCIAL REPORT FOR MONTH ENDED JANUARY 31, 2025

Gillian presented the monthly Finance report for the Month ended January 31, 2025

CONSIDER PAY REQUEST #21 TO HERITAGE CONSTRUCTION LLC FOR WORK PERFORMED AT THE SOUTHSIDE WASTEWATER TREATMENT PLANT.

Motion was made by Council Member Hinton, Seconded by Council Member Hageman to approve Pay Request #21 for \$503,386.88 to Heritage Construction LLC for work performed at the Southside Wastewater Treatment Plant. Upon a vote, the motion carried unanimously.

CONSIDER PAY REQUEST #4 TO WICKER CONSTRUCTION, INC. FOR WORK PERFORMED ON THE WEST LOOP WASTEWATER COLLECTION PROJECT.

Motion was made by Council Member Hinton, Seconded by Council Member Corbell to approve pay request #4 for \$427,953.24 to Wicker Construction, Inc. for work performed on the West Loop Wastewater Collection Project. Upon a vote, the motion carried unanimously.

CONSIDER AWARDING A BID FOR THE INDUSTRIAL LIFT STATION AND FORCE MAIN CONSTRUCTION PROJECT.

Motion was made by Council Member Hageman, Seconded by Council Member Redfearn to award the bid for the Industrial Lift Station and Force Main construction project to J2 Construction Services, LLC of Longview, TX for \$1,440,272.00. Upon a vote, the motion carried unanimously.

HOLD A PUBLIC HEARING AND CONSIDER ORDINANCE 2025-05 AT THE REQUEST OF OWNER RICHARD HESS TO APPROVE AUTHORIZING A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE FOR FARM IMPLEMENTS AND EQUIPMENT STORAGE UTILIZING A DESIGN INCORPORATING STORAGE CONTAINERS ON RANCH LAND LOCATED ON A 10-ACRE TRACT IN FD (FUTURE DEVELOPMENT) ZONING DISTRICT IN THE DANIEL MCCALL SURVEY 357, TRACT 920, ADJACENT TO 1040 E 16TH STREET. SUP-2025-01

Mayor opened the public hearing and no comments were made, the mayor closed the Public Hearing. Motion was made by Council

Member Hinton, Seconded by Council Member Redfearn to approve Ordinance 2025-05 a request of owner Richard Hess to approve authorizing a Specific Use Permit for an accessory structure for farm implements and equipment storage utilizing a design incorporating storage containers on ranch land located on a 10-acre tract in FD (Future Development) zoning district in the Daniel McCall Survey 357, Tract 920, adjacent to 1040 E 16th Street with the following condition.

1. The construction of the structure shall be properly permitted and shall conform to the City of Mount Pleasant Building and Fire Codes as adopted.
 2. The use will be limited solely to agricultural implements and equipment storage incidental to the agricultural use of the property.
- Upon a vote, the motion carried unanimously.

RATIFICATION OF INTERIM CITY MANAGER LETTER TO THE CITY OF WINFIELD NOTICE OF WATER RATE INCREASES EFFECTIVE APRIL 2025.

A motion was made by Council Member Hageman, Seconded by Council Member Hinton to approve the Ratification of Interim City Manager Letter to the City of Winfield Notice of Water Rate increases effective April 2025. Upon a vote, the motion carried unanimously.

CITY MANAGER'S REPORT

EXECUTIVE SESSION

PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:

Discussion of Economic Development Corporation Projects--Deliberations regarding Economic Development Negotiations (**Tex Gov't Code 551.087**), **Deliberations about real property (Tex. Gov't Code 551.072)**, and **Consultation with Attorney (Tex. Gov't Code §551.071)**

Interview and Consider Candidates for appointment as City Manager--*Consultation with Attorney (Tex. Gov't Code §551.071)* and *Personnel Matters (Tex. Gov't Code §551.074)*.

Consultation with Attorney (**Tex. Gov't Code §551.071**) and Personnel Matters (**Tex. Gov't Code §551.074**) related to the management, responsibilities, performance, and business operations of the MPEDC carried out through its Board of Directors, Executive Director and City Council.

'Personnel Matters' and **'Consultation with Attorney'**; discuss, the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Tex Gov't Code 551.074 and 551.071) Discussion of possible Council Appointees

RECONVENE INTO THE REGULAR SESSION

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.
The Mayor announced no action was taken in the executive session.

ADJOURN: 9:09 P.M.

Mayor Adjourned the Meeting.

TRACY CRAIG, SR, MAYOR

ATTEST:

CANDIAS WEBSTER, ASSISTANT CITY MANAGER/CITY SECRETARY

STATE OF TEXAS

COUNTY OF TITUS

CITY OF MOUNT PLEASANT

The City Council of the City of Mount Pleasant, Texas, after notice posted in the manner, form and contents as required by law, met in Special Session on February 22, 2025, at 3:30 PM. at the Council Chambers located at 501 North Madison with the following members present:

Tracy Craig	-	Mayor
Carl Hinton	-	Mayor Pro-Tem
Sherri Spruill	-	Council Member
Kelly Redfearn	-	Council Member
Jonathan Hageman	-	Council Member
Debbie Corbell	-	Council Member
Greg Nyhoff	-	City Manager
Candias Webster	-	Assistant City Manager/City Secretary
Lea Ream	-	City Attorney

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following:

Interview and Consider Candidates for appointment as City Manager--Consultation with Attorney (Tex. Gov't Code §551.071)and Personnel Matters (Tex. Gov't Code §551.074)

RECONVENE INTO THE REGULAR SESSION

In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into regular session to consider action, if any, on matters discussed in executive session

The Mayor announced no action was taken in the executive session.

ADJOURN: 4:50 PM

TRACY CRAIG, SR, MAYOR

ATTEST:

CANDIAS WEBSTER, ASSISTANT CITY MANAGER/CITY SECRETARY



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Department:

Subject: **Public Comments:**

The City Council welcomes citizen participation and comments at all Council meetings. Citizen comments are limited to two minutes out of respect for everyone's time. The Council is not permitted to respond to your comments. The Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meetings. If your comments relate to a topic that is on the agenda, the Council will discuss the topic on the agenda at the time that the topic is discussed and deliberated.



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Gillian Gatewood, Finance Director

Department: Finance

Subject: Consider Ordinance 2025-6 Amending the Fiscal Year 2025 Budget

Item Summary:

These amendments are to provide allocation for monies promised from the Industrial Development Corporation to the City.

- This amendment will create allocation for the revenue from the IDC to use for the Industrial Lift Station and Force Main Project.
- As a component of the Local Bounti Economic Development Project the MPIDC has committed monies for the construction of the Lift Station. This amendment will allocate reserve funds towards the outgoing expenditure.

Recommendation(s):

Motion to approve Ordinance 2025-6 amending the fiscal year 2025 budget.

Attachments:

[Ordinance 2025-6 Amending Budget-IDC Lift](#)

[City Budget Amendment IDC Lift Station](#)

[Budget Amendment Cash in Operations to Economic Development](#)

[Minutes February 20 2025](#)

[Signed MPEDC June 12 2023](#)

**CITY OF MOUNT PLEASANT, TEXAS
ORDINANCE 2025-6**

AN ORDINANCE OF THE CITY OF MOUNT PLEASANT, TEXAS AMENDING ORDINANCE 2024-19 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025 TO AMEND ADOPTED EXPENDITURES OF THE BUDGET; DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mount Pleasant, Texas is a home rule city under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mount Pleasant previously approved Ordinance 2024-19 on September 24, 2024, officially adopting the Official Budget of the City for Fiscal Year 2024-2025; and

WHEREAS, the City Council of the City of Mount Pleasant desires to amend Ordinance 2024-19, thereby amending the 2024-2025 Official Budget of the City, as attached hereto as Exhibit A

WHEREAS, the City Council of the City of Mount Pleasant desires to amend the budget for funds promised from the Industrial Development Corporation to the City for capital projects.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS:

SECTION 1. That the 2024-2025 Official Budget, adopted by Ordinance 2024-19, is hereby amended by the City Council of the City of Mount Pleasant, by the amounts attached hereto in Exhibit A.

SECTION 2. That except as amended hereby, or as heretofore amended, the provisions of Ordinance 2024-19 shall remain in full force and effect.

SECTION 3. That 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, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

DULY PASSED AND APPROVED by the City Council of the City of Mount Pleasant, Texas on the 4th day of March 2025.

APPROVED:

ATTEST:

Tracy Craig, Sr. Mayor

Candias Webster, City Secretary

BUDGET AMENDMENT FORM
2024/2025 LINE ITEM ADJUSTMENT

I am requesting that to make necessary Line Item adjustments to my 2024/2025 Budget as follows:

INCREASE / DECREASE		
ACCOUNT NO.	ACCOUNT TITLE	AMOUNT
605-59000-000	BOND FUND BALANCE	1,000,000.00

INCREASE / DECREASE		
ACCOUNT NO.	ACCOUNT TITLE	AMOUNT
605-57400-000	REVENUE FROM OTHER RESOURCES	1,000,000.00

Signature of Department Director	Date Signed	Department
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I FIND THAT THIS TRANSFER OF FUNDS IS FOR CITY PURPOSES AND IS AN APPROPRIATE REQUEST.

APPROVED THIS _____ DAY OF _____, 2025

_____	City Manager
Approved by Finance Director:	_____
Posted by Finance	_____

BUDGET AMENDMENT FORM
2024/2025 LINE ITEM ADJUSTMENT

I am requesting that to make necessary Line Item adjustments to my 2024/2025 Budget as follows:

TRANSFER FROM:

ACCOUNT NO.	ACCOUNT TITLE	AMOUNT
750-11040-000	CASH IN OPERATIONS	1,000,000.00

TRANSFER TO:

ACCOUNT NO.	ACCOUNT TITLE	AMOUNT
750-66000-156	ECONOMIC DEVELOPMENT COMMIT	1,000,000.00

Note: Purpose of this transaction - Assist the City of Mount Pleasant, TX with water/wastewater infrastructure improvements (Lift Station). Approved by IDC Board on 06.12.2023



Signature of Board President

2-20-25

Date Signed



Signature of Department Director

2.20.25

Date Signed

I FIND THAT THIS TRANSFER OF FUNDS IS FOR CITY PURPOSES AND IS AN APPROPRIATE REQUEST.

APPROVED THIS _____ DAY OF _____, 2025

City Manager

Approved by Finance Director:

Posted by Finance

MINUTES

STATE OF TEXAS

COUNTY OF TITUS

CITY OF MOUNT PLEASANT

The Mount Pleasant Economic Development Corporation Board of Directors, after notice posted in the manner, form, and contents as required by law, met **February 20, 2025 at 11:00 AM** at 302 North Jefferson Ave., Suite 160, Mount Pleasant, TX 75455.

Name	Title/Company	Present (Y or N)
Erman Hensel	President	Y
Brian Niblett	Vice President	Y
Chris Elliott	Member	Y
Mike Price	Member	Y
Nathan Tafoya	Executive Director	Y
Janeth Moreno	Director of Business Operations	Y
Debbie Corbell	Councilmember Place 1	Y

1. **CALL TO ORDER: 11:00 AM**

2. **CONSIDER AGENDA:**

- Motion made by **Mike Price**, seconded by **Chris Elliott**, to approve the January 31st and February 12th Board Meeting minutes. Upon a vote, motion carried unanimously.
- Motion made by **Chris Elliott**, seconded by **Brian Niblett**, to approve the financials for January 2025. Upon a vote, motion carried unanimously.

3. **EXECUTIVE SESSION**

The Board retired into executive session at **11:00 AM** to consider the following:

- 551.072 'Real Property' to deliberate the purchase, exchange, lease, or value of real property. Project Low Carbon Conversion, Project Sonic Tails, Project Metal Make, Winfield Property
- 551.087 'Deliberations Regarding Economic Development Negotiations'. Project Low Carbon Conversion, Project Sonic Tails, Project Metal Make, Winfield Property

The Board returned to open session at **12:28 PM**

4. **RECONVENE INTO REGULAR SESSION**

No action taken.

5. **ACTION: CONSIDER AND POSSIBLY APPROVE AND/OR AMEND ASSISTANCE PACKAGE AND/OR COMMITMENTS AND/OR TERMS FOR PROJECT METAL MAKE.-** Motion made by **Chris Elliott**, seconded by **Mike Price**, to approve claw back 20% of the remaining loan balance for Cornerstone Metal Products, LLC. **Brian Niblett** abstained from voting due to conflict of interest. Upon a vote, motion carried unanimously.

6. **ACTION: CONSIDER AND POSSIBLY AND/OR AMEND ASSISTANCE PACKAGE AND/OR COMMITMENTS AND/OR TERMS FOR PROJECT LOW CARBON CONVERSION.-** Board tabled item.

7. **ACTION: CONSIDER AND POSSIBLY APPROVE ASSISTANCE PACKAGE AND/OR COMMITMENTS AND/OR TERMS FOR PROJECT SONIC TAILS.-** Motion made by **Chris Elliott**, seconded by **Mike Price**, to approve the assistance package for Project Sonic as discussed in Executive Session. Upon a vote, motion carried unanimously.

8. **ACTION: CONSIDER AND POSSIBLY APPROVE A BUDGET AMENDMENT TO TRANSFER ONE MILLION DOLLARS (\$1,000,000.00) FROM CASH IN OPERATIONS ACCOUNT TO ECONOMIC DEVELOPMENT COMMITMENT ACCOUNT TO ASSIST THE CITY OF MOUNT PLEASANT, TEXAS WITH WATER/WASTEWATER INFRASTRUCTURE IMPROVEMENTS, AS PREVIOUSLY APPROVED BY IDC BOARD ON JUNE 12, 2023.-** Motion made by **Mike Price**, seconded by **Brian Niblett**, to approve budget amendment to transfer one million dollars (\$1,000,000) from Cash in Operations Account to Economic Development Commitment Account to assist the City of Mount Pleasant, Texas with water/wastewater infrastructure improvements, as previously approved by IDC Board on June 12, 2023. Upon a vote, motion carried unanimously.

9. **ACTION: CONSIDER AND POSSIBLY APPROVE A MEMORANDUM OF UNDERSTANDING WITH NORTHEAST TEXAS COMMUNITY COLLEGE REGARDING THE SMALL BUSINESS DEVELOPMENT CENTER.-** Board tabled item.

10. **ACTION: AUTHORIZE EXECUTIVE DIRECTOR AND/OR PRESIDENT TO ENTER INTO NEGOTIATIONS AND EXECUTE A FINAL CONTRACT ON REAL ESTATE NEAR WINFIELD.-** Motion made by **Chris Elliott**, seconded by **Brian Niblett**, to approve Executive Director and/or President to enter into negotiations and execute a final contract on real estate near Winfield, contingent upon City Council approval. Upon a vote, motion carried unanimously.

11. **EXECUTIVE DIRECTOR'S REPORT.-** No report.

12. **ADJOURN: 12:41 PM**

Motion made by **Brian Niblett**, seconded by **Chris Elliott**, to adjourn the February 20, 2025, meeting. Upon a vote, motion carried unanimously.



MINUTES

STATE OF TEXAS

COUNTY OF TITUS

CITY OF MOUNT PLEASANT

The Mount Pleasant Economic Development Corporation Board of Directors, after notice posted in the manner, form, and contents as required by law, met on **June 12, 2023, at 11:00 AM** in the Conference Room of the American National Bank of Mount Pleasant, located at 301 South Madison Avenue, Mount Pleasant, TX 75455.

The following members present:

Name	Title/Company	Present (Y or N)
Erman Hensel	President	N
Brian Niblett	Vice President	Y
Jason Snodgrass	Secretary/Treasurer	Y
Chris Elliott	Member	N
Mike Price	Member	Y
Nathan Tafoya	Executive Director	Y
Janeth Moreno	Director of Business Operations	Y
Bon Wier	Texas Department of Agriculture	Y

1. CALL TO ORDER: 11:01 AM2. CONSENT AGENDA

- Motion made by **Jason Snodgrass**, seconded by **Mike Price**, to approve the board minutes. Upon a vote, motion carried unanimously.
- May 2023 Financials unavailable.

3. EXECUTIVE SESSION

The Board retired into executive session at **11:03 AM** to consider the following:

- 551.072 'Real Property' to deliberate the purchase, exchange, lease, or value of real property.
- 551.087 'Deliberations Regarding Economic Development Negotiations'.
- 551.074 Personnel Matters: 'To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.'

The Board returned to open session at **12:22 PM**

4. RECONVENE INTO REGULAR SESSION

No action taken.

5. **ACTION: Consider and possibly approve Revolving Loan Fund application submitted by Phoenix Skool Buses, LLC.- Board tabled item.**6. **ACTION: Consider and possibly approve an EDC expenditure to assist the City of Mount Pleasant with water/wastewater infrastructure improvements (e.g. Lift Station) at Cypress Industrial Park.- Motion made by Mike Price, seconded by Jason Snodgrass, to approve an EDC expenditure in the amount of \$1,000,000.00 (One Million Dollars) to assist the City of Mount Pleasant with water/wastewater infrastructure improvements (e.g. Lift Station) at Cypress Industrial Park. As part of the agreement, the EDC removes its outstanding obligation of \$500,000 to assist the City of Mount Pleasant with infrastructure improvements on Highway 271 Loop. Upon a vote, motion carried unanimously.**7. **ACTION: Authorize Executive Director to enter into negotiations and execute a final contract on real estate near Winfield, including obtaining a right of refusal and entering into an option period.- Motion made by Jason Snodgrass, seconded by Mike Price, to authorize Executive Director to enter into negotiations negotiations and execute a final contract on real estate near Winfield, including obtaining a right of refusal and entering into an option period, with terms discussed in Executive Session. Upon a vote, motion carried unanimously.**8. **Executive Director's Report.- No report.**9. ADJOURN: 12:25 PM

Motion made by **Jason Snodgrass**, seconded by **Mike Price**, to adjourn the June 12, 2023, meeting. Upon a vote, motion carried unanimously.

ERMAN HENSEL, PRESIDENT



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Mark Buhman, Police Chief

Department: Police Dept

Subject: Presentation of 2024 Racial Profiling Report.

Item Summary:

In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. As required, the MPPD collects and reports traffic-related contact data for identifying and addressing (if necessary) areas of concern regarding racial profiling practices. The CCP further requires that the report be submitted to the governing body of the city. Included are the Texas Commission on Law Enforcement reports, as submitted, with an additional summary review completed by the Chief of Police.

Financial Impact:

N/A

Recommendation(s):

no motion required

Attachments:

[2024 Racial Profiling Full Report](#)

[Comparative Analysis Report 2024](#)

[2024 Racial Profiling Comparative Analysis Report](#)

Racial Profiling Report | Full

Agency Name: MOUNT PLEASANT POLICE DEPARTMENT

Reporting Date: 01/13/2025

TCOLE Agency Number: 449201

Chief Administrator: MARK J. BUHMAN

Agency Contact Information:

Phone: (903) 575-4004

Email: mbuhman@mpcity.org

Mailing Address:

501 N MADISON AVE

MOUNT PLEASANT, TX 75455-3650

This Agency filed a full report

MOUNT PLEASANT POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the MOUNT PLEASANT POLICE DEPARTMENT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the MOUNT PLEASANT POLICE DEPARTMENT if the individual believes that a peace officer employed by the MOUNT PLEASANT POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the MOUNT PLEASANT POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the MOUNT PLEASANT POLICE DEPARTMENT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The MOUNT PLEASANT POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed

in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: MARK BUHMAN
Chief of Police

Date: 01/13/2025

Total stops: 8688

Street address or approximate location of the stop

City street	7423
US highway	843
County road	79
State highway	28
Private property or other	315

Was race or ethnicity known prior to stop?

Yes	8151
No	537

Race / Ethnicity

Alaska Native / American Indian	40
Asian / Pacific Islander	46
Black	1751
White	3378
Hispanic / Latino	3473

Gender

Female	3404
Alaska Native / American Indian	7
Asian / Pacific Islander	11
Black	666
White	1585
Hispanic / Latino	1135
Male	5284
Alaska Native / American Indian	33
Asian / Pacific Islander	35
Black	1085
White	1888
Hispanic / Latino	2243

Reason for stop?

Violation of law	697
Alaska Native / American Indian	3
Asian / Pacific Islander	4
Black	170
White	265

Hispanic / Latino	255
Preexisting knowledge	117
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	24
White	56
Hispanic / Latino	37
Moving traffic violation	5759
Alaska Native / American Indian	33
Asian / Pacific Islander	32
Black	1092
White	2403
Hispanic / Latino	2199
Vehicle traffic violation	2115
Alaska Native / American Indian	4
Asian / Pacific Islander	10
Black	465
White	749
Hispanic / Latino	887
Was a search conducted?	
Yes	809
Alaska Native / American Indian	2
Asian / Pacific Islander	2
Black	265
White	301
Hispanic / Latino	239
No	7879
Alaska Native / American Indian	38
Asian / Pacific Islander	44
Black	1486
White	3172
Hispanic / Latino	3139
Reason for Search?	
Consent	138
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	16
White	75

Hispanic / Latino	47				
Contraband	45				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	9				
White	20				
Hispanic / Latino	16				
Probable	526				
Alaska Native / American Indian	1				
Asian / Pacific Islander	2				
Black	217				
White	174				
Hispanic / Latino	132				
Inventory	8				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	3				
Hispanic / Latino	2				
Incident to arrest	92				
Alaska Native / American Indian	1				
Asian / Pacific Islander	0				
Black	20				
White	29				
Hispanic / Latino	42				
Was Contraband discovered?					
Yes	474				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	2	Yes	0	No	2
Black	143	Yes	47	No	96
White	192	Yes	55	No	137
Hispanic / Latino	137	Yes	39	No	98
No	335				
Alaska Native / American Indian	2				
Asian / Pacific Islander	0				
Black	122				
White	109				
Hispanic / Latino	102				

Description of contraband	
Drugs	336
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	113
White	133
Hispanic / Latino	90
Weapons	13
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	9
White	3
Hispanic / Latino	1
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	75
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	19
White	23
Hispanic / Latino	33
Stolen property	18
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	5
White	11
Hispanic / Latino	1
Other	102
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	22
White	49
Hispanic / Latino	30
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	5790
Alaska Native / American Indian	28
Asian / Pacific Islander	37
Black	1136
White	2029
Hispanic / Latino	2560
Citation	2587
Alaska Native / American Indian	10
Asian / Pacific Islander	8
Black	523
White	807
Hispanic / Latino	1239
Written warning and arrest	53
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	22
White	14
Hispanic / Latino	17
Citation and arrest	258
Alaska Native / American Indian	2
Asian / Pacific Islander	1
Black	70
White	92
Hispanic / Latino	93
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	240
Alaska Native / American Indian	2
Asian / Pacific Islander	0

Black	65
White	85
Hispanic / Latino	88
Violation of Traffic Law	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	3
Violation of City Ordinance	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Outstanding Warrant	64
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	26
White	18
Hispanic / Latino	19

Was physical force resulting in bodily injury used during stop?

Yes	22
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	4
Hispanic / Latino	10
Resulting in Bodily Injury To:	
Suspect	1
Officer	0
Both	1
No	8666
Alaska Native / American Indian	40
Asian / Pacific Islander	46
Black	1743
White	3469
Hispanic / Latino	3368

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



City of Mount Pleasant Police Department
501 N Madison Ave, Mount Pleasant, TX 75455
903-575-4004



2024 Racial Profiling Comparative Analysis Mount Pleasant, Texas

In compliance with Texas Code of Criminal Procedure (CCP) 2.134, a Racial Profiling Comparative Analysis of Motor Vehicle Stops has been completed for the year 2024. This report has been prepared for the City of Mount Pleasant and highlights some aspects of the analysis completed in this year's report. The complete analysis is also made available for public consumption.

CCP 2.134 (b) mandates A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

The CCP mandates that information be reported for the following race/ethnicities; Alaska Native/American Indian, Asian/Pacific Islander, Black, White, and Hispanic/Latino. The analysis includes information relevant to the numbers and percentages of traffic stops and the resultant conclusions, searches of motor vehicles, and physical force used in all traffic stops.

Census data comparing Mount Pleasant population to race/ethnicity, when used as a baseline of comparison as it relates to traffic stops, presents a challenge in that it captures information related to city residents only. The percentage of the population that encounter the Mount Pleasant Police Department through traffic enforcement, but live outside the city limits, represents a significant volume of all motor vehicle-related contacts made in a given year. As example, analysis of citations and written warnings issued in Mount Pleasant during 2019 found that only 58% of traffic stops resulted in contact with a driver who was a Mount Pleasant resident. Therefore, conclusions may be drawn in error if not compared with this in mind.

Demographics of Mount Pleasant, as shown by the United States Census Bureau, estimate the race/ethnicity breakdown of residents at 1% American Indian/Alaska Native, 2% Asian, 16% Black/African American, 28% White, and 53% Hispanic/Latino.

In 2024 Mount Pleasant police officers conducted 8,688 traffic stops. This was a 6.6% increase over 2023 (8,148). During those traffic stops, written warnings were issued 66.6% of the time, citations 29.8% of the time, and an arrest was made in 3.6% of incidents.

In 2024 the vehicle driver's race/ethnicity was not known, as reported by officers, prior to the traffic stop in 93.8% of incidents. Upon conclusion of the stop, the vehicle driver's gender was identified as male in 60.8% of encounters and female in 39.2% of the stops. Chart A shows the breakdown of all traffic stops by race as defined by the officer at the conclusion of the encounter.

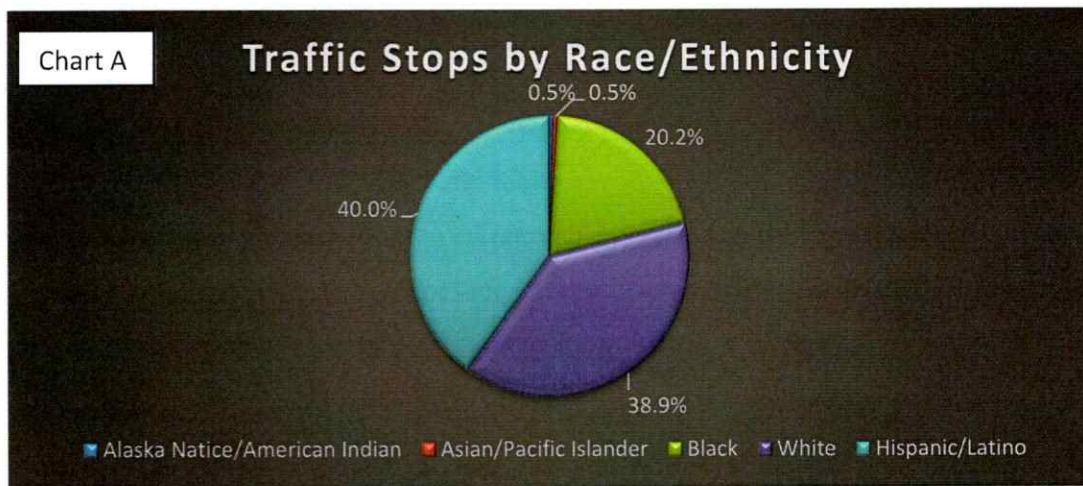
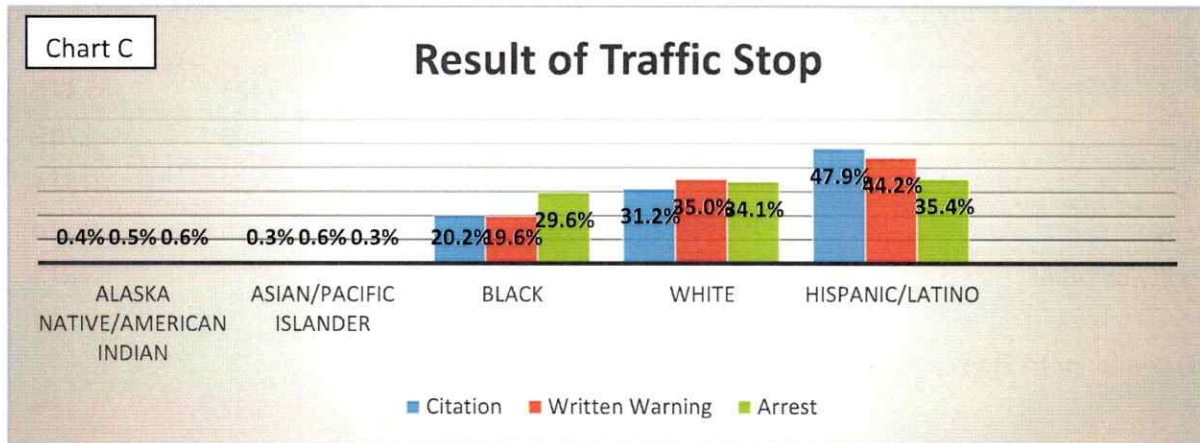


Chart B graphically shows the reason for traffic stops by race/ethnicity. It is noted that the most common reason for a traffic stop, in 66.3% of occurrences, was due to a moving violation.



Chart C shows the percentage of citations, written warnings, or arrests for subjects across racial/ethnic groups.



Traffic stops resulting in citation was highest for the Hispanic/Latino demographic, at 47.9%, with Black and White subjects at 20% and 31% respectively.

Force was used in less than 1% (0.25%) of all traffic stops.

Searches were conducted on vehicles in 9.3% of traffic stops. Probable Cause (PC) was the most common legal justification for an officer searching a vehicle, listed as the reason in 65% of those searches.

The Mount Pleasant Police Department did not receive any complaints of racial profiling during 2024. A full analysis report was submitted, as per statute, to the Texas Commission on Law Enforcement and will be made available to the public on the MPPD website.

Chief Mark Buhman

Mount Pleasant Police Department

Racial Profiling Analysis Report

MOUNT PLEASANT POLICE DEPARTMENT

01. Total Traffic Stops:	8688	
02. Location of Stop:		
a. City Street	7423	85.44%
b. US Highway	843	9.70%
c. County Road	79	0.91%
d. State Highway	28	0.32%
e. Private Property or Other	315	3.63%
03. Was Race known prior to Stop:		
a. NO	537	6.18%
b. YES	8151	93.82%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	40	0.46%
b. Asian/ Pacific Islander	46	0.53%
c. Black	1751	20.15%
d. White	3378	38.88%
e. Hispanic/ Latino	3473	39.97%
05. Gender:		
a. Female	3404	39.18%
i. Alaska/ Native American/ Indian	7	0.08%
ii. Asian/ Pacific Islander	11	0.13%
iii. Black	666	7.67%
iv. White	1585	18.24%
v. Hispanic/ Latino	1135	13.06%
b. Male	5284	60.82%
i. Alaska/ Native American/ Indian	33	0.38%
ii. Asian/ Pacific Islander	35	0.40%
iii. Black	1085	12.49%
iv. White	1888	21.73%
v. Hispanic/ Latino	2243	25.82%
06. Reason for Stop:		
a. Violation of Law	697	8.02%
i. Alaska/ Native American/ Indian	3	0.43%
ii. Asian/ Pacific Islander	4	0.57%

Racial Profiling Analysis Report

iii. Black	170	24.39%
iv. White	265	38.02%
v. Hispanic/ Latino	255	36.59%
b. Pre-Existing Knowledge	117	1.35%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	24	20.51%
iv. White	56	47.86%
v. Hispanic/ Latino	37	31.62%
c. Moving Traffic Violation	5759	66.29%
i. Alaska/ Native American/ Indian	33	0.57%
ii. Asian/ Pacific Islander	32	0.56%
iii. Black	1092	18.96%
iv. White	2403	41.73%
v. Hispanic/ Latino	2199	38.18%
d. Vehicle Traffic Violation	2115	24.34%
i. Alaska/ Native American/ Indian	4	0.19%
ii. Asian/ Pacific Islander	10	0.47%
iii. Black	465	21.99%
iv. White	749	35.41%
v. Hispanic/ Latino	887	41.94%
07. Was a Search Conducted:		
a. NO	7879	90.69%
i. Alaska/ Native American/ Indian	38	0.48%
ii. Asian/ Pacific Islander	44	0.56%
iii. Black	1486	18.86%
iv. White	3172	40.26%
v. Hispanic/ Latino	3139	39.84%
b. YES	809	9.31%
i. Alaska/ Native American/ Indian	2	0.25%
ii. Asian/ Pacific Islander	2	0.25%
iii. Black	265	32.76%
iv. White	301	37.21%
v. Hispanic/ Latino	239	29.54%
08. Reason for Search:		
a. Consent	138	1.59%

Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	16	11.59%
iv. White	75	54.35%
v. Hispanic/ Latino	47	34.06%
b. Contraband in Plain View	45	0.52%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	9	20.00%
iv. White	20	44.44%
v. Hispanic/ Latino	16	35.56%
c. Probable Cause	526	6.05%
ii. Alaska/ Native American/ Indian	1	0.19%
i. Asian/ Pacific Islander	2	0.38%
iii. Black	217	41.25%
iv. White	174	33.08%
v. Hispanic/ Latino	132	25.10%
d. Inventory	8	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	37.50%
iv. White	3	37.50%
v. Hispanic/ Latino	2	25.00%
e. Incident to Arrest	92	1.06%
i. Alaska/ Native American/ Indian	1	1.09%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	20	21.74%
iv. White	29	31.52%
v. Hispanic/ Latino	42	45.65%
09. Was Contraband Discovered:		
YES	474	5.46%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	2	0.42%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	2	
iii. Black	143	30.17%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	47	
Finding resulted in arrest - NO	96	
iv. White	192	40.51%
Finding resulted in arrest - YES	55	
Finding resulted in arrest - NO	137	
v. Hispanic/ Latino	137	28.90%
Finding resulted in arrest - YES	39	
Finding resulted in arrest - NO	98	
b. NO	335	3.86%
i. Alaska/ Native American/ Indian	2	0.60%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	122	36.42%
iv. White	109	32.54%
v. Hispanic/ Latino	102	30.45%

10. Description of Contraband:

a. Drugs	336	3.87%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	113	33.63%
iv. White	133	39.58%
v. Hispanic/ Latino	90	26.79%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	13	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	9	69.23%
iv. White	3	23.08%
v. Hispanic/ Latino	1	7.69%
d. Alcohol	75	0.86%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	19	25.33%
iv. White	23	30.67%

Racial Profiling Analysis Report

v. Hispanic/ Latino	33	44.00%
e. Stolen Property	18	0.21%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	5.56%
iii. Black	5	27.78%
iv. White	11	61.11%
v. Hispanic/ Latino	1	5.56%
f. Other	102	1.17%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	0.98%
iii. Black	22	21.57%
iv. White	49	48.04%
v. Hispanic/ Latino	30	29.41%
11. Result of Stop:		
a. Verbal Warning	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b. Written Warning	5790	66.64%
i. Alaska/ Native American/ Indian	28	0.48%
ii. Asian/ Pacific Islander	37	0.64%
iii. Black	1136	19.62%
iv. White	2029	35.04%
v. Hispanic/ Latino	2560	44.21%
c. Citation	2587	29.78%
i. Alaska/ Native American/ Indian	10	0.39%
ii. Asian/ Pacific Islander	8	0.31%
iii. Black	523	20.22%
iv. White	807	31.19%
v. Hispanic/ Latino	1239	47.89%
d. Written Warning and Arrest	53	0.61%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	22	41.51%
iv. White	14	26.42%
v. Hispanic/ Latino	17	32.08%

Racial Profiling Analysis Report

e. Citation and Arrest	258	2.97%
i. Alaska/ Native American/ Indian	2	0.78%
ii. Asian/ Pacific Islander	1	0.39%
iii. Black	70	27.13%
iv. White	92	35.66%
v. Hispanic/ Latino	93	36.05%
f. Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
12. Arrest Based On:		
a. Violation of Penal Code	240	2.76%
i. Alaska/ Native American/ Indian	2	0.83%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	65	27.08%
iv. White	85	35.42%
v. Hispanic/ Latino	88	36.67%
b. Violation of Traffic Law	6	0.07%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	16.67%
iv. White	2	33.33%
v. Hispanic/ Latino	3	50.00%
c. Violation of City Ordinance	1	0.01%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
d. Outstanding Warrant	64	0.74%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.56%
iii. Black	26	40.63%
iv. White	18	28.13%
v. Hispanic/ Latino	19	29.69%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	8666	99.75%
i. Alaska/ Native American/ Indian	40	0.46%
ii. Asian/ Pacific Islander	46	0.53%
iii. Black	1743	20.11%
iv. White	3469	40.03%
v. Hispanic/ Latino	3368	38.86%
b. YES	22	0.25%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	8	36.36%
iv. White	4	18.18%
v. Hispanic/ Latino	10	45.45%
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	1	4.55%
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	0.00%
b 3. YES: Physical Force Resulting in Bodily Injury to Both	1	4.55%

14. Total Number of Racial Profiling Complaints Received:

0

REPORT DATE COMPILED 01/13/2025



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Mark Buhman, Police Chief

Department: Police Dept

Subject: Presentation of the Mt. Pleasant Police Department 2024 Annual Report

Item Summary:

Presentation of the Mt Pleasant Police Department 2024 Annual Report.

