

City of La Vista



Council Policy Statements

City of La Vista

Council Policy Statements

La Vista City Council Policy Statements are written statements of principles, guidelines, or rules adopted by a city council to govern its actions and decisions on various city matters. These policies guide the council's approach to service delivery, programs, and overall governance, reflecting the council's values and strategic goals. They are formally approved, amended, or rescinded by the council itself.

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Recreation: Scheduling, Operation and Maintenance of City Fields

To establish a standard policy for scheduling, priority of scheduling, and regulating the use of the City of La Vista's ball fields, the following shall be the policy for scheduling and use of the ball fields:

Administrative Policies

- A. City of La Vista ball fields are intended to accommodate the recreational needs of La Vista citizens, organized City of La Vista ball teams, and organized ball teams under the sponsorship of Papillion – La Vista School District.
- B. The City's Recreation Director will be responsible for the day-to-day scheduling of the ball fields.
- C. The City's Public Works Director will be responsible for the maintenance of the ball fields.

Priority Schedule for La Vista City ball fields

- 1. La Vista Recreation Youth Teams
- 2. La Vista Recreation Adult Teams
- 3. Teams sponsored by the Papillion – La