Financial Impact:

None

Recommendation(s):

N/A

Attachments:

[December ACO](#)

[December NIBRS](#)

[MP 2024 Employee Accident Injury Analysis](#)

[MP 2024 Pursuit Report](#)

[MP 2024 Use of Force Report](#)



CITY OF MT. PLEASANT ANIMAL CONTROL

CALENDAR MONTHLY REPORT 2024

December

AC Officer Activity	2024 This Month	Prior Month	Month to Month % Change	2024 Total YTD		2023 This Month	2023 Total YTD	# YTD + or -	2024 % Change YTD From 2023
Calls for Service	43	95	-55%	1200		80	1114	86	8%
Animal Bite Reports	4	0	400%	44		3	42	2	5%
Warnings Issued	1	1	0%	51		4	76	-25	-33%
Citations Issued	7	8	-13%	118		20	118	0	0%
Complaints filed with Court	0	0	0%	284		6	165	119	72%
Animals Delivered to Shelter	2024 This Month	Prior Month	2024 Total YTD	% of all Impounds for all 2024 Year		2023 This Month	2023 Total YTD	# YTD + or -	2024 % Change YTD From 2023
Animal Control	17	38	435	19%		27	527	-92	-17%
Mount Pleasant Public	54	50	703	30%		41	707	-4	-1%
Titus County Public	78	52	860	37%		72	867	-7	-1%
Pittsburg Public	6	8	151	7%		4	85	66	78%
Gilmer Public	7	9	167	7%		9	189	-22	-12%
Total Delivery Activity	162	157	2316	100%		153	2375	-59	-2%
Animal Disposition From Shelter	2024 This Month	Prior Month	Month to Month % Change	2024 Total YTD		2023 This Month	2023 Total YTD	# YTD + or -	2024 % Change YTD From 2023
Animals Reclaimed by Owner	16	11	45%	143		18	243	-100	-41%
Animals Adopted	51	42	21%	492		36	428	64	15%
Animals given to Rescue Org's	39	59	-34%	649		70	780	-131	-17%
Animals Euthanized	42	50	-16%	1010		45	866	144	17%
Animal Died Natural Causes	0	2	-100%	16		0	26	-10	-38%
Total Animals Released	148	164	-10%	2310		169	2343	-33	-1%
Animals Chipped	60	53	13%	595		46	566	29	5%
Adoption without Fee	14	3	N/A	97		2	53	44	83%
Adoption Fees Received	\$2,556	\$ 2,535	N/A	\$25,449		\$2,281	\$25,041	\$408	2%

MOUNT PLEASANT POLICE DEPARTMENT

MONTHLY REPORT

2024

NIBRS - DECEMBER	2024 This Month	Prior Month	Month to Month % Change	2024 Total YTD	2023 Year Ago This Month	2023 Total Prior YTD	2023/2024 # YTD + or -	2024 % Change YTD From 2023
CRIMINAL HOMICIDE	0	0	0%	1	0	3	-2	-67%
MANSLAUGHTER BY NEGLIGENCE	0	0	0%	0	0	1	-1	-100%
FORCIBLE RAPE	0	1	-100%	8	1	11	-3	-27%
RAPE BY FORCE	0	1	-100%	8	1	11	-3	-27%
ATTEMPTS TO COMMIT	0	0	0%	0	0	0	0	0%
ROBBERY	1	1	0%	7	1	5	2	40%
FIREARM	0	0	0%	2	1	2	0	0%
KNIFE OR CUTTING INSRT.	0	0	0%	0	0	0	0	0%
OTHER DANGEROUS WEAPON	1	1	0%	3	0	2	1	50%
STRONG ARM	0	0	0%	2	0	1	1	100%
ASSAULT	15	15	0%	130	9	205	-75	-37%
FIREARM	0	1	-100%	5	0	32	-27	-84%
KNIFE OR CUTTING INSRT.	0	1	-100%	4	2	11	-7	-64%
OTHER DANGEROUS WEAPON	0	2	-200%	12	0	5	7	140%
HANDS, FIST, FEET-AGG INJ	0	0	0%	0	2	6	-6	-100%
OTHER ASSAULT NOT AGG	15	11	36%	109	5	151	-42	-28%
BURGLARY	3	3	0%	54	2	78	-24	-31%
RESIDENTIAL	2	2	0%	21	1	18	3	17%
NON RESIDENTIAL	1	0	100%	6	0	11	-5	-45%
VEHICLE	0	1	-100%	27	1	49	-22	-45%
THEFT (NOT VEHICLE)	19	13	46%	183	19	189	-6	-3%
MOTOR VEHICLE THEFT	0	0	0%	35	2	21	14	67%
AUTO	0	0	0%	21	2	21	0	0%
TRUCKS AND BUSES	0	0	0%	1	0	0	1	100%
OTHER VEHICLES	0	0	0%	13	0	0	13	1300%
Total NIBRS	38	33	15%	418	34	512	-94	-18%

MOUNT PLEASANT POLICE DEPARTMENT

MONTHLY REPORT

2024

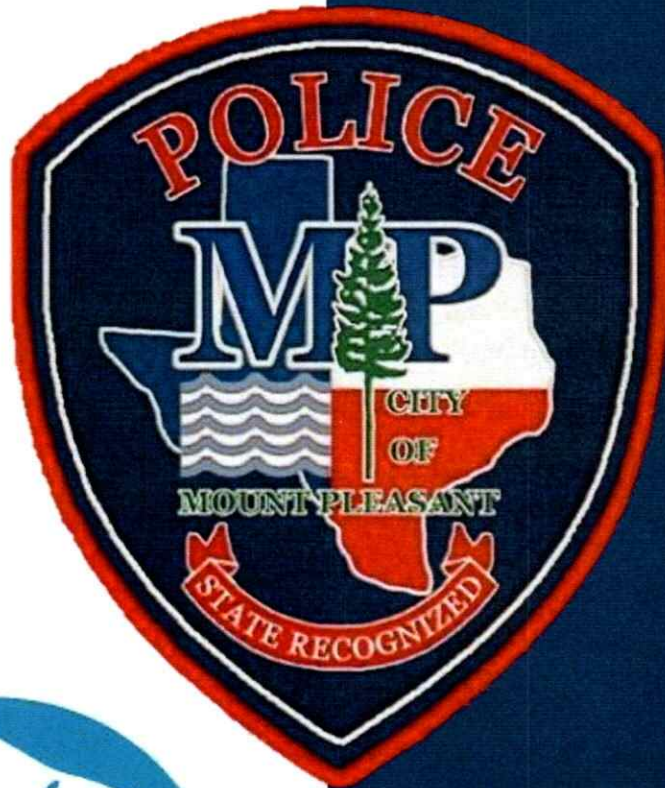
TRAFFIC	2024 This Month	Prior Month	Month to Month % Change	2024 Total YTD	2023 Year Ago This Month	2023 Total Prior YTD	2023/2024 # YTD + or -	2024 % Change YTD From 2023
CITATIONS ISSUED	187	218	-14%	3271	306	3663	-392	-11%
WARNINGS ISSUED	371	370	0%	5854	356	4853	1001	21%
TOTAL ACCIDENTS	50	45	11%	538	53	582	-44	-8%
FATAL ACCIDENTS	0	0	0%	3	0	1	2	200%
INJURY ACCIDENTS	7	11	-36%	129	19	172	-43	-25%
DWI CASES	12	12	0%	106	8	113	-7	-6%

911 CENTER	2024 This Month	Prior Month	Month to Month % Change	2024 Total YTD	2023 Year Ago This Month	2023 Total Prior YTD	2023/2024 # YTD + or -	2024 % Change YTD From 2023
911 CALLS RECEIVED	1340	1384	-3%	16848	1419	19588	-2740	-14%
FAMILY VIOLENCE	11	8	38%	85	7	102	-17	-17%

*TOTAL ACCIDENT NUMBERS ARE SUBJECT TO CHANGE

2024

Employee Accident & Injury Analysis



Mount Pleasant, Texas Animal Services

Office of the Chief of Police

January 2025

Executive Summary

The information contained in this annual report was obtained from motor vehicle accidents and occupational injury reports that occurred during the year 2024.

This report is intended to provide an overview of the work-related injuries and accidents that occurred to officers and civilian employees of the Mount Pleasant Police Department. This includes the Police Department, 911 Communications Center, and MP Animal Control Services. The data used to analyze the accidents and injuries were collected through Supervisors First Report of Injury forms.

Supervisor First Report of Injury forms are typically completed by that employee's direct supervisor immediately following the report of injury. A brief synopsis of how the injury occurred, what activity the employee was participating in at the time of injury, the time the supervisor was notified, and a description of the injury are all details notated in the report.

All work-related injuries and accidents are tracked with circumstantial data detailed in the report in order to identify possible patterns for incidences in an effort to develop prevention strategies. Understanding of the nature, frequency, and circumstances surrounding injuries and accidents is a continuing effort of the Mount Pleasant Police Department. The end goal is to provide training, tools, and resources to protect the well-being of our employees. Due to the nature of our work environment, we realize that complete eradication of workplace injuries is an unrealistic goal. However, consistent analysis of workplace conditions is an effective method of protecting each employee from injury.

Overview

All accidents and injury reporting procedures are governed by Chapter 19 sections 1 and 2 of the City of Mount Pleasant Human Resource and Safety Policies Handbook.

Per policy, in the event of accident or injury to a municipal employee, injury to a citizen by City operations, or damage to property relating to City operations, the supervisor shall be notified immediately. The supervisor shall then take all action necessary for the safe treatment and/or transportation of injured or, in the case of property damage, the reduction of further damage. The supervisor shall notify the City Safety Director of the incident. All accidents are to be promptly investigated by the Safety Director. Employees involved in the accident may be subject to alcohol and/or drug testing.

Accident Reporting Process

- An employee involved in a vehicle accident must contact his supervisor immediately.
- Upon notice of a vehicle accident, the supervisor must contact the Mount Pleasant Police Department and the Safety Director.

Within 24 hours following the accident the following items should be sent to the Director of Finance and the Safety Director.

- Copy of the accident report
- Claim report
- Supervisor First Report of Injury, if employee is injured
- Three estimates of repair

It is the policy of The City of Mount Pleasant that all accidents should be reported regardless of how minor.

Injury Reporting Procedure

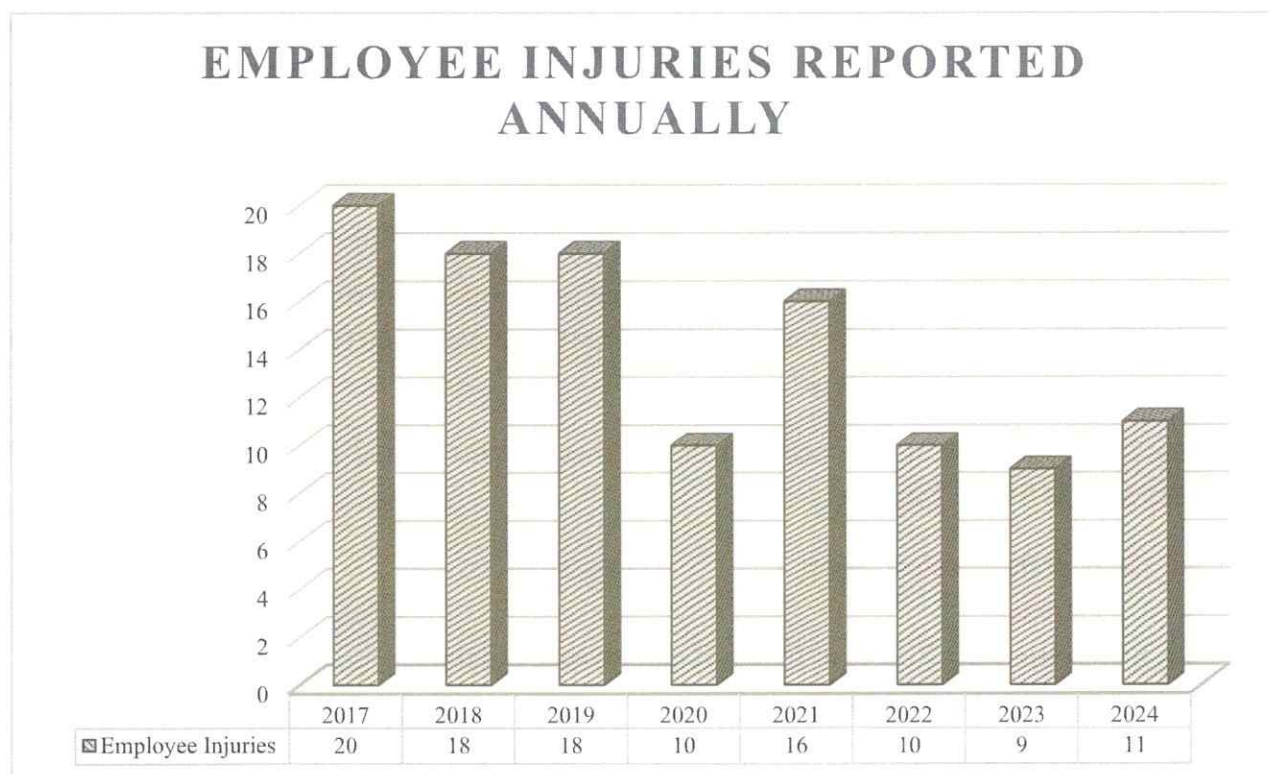
- An employee injured on the job must contact his/her supervisor as soon as possible and in no case later than 24 hours after occurrence or at the beginning of the next work shift.
- Upon notice the supervisor shall investigate the injury and complete a First Report of Injury form. A copy of this form should be sent to the Safety Director.

It is the policy of the City of Mount Pleasant that all injuries should be reported regardless of how minor. All reports are thoroughly investigated by supervisors and various members of command staff.

Employee Injury Analysis

In 2024, there were eleven (11) injuries reported. This amount is an increase compared to the nine (9) injuries documented in 2023 and the (10) injuries documented in 2022.

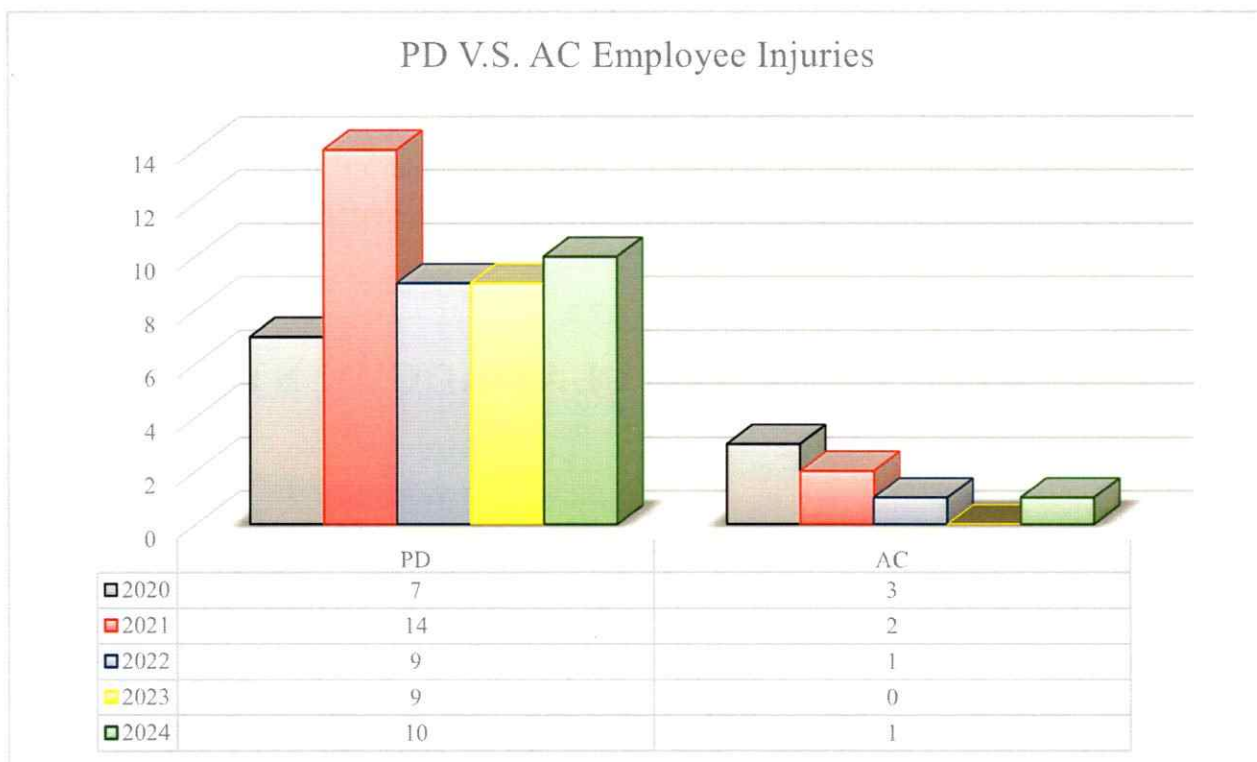
The chart below shows the total number of annual employee injuries reported to the City of Mount Pleasant by the Police Department and Animal Control from 2017 to 2024.



Of the reported injuries in 2024, one (1) was from Animal Control Services. Ten (10) of the injuries reported were police officers. Seven (7) of the reported injuries to police officers were caused during suspect apprehension or restraint.

The following lists the type of injuries occurring in 2024.

- 7 injuries to police officers during suspect apprehensions/restraint
- 1 injury due to animal bite
- 2 injuries to police officers during training
- 1 injury obtained while climbing a barbed wire fence to collect evidence



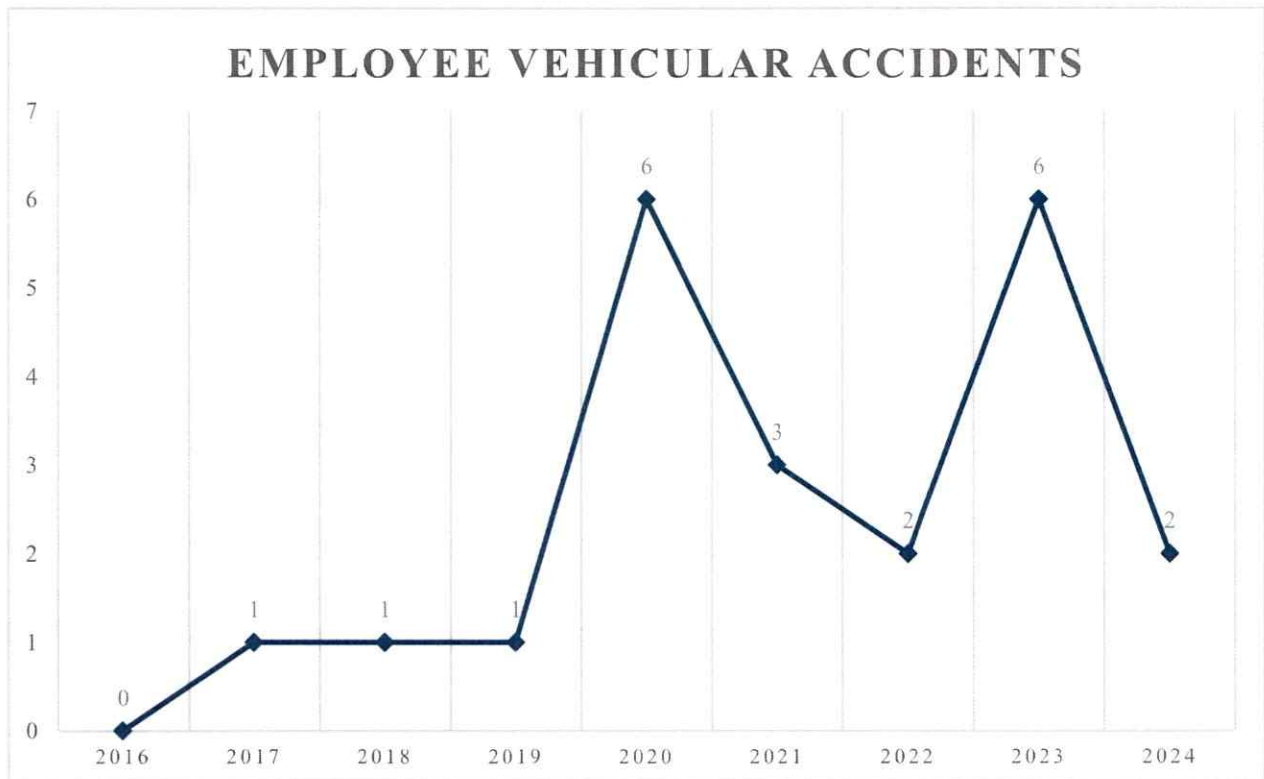
In 2023 the department implemented a wellness program which included additional time during an employee's shift for physical exercise. The intent is to improve officers' fitness level as well as overall well-being, potentially thus reducing injuries and illnesses to employees. The MPPD continues to examine methodology to improve employee safety and has found that reviewing training options often provides a safer work environment for employees. For example, in late 2024 the Mount Pleasant Police Department implemented once a month mandatory defensive tactics training at a local Mixed Martial Arts Studio, but up to two trainings a month at no cost to the employee. The intent is to provide officers with better hand to hand and defensive techniques when apprehending suspects, potentially reducing injuries during apprehensions and restraints.

Additional examples in the effort to improve employee safety include safety equipment and training applied to Animal Control Services in 2021. Those new measures were the use of chemical capture, training, and issuance of defensive tools such as pepper spray.

In addition, the Police Department issued new load-bearing vests to all officers during 2022. The distribution of equipment weight is intended to reduce back, hip, and knee injuries to officers. Time will demonstrate if they have the desired effect on the health of officers.

Employee Vehicular Accidents

In 2024, there were two (2) reported vehicular accidents. Both accidents were due to non-MPPD personnel disregarding traffic control devices or driver inattention. Of the two (2) accidents, neither were preventable by the employee. No injuries were reported to employees in any accidents occurring in 2024.



In addition to high organizational standards for safety, the Mount Pleasant Police Department incorporates regular in-service emergency driving training. That training teaches officers how to operate a vehicle in the environment in which they work. These two mechanisms work in concert to develop a standard of working practices. The goal is to reduce liability, employee injury, property damage, and the frequency of accidents. Each officer-involved accident is also investigated by the Department and examined for needs such as employee training, accountability, or departmental policy adjustments.

The MPPD conducted 4 hours of emergency vehicle operations training for all police officers during 2023.

Summary

The Mount Pleasant Police Department is committed to its employees and their safety in the workplace. As such, we continue to look at training, tools, and programs that can be implemented to protect those who serve our community.

Each year, the Police Department trains all officers in arrest control tactics, use of CED and OC spray, firearms, and less-lethal munitions. In addition to these trainings, the Department issued updated policies regarding the use of force, use of control devices, use of kinetic energy projectiles, handcuffing and restraining, use of tasers, and vehicular pursuits during 2023. These policies were updated to reflect current law enforcement best practices.

In this report, prior year incidences are included for comparison purposes. While we do not look at higher or lower numbers as a success or failure, we examine trends that potentially may validate efforts or show that new efforts need to be employed to protect our employees.

The quality of service provided by the Mount Pleasant Police Department is marked by continuous learning, implementation of performance measures, and a readiness to adopt a series of evaluation strategies. It is also marked by our ability to keep our employees healthy and able to work. We are committed to constantly striving for improved methods, implementing valuable equipment, and training our staff in this effort.





2024

Annual Pursuit Report



Office of the Chief of
Police

January 2025

Overview

The information contained in this annual report was obtained from Pursuit Reports completed by primary officers, secondary officers, and supervisors of the Mount Pleasant Police Department (MPPD) during the calendar year of 2024. This report is intended to provide an overview of the incidents involving vehicle pursuits for internal education and review. Due to the danger associated with any pursuit, the MPPD reviews each incident after it occurs. This annual review summarizes the findings of supervisors during their review process. This report also assists policy decision makers as we examine our policies and procedures, training, and adherence to Texas state law. It is also intended to aid in the recognition of training successes and deficiencies.

It is the policy of the MPPD that immediately upon the conclusion of a pursuit the primary officer involved shall complete a Pursuit Review Report. Each report should include the following information:

- The reasons for the pursuit, additional personnel involved, results of the pursuit, injuries, damages, or any other significant information.
- If the pursuit was allowed to continue after the supervisor was notified, then the supervisor shall include the reason(s) the pursuit was allowed to continue.

Each report is reviewed by the supervisor and command staff for compliance with departmental policy, procedures, and state law. Additionally, a member of Command Staff formally reviews each pursuit incident and submits their findings to the Chief of Police.

This review assists the Command Staff as we examine our own actions as a law enforcement agency. The MPPD Vehicle Pursuits policy states its purpose as, in part, *“provide(s) guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.”* By examining past experiences and outcomes, staying in-line with law enforcement best practices, and holding ourselves to those standards we can fulfill that stated purpose.

Vehicle pursuits and supporting report documentation are governed by MPPD policy 307 *Vehicle Pursuits*. A vehicular pursuit is defined within the MPPD policy as; *“An active attempt by a law enforcement officer in a motor vehicle to apprehend the occupant(s) of another moving motor vehicle when the driver is not merely failing to stop at the direction of an officer using emergency lights and siren, but is actively attempting to evade apprehension or is continuing to commit further violation(s) of the law.”* Texas Transportation Code 545.421 requires a person to bring a vehicle to a stop when a police vehicle gives “a visual or audible signal to bring the vehicle to a stop.”

Policy 307 (*Vehicle Pursuits*) gives guidance to officers such as restrictions during a pursuit, when to initiate, when to terminate, the officer's responsibilities during a pursuit, as well as guidance for supervisors. For example, MPPD Policy states that pursuits should be terminated, in part, *"whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape."*

Additional guidance is further given regarding when to consider terminating a pursuit and factors the officer, and supervisor, should continually consider during a pursuit.

Keeping that guidance in mind, MPPD policy prohibits officers from pursuing a suspect vehicle solely due to a Class C Misdemeanor traffic offense.

Executive Summary

In 2024, the MPPD was involved in eight (8) vehicle pursuits of non-compliant suspect vehicles that attempted to flee the officer's presence.

Four (4) of those pursuits were in response to requests for assistance from other law enforcement agencies. One (1) was an intoxicated subject who was involved in an assault involving family violence. The remaining three (3) were for traffic offenses.

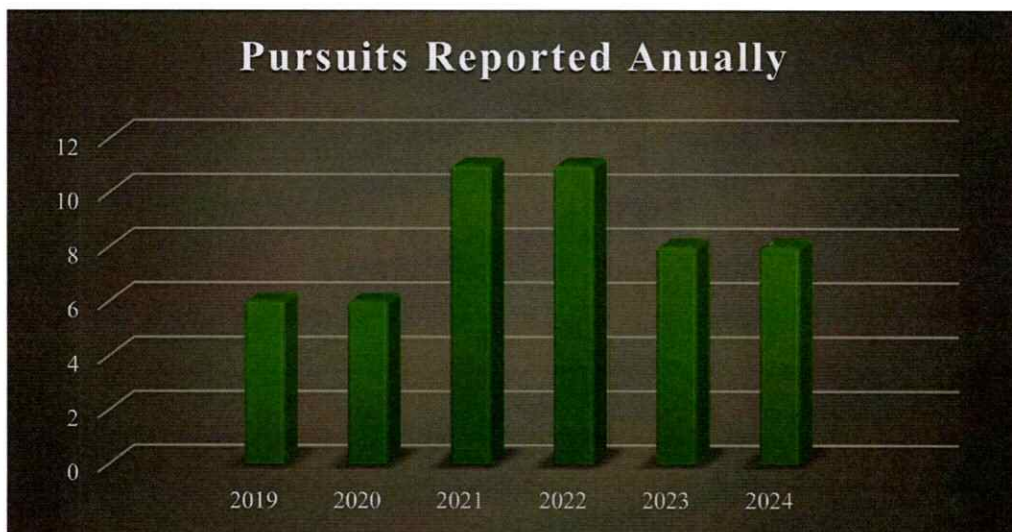
As previously stated, when an officer engages in a vehicle pursuit, a command level supervisor submits a formal Pursuit Review Report of the incident. That review may note policy violations, training recommendations, or procedural lapses. For the purposes of this report, a policy violation will be defined as a pursuit that was initiated in violation of MPPD policy 307. In 2024, three (3) pursuits were found to be initiated in violation of MPPD policy.

The Mount Pleasant Police Department recognizes the inherent dangers and risk factors associated with vehicle pursuits to the innocent motoring public and the officers involved. As such, the MPPD reviews its policy biannually (at a minimum) to determine if it complies with current case law and law enforcement best practices. The philosophy of the MPPD is that the preservation of life and public safety is more important than the immediate apprehension of non-violent criminals. Therefore, the department uses restrictive guidelines for officers to consider prior to initiating, and when making the decision to continue, a pursuit. These guidelines are comprised of many factors to include the nature of the offense, environmental conditions, jurisdiction, and the overall safety of the public. In 2023, the MPPD pursuit policy was redrafted and reviewed by each officer upon issuance.

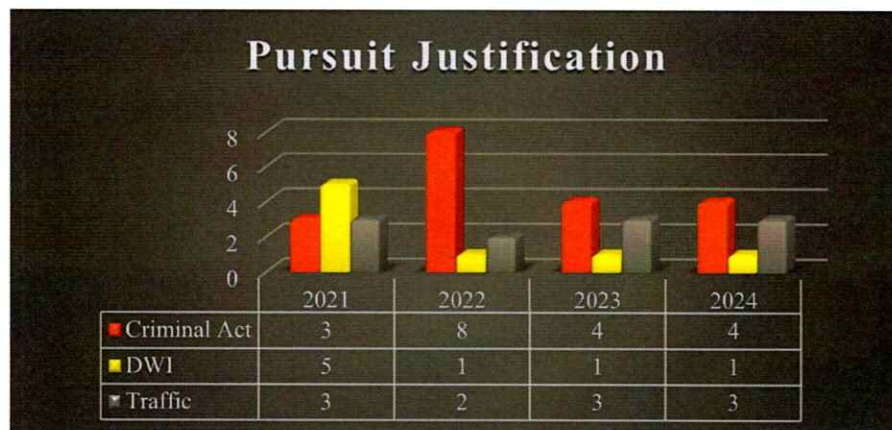
Analysis

In 2024, MPPD recorded 8,668 traffic stops and 8 vehicle pursuits, 4 of which were initiated by MPPD. This translates to 0.0461% of attempted traffic stops by MPPD resulted in a vehicle pursuit. While this report uses the term “traffic stop,” some stops are investigative in nature and not just solely for a traffic violation. Such stops are often the result of a response to a criminal incident, known arrest warrants, attempted suspect apprehension following an incident, or due to other suspicious behavior committed by a subject.

The chart shows the six-year trend for vehicle pursuits initiated by the MPPD.

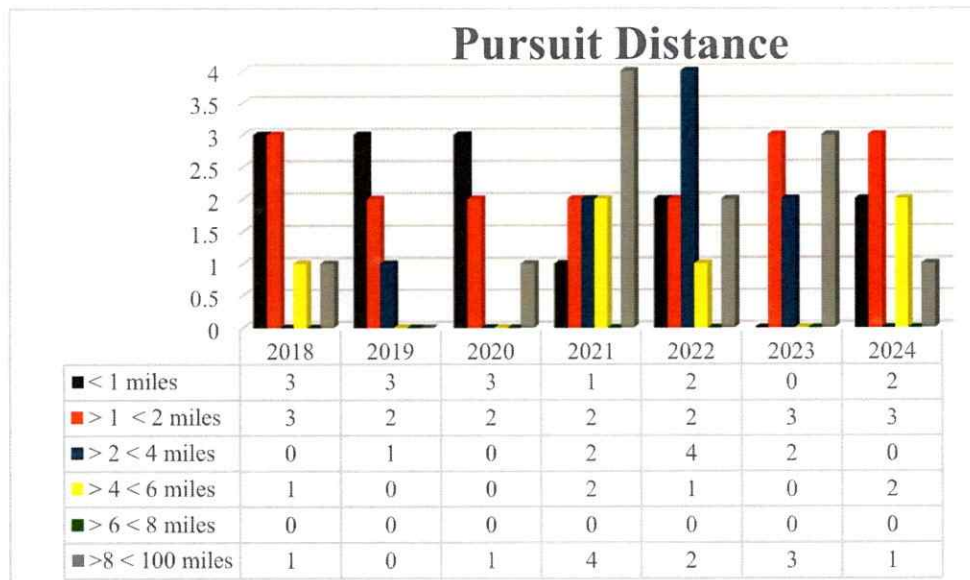


As previously stated, in 2024, MPPD officers' assistance was requested by other agencies pursuing an offender in (4) of the eight (8) pursuits. Three (3) pursuits initiated by MPPD were for traffic violations. One (1) pursuit was a result of a call for service in which the suspect fled after being involved in a family violence altercation.



In 2024, the Mount Pleasant Police Department had one (1) pursuit where the suspect was not captured at the time of the pursuit. During this incident, the suspect had already provided his information to the officer prior to evading. The pursuit was later cancelled due to a lack of valid justification for initiation (under MPPD policy guidelines); however, the vehicle was located unoccupied during this incident and warrants were subsequently filed.

Of all pursuits, the longest pursuit lasted 36 miles. Most of the pursuits were less than 4 miles in length.



In 2024, spike strips were deployed during three (3) of the pursuits. DPS used a “pit maneuver” during one (1) pursuit, and only one (1) pursuit of 2024 ended in a vehicular crash (the driver veered off the road into the trees on McCall Road). The first pursuit of 2024 was initiated against a person for evading after committing a misdemeanor class C violation of cutting across property. It was also believed the driver held a felony arrest warrant. The last pursuit of 2024 was an agency (DPS) assist.

Summary

In 2024, MPPD had the same number of pursuits as the previous year. The MPPD revised its pursuit policy in 2023, bringing it in-line with current best practices, clarifying language, and defining pursuit intervention options. Each officer has reviewed and been trained on this new policy prior to the re-accreditation in 2024. In 2024, three (3) pursuits were deemed to be initiated outside of policy guidelines due to the prohibition from pursuing a vehicle solely for a misdemeanor class C offense. In one of those pursuits however, the supervisor, upon hearing of the pursuit, terminated the action due to department policy.

In addition to supervisory review, each pursuit of 2024 was reviewed by a Pursuit Review Board made up of an officer's peers. The Review Board reviews circumstances surrounding a pursuit and the actions taken during the incident by the involved officers. The MPPD continues to seek additional emergency vehicle operation driving training that can be implemented agency wide.





2024

Annual Use of Force Report



Office of the Chief of
Police
January 2025

Executive Summary

The information contained in this annual report was obtained from the Use of Force reports completed by officers, secondary officers, and supervisors in the calendar year of 2024. This report is intended to provide an overview of the incidents involving the use of force for internal education and review. The Mount Pleasant Police Department (MPPD) reviews each incident after they occur, and this annual review summarizes those findings. This annual report also assists policy decision makers as we examine our policies and procedures, training, and adherence to Texas state law and law enforcement best practices. It is also intended to aid in the recognition of training successes and deficiencies.

It is the policy of the MPPD that upon the conclusion of a use of force incident, the involved officer shall complete a Use of Force Form for each individual upon whom force was used. Each report should include the following information:

- Type of incident, additional personnel involved, type of force used, force effectiveness, subject and officer injuries, or any other significant information.
- Supervisor comments or findings upon review of the use of force incident.
- Signature and review date for each supervisor within the officer's chain of command.

Each report is reviewed by the supervisor and command staff for compliance with departmental policy, procedures, and state law. Additionally, each member in the chain of command formally reviews the use of force incident and submits their findings to the Chief of Police.

Overview

Uses of force, and supporting report documentation, are principally governed under MPPD policies 300 Use of Force, 302 Handcuffing and Restraints, 303 Control Devices, and 304 Conducted Energy Devices. Force is defined within the MPPD policy as *“the application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.”* This signifies that a necessary type of force was used to gain compliance of a subject who was not following lawful directives given by the officer.

Policy 300 Use of Force further defines objectively reasonable force as, *“that level of force which is reasonable when analyzed from the perspective of a reasonable officer faced with the same set of facts and circumstances as the officer who actually utilized the force. The objective reasonableness of a particular use of force is not analyzed in hindsight but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.”*

In 2024, the MPPD reported seventy (70) use of force incidents against an individual subject. Acts of force were used by officer's present at those incidents ninety-two (92) times. The discrepancy between the two numbers is due to the incidents in which an officer used one type of force against a subject and then found it necessary to use a second type of force against the same subject. For example, an officer may display a CED (taser) device at a subject who initially complies. But, when the officer attempts to handcuff the subject, they resist that action, leading the officer to use physical strength to complete the handcuffing.

Types of force available to officers range from physical contact, CED or firearm display, use of oleoresin capsicum (OC/pepper spray), CED being deployed, use of 40 mm or shotgun less lethal impact munitions, and NFDD (noise flash diversionary device), and deadly force.

During 2024, verbal commands combined with the display of a CED or firearm were used in 70% of the use of force situations needed to gain compliance of a subject. The next most common type of force used by MPPD officers in 2024 was physical contact at 32.86% of the time.

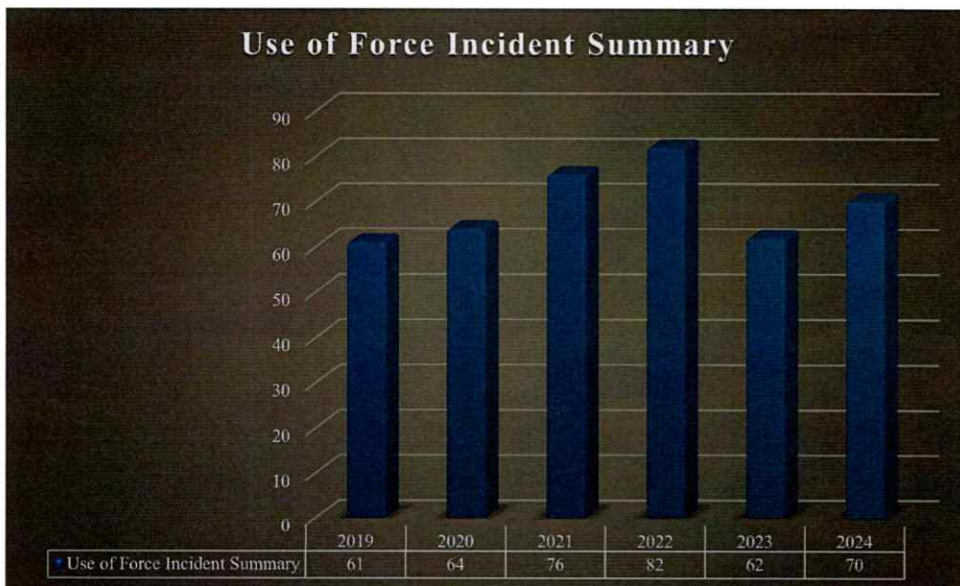
Analysis

The Department reviews its policy biannually (at a minimum) to determine if it complies with current case law and law enforcement best practices. In 2024, the Use of Force policy, and the other policies regarding force, were redrafted using law enforcement best practices as a model. Each of those policies was subsequently reviewed by each officer upon issuance.

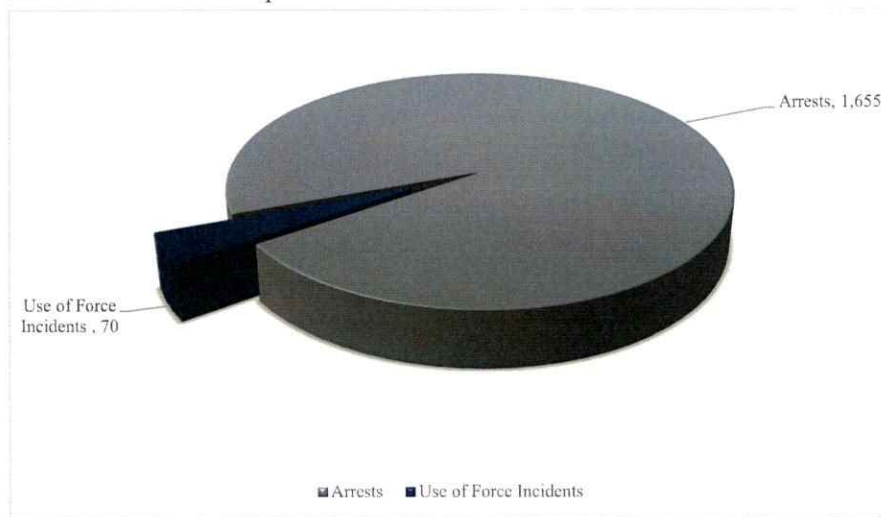
In 2024, MPPD officers were dispatched to calls-for-service 11,550 times and MPPD officers made 1,655 arrests. In addition to those calls-for-service, officers made an additional 12,111 traffic or self-initiated stops. As previously stated, force was used in only 70 of those incidents. This translates to force being used in 0.301% of the calls-for-service and traffic or self-initiated stops and 4.23% of the time an arrest was made. *(Note: In 2024 there was an increase of 273 additional arrests with 8 additional incidents where force was used compared to 2023.)*

In comparison, recent national data by the U.S. Department of Justice reports that approximately 2% of police contacts result in the threat or actual use of force by police. ** In that report, force is defined differently and includes handcuffing a subject.* Under MPPD definition, the most common type of force in situations was firearm displayed.

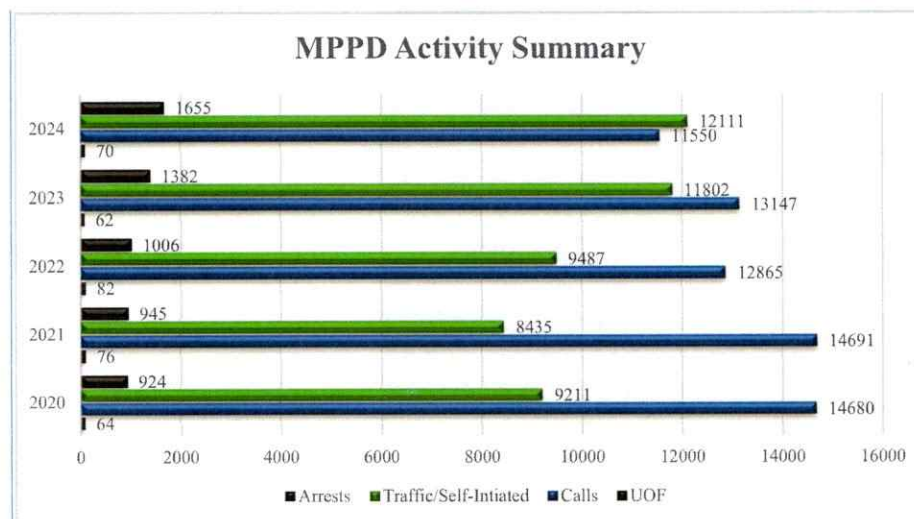
The chart below shows a six-year trend for use of force incidents for MPPD.



*U.S. Department of Justice, U.S. Department of Justice, Bureau of Justice Statistics. (n.d.). Use of force. Retrieved from <https://bjs.ojp.gov/topics/use-of-force>. As previously stated, in 2024 the MPPD recorded 1,655 arrests and 70 use of force incidents as represented in the chart below.



A comparison of MPPD calls-for-service, traffic or self-initiated stops, arrests, and uses of force from 2020 to 2024 is provided in the following chart.



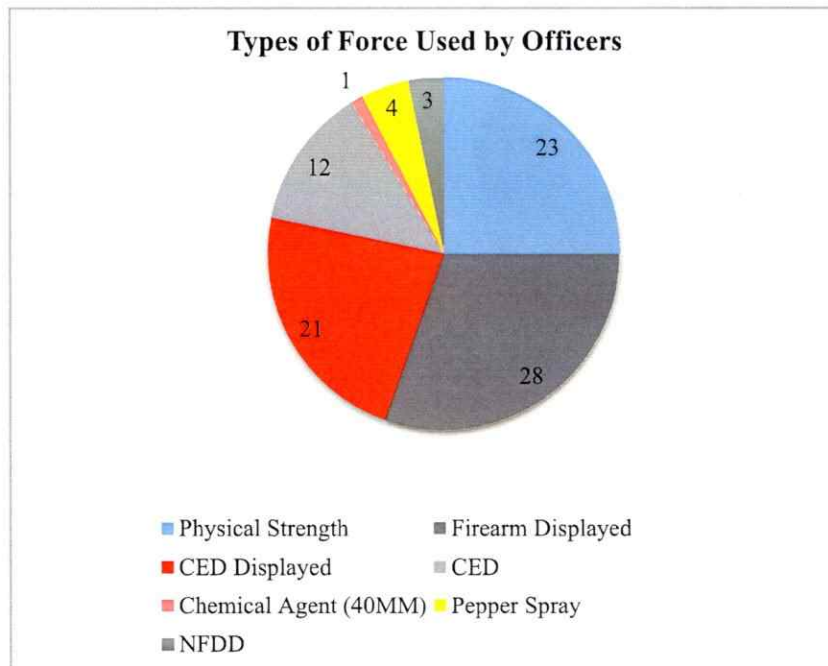
Commented [AN1]: Do you want me to leave this chart with calls for service numbers only or add in the traffic self initiated? I already have 2020-2023 pulled.

Types of Force Used by Officers

In 48 of the 70 use of force incidents, a single type of force was used to gain compliance. In 22 of those incidents, it was necessary to use more than one type of force. The types of force most often used by officers in 2024 were *Physical Strength* twenty-three (23) times and *Firearm Display* twenty-eight (28) times. This was followed by officers displaying the CED (*CED Display*) twenty-one (21) times and using the *CED* twelve (12) times. *Pepper Spray* was used four (4) times. A *Chemical Agent* "other than pepper spray" was used one (1) time, and *NFDD's* were used on three (3) occasions, each time during a SWAT warrant service.

As shown below in the chart below, officers displaying either a firearm or CED at a subject, or using physical strength, account for the vast majority of all force incidents.

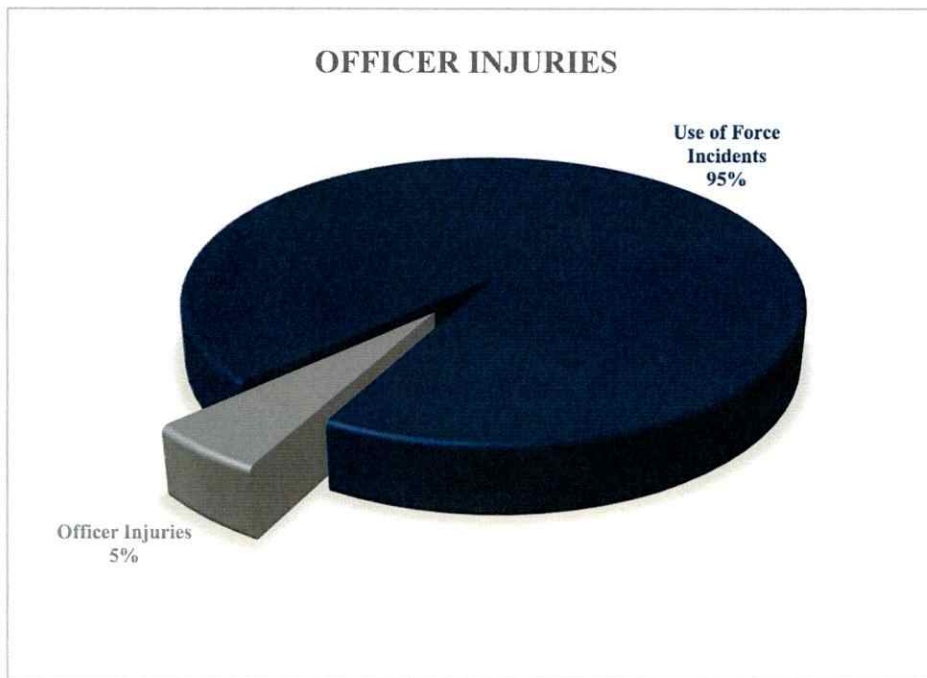
It is noted that out of the twelve (12) situations where the CED was deployed, in four (4) instances the CED probes did not make contact with the suspect and the officer had to use a secondary form of use of force to gain compliance.



Injuries to Officers

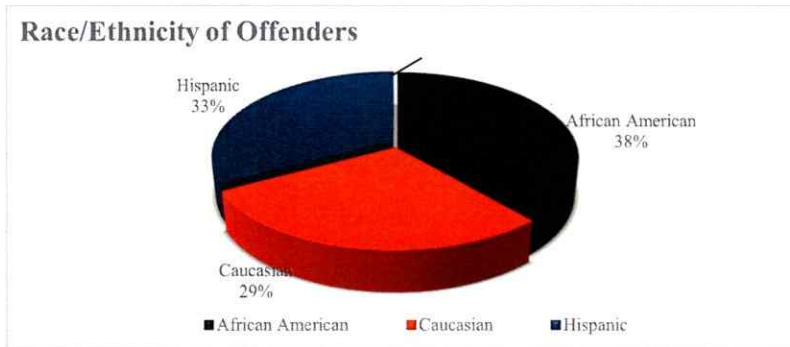
In 2024, four (4) officers reported sustaining some type of injury (or multiple minor injuries) during use of force incidents. **Two officers were injured during the same (one) incident.* This translates to 5.71% of reported uses of force resulting in officer injury.

Overall, injuries to officers were relatively infrequent compared to uses of force incidents as shown below. This is attributed in part to the availability of force tools given to MPPD officers such as OC spray, CED, and less-lethal shotguns. These options allow an officer to approach different scenarios using different options to de-escalate incidents.



Race/Ethnicity of Offenders

Of the 70 Use of Force incidents in 2024, twenty-seven (27) involved African American subjects, twenty (20) involved Caucasian subjects, and twenty-three (23) involved Hispanic subjects. The chart below represents the breakdown of offender's race/ethnicity based on the Use of Force incidents reported in 2024. Out of the 70 Use of Force incidents 57 (81.43%) were males and 13 (18.57%) were females.



The chart below shows the four-year trend for race/ethnicity involving Use of Force incidents.



Allegations and Investigations

Per MPPD policy, the department investigates all formal complaints made against its personnel by any citizen or another employee. All complaints are investigated thoroughly in accordance with Texas law (Local Govt. Code 614.022) and department policy, Personnel Complaints 1010. In 2024, there were no use of force-related complaints made to the Department.

During internal reviews, two of the use of force incidents were found to be contrary to officer training and policy guidelines. In one of those instances, the Department determined that the level of force used was not reasonable based upon the verbal commands given and actions of the suspect a lower level of force was more appropriate. In the second circumstance, an officer did not meet the minimum stand-off distance to deploy an impact munition, even though the munition was not used, and had to be told to transition to a more appropriate tool.

The review process of each use of force incident, as previously described, further creates a proactive environment for supervisors to identify improper uses of force and address any violations of department policy through coaching, counseling, training, or formal discipline. That review process is in place to also identify trends, deficiencies, and tools that can improve officer safety, provide de-escalation tactics, and implementation of other tools the department could provide to officers as they encounter situations requiring them to use force against a citizen.

One such tool provided to officers in 2023 was the WRAP system. The WRAP is a restraint system used to immobilize violent parties who have been arrested or detained for a lawful reason. The WRAP gives officers a mechanism to restrain an individual's legs, arms, and full body, which protects the individual unable to harm themselves or others (including officers) once restrained. It has proven to be a highly effective tool in immobilizing combative subjects while maintaining officer safety.



<https://www.saferestrains.com/>

Another tool provided to MPPD officers in late 2024 was the implementation of additional Defensive Tactics training at a local mixed martial arts studio. Officers are provided with one (1) mandatory training and up to two (2) training courses per month at no cost to the officer. These trainings consist of, but are not limited to, No Gi Brazilian Jiu Jitsu, kickboxing, and boxing.

The goal of this newly adopted training program is to provide officers with additional tools to assist with de-escalation techniques, increase confidence when dealing with a combative individual, improve control techniques, and reduce injuries to both the officer and the suspect in use-of-force situations.

It is our hope that additional defensive training can lead to safer, more controlled interactions thereby reducing the overall need for force in law enforcement situations.



Summary

The use of any type of force by MPPD officers constitutes a very small percentage in comparison to overall calls for service and traffic or self-initiated stops that officers respond to each year. In 2023, officers used force in 0.25% of the total dispatched calls for service and traffic or self-initiated stops, and in 4.49% of all arrest situations. In 2024, officers used force in 0.31% of the total dispatched calls for service and traffic or self-initiated stops, and in 4.23% of all arrest situations. When compared to 2023, in 2024 there was an increase of 1,309 calls for service and traffic or self-initiated stops made and an increase of 273 arrests.

Although there was a 0.06% increase in force used in the total of dispatched calls for service and traffic or self-initiated stops in 2024 compared to 2023, there was a 0.26% decrease across arrest situations in 2024 compared to 2023. At the Mount Pleasant Police Department, we continue to look for ways to reduce the danger to officers in use-of-force situations while upholding our mission, which states in part, to “act with integrity to reduce fear and crime while treating all with respect, dignity, and compassion.”





AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Larry McRae, Fire Chief

Department: Fire Dept

Subject: Presentation of the Mt. Pleasant Fire Department 2024 Annual Report

Item Summary:

Presentation of the Mt Pleasant Fire Department 2024 Annual Report.

Financial Impact:

None

Recommendation(s):

N/A

Attachments:

[Mt. Pleasant Fire Department 2024 Annual Report](#)

CITY OF MOUNT PLEASANT FIRE DEPARTMENT



2024 Annual Report



City of Mount Pleasant Fire Department
728 East Ferguson Road
Mount Pleasant, Texas 75455
903-575-4144

Message from the Fire Chief

I am pleased to present the Mount Pleasant Fire Department's 2024 Annual Report for your review. It provides a summary of the activities and achievements of our members, as well as some statistical comparisons from years past.

We are fortunate to serve under the leadership of the Mayor, City Council and City Manager that want the best possible fire/rescue services for our citizens.



Going into 2024 the Department was preparing to address the loss of 5 firefighter positions, the loss of revenue from the county due to the county starting a county fire department as well as the ceasing to provide fire protection to the citizens of the county after 50 plus years of doing so.

However, in June 2024 the city and county were able to come to an agreement where MPFD would continue to provide fire protection to the county albeit with the city receiving half the amount of money from the county and with 5 fewer firefighters to do so. This has presented a challenge both from a monetary perspective as well as an operational one.

Our City and County continue to grow with new homes, town homes, apartments, hotel, hospital, shopping centers, manufacturing facilities, etc. not to mention the amount of vehicle traffic and visitors that pass through our community on a daily basis that are subject to needing a response from the fire department.

The members of the Mount Pleasant Fire Department will continue to provide the best possible service, with the resources we have available, to the citizens of our community and those passing through.

Respectfully submitted,

A handwritten signature in red ink, likely of the Fire Chief, written in a cursive style.

MPFD Vision

The Mount Pleasant Fire Department is committed to providing trained and knowledgeable personnel prepared to respond to our growing community's needs. We strive to improve our organization, allowing us to provide the highest level of service possible to those in need.



MPFD Mission Statement

The Mount Pleasant Fire Department is dedicated to protecting lives, property and community resources through prevention, preparation, response, and mitigation.

MPFD Core Values



We will be guided by the following set of values:

Commitment-Dedication to our personal convictions for service to each other and the community.

Accountability-Holding ourselves and others accountable to a code of ethics derived from our own core values.

Innovation-Adapting to changing needs and technology, while respecting tradition.

Service-A calling to provide thoughtful customer care that exceeds expectations.

Accomplishments

- Continued purchasing P-25 Compliant portable radios in order to migrate to the 700-meg radio system. P-25 is the standard established by the State. The 700-meg radios transmit from inside buildings better and the signal will transmit longer distances.
- Discussions began with the Titus County Sheriff Department, and Titus Regional EMS of migrating to the 700-meg system owned and operated by the Mt. Pleasant Police Department. This ultimate goal will be to establish a Central Dispatch Center located in the Police Department to provide seamless dispatching of 1st Responders to incidents in the City and County. Issues with communications has been identified in the top 1-3 areas requiring improvement in past After Action Reviews from exercises and some real incidents. Migrating to the 700 meg system by all 1st Responders will virtually eliminate the problem.
- Continued the health and wellness program providing full body scans for firefighters to help determine if there are health issues that need to be addressed.



- Continued the program to provide every firefighter a second set of structural firefighting protective clothing to reduce their exposure to cancer causing contaminants from fighting a structure fire. Cancer is one of the leading causes of firefighter deaths.
- Implement a 48/96 hour work schedule for shift firefighters which allows for a better balance of work/family life. It's fast becoming the standard in the fire service.

Budget

Due to the reduction in the amount of money received from the county for providing fire protection to the county and other financial issues the city has faced; it was necessary to reduce the fire department’s FY 24-25 budget. As shown in the graph below, the FY 24-25 budget was reduced by about \$382,000 which reduced the budget to less than the FY 22-23 budget for the fire department. The fire protection agreement with the county calls for the amount the county pays the city to remain the same for the entire ten years of the agreement unless the city and county agree to an increase. If there is no increase in funding from the county, the city will have to fund any increases in costs for operating the fire department in the future in a safe and efficient manner.



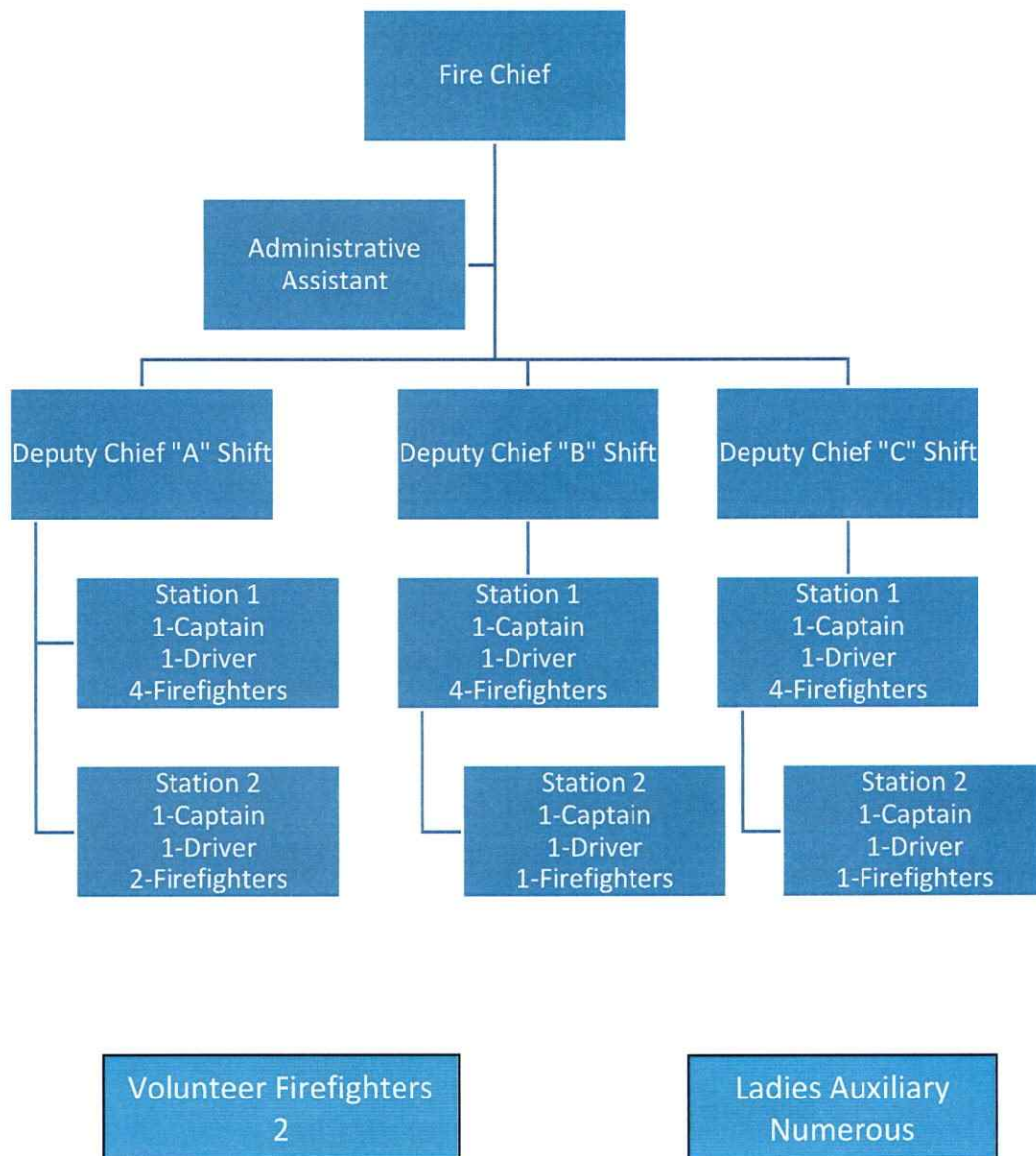
Personnel Years of Service

The Mount Pleasant Fire Department is fortunate to have officers and firefighters with many years of experience and training to provide fire/rescue for our community as well as those who choose to travel through and/or stop and visit our community.

Command Staff	Years of Service	Firefighters	Years of Service
McRae, Larry	50	Rosewell, Kenny	26
Beard, Danny	37	Riley, James	24
Eubanks, Brad	30	Fry, Phil	22
Decker, Adam	29	Cook, Adam	22
Sanders, Casey	28	Hughes, Shannon	22
Hart, Eric	26	Craig, Cody	14
Rodriguez Aristeo	26	Williams, Aaron	13
Clark, Otis	25	Brown, Kirk	10
Dunn, Nick	13	Nugent, Aaron	10
Pipes, Ranson	8	Sitzes, Adrian	9
Total	272	Daniels, Caleb	7
Average	27.2	Hall, Lance	7
		Russell, Riley	5
		Collins, Jace	4
		Jessee, Trevor	4
		Noll, Brandon	3
		Hickey, Adam	3
		Sessums, Connor	3
		Stockinger, Bradley	2
		Bassett, Josh	2
		Higginbotham, Chase	2
		Evans, Charles	2
		Total	216
		Average	9.8

COMBINED YEARS OF SERVICE
488 YEARS
AVERAGE COMBINED YEARS
OF SERVICE
15.2 YEARS

Org Chart★

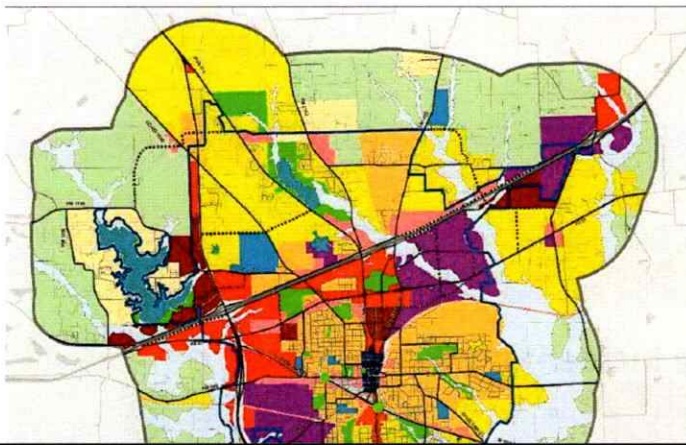


*Due to the loss of 5 firefighter positions, 1 shift has 11 on duty and 2 shifts have 10 on duty.

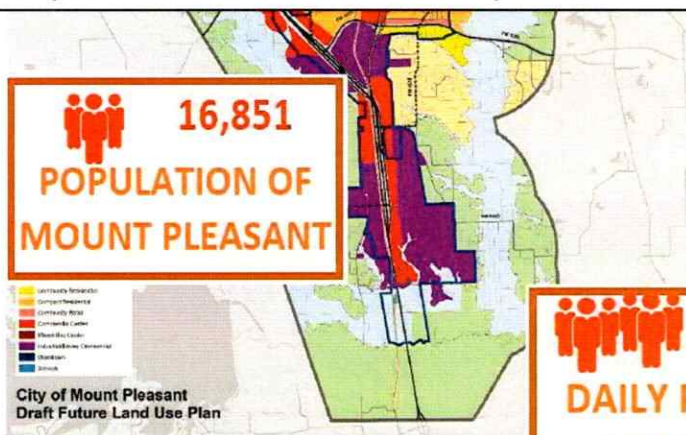
MINIMUM STAFFING IS 8 FIREFIGHTERS ON DUTY

Population/Areas Served

The City of Mount Pleasant and Titus County continues to attract new residents and businesses. Our proximity to mid-size cities such as Longview, Tyler and Texarkana as well as the Dallas/Ft. Worth metroplex provides easy access to what those locations have to offer, without having to live there. The access to transportation routes like I-30, Highways 271 and 49 are attractive to businesses. Mount Pleasant and Titus County also have many things that draw people in daily. Mount Pleasant is a hub for Northeast Texas with a retail trade area population of 106,000. MPFD must be ready and able to meet the needs of our community.

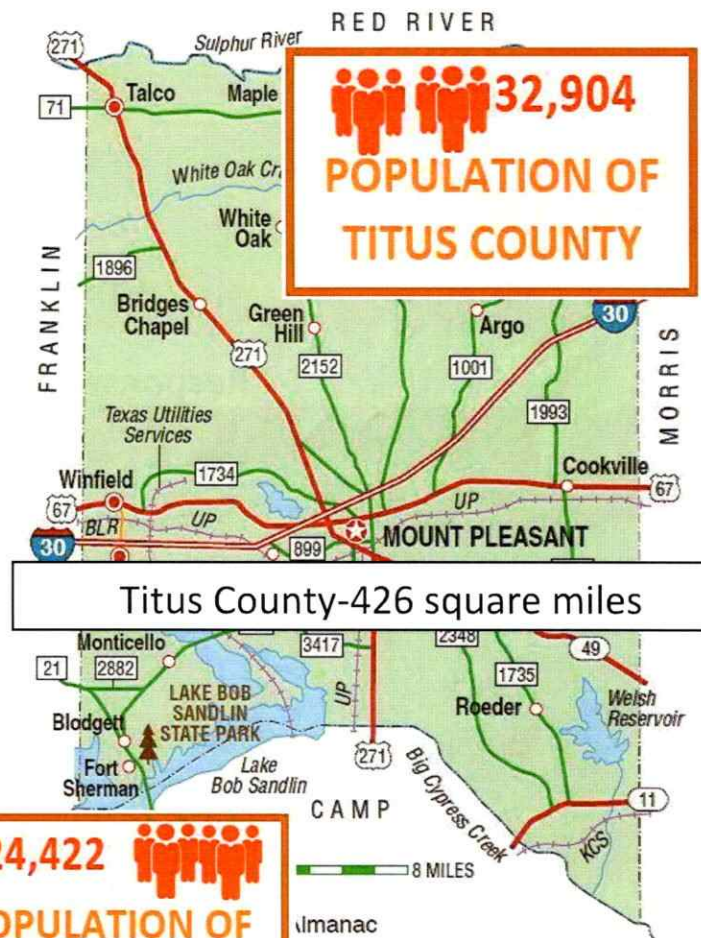


City of Mount Pleasant-16 square miles



16,851
POPULATION OF
MOUNT PLEASANT

City of Mount Pleasant
Draft Future Land Use Plan



32,904
POPULATION OF
TITUS COUNTY

Titus County-426 square miles

24,422
DAILY POPULATION OF
MOUNT PLEASANT

Response to Incidents

These are only incidents where MPFD responded.

Response to Incidents City/County Combined

Incident Type	2023	2024	% up or down
Structure Fire	34	50	+47.0%
Vehicle Fire	34	37	+08.8%
Grass Fire	70	66	-05.7%
MVA	192	200	+04.1%
EMS 1 st Responder	112	114	+01.7%
Vehicle Extrication	20	14	-30.0%
False Alarms	163	118	-27.6%
Misc.	403	289	-28.2%
TOTAL	1028	888	-13.6%

Response to City Incidents Only

Incident Type	2023	2024	% up or down
Structure Fire	16	21	+31.2%
Vehicle Fire	15	18	+20.0%
Grass Fire	25	19	-24.0%
MVA	106	114	+07.5%
EMS 1 st Responder	97	91	-06.1%
Vehicle Extrication	7	6	-14.2%
False Alarms	133	100	-24.8%
Misc.	309	220	-28.8%
TOTAL	708	589	-16.8%

Response to County Incidents Only

Incident Type	2023	2024	% up or down
Structure Fire	18	29	+61.1%
Vehicle Fire	19	18	-05.2%
Grass Fire	45	47	+04.4%
MVA	86	86	0.0%
EMS 1 st Responder	15	23	+53.3%
Vehicle Extrication	13	8	-38.4%
False Alarms	30	18	-40.0%
Misc.	94	70	-25.5%
TOTAL	320	299	-06.5%

INCIDENTS RESPONDED TO BY EACH MPFD STATION

CENTRAL STATION	STATION 2
476	412

OVERLAPPING INCIDENTS

Overlapping Incidents are those that occur at the same time as another incident. When this occurs, it could result in a delayed response, or no response to the overlapping call(s), if resources are already committed to the first incident and are unable to be released to respond to the overlapping incident(s).

In 2024 98 (11.04%) of 888 calls overlapped
In 2023 155 (15.08%) of 1028 calls overlapped.

±

Response to Significant Incidents-City

TOTAL CITY INCIDENTS 2024

Type of Incident	Number of Incidents	Avg. Time per Incident	Total Avg. Time Spent on Incidents
Structure Fire	21	2 hours	42
Vehicle Fire	18		
Grass Fire	19	.75 hours	14
MVA	114	.75 hours	85
EMS	91		
Extrication	6	1 hour	6
False Alarms	100		
Misc.	220		
TOTAL	589 (66.3%) 160 (47.0%)		147 (42.2%)

This is the amount/% of the 888 total incidents in the city & county.

This is the amount/% of the 340 total significant incidents in the city & county.

This is the amount/% of the 348 total hours spent on significant incidents in the city & county.

Response to Significant Incidents-County

TOTAL COUNTY INCIDENTS 2024

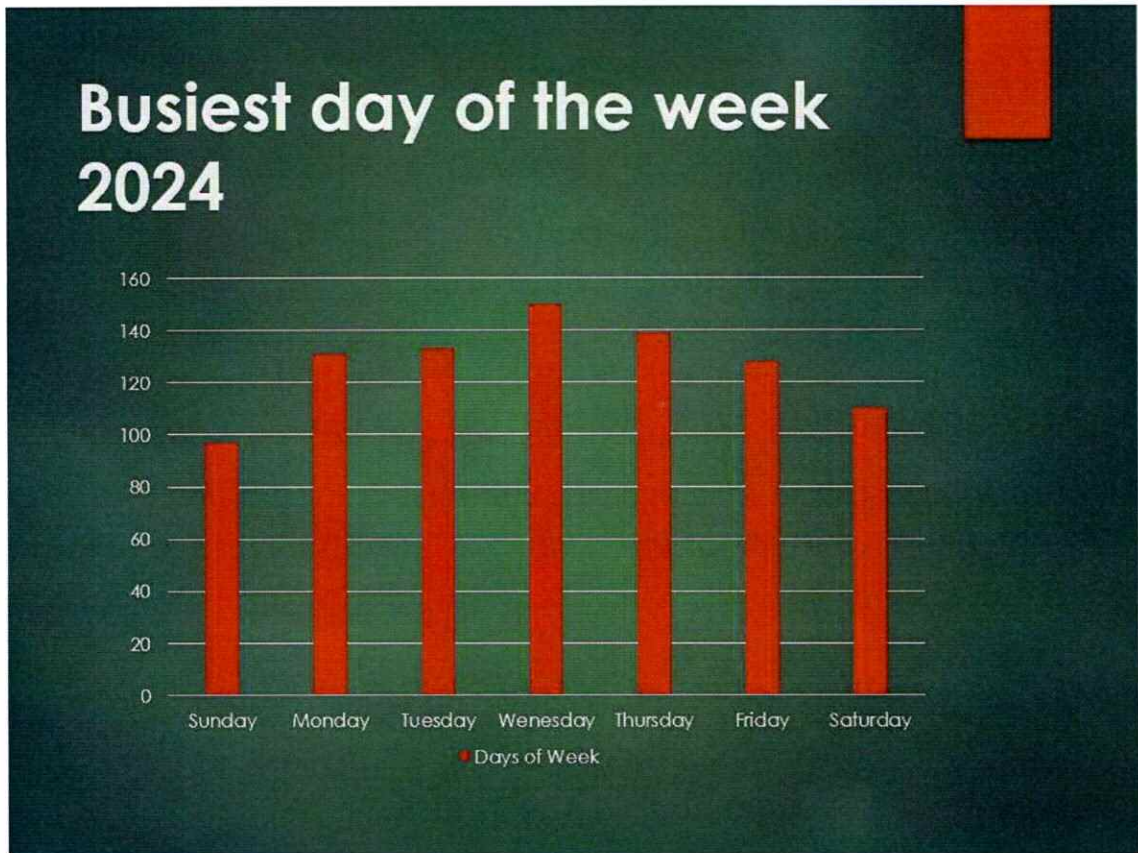
Type of Incident	Number of Incidents	Avg. Time per Incident	Total Avg. Time Spent on Incidents
Structure Fire	29	2 hours	58
Vehicle Fire	18		
Grass Fire	47	1.5 hours	70
MVA	86	.75 hours	65
EMS	23		
Extrication	8	1 hour	8
False Alarms	18		
Misc.	70		
TOTAL	299 (33.6%) 180 (52.9%)		201 (57.7%)

This is the amount/% of the 888 total incidents in the city & county.

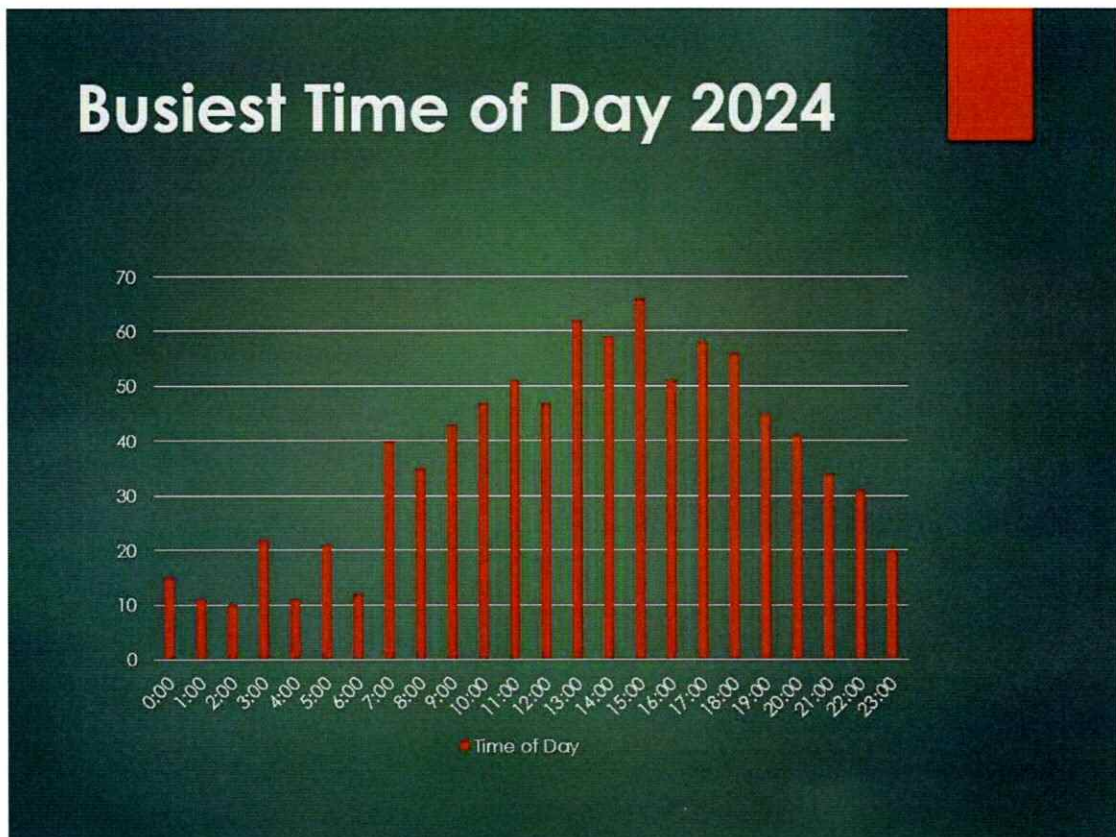
This is the amount/% of the 340 significant total incidents in the city & county.

This is the amount/% of the 348 total hours spent on significant incidents in the city & county.

Busiest Day of the Week



Busiest Time of Day



National Fire Protection Association (NFPA) Response Times Standard for Structure Fires

NFPA response time standards for structure fires in cities are different from those for structure fires in rural areas.



City-Standard is for the first arriving unit to arrive within 4 minutes of being dispatched 90% of the time. MPFD met the standard 90.4% of the time in 2024. The average response time was 2 minutes 49 seconds.

Rural-Standard is for the first arriving unit to arrive within 14 minutes 80% of the time. MPFD met the standard 80.0% of the time in 2024. The average response time was 10 minutes 33 seconds.

Structure & Grass Fire Causes/Outcome

Structure Fire-City	
*Saved:	80.9%
Causes:	Cooking, Electrical, Smoking, Candles, Undetermined
Fatalities:	None
Structure Fire-County	
*Saved:	48.2%
Causes:	Cooking, Electrical, Smoking, Candles, Undetermined
Fatalities:	1-Fatality
Grass Fires-City	
Control Burns	33.8%
Other	Lighting, side of road, arson, flat tire, undetermined
Grass Fires-County	
Control Burns	40.4%
Other	Side of road, electrical arc, equipment, undetermined

*Not necessarily occupiable, but belonging such guns, photo albums, prom/wedding dresses, keep sakes that could not be replaced were saved.

Texas Intrastate Fire Mutual Aid System (TIFMAS)



The Texas Intrastate Fire Mutual Aid System (TIFMAS) is coordinated by the Texas A&M Forest Service. TIFMAS is the framework through which fire & rescue agencies work together to provide support for incidents as diverse as hurricanes and wildfires. Local resources, including personnel and apparatus, are deployed at the request of the State to provide assistance. As a partner agency, the Mount Pleasant Fire Department has

deployed personnel and equipment as State assets since the beginning of TIFMAS in 2011 and have played critical roles in major fires across Texas.

The State of Texas reimburses local governments for the cost of providing the resources and pays the costs of overtime to backfill those deployed so there is no expense to the City, in fact the City comes out on the positive side of the ledger. Additionally, the State has provided the Mount Pleasant Fire Department, at no cost, with a Type 6 Brush Truck to use during deployments. It can also be used to respond to fires locally when needed.

The Mount Pleasant Fire Department was not deployed to any incidents during 2024.

Fire Stations

Central Fire Station

Central Fire Station is located at 728 East Ferguson Road. It was



built in March 2001. It has administrative offices, living quarters, workout area, training room, male and female locker rooms, and apparatus bay.

Fire Station 2

Station 2 is located at 1900 North Jefferson. It was originally built as the National Guard Armory in the 40's or 50's. However, in 2004 it was remodeled as a fire

station. It has living quarters, training room, male and female locker rooms, workout area, Captains office and apparatus bay. It also houses the Emergency Operations Center (EOC) for Mount Pleasant.



The living area of the station was remodeled in 2022, which included new kitchen cabinets, flooring and painting.

Apparatus/Equipment

CENTRAL STATION		
Apparatus/Equipment	Year	Assignment
Ford F-150	2016	900 (Fire Chief)
Ford F-150	2021	C-1 (Deputy Chief)
Pierce Contender	2015	Engine 1
Pierce Saber	2008	Rescue 1
Spartan Gladiator	1996	Quint 1
Ford F-550	2013	Brush-13
**Ford F-350	2015	Brush-17
*Pierce Saber	2003	Reserve Engine
Ford F-350	2022	Support 11(tow vehicle)
Forest River	2009	Air Trailer
John Deere	1992	Plow
International	1990	Plow Transport
Continental Cargo	2009	Dive Trailer
Chevy Tahoe	2021	C-2

STATION 2		
Apparatus/Equipment	Year	Assignment
Pierce Saber	2020	Engine 2
Ford F-350	2020	Brush 15
Ford F-350	2017	Brush 18
Pierce	2002	Blocker 1
Chevy Silverado 1500	2021	C-3
*Ford F-350	2010	C-4 (tow vehicle for ICP)
Southfork	2020	Rescue Boat
WLCR	2005	Fire Prevention/rehab
*Forest River	2009	Mobile ICP
Ford/Boyer	1936	'36 Antique fire truck

*These vehicles belong to the county.

**Only the cab and chassis belong to the county.

Public Fire Education

MPFD conducted fire prevention/safety programs in the 8 elementary schools in Mt. Pleasant and Titus County which includes approximately 2,739 students. Numerous station tours are provided for school groups throughout the year.



Fire extinguisher training is provided to local businesses, schools, etc., numerous times each year so they can put out a small fire before it gets out of control.



Inspections/Pre-Fire Planning

Each year the Mount Pleasant Fire Department conducts inspections to ensure buildings are safe, find and eliminate fire hazards to hopefully prevent fires from occurring. Inspection includes multi-family residential units, commercial/business and mixed-use occupancies. There are 12 Texas Commission on Fire Protection certified fire inspectors in the department.

293 inspections were conducted in 2024. Inspections are scheduled every 1, 2, or 3 years depending on whether the occupancy is classified as low, moderate or high risk.



In conjunction with the fire inspections, pre-fire planning is also conducted. A quality pre-fire plan offers advance knowledge of important issues such as building construction, building layout, hazardous materials storage, fire alarm or fire suppression system capabilities and special occupancy concerns.

The information is placed in a computer software program that can be accessed from mobile devices in the command vehicles and engines in the event of a fire at the location.

Building and Plan Review

MPFD is part of the City's Development Review Committee (DRC). It is made up of representatives of the Planning, Building, Code Enforcement, Streets, Utilities, Engineering, and Inspections departments. The DRC meets with developers to make sure the needs of departments are met and allows the developer to ask questions, so they are clear on what is expected from the City for the project. This allows any issues there might be with the project to be addressed at the beginning and not after it is underway, which could delay the project.

Technical Rescue



Vehicle Accidents/Extrication

Of the significant incidents MPFD responds to, the number of vehicle accidents is at the top of the list (63%). We have state-of-the-art rescue tools and equipment, and personnel trained and experienced in vehicle extrication. Fighting a structure fire is dangerous but conducting vehicle extrication on the Interstate or other major highways is more dangerous. At structure fires, based on the size-up, we will decide if placing our personnel in harm's way is justified or not. On a vehicle accident with people trapped, we have no choice but to go to work to rescue them. We attempt to make the scene as safe as possible, but we have had numerous close calls while operating at vehicle accidents due to driver inattention. **In 2024 14 people were extricated from vehicles involved in vehicle accidents.**

Water Rescue

Mt. Pleasant Fire Department provides the citizens of Mt. Pleasant and Titus County with a water rescue and recovery dive team. We currently have 14 certified divers equipped with a rescue boat, and water rescue/dive trailer loaded with a wide array of equipment used for diving operations. In our jurisdiction, we cover various creeks, rivers, ponds, lakes, and waterways and also provide mutual aid to surrounding counties. In 2024 the MPFD Dive Team responded to one water search and rescue related call which occurred during a Mutual Aid response to Franklin County. The dive team is subject to be called out at any time of the year for water rescue incidents.



High Angle

High angle rescue is a specialized skill that members have trained on for years. Although the number of incidents is small, the complexity of these calls requires ongoing training to keep our personnel proficient in the skills needed for the task. We have several areas in our county such as water towers, multi-story buildings and industrial complexes where there is potential for our services. No high angle incidents occurred in 2024.



Training

The Texas Commission on Fire Protection (TCFP) regulates career fire departments and firefighters in Texas. Most of the other States do not have any regulatory authority over fire departments and firefighters. For a person to become a career firefighter in Texas they must complete a Basic Structural Firefighter training academy consisting of approximately 478 hours of classroom and hands on training. In addition



to the initial training, firefighters must have a minimum of 20 hours of continuing education training annually to maintain their certifications and employment. Our department believes every day is a training day. Training may be as little as discussing an article from a fire service periodical around the kitchen table to multi-hour training sessions with all on duty personnel participating in live fire evolutions. **A total of 3,098 hours of training were obtained by members this year.** TCFP offers numerous other certifications, and our members routinely take advantage of obtaining them. Listed below are certifications that were obtained this year by members:

4-Intermediate firefighter
1-Advanced Firefighter
6-Driver/Operator
1-Aircraft Rescue Firefighter
1-Fire Investigator Intermediate
2-Fire Investigator Advanced

1-Intermediate Fire Inspector
1-Plans Examiner
1-Fire Officer 1
6-Fire Marshal
1-Paramedic

NOTE: There is no State regulatory agency in Texas for volunteer firefighters and departments. Volunteer firefighters are not required to have any training however, the county fire chiefs agree that volunteer firefighters need to be trained. MPFD has provided training opportunities to all the county volunteer firefighters through on-line, classroom and hands-on training.

Insurance Service Office (ISO)

ISO collects information on fire protection efforts in communities throughout the United States. ISO analyzes the relevant data using their Fire Suppression Rating Schedule (FSRS). They then assign a Public Protection Classification (PPC) from 1 to 10. Class 1 generally speaking represents superior property fire protection, and Class 10 indicates that the area's fire suppression program doesn't meet the ISO's minimum criteria.



The program provides a countrywide standard that helps fire departments in planning and budgeting facilities, equipment, personnel, and training. The PPC provides incentives and rewards by securing lower fire insurance premiums for communities that choose to improve their firefighting services. The FSRS considers four areas of a community's fire suppression system:

Fire Department

- Training
- Number of personnel
- Response to Emergencies
- Maintenance and Testing of Equipment

Water Supply

- Sufficient Water Supply
- Fire Hydrant Inspection and Testing
- Number and Location of Hydrants

Emergency Communications

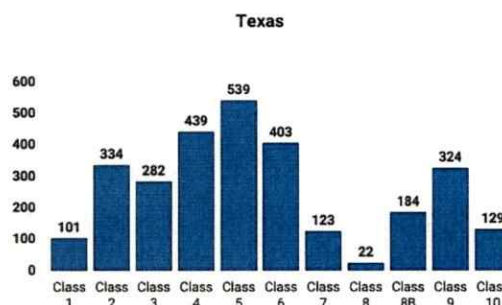
- Emergency Reporting
- Communications Center
- Number of Telecommunicators
- Computer Aided Dispatch
- Dispatch Circuits

Community Risk Reduction

- Fire Prevention
- Fire Safety Education
- Fire Investigation

The residents inside the City of Mount Pleasant enjoy a Class 3 rating. As shown on the graph below, only 282 locations in the State have achieved a Class 3 rating.

Not all insurance companies use the PPC rating in determining insurance rates.



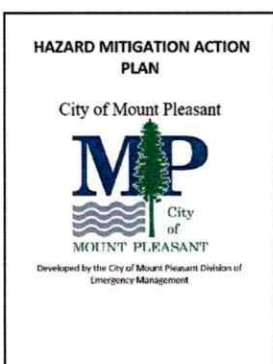
Emergency Management

By Texas law the Mayor of a city is designated as the Emergency Management Director and is responsible for maintaining emergency management programs in their jurisdiction. A Mayor may appoint an Emergency Management Coordinator (EMC) to take care of the day-to-day operations and serve as an advisor to the Mayor during a major disaster and/or other matters dealing with emergency management. The Mayor has appointed the Mt. Pleasant Fire Chief to serve as the EMC for the City of Mount Pleasant.



One of the responsibilities of the EMC is to prepare the community to respond to disasters such as tornados, ice storms, school shootings, etc. This is accomplished by working together and developing relationships prior to a disaster occurring by conducting exercises. In 2024 a guide was developed for responding to an Active Shooter and/or Hostile Event in a school. It was developed with input from local law enforcement and school districts/college personnel in the City and County as well as from the hospital and EMS.

The City of Mount Pleasant will conduct emergency management operations based on the City's Emergency Management Basic Plan and its 22 Functional Annexes. The Plan was completely revised this year and has been approved by the Texas Department of Emergency Management (TDEM). The Plan must be reviewed annually by local officials and submitted to TDEM every five years for their approval.



The Hazard Mitigation Plan (HMP) for the City of Mount Pleasant was completed in house this year instead of having a contractor do it, saving the city about \$25,000. The completion of the plan provided the City about \$1.2 million of grant funds for generators at the wastewater and water treatment plants.

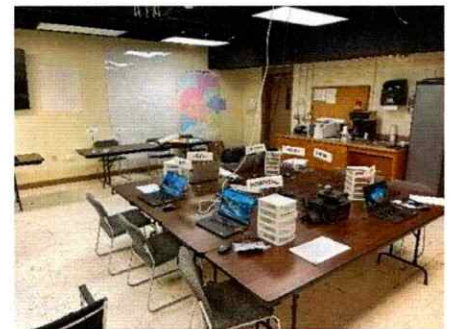
Emergency Management (cont.)

With the City of Mount Pleasant being in the path of the Solar Eclipse, numerous meetings were held in the months leading up to the April 8th Solar Eclipse. Members of the planning committee were city department directors, TRMC administration



and EMS, Chamber of Commerce, MPISD Administration and Police, and Texas Division of Emergency Management. People from all across America and some from other countries came to our area to view the event. Even though some clouds appeared in a large area in the path, most of our area had cleared by the time the event occurred and was enjoyed by those who were in the City.

The City operates an Emergency Operations Center (EOC) located in Fire Station #2. During a disaster such as tornado, city department directors along with hospital and EMS leaders would gather to manage the incident. The EOC is equipped with a generator to provide backup power, radios, phones, sat phones, internet access, maps and display monitors needed to provide situational awareness.



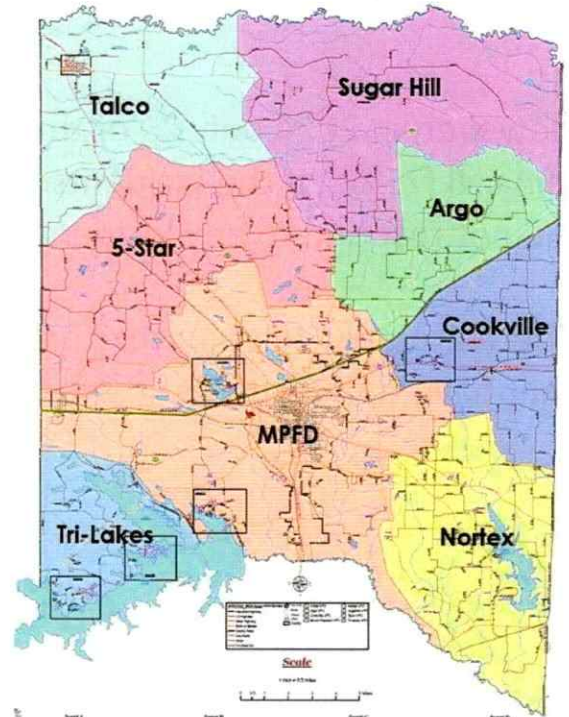
In case of total failure of internet and phone service, the EOC is equipped with a radio programed with the frequency that allows radio communications with all the EOCs in Ark-Tex Council of Governments 9 county region. An alternate EOC can be set up, if needed, in the Central Fire Station. A Mobile Command Post is available to deploy on scene if necessary.

Every year since 2004 an emergency management exercise has been conducted. The exercises have ranged from a tabletop exercise to a full-scale exercise. Tabletop exercises are conducted in a stress-free environment where participants gather in a room and use discussion to analyze an emergency situation and validate plans and procedures and identify areas for improvement. A functional exercise is similar to a tabletop but simulates the movement of personnel and equipment. A full-scale exercise uses real people and equipment and is the most realistic type of exercise. In 2024 a functional exercise was conducted for our EOC.

County Volunteer Fire Departments (VFDs)

The County is divided into 8 fire districts, as shown on the map. MPFD is responsible for all incidents that occur in its district. MPFD is also responsible for the structure fires, vehicle accidents and any other incidents, other than grass and vehicle fires, in all the county fire districts, except for the Talco Volunteer Fire Department (VFD) district.

In 2014 the Winfield VFD disbanded due to lack of members. In 2021 the Sugar Hill VFD almost met the same fate. In 2018 the Argo VFD was formed in the area north of Interstate 30 that was once covered by the Cookville VFD. The VFDs are responsible for the vehicle and grass fires that occur in their districts. If the VFDs are not able to respond to those calls or need assistance, MPFD will respond.



Just like VFDs across the State and Nation, our county VFDs struggle to get members that will dedicate the time and effort required to be an active and productive member of the department. MPFD appreciates the members of the county VFDs that do dedicate their time and effort to providing fire and rescue services to the citizens.

We depend on the county volunteer firefighters to provide a water supply with their tankers for fires in the county and some areas of the city. We also depend on them to provide manpower on the incidents in the county since we cannot send all on-duty MPFD firefighters to incidents in the county. MPFD provides training opportunities to the county volunteer firefighters through on-line training as well as classroom/hands on training at their stations and/or at our training facilities.

County Volunteer Fire Departments (VFDs) (Cont.)

The VFDs/volunteer firefighters are doing the best they can to provide fire protection services. Many volunteer firefighters are members of more than one VFD.

However, in 2024 only 23 of the 97 county volunteer firefighters made more than 1 in 4 call (25%) of the incidents they were dispatched to. 27 of the 97 VFD members did not respond to any incident in 2024.

There are only 25 volunteer firefighters (8 of which are off duty MPFD firefighters) that have training to fight structural fires.

City/County Fire Protection Agreement

In December 2022, Titus County Commissioner Court agreed to pay the city of Mount Pleasant \$1.3 million for the first two years of a ten-year contractable agreement. The amount for the remaining eight years would be negotiated at a later time. The county would also share the



cost of any new fire apparatus provided they were given two years advance notice of the need. The county would continue to get a response of 6-8 trained and experienced firefighters along with multiple pieces of fire apparatus owned by the city.

However, in May 2023 the county sent the city a new proposal for the agreement and negotiations resumed. Unfortunately, the city and county did not come to an agreement.

In September 2023, the county voted to execute the one year out clause in the agreement, which would end the agreement in September 2024. The county would continue to negotiate with the city but at the same time pursue other options for fire protection.

In June 2023, Titus County ordered a fire protection study to be completed to determine options for providing fire protection to the county. One of the options was to create a county fire department and hire a fire protection consultant.

On December 11, 2023, the county voted to cease negotiations with the city and to start a county fire department. The county immediately moved forward by hiring a consultant, purchasing equipment, and leasing a building for 10 years.

With the county making this decision it was obvious that this would impact the Mt. Pleasant Fire Departments budget and that the department was going to have to make some hard decisions regarding its financial situation. In January 2024, firefighters began leaving to find other jobs due to the uncertainty of their positions with the city. Those vacancies remain unfilled.

City/County Fire Protection Agreement (cont.)

However, in June 2024 the city and county were able to come to an agreement where the city would continue to provide fire protection to the county. The agreement contained the following provisions:

- The term of the agreement is ten years beginning October 1, 2024.
- The amount the county will be paying annually was reduced from \$1.3 million to \$650,000 with no increase for the duration of the agreement unless approved by both parties.
- The county will convey title and all interest to all county owned equipment used by the city to the city. (A reserve engine and cab/chassis of a brush truck)

The new agreement impacts the fire protection provided by the city to the county:

- Firefighter positions have been reduced by 5 (13.8%) and as shown in the tables below the number of firefighters/apparatus responding to calls in the county and those left to protect the city have been reduced.

# of Firefighters on County Structure Fires	
2023	2024
8 or more FF 61.0% leaving 4 FF in the city	8 or more FF 34.4% leaving 3 in the city

# of Firefighters on County Grass Fires	
2023	2024
7 or more FF 26.5% leaving 4 FF in the city	7 or more FF 6.3% leaving 3 FF in the city

# of Apparatus on County Grass Fires	
2023	2024
4 or more app. 42.2% leaving 4 FF in the city	4 or more app. 10.8% leaving 3 FF in the city

# of Firefighters on County Vehicle Accidents	
2023	2024
7 or more FF 24.5% leaving 4 FF in the city	7 or more FF 16.1% leaving 3 FF in the city

City/County Fire Protection Agreement (cont.)

# of Firefighters on County Vehicle Accidents w/Extrication	
2023	2024
7 or more FF 41.6% leaving 4 FF in the city	7 or more FF 12.5% leaving 3 FF in the city

It should be noted that the National Fire Protection Association (NFPA) standard for a response to a residential structure fire is 16 firefighters and the Texas Commission on Fire Protection (TCFP) has a rule that career fire departments must adhere to that requires at least four firefighters on scene to conduct interior firefighting operations.

The table below puts into perspective the fire protection being provided by MPFD to Titus County verses cost as compared to fire protection provided by the Hopkins County Fire Department verses cost.

	Titus County	Hopkins County
Annual Budget	\$650,000	\$1.2 Million
Firefighters On Duty Responding	At least 5*	3
Apparatus	Depending on the incident**	1 engine and/or 1 brush truck

*Could be more if not at minimum staffing of 8.

**Structure fire: 1-command vehicle, 1 or 2 engines, a ladder truck (depending on size/type of structure), breathing air trailer. Grass Fire: 1-command vehicle, 1-engine, 3-4 brush trucks, and/or 1-plow. Vehicle Accident: 1-command vehicle, 1-engine, 1-rescue truck and 1-blocker apparatus.

Additionally, in 2016 (9 years ago) the City and County jointly funded a Fire Protection Study to determine the needs to provide adequate fire protection for the city and county. Based on the information gathered at the time it was determined a need for an additional fire station and increasing the number of firefighters to 45 which would allow at least four firefighters on duty at each station and allowing two firefighters to be on leave. Reaching this goal would allow MPFD to responded to a county structure fire with 1-command vehicle, 2-engines w/at least 4 firefigters

each and leave 4 firefighters in the city. The QR code and link below connects to the study.

<https://mpcity.net/wp-content/uploads/City-County-Fire-Protection-Study-2016.pdf>



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“When duty calls, ‘tis ours to obey.”

Established 1903





AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Greg Nyhoff, City Manager

Department: Administration

Subject: Consider approval of the Administration staff conducting a comprehensive salary survey for the Council's evaluation in preparation for the upcoming budget year.

Item Summary:

This survey will provide valuable insights to ensure our compensation packages are competitive and aligned with industry standards, ultimately helping us retain and attract top talent.

Recommendation(s):

motion to approve the Administration staff to conduct a comprehensive salary survey for council review



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Hollie Motley, Human Resources Director

Department: Administration

Subject: Consider Resolution 2025-3 Adopting the 2025 Personnel Policy Manual

Item Summary:

The last Personnel Policy Manual that was adopted by the Council occurred in 2007. There have been changes to state and federal regulations requiring adding and updating the language in the manual in order to comply with these changes. In addition, with the turnover in director positions, City Managers, and Councils over the past 18 years, practices have changed affecting the language of standard policies. This updated Personnel Policy Manual will provide the City's employees with direction and management with the guidance needed to manage their departments and staff. Once approved, employees at all levels will receive a comprehensive orientation to the new Manual.

Financial Impact:

There are no anticipated costs associated with this policy.

Recommendation(s):

motion to approve Resolution 2025-3 adopting the City's 2025 Personnel Policy Manual.

Attachments:

[Resolution 2025-3 Personnel Policy Manual](#)
[Policy Manual 2025](#)

RESOLUTION 2025-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS, APPROVING AND AUTHORIZING THE ADOPTION OF THE CITY'S UPDATED PERSONNEL POLICY MANUAL.

WHEREAS, the last Personnel Policy Manual that the Council adopted occurred in 2007, and

WHEREAS, changes in state and federal regulations have changed and been added, requiring a complete review and revision of the City Personnel Policy Manual; and

WHEREAS, City management and legal counsel have provided review and contributed to the updated Personnel Policy Manual;

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

SECTION 1. That the findings and provisions set out in the preamble to this resolution are hereby in all things approved and adopted.

SECTION 2. The 2025 Personnel Policy Manual applies to all City of Mt. Pleasant full- and part-time, temporary and seasonal employees. All City employees are responsible for complying with terms and conditions of the 2025 Personnel Policy Manual.

SECTION 3. That this resolution shall be effective immediately from and after its date of passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS, ON THIS 4TH DAY OF MARCH 2025

APPROVED:

TRACY CRAIG, MAYOR

ATTEST:

CANDIAS WEBSTER, CITY SECRETARY



Personnel Policy Manual

March 2025

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CITY MANAGER LETTER/INTRODUCTION

Acknowledgment of Receipt

I have received my copy of the City of Mount Pleasant Employee Personnel Policy Manual. I understand and agree that it is my responsibility to read, familiarize myself with, and abide by the policies contained in the manual.

I understand and agree that nothing in the Personnel Policy Manual creates, or is intended to create, a promise of or representation of continued employment and that my employment at the City of Mount Pleasant is employment at-will. Employment may be terminated at the will of either the City of Mount Pleasant or me.

Employee Signature

Date

Section 1: General Provisions

1.1 Authority and Administrative Responsibility

The personnel policies apply to and govern all employees of the City. Members of the City Council are not considered employees and are not covered under these policies and procedures.

1.2 Policy Violations

Any violation of any section of this policy manual may subject an employee to disciplinary action up to and including termination of employment.

1.3 Departmental Policies and Procedures

In the interest of efficient operations and effective communication, departments may adopt specific written work policies and procedures specific to the operations of their department, after review by the Human Resources Director and approval by the City Manager. Department policies and procedures must comply and be consistent with City-wide policies and be provided to departmental employees.

1.4 Amendments

The City Manager may approve procedural or departmental rules and amend appendices consistent with these rules within statutory and charter limitations.

Section 2: Employment Information and Requirements

City of Mount Pleasant employees are classified according to job classification, exemption status pursuant to the Fair Labor Standards Act (FLSA), the number of regularly scheduled work hours per week, and the duration of the position for which they are employed.

2.1 At Will Employment

Employment with the City is at-will, meaning that employment may be terminated at any time, with or without notice, for any reason or no reason, by either the City or the employee. A written Offer of Employment letter may be provided to the potential employee providing the position title, hourly wage or salary, benefits, supervisor name and title, and proposed start date of employment. No verbal statements or promises made by anyone at the time of hire or thereafter contrary to this policy are binding on the City in any manner.

Reference: TEX. LAB. CODE ANN. §21.051. Texas Labor Code §21.055

2.2 Position Types

Regular Full-time (RFT)

Regular Full-time employees are scheduled to work a full workweek (30 to 40 hours per week) or work period on a regular basis and have successfully completed an introductory period with the City. (Police and Fire personnel are subject to alternative work schedules.)

Regular Part-time (RPT)

Regular Part-time employees are scheduled to work less than a full workweek schedule or work period, but at least nineteen (19) hours per work week, on a regular basis and have successfully completed an introductory period with the City.

Introductory Period Employee

Employees who are newly hired, reemployed, promoted, or laterally transferred will serve a minimum of a six (6) month introductory period. This policy applies to full-time or part-time employees. (Police and Fire – refer to departmental policies).

At the end of this period, the supervisor shall complete a written evaluation documenting the employee's job performance with a recommendation determining continued employment or other action. If there is any concern regarding the employee's performance or behavior, this should be communicated to the employee before the end of the introductory period, preferably in writing.

Temporary/Seasonal Employee

Temporary/seasonal employees' annual employment is six (6) months or less and for which the period of employment begins each calendar year at approximately the same time of the year, such as summer or winter, even if they are expected to work thirty (30) or more hours per work week.

2.3 Employee Classification

Non-Exempt Employee

A non-exempt employee occupies a position that is eligible for overtime pay and/or compensatory time requirements of the Fair Labor Standards Act. The job description shall designate whether the position is classified as non-exempt.

Exempt Employee

An exempt employee occupies a position that is exempt from overtime pay and/or compensatory time requirements of the Fair Labor Standards Act. The job description shall designate whether the position is classified as exempt.

2.4 Nepotism (Employment of Relatives) and Fraternization

No person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to a City Councilmember, the Mayor, or the City Manager may be appointed to any office, position, or other services of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period one year prior to the election of the Mayor or Councilman or appointment of the City Manager so related to him or her.

Relatives of all other employees (or members of the same household) within the second degree of marriage or within the third degree by blood may be employed by the City, as long as there is no direct supervisory relationship. The City Manager shall determine any conflicts of interest or exceptions.

Supervisors are prohibited from having romantic relationships with any subordinates. In the event persons who are already employed in the same department become involved in a romantic relationship, marry, or cohabitate, continued employment shall not be approved if either person is a supervisor over the other, or if the continued employment of both employees could create operational or management problems in that department. City employees will be required to notify Human Resources in the event they become involved in a romantic relationship, marry or cohabitate with a person of the same department. If a transfer to another department is required under City policy, and if no transfer is available and if one of the affected employees does not elect to resign, the City Manager will decide which employee will be separated from employment.

Appendix A: Nepotism Chart

2.5 Promotion or Transfer

Promotions are position changes to a salary grade with a higher maximum salary. Qualified employees may apply for promotion to vacant positions when positions are advertised or posted.

A lateral transfer is the assignment of an employee from one position to another position in the same salary range. Qualified employees may apply for transfers to vacant positions when the positions are advertised or posted.

An introductory period employee is not eligible for promotions or lateral transfers during an introductory period. Exceptions may be granted by the City Manager when such a promotion or lateral transfer is in the best interest of the City. *Reference Section 2.2 for details.*

2.6 Demotion

A demotion is a voluntary or involuntary reduction in an employee's job title, salary classification, and/or pay. Supervisors and/or department directors may initiate an involuntary demotion of an employee to a lower grade classification due to recurring or significant performance issue(s) or specific position requirement(s) that have not been met. Moving to a lower classification will cause the employee to receive a reduction in pay. A written justification explaining the reason for the involuntary demotion must be approved by the department director and the Human Resources Director.

2.7 Personnel Records

Employment records of all employees are maintained in individual employee folders electronically by the Human Resources Department. The files are City property and will contain documentation regarding aspects of the employee's service. Employees who are interested in inspecting their personnel file should contact the Human Resources Department. As long as there is sufficient notice, employees will not be denied inspection of their personnel files without legal justification.

In order to maintain a current personnel folder on each employee, managers and supervisors shall submit to the Human Resources Department a notification/copy of all action relating to employees under their supervision (e.g., commendations, reprimands, performance reviews, **Personnel Action Forms [PAFs]**, etc.).

In order to ensure that employee records are maintained with current information, all employees are required to notify the Human Resources Department whenever there is a change in address, telephone number, or name. In addition, employees shall notify the Human Resources Department whenever there are changes in:

1. individual to notify in case of emergency;
2. marital status;
3. Contact information (phone number, address, email);
4. number of dependents; or
5. beneficiary designation.

Appendix B: Personnel Action Form

2.8 Outside Secondary Employment

The City may approve outside employment, including self-employment, so long as it does not interfere with the value and performance of an employee's duties with the City and it does not create a conflict of interest or an appearance of a conflict of interest. Employment with the City will be a priority and take precedence over outside employment requirements.

Employees must notify and receive written approval from their department director and the City Manager prior to securing outside employment. The department director or City Manager must be informed in writing of the outside employment, including the nature, location, and duties involved, by completing the [Outside Employment Disclosure Form](#). This form must be completed within seven (7) days of hire, or immediately, if outside employment occurs any time after employment.

Outside employment will not be approved if it conflicts with the employee's work hours for the City. The department director or City Manager may withdraw approval for outside employment if disruption to the employee's performance or the City's interest occurs.

The eight (8) hours immediately prior to the beginning of City duty must be free of outside employment unless approved by the department Director and City Manager, to allow employee adequate resting time prior to reporting for their City employment.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed. This includes employees who volunteer to work for another city, agency or entity in a similar capacity as their paid job duties with the City of Mount Pleasant, such as a volunteer firefighter, EMT, paramedic, or security officer.

Mount Pleasant Police Department allows sworn personnel to engage in approved secondary employment opportunities within the guidelines/restrictions outlined in the department policy and procedures as approved by the Chief of Police. Fire Department shift personnel are not restricted from secondary jobs on their days off.

Appendix C: Outside Employment Disclosure Form

Section 3 - Work Hours and Compensation

3.1 Work Schedules

Due to the nature of business provided by the City, work schedules vary. Regular full-time employees, with the exception of some Firefighters and Police Officers, have a regular work week of thirty (30) to forty (40) hours. Regular part-time employees work less than a full workweek schedule or work period, but at least nineteen (19) hours per work week. Seasonal and temporary employees work a varied schedule for a determined time period. The schedule is determined by department directors based on the position and public service need.

Normal work hours in the various work units shall be set by the supervisor, with the approval of the department director. Consideration shall be given to shift requirements, seasonal conditions, special service needs, and other activities necessary to provide a continuity of public service. Occasionally, it may become necessary to deviate from the normal work hours due to changing work requirements. It is the responsibility of supervisors to prescribe work hours in such cases. Department directors may decide if flexible hours are appropriate for their department.

3.2 Work Week

The workweek begins at 12:01 a.m. on Thursday and continues through midnight the following Wednesday, except for Firefighters and Police Officers. Generally, non-exempt RFT City employees will work five (5), eight (8) hour days per week for a total of forty (40) hours per week, except where other arrangements have been specifically authorized by the appropriate department director and/or City Manager. Work hours may vary from department to department. Therefore, each department director shall have the responsibility for assigning work shifts necessary to insure adequate public services. Departments that do not operate during regular business hours shall be determined by the department directors, with the City Manager's approval.

3.3 Work Period (Public Safety shift employees)

Firefighter tour employees are scheduled forty-eight (48) hours (24 hours per shift) on and ninety-six (96) hours off, on a rotation schedule over a twenty-eight (28) day period.

Patrol officers work eighty (80) hour over a fourteen (14) day period.

3.4 Attendance and Punctuality

Employees are required to be at their workstations in accordance with the established working hours for their respective departments. Supervisors are responsible for maintaining attendance and tardiness records on their employees. For pay and recordkeeping documentation, non-exempt employees shall document work time to reflect any absences during the work week in which the absences occur. It is the employee's responsibility to confirm their time records and to verify the accuracy of all time recorded.

Employees who expect to be tardy or absent from duty for any reason shall notify their direct supervisor. Employees on extended absences are expected to keep their supervisor informed daily of their status, unless otherwise arranged or as required by law.

An employee who is absent from duty due to illness or injury may be required, at the discretion of the supervisor or Human Resources Department, to present a doctor's statement verifying that the employee was ill or injured and is able to return to work.

Scheduling Appointments and Time Off

Employees are expected to schedule appointments and other time off in advance in compliance of the written departmental procedure so that there will be minimal disruption to the work areas. An employee who has failed to notify their supervisor of an absence may be considered for voluntary termination.

Becoming Ill While at Work

Except in emergency situations, employees who become ill, suffer an injury, or who have another reason for leaving during working hours shall request permission from their immediate supervisor before leaving work.

Excessive Tardiness or Absenteeism

Employees are required to be at work at the established starting time. Employees with excessive unscheduled time off or excessive tardiness should be counseled or disciplined by the supervisor. Excessive tardiness or absenteeism is grounds for disciplinary action, up to and including termination of employment.

Abuse of Sick Leave

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

No Call/No Show

An employee who fails to show up for scheduled work assignments without notice to their direct supervisor will be considered a "**NoCall/NoShow**." To the extent the employee fails to notify their direct supervisor of an absence for two (2) consecutive workdays, the employee will be considered to have voluntarily resigned without notice as of the close of the second day.

3.5 Breaks and Meals

The time that the City requires or permits non-exempt employees to be on duty is considered hours worked. Only actual hours worked will be considered for the purpose of determining overtime for non-exempt employees. All paid leave, including, but not limited to, compensatory time, vacation, sick time, jury duty and bereavement leave will not be considered hours worked.

Supervisors shall determine meal breaks; a thirty (30) minute or one (1) hour unpaid meal break shall be provided to all employees. However, work schedules and other job-related functions may necessitate variations in the scheduling and the duration of the meal break. Full-time employees are expected to take a meal break every workday. Meal periods must be at least thirty (30) minutes in duration, the employee must be completely relieved of all duties, and the employee must be free to leave their duty post.

Paid breaks may be granted as time permits and should be limited to 15 minutes, once in the first half of the work shift and once in the second half. Employees shall not combine two breaks into one, nor are they allowed to combine a work break with a meal break. Additionally, paid breaks shall not be eliminated to permit employees to start late or leave early on a regular basis. Police and Fire personnel should refer to their department policies.

3.6 Inclement Weather and Emergency Closing

The City Manager may determine that the City should close due to emergency or severe weather conditions. An emergency closing will be considered when the health, safety, and welfare of the public or City employees may be at risk or conditions do not allow the conduct of normal City operations. Under some circumstances, the City may remain open but with limited emergency support staff only. In these instances, employees who are not determined to be emergency support staff will be given paid leave for the portion of their scheduled work shift.

Emergency support staff include:

1. All uniformed Police and Fire personnel;
2. Designated Public Works employees; and
3. Any other employee notified on an ad hoc basis that due to the nature of the emergency, condition, or circumstances, they are expected to report to work or remain at work.

Emergency support staff shall be paid for actual hours worked when the City Manager determines that the City should close.

Personnel who are unable to report to work when directed or when normal City operations commence, may use vacation, compensatory or unpaid leave for those hours absent.

3.7 Overtime and Compensatory Time

Overtime pay will be calculated at one and a half times the employee's regular rate of pay.

Non-exempt Employees

It is the City's policy to compensate non-exempt employees for overtime in accordance with FLSA. Employees working overtime must be approved in advance by the department director or designee. Non-exempt employees are compensated at one (1) and one-half (1.5) times their regular hourly rate for all hours worked, in excess of forty (40) hours during any one workweek.

Only hours actually worked in excess of forty (40) hours during any one week are eligible for overtime pay. All paid leave, including, but not limited to, vacation, sick time, jury duty and bereavement leave will not be considered hours worked. The need to work overtime must be authorized and approved in advance by the supervisor.

Exempt Employees

Exempt employees are not eligible for overtime pay. The basic compensation of exempt employees is based on the amount of time necessary to complete the assigned functions and is not based upon a set number of hours per work week. Time worked in excess of forty (40) hours per work week is not eligible for compensation during the course of employment or upon termination. Exempt employees do not track work hours.

Fire Shift Employees

The work period for which the City calculates overtime hours for Fire Department shift firefighters will be not less than seven (7) and not more than twenty-eight (28) consecutive days. Eligible employees will receive overtime pay for any hours worked in excess of 212 hours in the twenty-eight (28) day period.

Police Shift Employees

The work period for which the City calculates overtime hours for the Police Department shift officers is after working eighty (80) hours during a fourteen (14) day time period. Police Officers have the option of selecting overtime pay or compensatory time and may accrue up to forty (40) hours (maximum) of compensatory time. If the compensatory time maximum is reached, the Police Officer must be paid overtime pay.

Compensatory Time

Compensatory time is unavailable to all employees with the exception of Police Officers. Police Officers may accrue up to forty (40) hours of compensatory time. Compensatory time leave will be given within a reasonable amount of time, depending on staffing levels, so long as it is approved by the supervisor in advance. Accrued balances or compensatory time at the termination of employment must be paid to the employee.

Police Officers shall be compensated for such overtime by receiving compensatory time at a rate of one and one-half (1 ½) the number of overtime hours worked. If an employee is promoted to an exempt position, then accrued compensatory time will be paid out at the rate of pay for the position held before the promotion.

3.8 Pay Structure

It is the duty of the City Manager to recommend to the City Council the salaries to be paid to each employee of the city. The City Manager may base the City's classified pay plan structure on a combination of the relative rankings of each job and the compensation survey/labor market analyses. The pay plan is approved by the city council yearly during budget.

3.9 Salary

Employees under the adopted pay plan structure enter the system at the minimum salary (or base pay). Employees may be hired at a salary level higher than the minimum salary only with the prior approval of the City Manager.

3.10 Paydays and Direct Deposit

City of Mount Pleasant employees do not receive physical paychecks. New employees must sign up for direct deposit. Pay is deposited twenty-six (26) times a year, on a bi-weekly basis, every other Friday. Any questions or mistakes regarding paychecks must immediately be brought to the attention of the supervisor or Human Resources Director in writing.

3.11 Performance Evaluations

The job performance of each employee shall be reviewed and evaluated by the employee's supervisor. The purpose of the review and evaluation is to help employees and supervisors determine whether employees are performing at a satisfactory level, to identify areas of achievement and needed improvement, to establish performance objectives, and to provide management with a decision-making tool regarding employee training needs and work assignments.

Performance reviews are to be conducted annually in July and are to be provided in writing to the Human Resources Department upon their completion. Employees who do not meet a satisfactory job review (below proficiency rating) will be reevaluated quarterly until job performance is found to be satisfactory. Employees not receiving a satisfactory evaluation may also be placed on a written performance improvement plan. Evaluations will also be conducted on new employees, or newly promoted employees, before the end of an introductory period.

3.12 Performance Improvement Plan

A supervisor, with assistance from the Human Resources Department, can develop a Performance Improvement Plan (PIP). The PIP gives an employee with performance deficiencies the opportunity to succeed. A PIP targets specific job-related goals or areas of behavioral improvement necessary for the employee to be successful. A PIP is a tool that may be used at any point in the training, counseling, or disciplinary process.

3.13 Step Up Pay

Step Up Pay is to compensate an employee for assuming, on a temporary basis, the duties of a higher-level supervisory position when that position requires the necessity of immediate decision-making that cannot be deferred to another supervisor. Examples of temporary basis are but are not all inclusive of, extended FMLA leave, vacancies, extended vacation, injury leave, and military leave.

1. First-level supervisor positional (i.e., manager, supervisor, police sergeant, fire captain, foreman) coverage must be fulfilled for a minimum of twenty (20) workdays. Compensation adjustments will be made from the start date of the temporary job assignment, which is at least twenty (20) workdays. A department director may elect to grant additional compensation, not to exceed ten percent (10%) of the current hourly pay rate, to an employee for work performed temporarily in an acting capacity.
2. Second-tier and higher supervisory-level positional coverage must be fulfilled for twenty (20) workdays. Compensation adjustments will be made to the start date of the temporary job assignment, that is at least twenty (20) workdays. The City Manager at their discretion, based on responsibilities, will approve second-tier compensation.
3. Step Up Pay may only be approved for official supervisory ranks and the employee must significantly fulfill the role of that rank.

3.14 On-Call and Stand-By Pay

On-Call Pay - Public Works, Utilities, Parks, Animal Control, and Police Department

After regularly scheduled working hours, on-call employees in Public Works, Utilities, Animal Control, Police, and Parks Departments are free to pursue personal activities but must respond to a public service call back within one hour, unless a quicker response is required per the department director. Employees designated as on-call must be fit, both mentally and physically, to provide on-call services needed within the period required. Employees who are on-call must comply with the Substance Abuse and Testing policy. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department and only for a specific number of weeks. Employees who are on-call are required to carry a cell phone at all times. A weekly stipend of one hundred dollars (\$100) per week will be provided to an on-call employee. When the on-call person is physically called back to work after their shift has ended, they will be paid for a minimum number of hours to be determined by the department director based on operational needs, or the actual time worked, whichever is greater. Compensation will be calculated from portal to portal (i.e., home to work; work to home). Should the on-call person reach their regular forty (40) hours per week, any additional hours within the pay week will be paid 1.5 times their normal hourly rate per hour. (Police and Fire shift personnel should refer to their department policies.)

Stand By Pay

Non-exempt employees that respond to a call will be compensated as follows. When non-exempt employees are physically called back to work after their shift has ended, they will be paid for four working hours or the actual time worked, whichever is greater. Compensation will be calculated from portal to portal (i.e., home to work; work to home). Should the standby person reach their regular forty (40) hours per week, any additional hours within the pay week will be paid 1.5 times their normal hourly rate per hour. (Police and Fire shift personnel should refer to their department policies.)

3.15 Incentive Pay

Full-time employees may be eligible to receive additional compensation for obtaining certifications, licenses, and education credentials for those designated by the department director as beneficial to their current position. Departments may not include certifications, licenses, or other educational programs for any employee if said certification, license, or educational degree program is a requirement of the position held by that employee. Incentive pay amounts are subject to annual budget considerations and are approved with the annual budget. Incentive pay may be changed or eliminated at any time. The City Manager and department directors are not eligible for incentive or education pay.

Employees who use bilingual skills (Spanish) in the course of performing their job duties may be eligible for additional compensation. The Incentive will be paid to employees whose position, as approved by the department director and Human Resources, requires a demonstrated knowledge and ability to communicate in Spanish where a specific need has been consistently identified. Although the Incentive is approved based on the employee's assigned job duties for their department, they must also be available to interpret or translate for other departments when needed, including at public or after-hour events. In such instances, the assistance to other departments cannot interfere with the employee's performance of their duties for their department and a non-exempt employee may be entitled to overtime if it causes work outside of assigned hours. Human Resources will coordinate or implement an employee's bilingual test prior to approval.

An eligible employee shall only be paid for the highest level of certification held; not cumulative. Employees will be eligible to receive incentive pay for up to three certifications/incentives.

It is the responsibility of the employee to notify his or her department of the current certification level and submit a copy of the certificate by the certifying agency. The department director will need to complete a **Personnel Action Form** and send it to the Human Resources Department. Details are outlined in the **Incentive Pay Guidelines**.

Appendix D: Incentive Pay Guidelines

3.16 Longevity Pay

All regular full-time employees are eligible to begin receiving longevity pay when they have completed one (1) full year of employment. The Council will approve the accrual rate above the four dollars (\$4) per month mandated by the state statute each fiscal year, upon approving the budget. The accrual rate will be applied per month for each year of service, not to exceed twenty-five (25) years. Payment will be paid in a lump sum during the month of November of each year. Applicable taxes and withholdings will apply. (*Reference: Texas Local Government Code; Title 5, Chapter 141; 141.032*)

3.17 Service Award Pay

All regular full-time employees will receive a monetary service award for each five (5) years of service with the City, up to a maximum of twenty-five (25) years of service. These awards are not considered to be entitlements. Employees are recognized at the City's Annual Christmas Party. These awards are paid to employees after they reach each five (5) year tenure mark and provided to employees by direct deposit. The pay will be grossed up to account for the necessary taxes and TMRS deduction. These awards are not considered to be entitlements and funding for the awards are subject to approval by Council with the annual budget.

3.18 Cell Phone Allowance

An employee may be given a cell phone allowance if the employee's position requires a considerable amount of time out of the office and it is important to the City that the employee can be accessible or the employee position requires that the employee be accessible outside of business hours.

The employee must complete a [Cell Phone Allowance Authorization](#) form through the Human Resources Department and provide the wireless phone number to the City. The employee is responsible for the needed wireless equipment and the related cell plan service. The service must remain active while receiving the allowance. The allowance is not an entitlement and can be changed or withdrawn at any time.

[Appendix E: Cell Phone Allowance Authorization Form](#)

Section 4 - Employee Benefits

4.1 Sick Leave

Regular full-time employees are eligible to earn sick leave. New employees are eligible to take sick leave after they have completed their first thirty (30) days of employment. Sick leave may be granted for the following purposes:

1. Employee's personal injury or illness.
2. Necessary personal appointments for medical, dental, or vision examinations or treatment.
3. Exposure to a contagious disease which would jeopardize the health of others.
4. Illness or injury of an immediate family member requiring the care of the employee or for the medical appointments for immediate family members. Immediate family members are defined as the employee's spouse, child, sibling, or parent as defined by the Family and Medical Leave Act (FMLA) and/or as any family member residing in the employee's primary residence. If an employee needs to care for a family member for a serious health condition, the employee shall request leave under the FMLA.

Appendix F: FML Request Form

Sick Leave Accrual

Employees will be eligible for sick leave benefits either as time off with pay or as terminal pay in cases of separation from City employment (refer to section 6.4 for Separation Pay). Sick leave benefits will accrue biweekly with the date of employment. Each regular full-time employee will accrue sick leave as follows:

Employee Classification	Number of Days/Shifts	Hours Per Year
Regular Full-Time	12 days	96 hours
Fire 24-hour Shift	6 shifts	144 hours

In the event that an employee does not have any accrued sick leave, accrued vacation leave may be approved.

Sick Leave Carryover

The maximum number of hours that may be accumulated by regular full-time employees is 720 hours or ninety (90) days. For Fire 24-hour shift employees, a maximum of 45 shifts (1080 hours) of unused sick leave may be accumulated. Employees may not accumulate more than the maximum hours allowable for their tenure.

Employees being transferred, promoted, or demoted shall retain accrued sick leave. Sick leave is not transferable between employees.

Requesting Sick Leave

To receive compensation while absent on sick leave, employees shall notify their immediate supervisor prior to the start of their shift unless an emergency situation precludes such notice. The Human Resources Department will maintain official leave records.

Employees who become ill or have a personal injury during the period of their vacation may request, in writing, that their vacation temporarily be terminated and their time charged to sick leave. Verification by a healthcare provider of the illness or injury must be submitted along with the written request.

Verification

Employees may be required to submit a signed statement from a physician to verify their need to use sick leave and/or to release the employee to return to work. Employees who misrepresent their need to use sick leave or misuse or abuse the benefit will be subject to appropriate disciplinary action, up to and including termination of employment. An employee returning from a sick leave absence for

his/her own illness/injury in excess of three (3) consecutive workdays can be required to submit a return-to-work release from the employee's doctor indicating release to full duty.

Holidays within Sick Leave

If a holiday falls during an employee's absence due to illness or personal injury, the time will be considered holiday leave and the employee will not be charged for a sick day.

Extended Leave of Absence

If an employee's absence exceeds five working days or an employee who works a twenty-four (24) hour shift is off three consecutive 24 hour shifts, supervisors should report the absence to the Human Resources Department as the leave benefit may fall under the Family Medical Leave Act (FMLA) and/or if the employee will need a medical release to return to work.

4.2 Vacation Leave

Regular full-time employees are eligible to earn vacation leave. New employees are eligible to take vacation leave after they have completed their first thirty (30) days of employment.

Vacation Leave Accrual

Employees will be eligible for vacation leave benefits either as time off with pay or as separation pay in cases of separation from City employment (refer to section 6.4 for separation pay). Vacation leave benefits will accrue biweekly with the date of employment. Each regular full-time employee will accrue vacation leave as follows:

Years of Continuous Service	Number of Days	Hours Per Year
1 through 2 years	10 days	80 hours
3 through 10 years	15 days	120 hours
11 years and above	20 days	160 hours

Each full-time firefighter will accrue vacation as follows*:

Years of Continuous Service	Number of Shifts	Hours Per Year
1 through 2 years	12 shifts	288 hours
3 through 10 years	14.5 shifts	348 hours
11 years and above	17 shifts	408 hours

**Holidays are included in vacation for firefighters that work forty-eight (48) hour tour.*

Vacation Leave Carryover

The maximum number of hours that may be accumulated and carried over to the following calendar year by regular full-time employees with less than ten (10) years of service is 240 hours (360 hours for shift firefighters) For regular full-time employees with more than ten (10) years and one month of service, a maximum of 320 hours (480 hours for shift firefighters) of unused vacation may be carried over to the next calendar year. Employees may not carry over more than the maximum hours allowed for their tenure except by written permission from the City Manager in instances where the employee is unable to take vacation due to work demands, and any such permitted carryover must be used within twelve months. Employees requesting to carry over more than the maximum hours allowed must submit their request to the Human Resources Department in writing with a copy of the request to their supervisor and department director for the City Manager's final approval.

Employees being transferred, promoted, or demoted shall retain accrued vacation leave. Vacation leave is not transferable between employees.

Requesting Vacation Leave

All employees are encouraged to take vacation leave. All leave requests must be approved in advance by the department director, or their designee, by completing a [Time Off Request Form](#).

Official holidays occurring during a vacation period shall not count as part of the vacation leave for employees who are not firefighters that work forty-eight (48) hour tour.

Appendix G: Time Off Request Form

4.3 Holidays

The City of Mount Pleasant observes the following holidays for regular full-time employees (who are not firefighters that work forty-eight (48) hour tours):

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day (July 4th)
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day & Friday after Thanksgiving
- Christmas Eve & Christmas Day

Holidays falling on a weekend will be taken on the closest regular workday: *Friday if on Saturday and Monday if on Sunday*. Holidays are not considered as time worked when considering overtime calculations for employees who do NOT work the holiday. Holidays not worked will be paid at regular time.

Holidays established in this section are included in vacation for firefighters that work forty-eight (48) hour tour in Section 4.2. As a result, these provisions do not apply to firefighters that work forty-eight (48) hour tour.

Regular non-exempt full-time employees shall receive holiday pay equivalent to a standard eight (8) hour or maximum of twelve (12) hour workday. Regular non-exempt employees required to work on holidays will be paid a holiday premium pay at one and a half (1.5) times base pay for the hours worked up to a maximum of twelve (12) hours in addition to being paid for the holiday. Non-administrative Police Department employees required to work a holiday will receive the same holiday pay compensation for working the actual holiday, not the City designated holiday.

Holidays falling during an employee's scheduled vacation are considered holiday leave and the employee is not charged vacation time for that day.

An employee who is on Family Medical Leave, Workers' Compensation, or Military Leave will be paid for the holiday only if the employee would otherwise have been eligible for holiday pay.

4.4 Religious Holidays

Employees requesting time off with notice to observe religious holidays not officially observed by the City will be allowed to do so by scheduling vacation time, compensatory time, or leave without pay.

4.5 Bereavement Leave

For regular full-time employees, no more than twenty-four (24) hours per occurrence may be used for bereavement leave. For 24 hour shift fire employees, no more than forty-eight (48) hours per occurrence may be used. If more time is needed, the employee may use accrued vacation time, compensatory time, or leave without pay. Employees will provide a copy of the obituary (or similar document) and may be required to prove the relationship of immediate or extended family. Immediate or extended family, with regard to this policy, is defined as husband, wife, son, daughter, mother, father, brother, sister, grandparent, grandchild, mother or father-in-law, brother or sister-in-law, daughter or son-in-law, grandparent-in-law, grandchild, aunt, uncle, niece, and nephew.

4.6 Military Leave

A full-time (40 hour per week) employee who is called to active duty or authorized training is entitled to a leave of absence of fifteen (15) workdays in a federal fiscal year (October 1 – September 30) without loss of pay or benefits. The fifteen (15) days do not have to be consecutive. If a holiday occurs while an employee is on military leave, the employee receives holiday pay and the holiday pay is not counted against the fifteen (15) workdays. Unused paid military leave carries over to the next federal fiscal year, but the total amount must not exceed forty-five (45) workdays.

After exhausting the paid military leave, the employee may use applicable accrued paid leave or be placed on a leave without pay status, in which the City would follow appropriate state and federal laws.

4.7 Quarantine Leave

All eligible employees (full-time firefighters and police officers) required by the City to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty will be entitled to Paid Quarantine Leave. The quarantine or isolation under this policy must be ordered by the department director, City Manager, or the City's Health Authority.

Continuation of Compensation and Benefits

The City will not reduce the employee's compensation, sick leave balance, vacation leave balance, or any other paid leave balance in connection with paid quarantine leave taken in accordance with this policy. The employee's leave accrual, retirement benefits, and health benefits shall continue through the duration of paid quarantine leave.

Request for Reimbursement

First responders shall be entitled to reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs. First responders seeking reimbursement for these costs shall provide documentation supporting any request for reimbursement.

Return from Paid Quarantine Leave

Following use of paid quarantine leave, the City may require the employee to submit a release to return-to-work from the employee's physician, depending on current regulations of the City's Health Authority.

Reference: Texas Local Government Code 180.009

4.8 Administrative Leave

Employees may be granted or placed on an administrative leave of absence with, or without, pay for justifiable reasons. All administrative leave requests must have the approval of the employee's department director, the Human Resources Director, and the City Manager.

4.9 Jury and Court Services Leave

Any regular full-time employee who is summoned to serve on a jury shall be permitted to be absent from work with pay for the time actually required by such duty. If the employee is not a regular full-time employee, the employee will be given time off without pay while serving jury duty.

Regular full-time employees who are summoned for jury duty must provide their supervisor with a copy of the jury duty summons, and documentation from court, and keep the supervisor informed of the jury duty status.

Regular full-time employees serving on jury duty continue to receive their salaries. Any money paid to employees for jury duty may be retained by the employees. It is expected that employees will work their normal working hours during any time that they are not required to serve as jurors. Time off for jury duty is not included in hours worked to compute overtime unless the jury duty was due to a summons to appear as a witness on behalf of the City.

Regular full-time employees who are summoned to appear as a witness on behalf of the City shall be permitted to be absent from work with pay for the time actually required for such appearance. This provision does not apply

to court appearances in a personal matter of the individual (divorce, liability suit, etc.) either as a defendant, plaintiff, or witness. A summons or subpoena to appear as a witness in a criminal matter, or like circumstance, in which the employee is not party to the litigation, may also be considered to fall under these provisions.

Police Department employees will refer to MPPD policy for additional guidelines regarding court appearances and compensation.

4.10 Voting Leave

As required by law, the City is required to provide all employees with paid time off to vote if the employee does not have time outside their scheduled work hours in which to vote while polls are open. Employees shall be granted sufficient absence with pay, when necessary, to vote in an official election.

4.11 Limitations on Leave of Absence

With the exception of leaves of absence for military duty, no leave of absence, by itself or in combination with other periods of leave, may last longer than six months. Any employee who for any reason or combination of reasons misses a total of six months of work in a twelve-month period, or a total of nine months of work in an eighteen-month period, will be separated from employment due to unavailability for work, subject to any reasonable accommodation duties the City may have under the ADA or similar law. Any employee so separated will be eligible for rehire and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings

4.12 Employee Benefit Plans

Eligible employees may participate in group health insurance and any employee welfare benefit plan(s). The specific terms and conditions are subject to change with or without prior notice.

Medical and Dental Insurance

All regular full-time employees are covered by medical and dental insurance upon completion of thirty (30) days of employment. Insurance coverage begins on the first of the month following completion of thirty (30) days. This insurance provides for payment of hospitalization, major medical expenses, and dental expenses up to limits of policy for illness and accidental injuries off the job. The employee costs for participation in benefits coverage programs are paid through payroll deductions from employees' wages. Detailed benefits information is provided to employees as they become eligible for benefits, and the Human Resources Department can provide additional information. Coverage for other family members is available by payroll deductions.

Life Insurance

The City provides group life insurance coverage for all regular full-time employees after being employed for thirty (30) days. Insurance coverage begins on the first of the month following completion of thirty (30) days; the cost of providing this insurance to employees is paid by the City. Additional coverage is available to the employee at their cost. Benefits coverage programs are paid through payroll deductions from employees' wages. Detailed benefits information is provided to employees as they become eligible for benefits, and the Human Resources Department can provide additional information.

Long-Term Disability

The City provides Long Term Disability insurance coverage for all regular full-time employees. Insurance coverage begins on the first of the month following completion of thirty (30) days; the cost of providing this insurance to employees is paid by the City. Detailed benefits information is provided to employees as they become eligible for long-term disability benefits, and the Human Resources Department can provide additional information.

Voluntary Insurance

Other programs available through payroll deduction include supplemental life, deferred compensation, short-term disability, and vision. The City does not sponsor, endorse, or contribute to these plans.

Social Security and Medicare

All employees of the City are covered under the [Federal Insurance Contributions Act \(FICA\)](#) and in accordance with federal law.

Retirement Plan

The City offers a retirement plan through the [Texas Municipal Retirement System](#). Participation in this system is required for all regular full-time employees and part-time employees who work a minimum of 1,000 hours per year. Enrollment into this system shall be administered by Human Resources at the time of hire.

The City's TMRS plan requires a contribution (made by means of bi-weekly payroll deductions) equal to seven percent of the salary of each eligible City employee. The City matches eligible employee contributions on a 2:1 ratio.

Retirement benefits are computed on an actuarial basis and vary with age, length of service, amount of salary or wages and type of annuity selected by the retiring employee. The plan provides for retirement on the following basis:

1. Completion of twenty (20) years of service, regardless of age; or upon attaining age sixty (60) and provided the employee is vested.
2. Vesting is defined as retirement rights after the completion of five (5) years of service.
3. There are provisions for a disability retirement under TMRS with no minimum length of service or age required, and the cause of the disability can either be duty-related or non-duty-related.

Detailed information about TMRS benefits, including benefit estimates, may be obtained at www.tmr.com or by calling TMRS at (800) 924-8677.

Pre-65 Retiree Insurance Benefits

Any retiring employee who meets the following criteria is eligible for Pre-65 Retiree Insurance and may remain on the City's group health insurance plan until they are eligible for Medicare at the age of sixty-five (65):

1. Employed with the City for twenty (20) continuous or cumulative years, and
2. Age sixty (60), but has not yet reached the age of sixty-five (65), and
3. Covered under the City's health care plan (medical, dental and/or vision) at the time of their retirement, and
4. Eligible to retire under the provisions of the Texas Municipal Retirement System (TMRS), and
5. Initiates their retirement with TMRS according to TMRS guidelines upon their termination of employment with the City.

The City and the employee will continue to pay their portion of the Employee Only Premium. Coverage will terminate at the time the retiring employee becomes Medicare eligible or if the retiring employee engages in alternate employment with eligibility for healthcare coverage.

If the retiring employee wishes to continue to cover their dependents they have enrolled in the plan at the time of retirement, the employee will pay the full premium for dependent coverage. Dependent coverage will end at the time the retiring employee reaches the age of sixty-five (65) or the retiring employee becomes eligible under another employer's healthcare plan.

Employees who retire with the City but engage in employment elsewhere and are eligible for healthcare benefits with that employer are not eligible to participate in the City's Pre-65 Retiree Insurance program.

4.13 Workers' Compensation

All regular, temporary, seasonal, or part-time city employees who are injured in the course and scope of their employment while on duty with the City are afforded the protections guaranteed by the workers' compensation laws of the State of Texas.

The City will investigate all work-related accidents or incidents that result in or could potentially have resulted in injury, illness, or property damage. Human Resources is responsible for administering the City's Worker's Compensation program.

Reporting and Injury

Employees who are injured on the job should immediately notify their supervisor or department director. The supervisor or department director will notify the Human Resources Department as soon as possible, but not later than the next business day. An Accident/Injury/Incident Investigation Report should be completed not later than the next business day after the injury.

All injuries that occur on the job must be reported, no matter how minor. If the employee sustains an acute injury or death, the department director and the Human Resources Director must be contacted immediately, or as soon as practicable, after emergency personnel are called to the scene.

Failure to Report Illness/Injury

Failure to timely submit a report may result in the claim being denied and/or salary continuation benefits being denied. Any injury reported thirty (30) or more days after the date of the incident will be denied by the insurance carrier unless extreme circumstances can be proven. Failure to properly report an injury within thirty (30) days may also relieve the City and the City's insurance carrier of liability.

After Regular Business Hours

An employee that is injured outside of regular business hours should go to the nearest facility that accepts workers' compensation. Contact should be made with the department director and Human Resources Director immediately if an employee is seriously injured.

Workers' Compensation Temporary Income Benefits

Eligibility for workers' compensation temporary income benefits (TIBs) payments does not begin until the eighth (8th) calendar day of absence due to on-the-job injury. The first seven (7) calendar days will be paid as regular wages from the employee's sick leave bank, or if the employee does not have a sick bank balance, then time may come from their vacation leave bank. If the employee does not have any accrued sick or vacation, then the first seven (7) calendar days will be unpaid leave.

Once an employee is off work eight (8) calendar days, including partial days, weekends and holidays, the employee becomes eligible for temporary income benefits as required by the TWCA. TIBs are approximately 70% of an employee's pre-injury average wage during the previous thirteen (13) weeks. This includes any overtime and/or other specialty pay the employee received during this thirteen (13) week period.

If the employee suffers an illness or injury such that it is immediately evident, they will not be able to return to work for an extended period of time (eight (8) days or more), then the City's insurance carrier will be notified and TIBs may be immediately available.

TIBs end when:

- A health care provider determines that no further healing or recovery from the employee's injury can be expected (maximum medical improvement),
- The employee is able to earn the average income, as reported by the City, the employee received prior to the injury/illness each week (average weekly wage), or
- The employee reaches the end of the above stated TIBs benefits period, which is 104 weeks after the employee's eighth day of work-related disability.

Salary Continuation Income Benefits

The salary continuation benefit is intended to supplement Workers' Compensation TIBs, ensuring the employee receives up to 100% of their regular base salary. The combined total of Workers' Compensation TIBs and salary continuation payments shall not exceed the employee's regular base salary.

For an employee to receive salary continuation income benefits:

1. They must have a qualifying work-related injury or illness that qualifies for Workers' Compensation TIBs.
2. The employee must seek care through a TMLIRP approved provider (PSWCA) as described above, and
3. The injury must not have been caused by the employee's failure to comply with the City's Safety policies or was otherwise negligent in the care of the performance of their duties.

If the employee is not able to return to regular duty or is unable to work temporary modified/light duty after 180 days, then the salary continuation benefits may be discontinued. In that event, the employee will continue to receive the TIBs from TMLIRP.

Forfeiture of TIBs and Salary Continuation Income Benefits

An injured employee shall forfeit all rights to TIBs, salary continuation income benefits, and may be subject to disciplinary action under any of the following circumstances:

1. Engages in activities not authorized by the attending physician or fails / refuses to comply with the attending physicians' instructions or advice regarding the injured condition.
2. Fails to report any income (other than workers' compensation benefits they may be receiving) to the insurance carrier.
3. Fails to act in a manner conducive to recovery after illness or injury.
4. Refuses to perform work authorized by the attending physician.
5. Repeatedly fails to keep medical appointments.
6. Refuses to accept or perform a different job which is within the employee's physical capacity to perform, as specified by the attending physician; or
7. Falsifies any part of the report of injury claim.

Family Medical Leave and Workers' Compensation

Family Medical Leave (FMLA) and workers' compensation leave will run concurrently, provided that the employee is eligible for FMLA, the reason for the absence is due to a qualifying serious illness or injury, and the City properly notifies the employee in writing that the leave will be counted as FMLA leave. See Section 8 for details.

Return to Work

All employees must return to work after approval of either the employees' attending physician or an independent physician paid by the City. Failure to return to work when directed will be deemed a voluntary resignation by the employee, unless otherwise provided by law or by these policies.

At the time of final release or settlement of a workers' compensation claim, the City will review with the medical provider and evaluate the employee's physical condition to determine whether he or she can perform the essential functions of the job previously held with or without reasonable accommodation.

Paid Line of Duty Injury and Illness Leave for First Responders

In addition to the City's current Workers' Compensation policy, public safety employees will have the following additional benefits as part of the policy in accordance with [Chapter 177A of Texas Local Government Code](#) and [Section 8.12](#) of this policy.

1. A firefighter or police officer with an illness or injury related to the employee's line of duty is eligible for paid leave. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the City shall continue the leave for at least one year.
2. If able, firefighters, police officers, or emergency medical services personnel may return to light duty while recovering from a temporary disability. If medically necessary, the light duty assignment may continue for at least one year from the injury.

After recovery, public safety personnel can be reinstated at the same rank and with the same seniority, provided they can perform the essential functions of the position with or without reasonable accommodation.

For more information on Workers' Compensation procedures refer to the Human Resources Department and the City's safety manual.

References/Citations

<https://www.tdi.texas.gov/wc/act/documents/act86.pdf>

<http://www.oiec.texas.gov/employee/rights.html>

4.14 Temporary Modified Duty

A regular or part-time employee with an illness, injury, or medical condition that prevents the employee from performing the full duties of their job classification may be eligible for temporary modified duty. Temporary modified duty assignments are not guaranteed but will be processed in accordance with the City's obligations under the Americans with Disabilities Act. The department director in consultation with the Human Resources Department will verify whether the City can accommodate a disabled employee with a modified duty assignment available within the employee's restrictions. Employees should consult with the Human Resources Department for further information.

4.15 Mental Health Leave

A police officer, telecommunicator, or fire-fighter employed with the City of Mount Pleasant may take mental health leave if the officer, telecommunicator, or firefighter has been directly involved in the response or investigation of a traumatic event, as defined by the [Texas Government Code 614, Subchapter A-1 Mental Health Leave](#).

A police officer, telecommunicator, or fire-fighter may request up to forty-eight (48) hours of paid leave, per traumatic event, under this policy following a traumatic event. During mental health leave, the police officer, telecommunicator, or fire-fighter will not face a reduction in salary or other compensation and benefits, including leave accrual. Paid mental health leave requests will be approved at the discretion of the department director in consultation with the Human Resources Department.

Return from Mental Health Leave

Following use of mental health leave, a police officer, telecommunicator, or fire-fighter shall return promptly to duty on their next scheduled tour. Employees seeking mental health leave in addition to the department approved forty-eight (48) hours must submit documentation supporting the request to the Human Resources Department. If more than forty-eight (48) hours of Mental Health Leave is needed, documentation from the treating mental health provider or counselor must be submitted to the Human Resources Department. Prior to returning to work, the appropriate return-to-work documentation from the mental health provider must be submitted to the department director and Human Resources. Additionally, the City may require a psychological examination by a mental health professional of the City's choosing, to determine fitness for duty and as otherwise permitted by applicable laws.

4.16 Employee Assistance Program

The Employee Assistance Program (EAP) offers **confidential**, short-term counseling from licensed professional counselors to all employees and their immediate family members for a full range of personal issues and achieving a healthy work/life balance across the life span. The EAP offers:

- An in-house team of Master's level EAP professionals who are available 24/7/365 to provide individual assessments.
- Customer service from a team dedicated to ongoing training and education in employee assistance matters; and
- Access to subject matter experts in the field of EAP service delivery.

An employee can be referred to the EAP in two ways: Self-Referral or Informal Supervisory Referral. Employees are provided:

- Additional community resources or possible counseling options come at the expense of the employee.
- Telephone support is available.
- Online submission forms available for EAP service requests.

More information on your EAP services are provided in City's benefits packet.

Section 5 - General Employees Policies

5.1 Workplace Conduct

The City of Mount Pleasant expects employees to conduct themselves in a professional manner at all times and understand that their behavior may project negatively on the City while conducting business on behalf of the City, wearing a uniform or apparel displaying the City's logo, traveling on a City-sponsored trip or identifying themselves as employed by the City.

Workplace Discrimination and Harassment

The City of Mount Pleasant is committed to maintaining a work environment free from unlawful discrimination and harassment for all employees. This policy includes, but is not limited to, harassment on the basis of race, national origin, religion, color, sex (including sexual orientation, gender identity, or pregnancy), age, disability, genetic information, or any other characteristic protected by law.

Definition

Harassment is defined as unwelcome conduct that has the intent or effect of unreasonably interfering with an individual's or group's work performance or that creates an intimidating, hostile, or offensive work environment or where enduring the conduct becomes a condition of continued employment.

Sexual Harassment

The City of Mount Pleasant is committed to maintaining a work environment free from sexual harassment for all employees. Business decisions regarding employment, transfers, promotions, terminations, or any other conditions of employment based on an employee's submission to conduct of a sexual nature will not be tolerated.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of employment, whether expressed in explicit or implicit terms.
2. Submission to or rejection of such conduct by the recipient is used as the basis of employment decisions affecting the recipient; or
3. Such conduct has the purpose or effect of:
 - a. unreasonably interfering with an employee's job performance; or
 - b. creating an intimidating, hostile, or offensive work environment.

Sexual harassment undermines employment relationships by creating an intimidating, hostile, or offensive work environment.

Complaints

Any employee who feels discriminated against or harassed should file a complaint in writing to any supervisor, department director, with the Human Resources Director, or the City Manager. Any complaint by an employee concerning the City Manager should be submitted to the City Attorney. Employees will not be required to follow any "chain of command" designation when reporting harassment, but may contact a supervisor of their own choosing, including the City Manager.

Management Responsibility

In fulfilling their obligation to maintain a safe and productive work environment, supervisors and department directors are expected to immediately report all reported and suspected occurrences of harassment, including sexual harassment, to the Human Resources Director.

City management and supervisory employees are required to communicate to employees that all forms of harassment are expressly prohibited and that City management will conduct a prompt and thorough

investigation, in as confidential manner as possible, of all reported and suspected occurrences of workplace harassment.

Investigation

Complaints of discrimination or harassment will be immediately investigated by the Human Resources Department. If the complaint is substantiated, disciplinary action will be administered.

Retaliation

Retaliation against employees who bring discrimination or harassment charges or assist in investigations of charges is strictly prohibited.

5.2 Workplace Violence

The City of Mount Pleasant has a zero-tolerance policy with respect to workplace violence. The City will not tolerate the threat of violence by any of its employees, customers, the general public, and/or anyone who conducts business with the City, even if intended as non-threatening. It is the intent of the City to provide a workplace free from intimidation, threats, or violent acts of any nature. Workplace violence includes, but is not limited to verbal abuse, harassment, threats, physical attack, or property damage. It is a violation of this policy to engage in any act of workplace violence.

Prevention

The City strives for a safe work environment and works to prevent workplace violence. Prevention efforts include but are not limited to: informing employees of this policy, instructing employees regarding the dangers of workplace violence, providing a process to report incidents or threats without fear of reprisal; and posting a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the [Texas Department of Public Safety pursuant to HB 915](#).

Reporting Procedure

Each incident of violent behavior, whether committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported immediately by the employee to any supervisor and to the Human Resources Department. The Human Resources Director must be notified of any and all incidents of workplace violence. In addition, all employees are responsible for reporting any threats which they have witnessed, received, or have been informed about that another person has witnessed or received.

Retaliating or discriminating against an employee who brings a workplace accusation or complaint, or assists in investigations of accusations or complaints, is prohibited.

5.3 Firearms and Weapons

Employees who are not actively serving as a licensed peace officer, or a firefighter covered by [Texas House Bill 1069](#), are prohibited from the open carry or possession of any firearm while on duty, pursuant to [Texas Government Code §411.203](#).

This prohibition does not prevent an employee who is licensed to carry a concealed handgun or to open carry to transport or store a firearm in a locked, privately owned motor vehicle located in a parking area for employee parking provided on City property.

In accordance with this policy, the City reserves the right to conduct a search of any employee's personal items, an employee's work area or any City vehicle in possession or control of any employee, to determine whether or not a weapon is present. Such a search includes, but is not limited to, a visual inspection, a physical search, and/or the use of a metal detector. Failure to comply with such a request to conduct a search as outlined herein may result in disciplinary action. All searches will be conducted by a Mount Pleasant Police Department supervisor and the employee's supervisor, department director, or Human Resources Director.

Weapons Banned

For the purposes of this policy weapons are defined as any device or object capable of causing serious bodily injury or death to another person.

Reporting

Any employee who witnesses the possession or concealment of a weapon or who witnesses a verbal or physical assault involving another employee should report the action or actions to their immediate supervisor or department director.

5.4 Substance Abuse and Testing

The City maintains a firm commitment to provide a safe work environment that is free from the effects of alcohol or controlled substances as well as the abuse of legal/prescription drugs.

Applicability

Employees may be tested if there is a reasonable suspicion that they are using, possessing, or are under the influence of alcohol, controlled substances or otherwise violating this policy, or if they were involved in a workplace accident. Reasonable suspicion exists when there are objective observable signs and symptoms of job impairment, threat to safety, or adverse changes in mood, perception, or judgment that gives a supervisor or other member of management reason to suspect that the employee is using, possessing, or is under the influence of alcohol or controlled substances.

Employees who work in safety-sensitive positions may be subject to random testing, even without reasonable suspicion.

Employees are required to notify the City of any alcohol or drug related arrest and/or criminal convictions (including a plea of nolo contendere) or deferred adjudication, no later than five days after the arrest or conviction.

Employees whose physicians prescribe controlled substances for continued usage which may affect their ability to perform their job function, should report this treatment to their immediate supervisor for duty status evaluation.

Prohibitions

1. The City will not hire applicants who are under the influence of drugs and/or alcohol, who fail to pass a required pre-employment drug and/or alcohol test, or who refuse to submit to a required drug and/or alcohol test.
2. Employees shall not use, have in their body or on their person any alcohol, illegal drugs, intoxicants, inhalants, or any other prohibited substances when they report to work or while on duty. Employees shall not be under the influence of or have the odor on their breath or clothing of prohibited substances when they report to work or while on duty. Employees shall not have prohibited substances in City vehicles or on City premises. Exceptions to these prohibitions may occur with prior, specific authorization, when the otherwise prohibited act is required in the performance of the employee's official duties.
3. Employees shall not use or possess prescription drugs except as directed by their physician. Employees shall not use prescription drugs or over-the-counter medications in a manner inconsistent with recommended dosages and/or warning statements.
4. Employees shall not use, possess, provide, dispense, distribute to other persons, or unlawfully manufacture or sell any alcohol, unauthorized prescription or illegal drugs, intoxicants, or other prohibited substances while on duty, on-call, on standby, on meal or break periods, on City premises, operating a City vehicle, or while in City uniform.
5. Employees shall not refuse to submit to a drug and/or alcohol test when requested, required, or ordered to submit by a person having the authority to do so under this or any other City policy, Standard Operating Procedures, or General Order.

6. An employee who commits a drug or alcohol-related offense is subject to disciplinary action, up to and including termination.

Prescription/Over-the-Counter (OTC) Drug Use

Any employee who is using prescription or OTC medication, and who exhibits symptoms that limit the employee's ability to perform job duties effectively and safely, must report this treatment to the employee's supervisor prior to beginning work.

The City reserves the right to have the employee's physician or a physician of its choice make an individualized assessment of the employee's use of the medication to determine if the medication at the prescribed dosage produces or will produce adverse or hazardous effects for that employee and may restrict the employee's work activities accordingly.

Drug and Alcohol Tests

A. Post-Offer Employment Testing

1. As a conditional offer of employment, every prospective employee shall sign a Consent and Release Form and shall undergo a pre-employment drug screening.
2. Prospective employees who fail to pass a post-offer drug test or who in any way refuse to submit to a post-offer drug test, shall not be allowed to report to work and are considered ineligible for employment.

B. Reassignment and Transfer Testing

Employees who are reassigned or transferred from a non-CDL position to a CDL position, or from a non-safety sensitive position to a safety-sensitive position shall submit to a drug test. The City shall designate which positions qualify as safety-sensitive in job descriptions.

C. Post-Accident and Post-Injury Testing

1. Any employee who, while on duty, is injured, contributes to the injury of another person while operating a city-owned motor vehicle or equipment or his or her own vehicle while performing services for the City, or contributes to the damage of property shall be required to submit to a drug and/or alcohol test as soon as is possible.
2. Employees who are potentially subject to a post-accident or injury drug or alcohol test must remain readily available for said test or shall be deemed to have refused to submit.
3. An employee who is seriously injured and cannot provide a specimen for either alcohol or drug testing at the time of the accident shall, as soon as is practical, provide the necessary authorization to allow the City to obtain hospital reports and other documents that would indicate whether there were any drugs or alcohol in their system at the time of the accident.
4. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority to order such a test shall be considered to meet the requirements of this section, provided the results are supplied to the City.

D. Reasonable Suspicion Testing

1. An employee shall be tested for alcohol and/or drug use if there is a reasonable suspicion that the employee is in possession, has present in their body, or is under the influence of drugs and/or alcohol.
2. Written documentation of the observations leading to a request for a drug and/or alcohol test shall be prepared by the supervisor, department director, Human Resources Director or City Manager.
3. The decision to require an employee to submit to a drug and/or alcohol test will be made by at least two management officials, preferably the department director and the Human Resources Director or their designees. In no case shall a reasonable suspicion test be performed without first notifying the Human Resources Department or City Manager.
4. An employee who is required to submit to a reasonable suspicion drug and/or alcohol test may be placed on administrative leave with pay until such time as the results of the drug and/or alcohol

tests are received. At such time that the test results are received, the employee's status will be re-evaluated.

E. Random Testing

1. The positions subject to random drug and/or alcohol testing are:
 - a. any employee who is required to have a Commercial Drivers' License (CDL) as part of their job description or job duties; and
 - b. safety-sensitive positions

Appendix L: Positions Subject to DOT Regulations and Safety Sensitive Positions
2. The City of Mount Pleasant will contract out the administration and record keeping functions of the testing, and a third-party administrator will generate the random numbers and days that the testing will take place. Supervisors or their designee of the employees who have been randomly selected for testing, designee shall:
 - a. notify the employee selected for testing in such a manner as to ensure that no opportunity exists to further ingest any substances that may in any way jeopardize the validity of the test; and
 - b. promptly take the employee selected to the designated collection site.
3. An employee who is selected to undergo a random alcohol test, but is absent due to vacation, illness, or other legitimate reason, shall not be subject to testing unless selected during the next random testing period.
4. An employee who has submitted to a random drug and/or alcohol test will be allowed to return to their normal work duties immediately, unless other factors exist to determine otherwise.
5. If an on-duty driver with a commercial driver's license refuses to submit to the **Federal Highway Administration** alcohol and controlled substance testing that are outlined in this policy statement or engages in conduct that clearly obstructs the testing process, the driver will have refused to submit to a **Federal Highway Administration** required test. A driver with a commercial driver's license refusing to submit to a required test will be placed on leave immediately without pay for a period of seventy-two (72) hours and will be subject to disciplinary action up to and including termination of employment.

F. Confidentiality

All employee information relating to drug and alcohol testing will be protected by the City as confidential unless otherwise required by law or authorized in writing by the employee. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

G. Heightened Requirements for CDL-Required Positions

In addition to City Policy, every employee whose job requires a **Commercial Driver's License** is covered by each requirement and prohibition in this policy. In addition, any such covered employee or applicant is also subject to testing under the FTA regulations, and other requirements contained in the City's policies and procedures.

5.5 Tobacco Free Workplace

The City maintains a smoke-free and tobacco-free workplace, including the use of smokeless and electronic products, to provide a safe and healthy workplace and to promote the health and well-being of employees.

1. Prohibited products include, but are not limited to cigarettes, cigars, pipes, e-cigarettes, vapor e-cigs, snuff, chewing tobacco and any other forms of tobacco.
2. All City of Mount Pleasant buildings, facilities, and vehicles are considered smoke-free and tobacco-free environments.
3. Smoking is permitted only in designated outside areas.
4. City employees share in the responsibility for adhering to this policy and bringing it to the attention of persons visiting or utilizing City buildings and facilities.

5.6 Appropriate Workplace Appearance

Dress and Grooming

City employees represent the City when on duty and/or when in a City uniform. The City adheres to business casual dress in the workplace year-round and employees are expected to dress in a manner that is neat, clean, and appropriate for a business environment and their specific jobs. Department directors shall determine which dress standard is applicable in order to maintain acceptable dress and appearance. Employees may be held to different standards, depending upon the work assignment and job requirements.

Employees who are issued uniforms shall be responsible for maintaining their uniforms in a neat and orderly manner. While in uniform or wearing the City logo, employees must conduct themselves in a manner that represents pride in the City of Mount Pleasant and the citizens they serve.

A supervisor is responsible for evaluating the dress and appearance of employees under their supervision.

Exceptions may be made to these guidelines to comply with laws including but not limited to a medical condition, disability accommodation, or religious beliefs or practices. Such exceptions shall be considered on a case-by-case basis. All individual requests for exceptions must be made in writing through the department director and/or Human Resources.

5.7 Employee Identification Badges

In an effort to assist the public in identifying City employees carrying out their City work duties and responsibilities, and to promote workplace security, all full-time, part-time, temporary, and seasonal employees shall wear a City-issued identification badge at all times during working hours, except for Police or Fire Department employees who shall wear their identification badges in accordance with the written policies of their department. Contractors and visitors are not eligible for an ID Badge and should be issued a visitor's badge.

Supervisors are responsible for the enforcement of wearing ID Badges for all employees within their team. Supervisors are responsible for contractors and visitors and must ensure they are issued a visitors' badge and for the return of the badge when they leave the premises.

The Human Resources Department will ensure that new employees receive an employee identification badge upon hire by scheduling a time with the Police Department to have the employee's photo taken and badge created, on or about the first day of their employment, and will ensure that as part of the employee termination procedure, identification badges will be collected prior to the issuance of a final paycheck.

Any of the following shall be considered a violation of this policy:

1. Borrowing or lending an ID Badge to anyone, including another employee
2. Defacing or altering an ID Badge
3. Failure to properly display ID Badge while at work or at any work site

Each violation that occurs shall be referred to the employee's department director and/or Human Resources, and may result in disciplinary action, up to and including termination of employment.

5.8 Vehicle, Equipment Usage, and Maintenance of Current Licenses

This policy shall apply to all employees utilizing a City-owned, rented, or leased vehicle or equipment ("City Equipment"). City Equipment shall be used for official purposes only. Personal and social uses of any nature are prohibited unless an exception is approved by the City Manager or Department Director. Each employee shall be held responsible for the proper use, care, and operation of City Equipment assigned.

Definitions for City Equipment:

Workday vehicles are available for staff use during the employee's normal working hours.

Take-home vehicles are assigned to an individual and are utilized by said individual on a twenty-four (24) hour basis. These “take home” vehicles are issued on a limited basis and are assigned by the City Manager to essential positions deemed necessary for the assignment. No employee who resides more than 30 miles from the city limits of Mount Pleasant will be approved the use of a take-home vehicle without written permission from the City Manager.

Maintenance of Current Licenses for Operation of City Equipment or for Personal Vehicles on City business

1. Any employee who operates City Equipment or a personal vehicle on behalf of the City is subject to this policy and must maintain a current, valid, and appropriate license at all times.
2. Any employee subject to this policy must comply with all applicable State traffic laws, including the use of seat belts.
3. Any employee who operates a City-owned, rented, or leased commercial motor vehicle must maintain a current and valid **Texas Commercial Driver's License**.
 - a. Employees who drive commercial vehicles must also notify the City and their state's motor vehicle licensing agency within thirty (30) days of a conviction for any traffic violation (except parking violations) even if the violation did not occur while operating a commercial vehicle. Employees must notify their supervisor and Human Resources Department.
4. Any employee who has their license suspended, revoked, canceled, or whose license expires without renewal shall immediately cease operation of any City Equipment or personal vehicle on behalf of the City and notify their supervisor by the end of the next working day. It shall be the sole responsibility of the employee to report any change in driving status. Failure to report such information by the end of the next working day shall result in disciplinary action, up to and including termination of employment.
 - a. Any supervisor who is notified by an employee of an incident above shall immediately remove the employee from any duties that require the operation of a vehicle and notify their supervisor and the Human Resources Department.
 - b. Any employee who no longer has a current, valid, and appropriate license and whose essential job duties involve the operation of a vehicle, shall be removed from driving status and may be reassigned if there is a position available to accommodate the change in driving status. The decision to re-assign may depend on the nature of the event leading to the change in driving status. An employee who is not re-assigned may be subject to leave without pay while the license issue is resolved, or the City may terminate his or her employment.

Transport of Non-Employees

5. Employees may not transport persons who are not employees of the City in City Equipment at any time with the following exceptions:
 - a. When the City Manager or department director specifically instructs the operator of a City vehicle to transport an individual not employed by the City in connection with City business;
 - b. In the course of ordinary or emergency public safety operations involving authorized use of the City Equipment by recognized volunteers and employees of the City.
 - c. Police and Fire Department Ride-Along Program – rider must sign a liability waiver form and be vetted by a supervisor.
 - d. Other exceptions may be approved by the City Manager or Department Director, on a case-by-case basis.

Accidents

6. An employee involved in an incident that causes damage to City Equipment shall, as soon as feasible, report the incident to a supervisor. If the damage is possibly a criminal act, the incident will also immediately be reported to local law enforcement.
7. An employee involved in a traffic accident, no matter how minor, will contact the local law enforcement authority and request a CRASH report be taken on behalf of the City. The employee shall also notify their supervisor as soon as feasible of the circumstances of the crash. Supervisors who are notified of a traffic accident involving an employee should respond to the scene of the accident and obtain information

necessary to notify the department director of the circumstances of the crash. The supervisor should notify the department director of the crash as soon as feasible.

5.9 Employee Safety and Risk Management

The City is interested in all employees' safety and well-being and has developed safety rules and regulations. Every employee is required to comply with all safety rules and to exercise caution in all work activities. Employees must refer to the department procedures for general safety rules, practices, and procedures, including accident/incident reporting.

All employees are required as a condition of employment to exercise due care in the course of their work. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve City equipment, each employee shall:

- Obey all safety rules and follow published work instructions.
- Report to immediate supervisor and co-workers all unsafe conditions or unsafe/defective equipment.
- Keep work areas clean and orderly at all times.
- Report all accidents immediately to the immediate supervisor; and
- Operate only machines or equipment that he/she has been authorized to operate.
- Wear appropriate safety equipment.

Each supervisor and department director will be responsible for the safety and well-being of the workers in his or her department as well as the repair and maintenance of facilities and equipment in his or her area of responsibility. The principal duties of supervisors and department directors are as follows:

- Enforce all safety regulations in effect and make employees aware that violations of safety rules will not be tolerated.
- Make sure all injuries are reported promptly and treated properly, and all accidents are reported even if an injury is not apparent.
- Provide employees with complete safety instructions regarding their duties prior to the employees actually starting work.
- Conduct regular safety checks, including a careful examination of all new and relocated equipment before it is placed in operation.
- Properly maintain equipment and issue instructions for the elimination of safety hazards.
- Continuously inspect for unsafe practices and conditions and promptly undertake any necessary corrective actions.
- Develop and administer an effective program of good housekeeping and maintain high standards of personal and operational cleanliness throughout all operations.
- Provide safety equipment and protective devices for each job.
- Give full support to all safety procedures, activities, and programs.

Accident and Injury Reporting

All accidents and injuries, however slight or inconsequential, must immediately be reported to the appropriate supervisor, department director, or the Human Resources Director. Employees are required to immediately report to their immediate supervisor all accidents resulting in personal injury and/or damage to the city equipment, city vehicles, or any other property. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action. Supervisors must report all accidents resulting in personal injury and/or damage to the city equipment, city vehicles, or any other property to their respective department director and to Human Resources.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations or who fail to report may be subject to disciplinary action, up to and including termination of employment.

If an employee sees something that the employee perceives is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor and/or to the Human Resources Department.

Accident and Injury Treatment

Employees injured during the course of their employment should seek medical attention if necessary. For serious, life-threatening injuries, or for after-hours treatment, employees may seek medical attention at an emergency room. During business hours and for non-life-threatening injuries, employees should seek treatment at the local healthcare facilities designated by the City. Contact Human Resources for the complete list of facilities.

5.10 Cell Phone Usage

The use of wireless phones should not interfere with job duties or performance. Employees who use a wireless phone in violation of City policy may be subject to disciplinary action, up to and including termination of employment.

Personal Usage During Business Hours

The use of personal cell phones should be limited during normal business hours. The City understands that business of a personal nature may be necessary during City business hours but requests that such calls be handled and logged as breaks.

Prohibited While Driving

The use of cell phones and/or other electronic devices while driving can cause distraction to the driver and can result in accidents and injury. To maintain safety for City employees and others on the road, the use of cell phones or other electronic devices while driving a City vehicle is prohibited unless using a hands-free device.

5.11 Communication

The City provides computer and communication systems for use by City employees in the performance of their job duties such as networks, internet access, email, telephones, digital cameras, voicemail, scanners, radios, etc. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City.

This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner. City communication may be considered a public record.

Acceptable Use of City Electronic Communication Systems

1. Acceptable uses of the City’s electronic communication systems are limited to those activities that support conducting City business in line with the employee’s job responsibilities. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material, unless it is required as part of one’s work assignment.
2. Employees must understand that use of any City-provided, publicly accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet or email and other electronic communications systems is allowed under this policy. The City is not responsible for personal communications sent on its electronic communications systems.
3. The City reserves the right to monitor employee internet usage at any time.

Prohibited Uses of City Electronic Communication Systems

1. Using profanity, obscenity, or other languages which may be offensive or harassing to other coworkers or third parties.
2. Accessing, displaying, downloading, or distributing sexually explicit material.
3. Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
4. Copying or downloading commercial software in violation of copyright law.

5. Using the systems for financial gain or for any commercial activity unrelated to City business.
6. Using the systems in such a manner as to create a security breach of the City network.
7. Looking for or applying for work or business opportunities other than for internal City postings.
8. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual orientations.
9. Transmitting or sharing information regarding a coworker's health status without the coworker's permission.
10. Expressing opinions or personal views that could be misconstrued as being those of the City.
11. Expressing opinions or personal views regarding management of the City or other political views.
12. Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
13. Playing games or gambling.

User Responsibility

All employees that are issued access to City provided electronic communications systems and accounts are responsible at all times for their proper use.

The City provides and maintains these systems to assist in the conduct of City business. All transmissions created, sent, received, retrieved, or accessed are considered property of the City of Mount Pleasant and public information.

Employees may only use software approved or provided by the City. To prevent computer viruses, there will be no unauthorized downloading of any software. See [Prohibited Technology Policy](#).

The City reserves the right to change policies as they relate to computer use at any time and as may be required by changing circumstances. Violations of the policy and its guidelines may result in disciplinary action.

Public Information

Employees shall assume that any data or electronic information is subject to release in accordance with the Public Information Act of the State of Texas. Electronic records are official records of the City and may be subject to release. Employees are warned that storing City information on personal devices may result in disclosure of personal information should the device become subject to a Freedom of Information Act or Open Records Act requests, or subpoena.

User Privacy

Users of any City electronic communication system shall not have any expectation of privacy in any message, file, image, or data created, sent, retrieved, or received through their use of City electronics. All user activity on City systems is subject to monitoring, logging, auditing, review, dissemination, and archiving by the City.

Confidential Information

Employees shall comply with all laws, regulations, and City policies and procedures prohibiting or limiting the disclosure of confidential information, including but not limited to City client personal information, financial or tax information, and City employee personal information. Confidential information transmitted from the City shall be sent securely only to those recipients who are authorized to receive such confidential information.

Passwords for all electronic devices and applications should be treated as confidential information. No employee is to give their password to another person, including IT staff, administrators, superiors, coworkers, friends, and family, under any circumstances.

The City maintains the right to discipline an employee up to and including termination of employment and seek legal action against anyone who misuses confidential information in a manner that violates the law.

Any user must immediately report to their department director, who will immediately report to the City Manager and the IT Department, any loss or theft of any City device or any device containing City information.

Social Media

Social Media includes websites such as Facebook, YouTube, Instagram, and many others. New social networking websites allowing/encouraging online collaboration and/or commentary are being added each day. This policy covers all existing and future social networking platforms.

All City-based social media platforms are managed by each department director. Any questions as to the appropriate use of City-based social media platforms should be directed to the department director. The current approved social media platforms include Facebook, YouTube, LinkedIn and Instagram.

Employees posting on personal social media accounts should refrain from posting discriminatory, harassing, sexually explicit, patently offensive, or illegal material. Unprofessional content/posts can reflect poorly on employees and on the City, diminishing the effectiveness of our mission and our message.

When expressing personal opinion or position, employees must use their own name and account, not the City's name or account and make clear that the employee's comments are their own and that any employee posts were not approved by the City and do not reflect the opinion of the City.

Employees are prohibited from sharing anything that would constitute a disclosure of confidential or sensitive information of the City, or any persons or entities doing business with the City, or that may have prospective relationship with the City.

Employees should alert the Human Resources if information posted by others, that is confidential is discovered.

Posting pictures or images of employees or citizens is prohibited unless with their permission.

Ultimately, all employees are responsible for what is being posted on personal social media accounts. Violations of this policy are subject to discipline, up to and including termination of employment.

Employees using city-owned electronic devices will not be allowed to download and access any social media application that has been defined as a security risk by the State of Texas. The identified applications are prohibited from being installed or used on any device owned or leased by the governmental entity and require the removal of covered applications from those devices.

Employees will not be able to download prohibited applications onto their personal devices using the City's internet. See [Prohibited Technology Policy](#).

5.12 Prohibited Technology

City-Owned or Leased Devices

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

The City will identify, track, and manage all City-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-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-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

The City will manage all City-owned or leased mobile devices by implementing 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.

Covered Application Exceptions

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

- (1) Providing law enforcement; or
- (2) Developing or implementing information security measures.

Personally Owned Devices

Employees, elected officials, contractors, paid or unpaid interns, and other users will be prohibited from the use or installation (download) of covered applications by way of using or accessing the City’s network/internet.

Appendix H: Prohibited Technology Acknowledgement Form

5.13 Training and Travel

City employees who travel on City business, including professional development/training are responsible for assuring that expenditures are prudent and necessary and are required to exercise good judgment and discretion when making travel arrangements. Budgeted funds must be available.

Authorization for Travel

All overnight travel must be approved in advance by the supervisor, department director, or City Manager. All out-of-state travel must be pre-approved by the City Manager in writing.

Proper completion of the Travel Expense Report is required. This includes attaching:

1. Conference registration forms
2. Transportation bills (airfare, rental car contract, tolls, parking)
3. An itemized receipt from the hotel showing a zero balance, with all charges itemized separately by day. Receipts for gas purchased during the trip. These receipts must include:
 - a. Signature of employee
 - b. Vehicle number (if City-owned) or “rental car” written on the receipt
 - c. Location and date of purchase
4. For employees approved to take a personal vehicle, a calculation of the mileage from the City facility to the travel destination. A Google map should be attached to verify mileage.
5. The City Manager must pre-approve out-of-state travel.

Hotels/Motels

Discretion should be used when choosing overnight accommodations. Employees may stay at the hotel where the conference is held and should make every attempt to secure the lowest possible rate. Upgrade charges for luxury suites, club access, etc. will not be paid with City funds.

Meals

Meal expenses (including tips) incurred as part of travel for work/training are paid on a scheduled rate with no receipts necessary. Current rates are as follows:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	\$30.00
Snacks/Tips	\$15.00

Meals included, as part of a paid registration fee will not be reimbursed again as part of the meal allowance. Meals for the travel day will be paid based on the following guidelines when departing/returning for overnight travel:

First Day of a trip if leaving after 10:00 am - \$50.00
 Full Day of Trip - \$70.00
 Last Day of Trip if returning before 4:00 pm - \$50.00
 Same Day trip (more than 50 miles) - \$25

Transportation

Employees will calculate the least expensive mode of transportation when planning their travel.

City-Owned Vehicle

Employees shall use a City-owned/leased vehicle for travel, unless one is not available.

Car Rental

Rentals should be the lowest cost vehicle that meets the needs of the traveling employee. Employees will pay for any upgrade based on preference instead of need.

Air Travel

Airfare should be the lowest cost available and should be booked in advance to ensure the lowest rate. The City will not pay for:

- First class or business class fares
- Fees for more than one bag
- Overweight baggage fees

Use of Personal Vehicle

Personal vehicle mileage will be reimbursed at the current rate set by the IRS.

Travel Expenses Not Reimbursable by the City

1. Laundry and dry cleaning
2. Expenses for family members, friends, or any other non-business acquaintances
3. Other expenses not related to the performance of the travel assignment
4. Expenses already covered by City.

This listing is not all-inclusive. Discretion remains with the City Manager to approve travel expenses for unusual circumstances. IRS guidelines must be addressed if issues outside this policy are considered for approval.

Appendix I: Travel Request and Advancement Form

5.14 Arrest and Conviction

Employees must notify their immediate supervisor, department director, and Human Resources Department, in writing, of any criminal arrest(s) and/or conviction(s) (including but not limited to a plea of nolo contendere, deferred adjudication or pre-trial diversion), for a violation occurring off duty and/or on duty no later than twenty-four (24) hours after the arrest and/or conviction. Failure to provide such notification may result in disciplinary action, up to and including termination of employment.

5.15 Code of Ethics

Employees are bound by the standards set in Title III, Chapter 34 of the Mount Pleasant Code of Ordinances. Questions regarding the prohibitions imposed by this policy shall be referred to the Human Resources Director.

5.17 Solicitation

Solicitation, for purposes of this policy, is defined as the sale of any product or service, the collection or pledging of funds or signatures for any purpose, requests for any manner of support or opposition to an organization or activity, or the posting of information related to these activities.

Employees may not engage in solicitation during working time, which includes the working time of the employee who is soliciting and the employee who is being solicited.

Similarly, employees may not distribute solicitations during their working time or at any time on city property. For purposes of this rule, working time does not include lunch periods or other break times.

Exceptions to this policy include city-sponsored events or programs approved by management and informational postings on designated bulletin boards, subject to prior approval.

5.18 Confidentiality of Information

The City of Mt. Pleasant, its officials and employees are obligated to protect the confidentiality of business information that is vital to the interest and success of the City, and to comply with state and federal laws and regulations that govern the City organization, its employees, and its citizens, and to avoid unnecessary disclosure of non-confidential internal information about the City, its employees, its customers, and its vendors.

Employees are expected to use discretion and judgement when dealing with information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a person's privacy or breach of confidence. An employee who engages in this type of behavior will be disciplined, up to and including termination of employment.

Appendix J: Confidentiality of Information Acknowledgement Form

Section 6 - Hiring and Separation

6.1 Hiring

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, disability, genetic information, or any other characteristic protected by law.

The Human Resources Department maintains the procedures for recruitment, application management, screening processes, and employment offers.

6.2 Hiring Freeze

When financial circumstances warrant, the City may initiate a hiring freeze. During a hiring freeze, no external hires will be made for a period of time without authorization of the City Manager. Although vacancies will not be advertised to the public, they may be advertised internally.

6.3 Employment Separation

The City of Mount Pleasant is an at-will employer. The City or the employee may terminate the employment relationship at any time and for any reason.

A. Non-Disciplinary Separation

A [Personnel Action Form](#) must be completed upon an employee's separation. The justification portion of the form must include the reason for separation, whether the employee is recommended for rehire with documentation, and state whether all City property has been returned, including equipment, uniforms, and/or keys. The effective date of a separation or termination is the last day of actual work, plus leave time used, if the department director has approved the use of leave time before or at the time employee provides notice. The use of leave time is not permitted following termination.

Resignation

Employees may resign from City service in good standing by submitting their written notice of resignation to their supervisor and Human Resources Department, if possible, with two (2) weeks' notice. The City Manager may waive any portion of the notice period. The written notice shall include, but is not limited to, the following:

- a. Date of letter.
- b. Last date of employment.
- c. Reason for resignation.
- d. Forwarding address.
- e. Signature of the employee.

Retirement

Eligible employees may retire from City service in accordance with applicable programs. The employee must submit a written notice of retirement, preferably 30 days prior to the last day of employment, and coordinate retirement with TMRS.

Layoffs

Layoffs may occur as a result of business necessity. Business necessity includes, but is not limited to:

- A discontinuation of or reduction in demand for service.
- Elimination of a job function or class function.
- A change in the level or source(s) of funding.
- Technological developments that reduce staffing requirements.
- Necessary economic or staffing efficiency.
- Privatization or outsourcing of services.
- Requirements of State and/or Federal laws.

Re-employment

Former employees who left the City voluntarily may be considered for re-employment. Former employees who were dismissed for performance or disciplinary reasons may not be considered for re-employment unless approved by the City Manager.

Reinstatement

Only those employees who were away from the City for no more than 180 calendar days (6 months) and who had at least three (3) years of continuous service prior to leaving the City may be eligible for reinstatement. A reinstated former employee will be reinstated with their original date of hire and seniority. Vacation and Sick leave time will begin to accrue based on the return date of hire. Balances that were paid out when the employee originally left will not be reinstated. Longevity pay accruals will be reinstated based on the employee's original date of hire. However, if the employee was paid partial longevity pay at the time they separated employment with the City, that amount will be deducted from any accruals that will be paid at the end of the calendar year when all employees receive longevity pay. Subject to plan terms, all previously held benefits will be reinstated according to the terms of the actual benefit plan documents in effect at the time of reinstatement. Subject to plan terms, health and welfare benefits will be reinstated and benefit coverage will begin on the employee's first day of reinstatement.

Rehire

Employees who have been away from the City for more than 180 calendar days are eligible only for rehire. Rehired employees will be treated as new employees, with a new date of hire and no seniority reflected from their prior employment with the City. These employees are subject to all pre-employment assessment and screenings as required by the City.

B. Involuntary Separation

This policy provides separation procedures for job abandonment and termination of employment. A [Personnel Action Form](#) must be completed upon an employee's separation.

Job Abandonment

An employee who has neither reported to work nor called a supervisor to explain their absence after two consecutive workdays is considered to have abandoned the job and resigned without notice and thereby separated from employment. An employee who abandons their job is ineligible for rehire.

Termination

Approval from the department director and the Human Resources Directors is required to terminate the employment of an employee. Should the supervisor wish to recommend termination, the supervisor must confer with the department director before initiating action to terminate the employee's employment. In addition, the supervisor and/or department director must confer with the Human Resources Director prior to initiating the discharge action. This conference shall be used to ensure that all parties adhere to accepted personnel management procedures.

6.4 Separation Pay

Employees will receive their final paycheck on the payday following the separation of employment.

Final pay will be deducted to reflect the value of lost or damaged City-issued equipment, wage overpayments, and any outstanding funds owed by the employee to the City per an executed [Wage Deduction Form](#).

Sick Leave Pay Upon Separation

Sick leave is not paid out upon separation. However, if the employee has ten (10) years of consecutive service with the City, and resigns (non-disciplinary), or retires from their position with the City, the employee will be eligible for one-half of accumulated sick leave at the time of separation. Sick leave pay is not to exceed 45 days (360 hours) for regular employees and 540 hours for Fire personnel working forty-eight (48) hour tours.

Holiday Pay Upon Separation

An employee who separates from the City will be paid for a holiday if it falls before their final day of employment.

Vacation Leave Pay Upon Separation

In the event an employee voluntarily separates employment with the City, any unused vacation will be paid to the employee.

Longevity Pay Upon Separation

Longevity pay due to an employee will be paid at the time of termination.

Health Insurance After Separation

COBRA (Consolidated Omnibus Budget Reconciliation Act) is continuation of coverage legislation, which allows employees to continue group medical coverage after their employment ends, for up to eighteen months. See Section 8.

The Human Resources Department will report employee separations to the third-party administrator for COBRA. Under COBRA, separated employees and dependents who elect to continue their coverage as permitted by COBRA must pay the full cost of the coverage at the City's group rates plus an administration fee. See Section 8.2 for further detail.

6.5 Return of City Property

Upon separation from employment, all employees are required to return all city property, including uniforms, equipment, purchasing card, and technology-related items. The cost of repairing or replacing any City supplies, materials, equipment, money, or other property that may be damaged (other than normal wear and tear), lost, failed to return, or taken without appropriate authorization from the City during employment, may be deducted from employee's final separation pay per an executed [Wage Deduction Form](#).

6.6 Exit Interview

Upon separation from employment, all employees are requested to complete an exit interview. The purpose of an exit interview is to obtain feedback from the employee regarding working conditions, supervision, and suggestions to improve employment with the City. The Human Resources Department will be responsible for conducting an exit interview for employees.

Appendix K: Wage Deduction Form

Section 7 - Disciplinary Action

Although violation of a rule is not necessary to terminate an employee's employment because the employment relationship is at-will, violation of any of the City's policies and rules, including, without limitation, those stated in this manual, could result in disciplinary action, up to and including termination of employment. Less severe disciplinary action may also be imposed.

In setting forth these rules, the City does so only as a guide. The following list is not exhaustive as to the actions that may be, or are, prohibited by the City's rules and policies. Also, the listing of these rules in no way will limit the imposition of disciplinary action, up to and including termination, for acts by employees which are determined to violate the City's standards of workplace conduct, whether written or otherwise.

7.1 Examples of Offenses

Descriptions provided under each header are for the purpose of example. Behavior may violate one or more categories. Offenses that may constitute grounds for disciplinary action include, but shall not be limited to the following:

1. Violations of any criminal law or other offense involving moral turpitude.
2. Failure to report as soon as possible any accident or personal injury while at work.
3. Falsifying or refusing to give testimony when accidents are being investigated.
4. Providing false statements or misrepresentations on the application for employment or other records.
5. Excessive tardiness or unexcused absences.
6. Absence without notification or satisfactory reason.
7. Three (3) consecutive days of absence without daily notification to the employee's supervisor or without prior approval.
8. Neglect or carelessness or abuse resulting in loss, injury, or damage to City property or to persons.
9. Misappropriation, misuse or destruction of City property, funds, assets or records.
10. Sleeping while on duty.
11. Accepting or offering bribes.
12. Intimidation or coercion of a fellow employee.
13. Disloyalty to the Federal, State, or City government.
14. Activities or conduct not compatible with good public service.
15. Falsification of, or misrepresentation on, City records or reports, verbal or written, including, but not limited to, employment applications and time records.
16. Insubordination, including failure or refusal to follow directions and instructions, refusal to perform designated work, or refusal to transfer shift, schedule, or position at the City's request.
17. Unsatisfactory performance of duties.
18. Failure or refusal to cooperate with fellow employees and supervisors.
19. Use of offensive or abusive language or discourteous or abusive conduct toward fellow employees, visitors, customers, citizens, or others.
20. Harassment of fellow employees on the basis of age, race, sex, gender, color, religion, national origin, ancestry, citizenship, marital status, pregnancy, sexual orientation, identity/transgender status, disability, genetic information, veteran/military status, or any other protected class.
21. Making false, vicious, or malicious statements concerning a fellow employee, supervisor, visitor, the City or its services, which is otherwise unprotected.
22. Voluntary disclosure of confidential information about citizens or confidential business information to unauthorized persons. Disclosure of such information should only be in accordance with the Texas Public Information Act or other such law.
23. Disclosure of confidential information concerning other employees to unauthorized persons without compliance with the Texas Public Information Act e.g., addresses, telephone numbers, social security numbers, salaries, evaluations, etc.
24. Neglect or inattention to defined job responsibilities and assignments.
25. Violation of the City's Substance Abuse Policy.

26. Abuse, waste, or destruction of City equipment, supplies, goods, or any other property of the City or a fellow employee.
27. Participation in horseplay, practical jokes, or disorderly conduct of any kind during working hours.
28. Misuse of position of a City position.
29. Engaging in conduct that violates the City's Conflict of Interest policies or Code of Ethics, including an employee failing to recuse himself or herself.
30. Creation of, or the contribution to, a condition which could cause harm to the employee, fellow employees, or the public.
31. Unauthorized possession of firearms, explosives, or other weapons in violation of City policy.
32. Gambling on City property.
33. Violation of any of the City's personnel policies.
34. Theft or dishonesty.
35. Failure to report the conviction, or pleading no contest or nolo contendere, to any crime, excluding minor traffic offenses, within seven (7) days of entry of the conviction or other dispositive order.
36. Failure to report suspension of driving privileges by the Texas Department of Public Safety when driving is an essential job requirement.
37. Unauthorized use or removal of the City's supplies, materials, equipment, or other property.
38. Illegal or unauthorized entrances onto City property.

7.2 Disciplinary Procedures and Action

In determining whether an employee should be disciplined for violating the City's rules and the extent of such discipline, the City will consider all the circumstances involved, including the employee's overall work record and the seriousness of the offense. Employees who violate any of the City's policies or who violate common workplace standards of conduct may be subject to disciplinary action, up to and including termination. Any of the following actions may be taken for any specific infraction, based upon the nature of the violation, the circumstances involved, and previous misconduct of any kind. A PIP may be used at any point in the training, counseling or disciplinary process. **See 3.12**

Verbal Reprimand and Counseling

The verbal reprimand and counseling session should be conducted privately by the employee's supervisor and should consist of a discussion of the specific offense and the expected results with timelines to address performance. Counseling should be administered at the time the misconduct is observed, reported, and confirmed.

Written Reprimand

The written reprimand should be accompanied by a verbal discussion held in private, and, like the verbal reprimand and counseling, should consist of a discussion of the specific concern and the expected improvement. The supervisor and the employee must sign the written reprimand. The signature does not necessarily imply agreement, it only confirms receipt. The employee may write a rebuttal to the written reprimand. The rebuttal may be given to the supervisor for forwarding to the Human Resources Department or it may be forwarded to the Human Resources Department by the employee.

Suspension

Continued failure to perform as expected may lead to a suspension. If an employee commits a serious infraction, such as threatening other employees or causing harm to others through careless behavior, the City may need to remove the employee from the workplace immediately while investigating the incident(s) and making a final decision about the employee's future with the City. A suspension allows a careful review process that would otherwise conflict with the urgency of a quick decision. A suspension may be for one (1) day or up to one week, with or without pay.

Administrative Leave (with or without pay)

Employees may be placed on an administrative leave of absence with, or without, pay for justifiable reasons. See Section 4.8.

Demotion

An employee may be moved to a lower position within the City as a disciplinary action, usually due to poor performance, misconduct, or violation of City policies, resulting in reduced responsibilities and often a lower salary compared to their previous role; it's considered a form of corrective action intended to correct behavior or other violation(s) before potential termination.

Termination

Certain acts of misconduct justify the immediate termination/dismissal of an employee and termination may be the first step if the situation warrants it. Department directors must discuss such acts of misconduct with the Human Resources Director.

In any case, approval from the department director and the Human Resources Director is required to terminate an employee's employment. Should the supervisor wish to recommend termination, the supervisor must confer with the department director before initiating action to terminate the employee's employment. In addition, the supervisor and/or department director must confer with the Human Resources Director prior to initiating the discharge action. This conference shall be used to assure that all parties adhere to all legal and accepted personnel management procedures.

7.3 Grievances

A grievance is a disagreement over a specific formal disciplinary action taken: *involuntary demotion, suspension, termination*, all which must be submitted in writing to the Human Resources Department.

The City encourages an open environment in which any problem, complaint, grievance, suggestion, or question is resolved in a timely and equitable manner. Employees are allowed to present grievances without fear of retribution. The filing of a grievance will not affect the City's ability to pursue disciplinary or termination actions. An employee failing an introductory period will have no right to appeal a termination.

Supervisors shall respond to an employee's concerns and assist them in solving their problems. The City encourages employees to go up the chain of command to resolve issues. However, if that is not possible, employees may contact Human Resources for assistance.

Grievance/Appeal Procedure

The following grievance/appeals process will be utilized:

Step 1: If an employee alleges a grievance, then the employee should first attempt to affect a settlement of the matter with the immediate supervisor through prompt and thorough discussion. If this joint effort fails to resolve the problem, the employee must put their complaint in writing and present it to the department director within two business days.

Step 2: The department director will notify the employee in writing of their decision within five days of receiving the appeal. A copy of the grievance and decision will be provided to Human Resources to be placed in the employee file. The employee may accept or appeal the decision of the department head to the City Manager in writing within three business days of the department director's decision.

Step 3: The City Manager shall make a final decision on the grievance within ten business days of receipt of the grievance. This decision is final and will exhaust any and all of the administrative processes relating to the employee's original grievance filed.

Any grievance by an employee concerning the City Manager should be submitted to the City Attorney.

Section 8: State and Federal Laws Applicable to All Employees

8.1 Break Time for Nursing Mothers

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Employees will be provided with a private place, other than a bathroom, which is shielded from view and free from intrusion from co-workers and the public to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

All employees who breastfeed their child and who need to express milk during the working day shall collaborate with their supervisor and/or the Human Resources Department to determine how best to accommodate the needs of the employee while still accomplishing the performance of her job.

Breaks of more than 15 minutes in length shall be unpaid, and the employee should indicate this break period on her time record. Employees may substitute accrued vacation and/or compensatory leave for the unpaid time. Should the employee perform any work while expressing breast milk, the time shall be compensated.

The City shall not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk in the workplace.

For more information on the related federal policy: <https://www.dol.gov/whd/nursingmothers/>

8.2 Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals will be required to pay the entire premium for coverage, up to 102 percent of the cost of the plan. Employees who are discharged for gross misconduct are not eligible for this benefit.

Separated employees will be notified by the City's COBRA Administrator via regular USPS mail concerning the application, cost, and deadlines associated with continuing health coverage.

For more information on the related federal policy: <https://www.dol.gov/general/topic/health-plans/cobra>

8.3 Equal Employment Opportunity

The City is an Equal Opportunity Employer. The City employs individuals on the basis of qualifications, merit, and business need without regard to race, national origin, religion, color, sex, age, disability, genetic information, or any other characteristic protected by law, or other factors as prohibited by law. Employees who engage in unlawful discrimination or harassment will be subject to disciplinary action, up to and including termination. Department directors, managers, and supervisory personnel are responsible for implementing this policy within their areas of responsibility. Supervisory personnel who receive a report involving potential discrimination must make immediate contact with the Human Resources Director.

Designation of EEO Coordinator

The Human Resources Director is designated as the City's EEO Coordinator. This policy shall be uniformly applied by all levels of management in every department, division, and work unit of the City.

For more information on the related federal law:

<https://www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/posters/pdf/eeopost.pdf>

8.4 Americans With Disabilities Act (ADA) & Amendment Act (ADAAA)

To ensure compliance with the Americans with Disabilities Act (ADA) and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunities to qualified individuals and prohibits

discrimination against qualified individuals on the basis of disability. To the extent possible, the City will accommodate individuals with disabilities in the application, hiring, and employment process.

Designation of ADA Coordinator

The Human Resources Director is designated as the City's [ADA Coordinator](#). This policy shall be uniformly applied by all levels of management in every department, division, and work unit of the City.

Requesting Reasonable Accommodations

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by the Human Resources Department and send it to the attention of the Human Resources Director. The City requests sufficient notice, when possible, to give time to consider the requested accommodation.

When an individual seeks accommodation, the City may request written documentation from any relevant professional who has knowledge of the employee's condition describing the impairment; the nature, severity and duration of the impairment; the activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform certain activities.

Interactive Process

The Human Resources Director will engage in the interactive process with the employee to assist with the accommodation process.

8.5 Family Medical Leave Act

Employees who have completed one year of service and have worked 1,250 hours in the past 12 months are eligible for family and medical leave in accordance with the [Family and Medical Leave Act of 1993 \(FMLA\)](#).

[FMLA](#) provides eligible employees up to twelve work weeks of unpaid leave and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their [FMLA](#) leave.

The [FMLA](#) also provides certain military family leave entitlements. Eligible employees may take [FMLA](#) leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to twenty-six (26) weeks of [FMLA](#) leave in a single twelve (12) month period to care for a covered service member with a serious injury or illness.

In accordance with the [FMLA](#), the City will grant job-protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks per twelve (12) month period for any one or more of the following reasons:

1. In order to care for a child following the child's birth, adoption, or placement in foster care with the employee, leave must be taken within the twelve (12) month period following the child's birth or placement with the employee.
2. In order to care for an immediate family member (spouse, child, or parent) of the employee, if such immediate family member has a serious health condition.
3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
4. The employee must attend a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

FMLA Definitions

- A. "12 Month Period" means a rolling 12-month period measured backward from the date leave is taken.
- B. "12 Month Service Member Period" means a single 12-month period measured forward from the first day Service Member Family Leave is taken.
- C. "Child" means a child either under eighteen (18) years of age, or older than eighteen who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or stepchild. For purposes of a child on active duty or call to active-duty contingency leave, or for **Service Member Family Leave**, the child may be of any age.
- D. "Parent" means a biological parent of an employee, parent by adoption of the employee, or an individual who stood in place of a parent to an employee when the employee was a child.
- E. "Next of Kin" means the nearest blood relative of a **Covered Service Member**.
- F. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves: 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three consecutive calendar days and that involves continuing treatment (two or more visits within thirty (30) days) by a healthcare provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a healthcare provider.

Coverage and Eligibility

To be eligible for family/medical leave an employee must have worked for the City for at least twelve (12) months total and have worked at least 1250 hours over the previous 12-month period.

Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodate recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child unless the City grants permission in its discretion.

Use of Paid Leave

An employee is required to utilize all accrued paid leave while on family/medical leave. When an employee has exhausted all of his/her accrued paid leave, the remainder of his/her FMLA leave will be unpaid.

Notification Requirements

Employee Notice Requirement

- A. An employee must give thirty (30) days' notice in the event of foreseeable leave. A Request for Leave under the Family and Medical Leave Act (FMLA) form should be completed by the employee and returned to the Human Resources Department.
- B. If an employee fails to give thirty (30) days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
- D. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

Employer Notice Requirements

- A. Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the City learns the leave may be for an **FMLA** qualifying reason, the City will provide written notice stating whether the employee is eligible for **FMLA** leave, and if not eligible, at least one reason why.
- B. Notice of Designation of Leave: Within five (5) days after the employee requests or the City learns of the need for FMLA leave, the Human Resources Department will provide a written notice stating

whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains.

Medical Certification

- A. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed Certification of Health Care Provider for Employee's/Family Member Serious Health Condition form and return the certification to the Human Resources Department. Medical certification must be provided by the employee within fifteen (15) days once requested.
- B. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

Effect on Benefits

- A. An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the City. In case of the birth or placement of a child, the employee must update their health insurance within thirty (30) days of the life event.
- C. After thirty (30) days of unpaid leave, the employee must pay all benefit premiums no later than the tenth day of each month. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage.
- D. An employee is entitled to their seniority and benefit accrual during the 12 weeks of FMLA.
- E. Employees will receive Holiday pay while on FMLA.

Job Protection

Upon return to work following FMLA leave, the employee will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.

Unlawful Actions and Enforcement of FMLA Rights

It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in proceedings relating to FMLA.

For more information on the related federal policy:

<https://www.dol.gov/whd/fmla/fmla-faqs.htm#1>

8.6 Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) requires the City to ensure that certain medical information regarding an employee is maintained in a confidential manner; and protects health insurance coverage for employees and their families when they change or lose their jobs. In compliance with this Act, the City maintains all medical information confidential files; and provides employees with notices regarding their rights to continued coverage and ensures the City health insurance providers comply with this Act.

It is the policy of the City to limit the use or disclosure of protected health information (1) only as permitted or required by the Privacy Rule, as described in the Notice of Privacy Practices; or (2) as authorized in writing by the individual who is the subject of the information.

Reference: <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>

8.7 Whistleblower Protection Act

The City complies with the Texas Local Government Code, Section 554.002, whereby the City may not suspend or terminate the employment of, or take other adverse personnel action against a city employee, who in good faith, reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

In this section, a report is made to an appropriate law enforcement authority if the authority is part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to investigate or prosecute a violation of criminal law.

For more information on the related federal/state policy: <https://www.whistleblowers.gov>

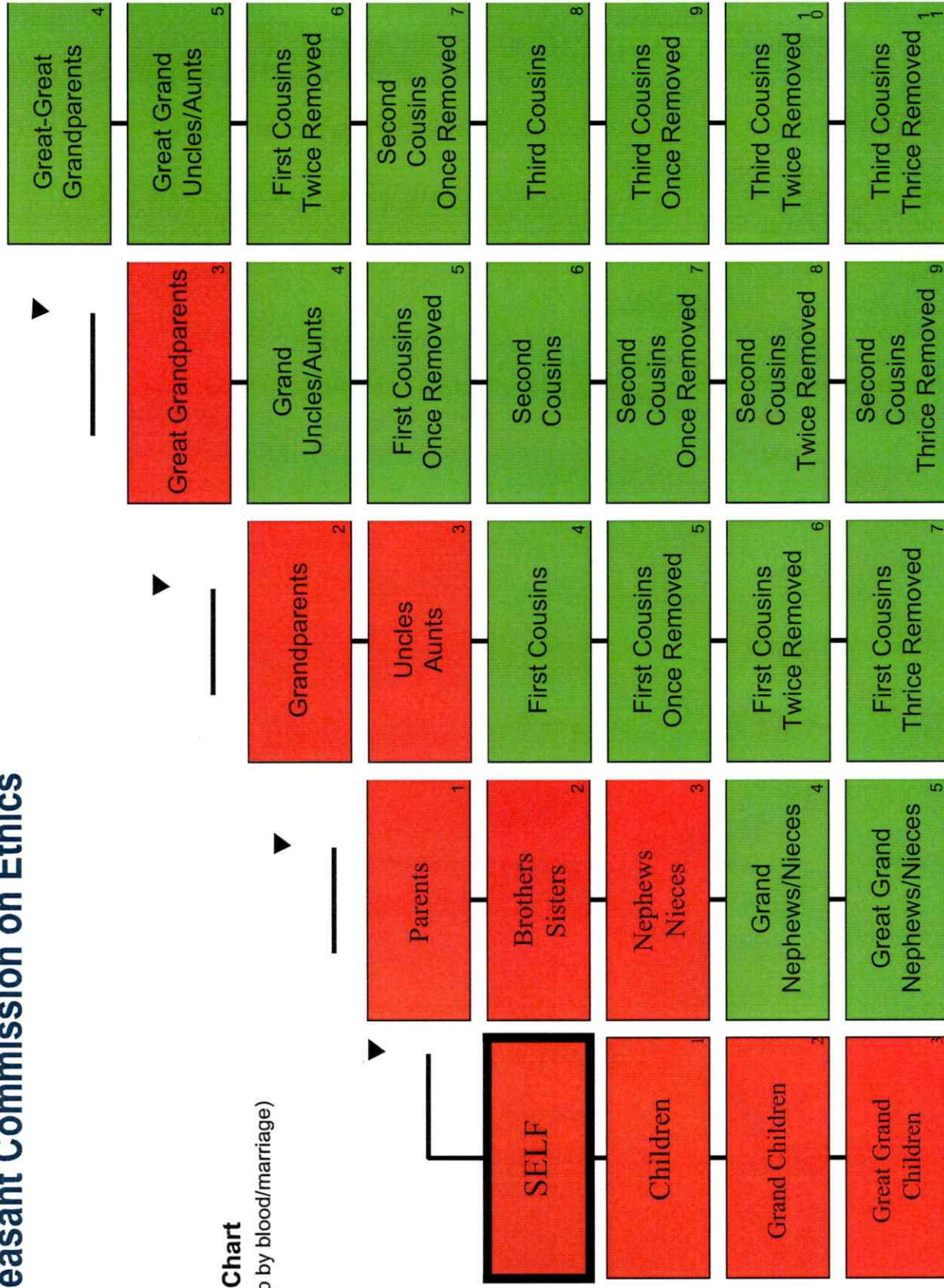
Appendix

- A - Nepotism Relationship Chart
- B - Personnel Action Form
- C - Outside Employment Disclosure Form
- D - Incentive Pay Guidelines
- E - Cell Phone Allowance Authorization Form
- F - Family Medical Leave Request Form
- G -Time Off Request Form
- H - Prohibited Technology Acknowledgement Form
- I - Travel Request and Advancement Form
- J - Confidentiality of Information Acknowledgement
- K - Wage Deduction Acknowledgement Form
- L-Positions Subject to DOT Regulations and Safety Sensitive Positions

City of Mount Pleasant Commission on Ethics

Consanguinity/Affinity Chart

(Degrees of family relationship by blood/marriage)



Instructions:

For Consanguinity (relationship by blood) calculations:

Place the public officer/employee for whom you need to establish relationship by consanguinity in the blank box. The labeled boxes will then list the relationships by title to the public officer/employee. Anyone in a box numbered 1, 2, or 3 is within the third degree of consanguinity. Texas Ethics in Government Law addresses consanguinity within third degree by blood, adoption or marriage.

For Affinity (relationship by marriage) calculations:

Place the spouse of the public officer/employee for whom you need to establish relationship by affinity in the blank box. The labeled boxes will then list the relationships by title to the spouse and the degree of distance from the public officer/employee by affinity. A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree is the same as the degree of underlying relationship by blood.

CITY OF MOUNT PLEASANT, TEXAS PERSONNEL ACTION FORM

() APPOINTMENT (BLUE) () CHANGE OF STATUS (YELLOW) () TERMINATION (PINK)

1. EFFECTIVE DATE	2. EMPLOYEE NAME		3. EMPLOYEE NUMBER
4. ADDRESS	PRESENT STATUS	NEW STATUS	10. POSITION CATEGORY
			() REGULAR
5. DEPARTMENT			() TEMPORARY
6. ACCOUNT NUMBER			() PART-TIME
7. JOB TITLE/CODE			
8. PAY CLASS/HOURS			
9. PAY RATE	\$ _____ PER _____	\$ _____ PER _____	

11. ACTION (STATE DETAILS UNDER COMMENTS) () INITIAL HIRING SUBJECT TO SUCCESSFULLY COMPLETING: ___ DRUG/ALCOHOL SCREENING ___ PSYCHOLOGICAL EXAM ___ MEDICAL EXAM ___ OTHER (_____) () CHANGE NAME/ADDRESS () MERIT INCREASE () CHANGE OF PAY RATE () PROMOTION () DEMOTION () SUSPENSION () LEAVE OF ABSENCE () TRANSFER	12. TERMINATION REASONS (STATE DETAILS UNDER COMMENTS) () 1. VIOLATED POLICY () 6. PERSONAL () 2. LAY-OFF () 7. RETIRED () 3. ANOTHER JOB () 8. HEALTH/DEATH () 4. RELOCATION () 9. OTHER (DESCRIBE) () 5. FAILED TO REPORT
---	--

13. CLEARED BY DEPARTMENT FOR FINAL CHECK () YES () NO

ITEMS TO BE TURNED IN _____

14. RECOMMENDED FOR REHIRE () YES () NO (EXPLAIN UNDER COMMENTS IF NO IS CHECKED)

COMMENTS: _____

APPROVALS	
15. DEPARTMENT HEAD	16. DATE
17. DIRECTOR OF HUMAN RESOURCES	18. DATE
19. CITY MANAGER	20. DATE
PERSONNEL OFFICE USE ONLY	
DATE RECEIVED	

SEND ORIGINAL - COPY SHOULD REMAIN IN DEPARTMENT
NOTE: USE BACK OF THIS PAGE IF ADDITIONAL WRITING SPACE IS NEEDED



Outside Employment Disclosure Form

Employee Name: _____

Job Title: _____

Department: _____

Supervisor: _____

Director: _____

Work Schedule

Days per week: _____

Hours per day: _____

Please be advised that I, _____, work an additional job outside of my employment with the City of Mt. Pleasant, at:

(Name of 2nd Employer/Company)

Location: _____

Start Date: _____

Type of Work: _____

Work Schedule

Days per week: _____

Hours per day: _____

I commit that my employment with _____ will not interfere with my employment with the City of Mt. Pleasant in any way, including my performance, efficiency, cause a conflict of interest, or cause a safety issue for me or my co-workers, nor require the use of City time or equipment.

I understand and commit that the eight (8) hours immediately prior to the beginning of my shift with the City will be free to allow sufficient rest, unless approved by my immediate supervisor and director.

If I am unable to perform the duties of this job due to an injury or other incapacity caused by or during my outside employment, the City will not be held responsible for benefits under the City's workers' compensation programs.

Should my supervisor observe a decline in my job performance, attendance, or other indicators that my second job may be interfering with my job with the City of Mt. Pleasant, I may be counseled or disciplined, up to and including termination of my employment.

(Employee Signature)

Date


(Supervisor Signature)

Date

(Director Signature)

Date

Cc: Employee HR/Personnel File

	City Policies & Administrative Directives		
	Policy Number	Page Number 1 of 2	Origination Date: Revision Date:
	Subject Incentive Pay Guidelines		Date: _____ City Manager Signature

PROCEDURES

In order for any Department to provide this incentive pay to any employee, the Department must first propose and secure approval within the annual budget process. Upon adoption of the annual operating budget of the City, Departments must publish its funded, adopted incentives and specify eligible certifications, licenses and college degrees included in the program for the coming fiscal year, for each position eligible within the department.

Certifications/Licenses Incentive Pay

Employees eligible to receive the incentive pay for the certifications and licenses identified and approved by their department director will receive payment for certification or license, for the following:

Firefighter:

Intermediate - \$125.00/month
 Advanced - \$175.00/month
 Master - \$225.00/month
 Fire Inspector - \$50.00/month
 Fire Investigator - \$50.00/month

Peace Officer:

Intermediate - \$125.00/month
 Advanced - \$175.00/month
 Master - \$225.00/month

Telecommunicator:

Intermediate - \$50.00/month
 Advanced - \$100.00/month
 Master - \$150.00/month

Detective Pay:

\$100.00/month

FTO Pay:

(Paid per MPPD Procedure: FTO Pay)
 (\$20.00/shift worked as an FTO)

Corporal Pay:


\$200.00/month

K-9 Pay:

\$350.00/month

EDUCATION INCENTIVE PAY

Employees who earn their Associate's, Bachelor's, or Master's Degree in their related field may also be eligible to receive education incentive pay. Departments may offer education incentive pay if same is included as their departmental incentive program and included in the approved annual operating budget for their department. Education incentive pay will not be paid if the degree is a minimum requirement listed in the position's job description.

	City Policies & Administrative Directives		
	Policy Number	Page Number 2 of 2	Origination Date: Revision Date:
	Subject Incentive Pay Guidelines		Date: _____ City Manager Signature

Education incentive pay will be paid as follows:

Associate's

\$100.00 monthly

Bachelor's

\$150.00 monthly

Master's

\$200.00 monthly

College credit hours will not be substituted for any degree. Employees must receive an official degree from a state or nationally accredited College or University.

Bilingual Pay:

\$150.00/month

RECORDKEEPING

Each department is responsible for maintaining up-to-date records of their employees' certification, licenses, any renewal of CEU's, and ensuring the proper documents are sent to the Human Resources department for recording in the employee's personnel file.



CELL PHONE ALLOWANCE AUTHORIZATION FORM

Employee Name: _____ Employee ID #: _____

Job Title: _____ Department: _____

Account to be Charged: _____

- ☐ New Monthly Allowance Request _____
- ☐ Revised Monthly Allowance Request _____
- ☐ Terminate Monthly Allowance _____

Cell Phone Allowances are paid through the payroll process and are considered taxable income. Allowances will be made the first pay period of each month after the Payroll Office receives this form and supporting documentation of a cell phone

Business Purpose of the Allowance/Reason for Change:

Employee Certification and Signature:

I certify that I will use the funds requested toward the business use, and promptly report any changes in the level of those business expenses to my Department Director. I further certify that I have read, understand, and intend to comply with the City's Prohibited Technology Policy and other related policies.

Signature of Employee

Date

Department Director Certification and Signature:

I certify that the requested allowance is needed for this employee to cover work-related expenses due to cell phone use. I further certify that I have read, understand, and intend to comply with the City's Wireless Phone Policy.

Signature

Date

City Manager Approval:

Signature

Date

Family and Medical Leave Act (FMLA) Request Form

To be completed by employee

Employee's Name		Department	Phone Number	
Job Title			Employee ID	
<input type="checkbox"/> Initial Application		Home Phone #:		
Reason for Leave of Absence <input type="checkbox"/> Own illness (not work related) <input type="checkbox"/> Care for ill parent/spouse/child <input type="checkbox"/> Other (specify)		Answer all: Do you have company medical insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have company dental insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you currently on another leave? <input type="checkbox"/> Yes <input type="checkbox"/> No Have you or will you be filing a Disability insurance claim? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Requested start date	Anticipated end date	Requested intermittent or reduced work schedule		
<i>An FMLA leave of absence is a leave without pay. Paid leave (using accrued sick time or vacation hours) shall be substituted for the unpaid leave in accordance with the Family Medical Leave Act Policy.</i>				
I understand that I am required to use accrued paid time off until leave concludes or accrued balance is depleted. Below is an estimate of paid time off available in my account.			Date Begins (mm/dd/yy)	Date Ends (mm/dd/yy)
Hours				
Accrued sick leave				
Accrued vacation leave				
Employee's Signature			Date	

I understand that I am required to complete a FMLA Leave Certification of Health Care Provider form and submit the form to Human Resources before my leave commences. I understand that if my leave is approved, my time away from work will be charged against my 12 week leave maximum under FMLA. Upon approval of this requested leave, I am required to utilize all paid time available to me prior to going into an unpaid leave status. In the event that I go into an unpaid status while on leave, I understand that I must contact Human Resources to make arrangements to pay my portion of health insurance premiums.

I request the following forms for my FMLA leave of absence:

1. Certification of Health Care Provider: This form is to be completed by either my health care provider (if this leave is for my own serious health condition) or by my family member's health care provider (if this leave is for the serious health condition of a spouse, parent, or child). My physician must complete this entire form. **Failure to complete this form may delay or prevent my leave approval.**
2. Continuation of Benefits While on FMLA Leave: This is an agreement between my employer and myself to continue my benefits while on FMLA leave and a financial arrangement for my portion of health care premiums.
3. Notification of FMLA Status (Approval/Denial): This is to notify me that my employer is designating the leave as FMLA leave and to inform me in writing of the specific expectations and obligations required by my employer under FMLA.
4. Request to Return From FMLA Leave: I should fill out the top portion of the form, notifying Human Resources of the date of my return. For my own serious health condition, the bottom portion of the form (fitness-for-duty certification) should be filled out by my Health Care Provider and returned to Human Resources on the day I return to work from FMLA leave.

I understand that the Certification of Health Care Provider form should be returned to Human Resources within 15 days. If I am not able to return the form within the allowed timeframe, I will contact Human Resources for assistance.

If this information is not received in the required timeframe, my leave will be considered unauthorized.

Print Name

Employee Signature



CITY OF MOUNT PLEASANT EMPLOYEE TIME OFF REQUEST (PER PAY PERIOD)

SECTION ONE: (Employee completes and submits to Department Director/Supervisor)

NAME: _____ DATE OF REQUEST: _____ EMPLOYEE#: _____

DEPARTMENT: _____ JOB TITLE: _____

Use table below to indicate requested days off using the following codes. (Write the letter in the box to correspond with the date)

SL: Sick Leave CT: Comp Time V: Vacation BL: Bereavement Leave

WC: Worker's Comp ML: Military Leave NP: No Pay JD: Jury Duty

FOR "SL" CIRCLE NECESSARY REASONS FOR TAKING LEAVE

Sickness/Doctor's Appt

Spouse/Child/Parent/Siblings/Self

FOR "BL" Death: _____

Hours requested per leave type

SL: _____ CT: _____ V: _____ BL: _____

WC: _____ ML: _____ NP: _____ JD: _____

MONTH (S)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

Total Hours Requested: (All leave types) _____

Leave Due to FMLA: Y/N

Employee Signature: _____ Date: _____

SECTION TWO: (Department Director/Supervisor completes and submits to Human Resources)

DEPARTMENT DIRECTOR/SUPERVISOR: ☐ APPROVED ☐ NOT APPROVED

EXPLANATION (IF NOT APPROVED): _____

Department Director/Supervisor Signature: _____ DATE: _____



Prohibited Technology Policy Acknowledgement

In compliance with [SB 1893](#) prohibiting the use of certain social media applications covered under [Chapter 620 of the Texas Local Government Code](#), I understand that I am prohibited from using or installing (downloading) any covered applications on any City owned or leased devices I may use or access during my employment or association with the City. This includes cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

I also understand that I will be restricted from accessing any “app stores” or unauthorized software repositories using the City’s internet for the purposes of installing them on my personal devices or accessing them on my personal devices while working on City premises where I may be connected to the City’s internet, unless given permission from my department director or City Manager for a specific work-related purpose. If given authorization to use a covered application, I understand that revealing my location, or approximate location, through GPS, Bluetooth, or other methods is prohibited.

I have read the City’s [Prohibited Technology Policy](#) and understand my responsibility to comply with the restrictions imposed to provide protection against the ongoing and emerging technological threats to our government’s sensitive information and critical infrastructure. Should I have any questions regarding this policy or any of the prohibitions, I will address them to my supervisor, department director, Human Resources, or the IT Department.

I understand the City will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership. And, if I am found to have violated this policy, I may be subject to disciplinary action, including termination of employment.

ACKNOWLEDGED:

Signature

DATE: _____

Printed Name

Department



CITY OF MOUNT PLEASANT

Travel Request Form

EMPLOYEE: _____

DEPARTMENT: _____

PURPOSE : _____
(NAME OF CONFERENCE/SEMINAR/TRAINING)

DESTINATION: _____
City State

DEPARTURE DATE: / / RETURN DATE: / /

MILEAGE (if approved to use personal vehicle)
OF MILES ROUND TRIP (SHORTEST ROUTE) _____ X \$0.67 = \$
(attach GoogleMaps of Route)

MEALS <https://www.gsa.gov/travel/plan-book/per-diem-rates>

FIRST DAY OF TRIP	X \$	\$ _____
# OF DAYS _____	X \$	\$ _____
LAST DAY OF TRIP	X \$	\$ _____
Single Day Trip	X \$	\$ _____

LODGING/HOTEL: (Estimated cost of hotel, if not included in conference/seminar) \$ _____

OTHER EXPENSES: \$ _____
(Itemize) \$ _____
\$ _____
\$ _____

TOTAL REQUEST FOR ADVANCEMENT: \$ 0.00

DEPARTMENT ACCOUNT NUMBER: _____

"I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT STATEMENT OF MY OFFICIAL CITY BUSINESS TRAVEL REQUEST AND ADVANCEMENT"

EMPLOYEE SIGNATURE DATE

DEPARTMENT DIRECTOR SIGNATURE Date

CITY MANAGER DATE

****OUT OF STATE TRAVEL MUST BE APPROVED BY THE CITY MANAGER****



Confidentiality of Information Acknowledgement Form

The City of Mt. Pleasant, its officials and employees are obligated to protect the confidentiality of business information that is vital to the interest and success of the City, and to comply with state and federal laws and regulations that govern the City organization, its employees, and its citizens, and to avoid unnecessary disclosure of non-confidential internal information about the City, its employees, its customers, and its vendors.

Employees are expected to use discretion and judgement when dealing with information and are to refrain from passing along information, gossip, rumors, or anything else that may constitute an invasion of a person's privacy or breach of confidence. An employee who engages in this type of behavior will be disciplined, up to and including termination.

Employee Acknowledgement Statement:

I understand that I should not discuss City business information that is vital to the interest and success of the City, and to comply with state and federal laws and regulations that govern the City organization, its employees, and its citizens, and to avoid unnecessary disclosure of non-confidential internal information about the City, its employees, its customers, and its vendors. I understand that I should not discuss medical or other personal information of others and that I should not engage in gossip, rumors, or anything else that may constitute an invasion of a person's privacy or breach of confidence. I understand that if I have concerns that I should discuss them only with my supervisor or Human Resources.

Employee's Signature

Print Name

Date

Voluntary Wage Deduction Authorization Form

Today's Date: ____/____/____

Effective Date: ____/____/____

Employee Name: _____ DOH: ____/____/____
First Last

Employee No: _____ Department: _____

Type of Deduction	Total Requested Amount	Deduction Amount Per Pay Period

I hereby authorize the City of Mount Pleasant to make the above deductions from my pay in accordance with the above terms. I understand and agree that I am responsible for satisfying the above amounts owed to the City. I understand and agree that any amount that is due and owing at the time of my termination, regardless of whether my termination was voluntary or involuntary, will be deducted from my last paycheck or any other amounts that may be owed to me. This document authorizes the City to retain the entire amount of my last paycheck in compliance with state and federal regulations. I further understand and agree that deductions will be made after any mandatory taxes as well as for any employer programs in which I have enrolled, for which I am eligible, or to which I have agreed. *Reference: Texas Payday Law [Rule 821.28\(b\)](#).*

Employee Signature

HR or Finance Director

WAGE DEDUCTION AUTHORIZATION ACKNOWLEDGEMENT

I understand and agree that the City of Mount Pleasant, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. my share of the premiums for the City's group medical/dental plan;
2. any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the City;
3. installment payments on loans or wage advances given to me by the City, and if there is a balance remaining when I leave the City, the balance of such loans or advances;
4. if I receive an overpayment of wages for any reason, repayment to the City of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the City and I agree in writing to a series of smaller deductions in specified amounts);
5. the cost to the City of personal long-distance calls I may make, or messages I may send, using City phones (land lines or cell phones) or City accounts, of personal faxes sent by me using City equipment or City accounts, or of non-work-related access to the Internet or other computer networks by me using City equipment or City accounts;
6. the cost of repairing or replacing any City supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the City during my employment (*except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or, if I am a salaried exempt employee, reduce my salary below its predetermined amount*);
7. administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
8. if I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from the City before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered; and
9. if my employer pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under the applicable City benefit plan, the amount of such payments made by the City, such payments being an advance of future wages payable to me.

I agree that the City may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that the City has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

Employee Signature

_____/_____/_____
Date

Employee Printed Name

City Representative

Appendix A:
Positions Subject to DOT Regulations and Safety Sensitive Positions

All employees that hold a Commercial Driver's License (CDL) and operate a Commercial Motor Vehicle with a gross vehicle weight rating of 26,001 pounds or more are subject to DOT drug testing.

SAFETY SENSITIVE POSITIONS

Electrician	Parks Technician I, II	Utilities Technician I, II, III
Fire Fighter	Public Works Director	Wastewater Operator I, II, III
Fleet Foreman	Senior Telecommunicator	Wastewater Treatment Foreman
Fleet Technician I, II	Telecommunicator	Water Treatment Plant Operator I, II, III
Law Enforcement Officer	Streets Maintenance Technician I, II, III	Welder
Parks Foreman	Utilities Director	

C. Substance Abuse Program Administrator

The Substance Abuse Program Administrator is:

Director of Human Resources
501 N. Madison Ave.
Mount Pleasant, TX 75455

Nothing in this section shall alter the "at will" employment status of the employee and the above enumerated items shall not be the only grounds for dismissal.

CHAPTER 34: CODE OF ETHICS

Section

- 34.01 Definitions
- 34.02 Policy and purpose
- 34.03 Unethical activity
- 34.04 Cumulative legal effect

- 34.99 Penalty

§ 34.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCRETIONARY AUTHORITY. The power to exercise any judgment in a decision or action.

EMPLOYEE. Any person employed by the city, including those individuals employed on a part-time basis, but such term shall not be extended to apply to any independent contractor.

ENTITY. A sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

OFFICER OR OFFICIAL. Any member of the City Council and any appointive member of a board, commission, authority or committee set up by ordinance, the charter or state law on a permanent basis, but no members of a board, commission, authority or committee that functions only in an advisory or study capacity and which has no discretionary authority.

REMOTE INTEREST. An interest of a person or entity, including an official, who would be affected in the same way as the general public. The interest of a Council member in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or other similar decision is a remote interest to the extent that the Council member is affected in common with the general public.

SUBSTANTIAL INTEREST. An interest in another person or an entity if:

- (1) The interest is ownership of 5% or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
- (2) Funds received by the person from the other person or entity either during the previous 12 months or the previous calendar year equaled or exceeded \$5,000.00 in salary, bonuses, commission or professional fees or \$20,000.00 in payment for goods, products or nonprofessional services, or 10% of the person's gross income during that period, whichever is less;
- (3) The person serves as a corporate officer or member of the Board of Directors or other governing board of the for-profit entity, other than a corporate entity owned or created by the City Council; or
- (4) The person is a creditor, debtor or guarantor of the other person or entity in an amount of \$5,000.00 or more.

SUBSTANTIAL INTEREST IN REAL PROPERTY. An interest in real property which is an equitable or legal ownership with a market value of \$5,000.00 or more.

SUBSTANTIAL INTEREST IN PARTNERSHIPS, PROFESSIONAL CORPORATIONS AND OTHER ENTITIES. If a city official or employee is a member of a partnership or professional corporation, or conducts business through another entity, a substantial interest of the partnership, professional corporation or entity shall be deemed to be a substantial interest of the city official or employee if:

- (1) The partnership or professional corporation has fewer than 20 partners or shareholders;
- (2) Regardless of the number of partners or shareholders, the official or employee has an equity interest, share or draw equal to or greater than 5% of the capital or revenues of the partnership, professional corporation or other entity; or
- (3) With regard to the partnership, professional corporation or other entity's substantial interest in a client, the official or employee has personally acted within the preceding 24 months in a professional or fiduciary capacity for that client.

('87 Code, § 2-171) (Am. Ord. 1990-18, passed 11-6-90)

§ 34.02 POLICY AND PURPOSE.

(A) It is declared to be the policy of the City of Mount Pleasant that the proper operation of democratic government requires that:

- (1) City officials and employees be independent, impartial and responsible only to the people of the city;
- (2) Governmental decisions and policies be made using the proper procedures of the governmental structure;
- (3) No city official or employee have any interest, direct or indirect, nor engage in any business transaction or professional activity, nor incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest;
- (4) Public office not be used for personal gain;
- (5) The City Council be maintained as a nonpartisan body;
- (6) City officials and employees fully comply with state statutes and laws, as amended, concerning conflicts of interest.

(B) In furtherance of this policy, the City Council has determined that it is advisable to enact this Code of Ethics for all city officers, officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms and provisions.

('87 Code, § 2-172) (Am. Ord. 1990-18, passed 11-6-90)

§ 34.03 UNETHICAL ACTIVITY.

No officer, official or employee of the city shall:

- (A) Accept any gift or favor of more than \$25.00 in value from any person or entity that might reasonably tend to influence such officer, official or employee in the discharge of official duties or grant in the discharge of official duties any improper favor, service or thing of value;
- (B) Use his or her official position to solicit or secure special privileges or exemptions for himself or herself or others;
- (C) Disclose information that could adversely affect the property, government or affairs of the city or directly or indirectly use any information gained by reason of his or her official position or employment for his or her own personal gain or benefit or for the private interest of others;
- (D) Transact any business on behalf of the city in his or her official capacity with any business entity with which he or she is an officer, agent or member or in which he or she owns a substantial interest. In the event that such a circumstance should arise, then in the case of an officer or official, he or she shall make known such interest and abstain from voting on the matter, or in the case of reassignment, state the reasons for doing so and have nothing further to do with the matter involved;
- (E) Engage in any outside activities which will conflict with, or will be incompatible with, his or her assigned duties in the employment of the city, or reflect discredit upon the city, or which is employment with the city will give him or her an advantage over others engaged in a similar business, vocation or activity;
- (F) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his or her duties and responsibilities with the city or which might impair his or her independent judgment in the performance of his or her public duties;
- (G) Receive any fee or compensation for his or her services as an officer, official or employee of the city from any source other than the city, except as may otherwise be provided by law. This shall not prohibit an officer, official or employee from performing the same or other services that he or she performs for the city for a private organization if there is no conflict with his or her city duties and responsibilities;
- (H) Represent, directly or indirectly, or appear in behalf of the private interest of others before any agency, board, commission, authority or committee of the city or represent any private interest of others in any action or proceeding involving the city or participate on behalf of others in any litigation to which the city might be a party or even accept any retainer or compensation that is contingent upon a specific action being taken by the city or any of its agencies, boards, commissions, authorities or committees;
- (I) Use the prestige of his or her position in behalf of any political party or engage in any political activity which does not maintain the nonpartisan policy of the city; provided however, that all employees are encouraged to register and vote as they may choose in all local, state and national elections;
- (J) Knowingly perform or refuse to perform any act in order to deliberately hinder the execution and implementation of any city ordinances, rules or regulations or the achievement of official city programs.

('87 Code, § 2-173) (Am. Ord. 1990-18, passed 11-6-90) Penalty, see § 34.99

§ 34.04 CUMULATIVE LEGAL EFFECT.

In its legal effect, this chapter is cumulative of all provisions of the City Charter, this code or state statutes or laws defining and prohibiting conflicts of interests.

('87 Code, § 2-175) (Am. Ord. 1990-18, passed 11-6-90)

§ 34.99 PENALTY.

(A) Any city officer, official or employee violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in § 10.99.

(B) The penalty prescribed herein shall not limit the power of the City Council to discipline its members pursuant to applicable provisions of the City Charter, this code or state statutes or laws defining and prohibiting conflicts of interests.

(C) The penalty prescribed herein shall not limit the power of the City Manager to discipline those employees under the City Manager's supervision pursuant to applicable provisions of the City Charter, this code, the adopted personnel policies of the city or state statutes or laws defining and prohibiting conflicts of interests.

('87 Code, § 2-174) (Am. Ord. 1990-18, passed 11-6-90)



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Lynn Barrett, Director of Development Services

Department: Planning

Subject: Discussion and staff presentation on procedures for city substandard structure demolitions.

Item Summary:

Staff presentation and City Council discussion on city substandard demolition processes and procedures and cost recovery through liens.

Recommendation(s):

Discussion of procedures for voluntary and involuntary demolitions in the city and cost recovery methods.

Attachments:

[Substandard Discussion for Council](#)

[UNSAFE BUILDING ABATEMENT CODE](#)

Substandard/Dilapidated Structures Discussion March 4, 2025

Funding Budgeted has been \$50,000 per fiscal year

1. Two City Codes address this and which closely mirror state law in Chapter 214
 - Chapter 150 of Mount Pleasant Code of Ordinances
 - Adopted 2018 International Property Maintenance Code
2. Definitions of what constitutes Substandard/Dilapidated/Dangerous Structures
 - Buildings found to be dilapidated for habitation and hazardous to public health/safety due to rot, decay, neglect; are unsecured or accessible; have code violations; or with structural risks that pose a menace or are liable to collapse
3. Substandard Process outlined in code
 - A. Offending structure identified by code officers, photos and/or physical inspection
 - B. Owner informed by letter and given corrective actions expected (repair, remove, demolish) and time frame of 10 days
 - C. If unsatisfactory progress or no action taken, then additional notice sent that the case would advance to a City Council hearing and give adequate notice (certified and/or personal service) to owner and all lien holders of impending scheduled hearing, the date and require any construction plans to remediate the structure be brought to the hearing along with financial plans and timeline.
 - D. City Council hears the case and if concurring with staff, would give orders to owner to repair remove or demolish and authorize city action after 30 days if the owner has not done so.
 - E. For demolitions, the city uses a contractor who gives bid for each property demo
 - a. Currently no annual bid process to choose annual demo contractor
 - b. Currently only one contractor provides demo bids
 - c. Most cities have an annual contract with typical structure costs included that is offered to all demo contractors and awards the winner
 - F. After demolition, the owner is billed for the expense. If not paid within 30 days, the city files a lien which is recorded at the courthouse and follows the property to be due upon change of ownership.
 - a. State law allows 10 percent annual interest charges if unpaid
 - b. The city of Mount Pleasant does not currently charge interest
4. Alternate Process for Voluntary Surrenders -- not yet addressed in City Code
 - A. Owner contacts city or responds to initial letter of code violation
 - B. Signs waiver form giving city permission for demolition of structure
 - C. No City Council case is begun
 - D. City contractor gives bid for work and demolishes the structure

- E. Previously in City no liens filed for these-- resulting in free work at city expense
- F. Discussion of Council Alternatives as Action to Authorize
 - a. State law prohibits taxpayer funding from benefiting private parties
 - b. The Texas Constitution (Article III, Section 52) prohibits cities from spending public funds for private benefit unless it serves a clear public purpose
 - c. Demolishing a privately owned structure at the owner's request, without a broader public health/safety justification, might be seen as a private benefit rather than a public good
 - d. Voluntary surrenders typically require owners to bear the cost of demolition
 - Source of payment could be owner direct repayment
 - Source of payment could be lien filed
 - Occasionally city is offered property in payment
- 5. Potential for redevelopment and blight remediation through grant opportunities
 - A. Federal CDBG (Community Development Block Grant) programs allow funding for repair, demolition and redevelopment
 - B. Could potentially include voluntary CDBG-funded blight removal
 - C. Programs can allow for voluntary demos in targeted areas through strict eligibility guidelines up to an annual awarded amount each year
- 6. Council Considerations**
 - A. Staff recommendation is for clear code defined alternate program for voluntary demolition utilizing city Demo funds
 - B. Funding mechanisms for payment back, liens or property in lieu of payment as options
 - C. Decision needed on whether to charge interest on liens
 - D. Council to decide its Approval and Oversight of Voluntary Surrender demo processes
 - E. Staff recommendation is for contractor annual bid list or award process be instituted for typical structure demos
 - F. Decision on whether Voluntary Surrenders are eligible for 100 percent expenditure of funds for each fiscal year or if a percentage formula of Council ordered demolitions should be utilized
 - G. Council weigh-in on option of federal CDBG program participation

UNSAFE BUILDING ABATEMENT CODE

§ 150.015 DANGEROUS STRUCTURES.

There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from unsafe and dangerous structures the Tex. Local Gov't Code, §§ 214.001 et seq., Chapter 214, Subsection A, as the same now exists or may hereafter be amended.

(Ord. 1998-2, passed 4-7-98)

§ 150.016 RIGHT OF ENTRY.

(A) The Building Official or his or her authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this code.

(B) When entering a building, structure or premise that is occupied, the Building Official shall first identify himself or herself, present proper credentials and request entry. If the building, structure or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the Building Official or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

(C) No person, owner or occupant of any building or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the Building Official or his or her authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.

(Ord. 1998-2, passed 4-7-98)

§ 150.017 INSPECTIONS.

The Building Official, the Fire Official and other authorized representatives are authorized to make such inspections and take such actions as may be required to enforce the provisions of this subchapter. The Building Official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the Building Official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the condition by repair, vacation or demolition or combination thereof.

(Ord. 1998-2, passed 4-7-98)

§ 150.018 MINIMUM STANDARDS FOR BUILDINGS.

A dangerous building is any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(A) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic;

(B) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic;

(C) The stress in any material, member or portion thereof due to all imposed loads including dead load exceeds the stresses allowed in the Standard Building Code for new buildings;

(D) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings;

(E) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings;

(F) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used;

(G) The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse;

(H) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county or state law;

(I) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance;

(J) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, which constitutes a fire hazard, or is otherwise dangerous to human life or, which, in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ord. 1998-2, passed 4-7-98)

§ 150.019 NOTICE OF PUBLIC HEARING.

(A) After the Building Official has determined in his or her opinion that a building structure or portion thereof is unsafe, a public hearing shall be conducted by the City Council. A notice of hearing before the City Council shall be served personally or by certified mail, return receipt requested, to the owner, lienholder and/or mortgagee 14 days prior to hearing date set before the City Council.

(B) The notice shall contain:

(1) The address and legal description of the building;

(2) A statement indicating the building has been declared dangerous by the Building Official and a detailed report documenting the conditions determined to have rendered the building dangerous under the provisions of this subchapter;

(3) The date, time and location of hearing;

(4) A statement that the owner, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this subchapter and the time it will take to reasonably perform the work.

(Ord. 1998-2, passed 4-7-98)

§ 150.020 NOTICE TO BE FILED.

A notice shall be filed with the County Clerk and contain the name and address of the owner of the affected property, if that information can be determined, legal description and information concerning the public hearing.

(Ord. 1998-2, passed 4-7-98)

§ 150.021 PUBLIC HEARING.

(A) In conducting a hearing, should the City Council find that building structure or portion thereof is unsafe, the City Council shall require the owner, lienholder or mortgagee of the building to within 30 days:

(1) Secure the building from unauthorized entry; or

(2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

(B) If the City Council allows the owner, lienholder or mortgagee more than 30 days to repair, remove or demolish the building, the Council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Building Official.

(C) The City Council may not allow the owner, lienholder or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(D) If the Council allows the owner, lienholder or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the Council shall require the owner, lienholder or mortgagee to regularly submit progress reports to the Council to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the Building Official to demonstrate compliance with the time schedules.

(E) In a public hearing to determine whether a building complies with the standards set out in this subchapter, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.

(Ord. 1998-2, passed 4-7-98)

§ 150.022 NOTICE OF ORDER.

Within ten days after the date of the public hearing and order issued by the City Council, the following shall be done:

- (A) File a copy of the order with the City Secretary;
- (B) Publish in a newspaper of general circulation in the city a notice containing the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the hearing and subsequent order issued and instruction stating where a complete copy of the order may be obtained;
- (C) Notice of order shall be mailed to the owner, lienholder or mortgagee by certified mail, return receipt requested. If the United States Postal Service returns notice marked as "refused" or "unclaimed" the validity of the notice is not affected and shall be deemed delivered.

(Ord. 1998-2, passed 4-7-98)

§ 150.023 NONCOMPLIANCE WITH ORDER.

(A) If the building is not vacated, secured, repaired, removed or demolished or the occupants are not relocated within the allotted time, the city may vacate, secure, remove or demolish the building or relocate the occupants at its own expense.

(B) If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk. The notice must contain the name and address of the owner, if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city and the balance due.

(C) If the notice is given and the opportunity to relocate the tenants of the building or to repair, remove or demolish the building is afforded to each mortgagee and lienholder as authorized by this subchapter, the lien is a privileged lien subordinate only to tax liens.

(Ord. 1998-2, passed 4-7-98)

§ 150.024 DILIGENT EFFORT TO NOTIFY.

The city satisfies the requirements of this subchapter to make a diligent effort, to use its best efforts or to make a reasonable effort to determine the identity and address of an owner, a lienholder or a mortgagee if the city searches the following records:

- (A) County real property records of the county in which the building is located;
- (B) Appraisal district records of the appraisal district in which the building is located;
- (C) Records of the Secretary of State;
- (D) Assumed name records of the county in which the building is located;
- (E) Tax records of the city; and
- (F) Utility records of the city.

(Ord. 1998-2, passed 4-7-98)

§ 150.025 EMERGENCY MEASURES FOR DECLARING A BUILDING OR STRUCTURE UNSAFE.

When there exists an emergency, as defined in this section, certain measures may be taken, notice which shall be given of the order therefor and the procedures which shall be followed in carrying out said measures are as follows:

(A) When it shall appear to the City Building Official and/or the Fire Marshal that a building or structure in the city is a dangerous building under the terms of this subchapter and that such building or structure or the manner of use constitutes an immediate and serious danger to life or property, the condition shall be deemed to

justify the use of emergency measures and upon being so advised by the City Building Official and the Fire Marshal, the City Manager may order any of the following emergency measures to be taken:

- (1) Immediate vacation of such building or structure or of adjoining building or structures;
- (2) Vacation of the danger area around such building or structure;
- (3) Such emergency shoring up and bracing walls, roofs and supports as are required to render such building or structure safe;
- (4) The destruction of such walls, roofs and supports of the entire structure or so much thereof as cannot be braced or made secure with safety;
- (5) Posting of notices on or near such building or structure which notify the public of such orders and order all persons to keep out of such building or structure and the area of danger surrounding it.

(B) The city shall give notice before the eleventh day after the date such action is taken, to the owner by:

- (1) Personally serving the owner with written notice;
- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
- (3) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; and
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(C) The notice must contain:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the municipal standards that is present at the building;
- (3) A statement that the city will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the building.

(D) The city shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within 30 days after the date the city secures the building, the owner files with

the city a written request for the hearing. The city shall conduct the hearing within 20 days after the date the request is filed.

(E) A city has the same authority to assess expenses under this section as it has to assess expenses under § 150.021. A lien is created under this section in the same manner that a lien is created under § 150.021. and is subject to the same conditions as a lien created under that section.

(Ord. 1998-2, passed 4-7-98)



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Staff Contact: Greg Nyhoff, City Manager

Department: Administration

Subject: City Manager's Report

Item Summary:

Updates from Greg

Financial Impact:

N/A

Recommendation(s):

no motion needed



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Department:

Subject: EXECUTIVE SESSION

Item Summary:

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following:

Consider appointment, duties, employment, and contract for City Manager--**Consultation with Attorney (Tex. Gov't Code §551.071) and Personnel Matters (Tex. Gov't Code §551.074)**

'Personnel Matters' and 'Consultation with Attorney' discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of a public officer or employee. (Tex Gov't Code 551.074 and 551.071) City Attorney



AGENDA ITEM REPORT

Meeting: City Council - Mar 04 2025

Department:

Subject: Discussion and Approval of City Manager's Contract. *CONFIDENTIAL*

**AGREEMENT FOR PROFESSIONAL SERVICES &
EMPLOYMENT AS CITY MANAGER
CITY OF MOUNT PLEASANT, TEXAS**

WHEREAS; the City Council of the City (the "Council") is given the power and authority under Article XI, Section 1 of the City Charter to appoint and supervise, the City Manager ("Manager"); and

WHEREAS; the Council and the Manager believe that an employment agreement negotiated between the Council, on behalf of the City, and the Manager can be mutually beneficial to the City, the Manager, and the community they serve and is in the best interests of public welfare; and

WHEREAS; when appropriately structured, the Council and the Manager believe an employment agreement can strengthen the Council-Manager relationship by enhancing the excellence and continuity of the management of the City for the benefit of its citizens; and

WHEREAS; City Council entered into a contract with Kimberly Meek as City Manager for the City of Mount Pleasant, Texas on March 4, 2025; and

WHEREAS; The City desires to employ Kimberly Meek as Manager of Mount Pleasant on the terms outlined herein; and

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, and hereinbefore stated, the parties hereto agree as follows:

Section 1: Employment Agreement between the City of Mount Pleasant and Kimberly Meek

This Agreement is by and between the City of Mount Pleasant, Texas, located in Titus County, Texas, a municipal corporation, (hereinafter called "Employer") and Kimberly Meek, (hereinafter called "Manager") an individual who has the education, training and experience in local government management and who, as a member of ICMA, is subject to the ICMA code of Ethics, both of whom agree to the terms and conditions of employment as the City Manager of the City of Mount Pleasant as follows:

Section 2: Term

The term of this Agreement shall be indefinite, and this Agreement shall be and remain in full force and effect until terminated by the Manager or the City Council as herein provided (the "Term"). Manager shall serve at the pleasure of the City Council and nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Council, or Manager, to terminate this Agreement subject to the applicable provisions of the Mount Pleasant City Charter.

Section 3: Duties and Authority

Subject to successful completion of all new employee paperwork, drug tests and background checks, Employer and Manager agree that Kimberly Meek shall be employed as Manager and the chief administrative officer of the City beginning March 10, 2025 to perform the duties and functions specified in Article XI, Section 5 and other provisions of the City Charter and in this Agreement, and by Ordinances and Policies of the City of Mount Pleasant and to perform other

legally permissible duties and functions as directed by the City Council of the City of Mount Pleasant.

Reassignment: The Manager cannot be reassigned from the position of City Manager to another position without the Manager's prior written consent.

Council Meetings: Except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the Manager or the Manager's designee shall attend, all meetings of the Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on this Agreement, or any amendment thereto, the Manager's evaluation, legal advice relating to the City Manager, or for purposes of resolving conflicts between individual Council members

Section 4: Compensation

Base Salary: Employer agrees to pay Manager an annual base salary of One Hundred and Eighty Thousand dollars (\$180,000.00) with the Employer, payable in installments at the same time that the other employees of the Employer are paid.

Consideration shall be given on an annual basis to increase compensation based upon performance. Increased compensation can be in the form of a salary increase.

Manager acknowledges that increases are at the sole discretion of Employer and dependent upon the budget situation and other factors as determined by the Employer. This Agreement shall be automatically amended to reflect any salary adjustments that are approved by the City Council.

Section 5: Health, Disability and Life Insurance Benefits

The Employer agrees to pay the same premiums for hospitalization and major medical insurance coverage and other health benefits for the Manager pursuant to the benefit plans provided by the Employer for its employees.

Section 6: Vacation and Sick Leave

At the outset of her employment, Manager shall be provided with a starting balance of 120 hours of vacation and 80 hours of sick leave for use during the first year of her employment ("Initial Balance"). The Initial Balance of said leave shall not carry over beyond the first year of employment or be paid at separation from employment. At the outset of her employment, Manager shall also begin accruing vacation and sick leave in accordance with the City policies as may be amended from time to time at a rate of not less than 120 hours of vacation and 80 hours of sick leave per year ("Accrued Leave"). This Accrued Leave can be used by the Manager beginning on the first anniversary of her employment with the City. The Manager may carry over the Accrued Leave as permitted by the City policies, as may be amended from time to time. The balance of the Accrued Leave shall be paid to Manager at separation in accordance with the City's policies, as may be amended from time to time.

Section 7: Automobile Allowance

The Employer agrees to pay to the Manager, during the term of this Agreement and in addition to other salary benefits herein provided, the sum of \$600.00 per month, as a vehicle allowance to be

used to purchase, lease, or own, operate and maintain a vehicle. The Manager shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. The Manager is eligible for fuel reimbursement if the Manager travels more than fifty (50) miles away from City Hall on City business that is non-personal and job-related.

Section 8: Retirement

The Manager will participate in the Employer's standard retirement plan (TMRS) established for the employees of the City of Mount Pleasant.

Section 9: General Business Expenses

The City agrees to pay or reimburse membership dues in Mount Pleasant Rotary, ICMA, TCMA, TAMIO and GFOAT and for reasonable expenses incurred in the attendance at annual conferences and/or regional conferences. Such reasonable expenses shall be defined as including conference registration fees, coach/economy airfares, hotel accommodation and meals in accordance with the City's travel policy. In addition, the City agrees to reimburse reasonable expenses incurred in attendance at the TML Annual Conference, and two other professional development conferences or training opportunity as approved by Council. Developing and maintaining professional association contacts and standing provide the City access to valuable resources, and reasonable participation and related travel by the Manager. All dues, continuing education and travel expenses are subject to annual appropriation by the City Council.

Technology: The City agrees to provide the Manager with a mobile phone for city business and laptop. In addition to use for official city business, such phone and laptop may be used for incidental personal use. At the conclusion of Manager's employment with City, Manager agrees to return mobile phone and laptop provided for her use.

Section 10: Residence

Manager agrees to commence and maintain residency within the Mount Pleasant City Limits no later than six (6) months of her employment commencing with Employer. Should Manager fail to comply with this Section 10 then City Council may, at its sole discretion, terminate the employment of Manager and Manager shall not be entitled to the severance provided for in Section 14 of this Agreement.

Section 11: Hours of Work

It is recognized that the Manager must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Manager shall be allowed to establish an appropriate work schedule, with approval from the Employer.

Section 12: Performance Evaluation

Employer shall annually review in the month of March, the performance of the Manager subject to a process, form, criteria, format for the evaluation which shall be mutually agreed upon by the Employer and Manager. The annual evaluation, at a minimum, shall include the opportunity to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written annual evaluation should be completed and

delivered to the Manager within seven (7) days of the evaluation meeting. It is the responsibility of the Manager to initiate scheduling for all performance evaluations. Employer shall review the base salary and other benefits of the Manager and may increase any or all of those benefits based on the performance evaluations conducted under this Section.

Section 13: Outside Activities

In accordance with the City Charter, Manager shall not perform any duties for any person, firm, corporation, or institution other than the City of Mount Pleasant, and shall not be interested in the profits or emoluments of any contract, job, work or service of the City or any entity over which the City of Mount Pleasant has regulatory authority. Nothing in this agreement shall prohibit Manager from having ownership interest in business, firms, or corporations provided that they do not do business with the City of Mount Pleasant or are subject to the City of Mount Pleasant's regulatory authority. Manager shall furnish to Employer a statement detailing any outside business activities of the Manager, if any, conducted within Titus County. Said statements shall be deemed confidential by the parties hereto and shall be maintained as a part of the personnel file of the Manager.

Section 14: Termination, Severance and Resignation

The Parties agree Manager serves at the will and pleasure of the entire Council and the City Council, on a majority vote of the entire City Council, may terminate this Agreement and Manager's employment with the City subject to the terms and conditions of this Section 14.

A. Termination without Cause. If Manager's employment is terminated without cause during the first eighteen (18) months of the Manager's employment with the City, and Manager is then willing and able to perform all of the duties of the Manager under this Agreement, then, in that event, Employer shall pay to Manager an amount equal to nine (9) months base salary paid in either a lump sum or over regular payroll intervals as determined by the City. If Manager's employment is terminated without cause after the Manager has completed eighteen (18) months of the Manager's employment with the City, and Manager is then willing and able to perform all of the duties of the Manager under this Agreement, then, in that event, Employer shall pay to Manager an amount equal to six (6) months base salary paid in either a lump sum or over regular payroll intervals as determined by the City. In addition, the Employer shall pay to Manager earned and accrued vacation and sick leave in accordance with this Agreement and the City's personnel policies. In the event that a severance is paid to Manager, Manager must agree to contemporaneously execute and deliver to the City a full Release of any and all claims that she may have against the City. The failure to execute and deliver such release shall nullify any obligation by the City to pay severance. Payment of any severance will be paid in accordance with the terms of the Release.

B. Termination for Cause. In the event Manager's employment is terminated for cause by the Employer at any time after this Agreement is executed, Employer shall have no obligation to pay any severance or other benefit payments. "For cause" shall mean termination upon: (i) the breach of this Agreement by Manager; (ii) embezzlement, fraud, theft, or dishonesty, or a commission of a crime involving fraud or deception; (iii) breach of fiduciary responsibilities, misfeasance, malfeasance, or gross negligence of Manager in the performance or non-performance of his duties; (iv) failure to follow lawful instructions or directions for the Council; (v) negligence in the

performance of the duties of Manager after written warning by the Council; (vi) failure to satisfactorily execute or perform the duties of Manager, after written warning by Council; (vii) conduct by Manager which is demonstrably detrimental to the reputation of the Employer or the Manager; (viii) determination by Council, by a majority vote of the entire Council, that the Manager engaged in sexual harassment; (ix) or violations of the City's personnel policies.

C. Suspensions. Employer may suspend Manager pursuant to this paragraph C only. Any suspension of Manager inconsistent with the terms of this paragraph C shall be considered a termination within the meaning and context of paragraph A above.

Upon the presentment of a written complaint to Manager by Council alleging (i) the breach of this Agreement by Manager; (ii) embezzlement, fraud, theft, or dishonesty, or a commission of a crime involving fraud or deception; (iii) breach of fiduciary responsibilities, misfeasance, malfeasance, or gross negligence of Manager in the performance or non-performance of her duties; (iv) failure to follow lawful instructions or directions for the Council; (v) negligence in the performance of the duties of Manager after written warning by the Council; (vi) failure to satisfactorily execute or perform the duties of Manager, after written warning by Council; (vii) conduct by Manager which is demonstrably detrimental to the reputation of the Employer or the Manager; (viii) determination by Council that the Manager engaged in sexual harassment; (ix) or violations of the City's personnel policies, then the Council may, but is not obligated to, suspend Manager with pay for purposes of investigating the allegations presented.

Council may suspend Manager with or without pay upon a finding of (i) the breach of this Agreement by Manager; (ii) embezzlement, fraud, theft, or dishonesty, or a commission of a crime involving fraud or deception; (iii) breach of fiduciary responsibilities, misfeasance, malfeasance, or gross negligence of Manager in the performance or non-performance of her duties; (iv) failure to follow lawful instructions or directions from the Council; (v) negligence in the performance of the duties of Manager after written warning by the Council; (vi) failure to satisfactorily execute or perform the duties of Manager, after written warning by Council; (vii) conduct by Manager which is demonstrably detrimental to the reputation of the Employer or the Manager; (viii) determination by Council that the Manager engaged in sexual harassment; (ix) or violations of the City's personnel policies.

D. Voluntary Resignation. If Manager voluntarily resigns from the position of City Manager, Manager shall give the Council no less than thirty (30) days' notice in writing in advance unless the Council agrees otherwise. In the event Manager voluntarily resigns the position of City Manager, the Employer shall have no obligation to pay Manager any amount provided for under this Section 14. However, the balance of the Accrued Leave provided in Section 6. shall be paid to Manager at separation in accordance with the City's policies, as may be amended from time to time.

E. Retirement. If the City Manager retires from full-time public service with the City, the Manager shall provide three (3) months' advance notice. In the event Manager retires from the position of City Manager, the Employer shall have no obligation to pay Manager any amount provided for under this Section 14. However, the balance of the Accrued Leave provided in Section 6. shall be paid to Manager at separation in accordance with the City's policies, as may be amended

from time to time. In the event the City Manager dies while employed by the City under this Agreement, the Manager's beneficiaries or those entitled to the Manager's estate shall be entitled to the Manager's earned salary, and the balance of the Accrued Leave provided in Section 6. in accordance with the City's policies, as may be amended from time to time.

F. Reduction of Salary and Benefits. In the event Employer, at any time during the term of this Agreement, reduces the salary, compensation, or other financial benefits of Manager in a greater percentage than an applicable across the board reduction of all other employees of the Employer, or Manager resigns following a formal request for his resignation by the City Council during a City Council meeting, then, in that event, Manager may, at his option, be deemed to be "terminated without cause" at the date of such reduction or upon the request for resignation within the meaning and context of Section 14.A. herein.

Section 15: Relocation

The Employer agrees to pay Manager three thousand five hundred dollars (\$3,500.00) to assist Manager in expenses to relocate to the City of Mount Pleasant. Said relocation expenses will be paid to Manager within thirty (30) days of commencing employment with Employer. If Manager voluntarily resigns from her employment with Employer less than twenty-four (24) months after commencing employment with Employer, Manager shall reimburse the City for said relocation expenses.

Section 16: Insurance

The Employer is a member of the Texas Municipal League Intergovernmental Risk Pool and agrees to maintain existing insurance coverage or equivalent insurance coverage for City officials acting within the scope of their employment with the City. Nothing in this section shall be construed as limiting the City's authority to reduce the insurance coverage of all City Officials equally based on budgetary or other business reasons.

Section 17: Indemnification

To the extent it may be permitted by applicable law, including, but not limited to Texas Civil Practice & Remedies Code Chapter 102, the City does hereby agree to defend, hold harmless, and indemnify Manager from any and all demands, claims, suits, actions, judgments, expenses and attorneys' fees incurred in any legal proceedings brought against Manager in the Manager's individual or official capacity as an employee and as City Manager, providing the incident(s), which is (are) the basis of any such demand, claim, suits, actions, judgments, expenses and attorneys' fees, arose or does arise in the future from an act or omission of Manager, as an employee of the City, acting within the course and scope of the Manager's employment with the City; excluding, however, any such demand, claim, suits, actions, judgments, expenses and attorneys' fees for those claims or any causes of action where it is determined that the Manager committed official misconduct, or committed a willful or wrongful act or omission, or an act or omission constituting gross negligence, or acted in bad faith; and excluding any costs, fees, expenses or damages that would be recoverable or payable under an insurance contract, held either by the City or by the Manager. The selection of the Manager's legal counsel shall be with the mutual agreement of the Manager and the City if such legal counsel is not also City's legal counsel.

City will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. This indemnification shall extend beyond and survive the termination of employment and the expiration of this Agreement.

Section 18: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

Section 19: Other Terms and Conditions of Employment

The Employer, only upon agreement with Manager, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Mount Pleasant Charter or any other law.

Section 20: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

EMPLOYER:

Mayor
City of Mount Pleasant
501 North Madison
Mount Pleasant, Texas 75455

MANAGER:

Kimberly Meek

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 20 General Provisions

Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Manager relating to the employment of the Manager by the Employer. All previous agreements by or between the parties are rendered null and void by this Agreement. This agreement may be amended only by an instrument in writing executed by both parties. Such amendments shall be incorporated and made a part of this agreement.

Binding Effect. This Agreement shall be binding on the Employer and the Manager as well as their heirs, assigns, executors, personal representatives and successors in interest.

Effective Date. This Agreement shall become effective upon approval by the City Council of the City of Mount Pleasant, said date to be affixed as the date of signature by the Mayor of the City of Mount Pleasant on this Agreement (the "Effective Date").

Severability. In the event that any provision of this Agreement is held to be invalid by a court of law, Employer and Manager shall endeavor to amend the Agreement to reflect the original intent of the invalid provision(s) or a mutually agreeable new provision. If Employer and Manager are unable execute a mutually agreeable amendment to the Agreement within seventy-five (75) days of any final judgement regarding the invalid provisions this Agreement, then this Agreement shall terminate.

Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Texas and, in the event of a dispute hereunder, venue shall lie exclusively in Titus County, Texas.

Counterparts. This Agreement may be executed in duplicate original counterparts, each of which when so executed shall be deemed to be an original, and such counterparts shall together constitute but one in the same instrument.

Benefits. Benefits referencing City Policy in this Agreement are based on the City Policy in effect on the date of this Agreement unless otherwise provided herein.

Section 21 Funding Process

The Employer's agreement contained herein shall be payable out of current revenues and/or fund balance.

IN WITNESS WHEREOF, the Employer and Manager executed this Agreement effective as of the date listed below.

CITY OF MOUNT PLEASANT, TEXAS

CITY OF MOUNT PLEASANT, TEXAS

Tracy Craig, Mayor

Kimberly Meek, City Manager

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

Candias Webster, City Secretary

Lea A. Ream, City Attorney
Davidson, Troilo, Ream, Garza, PC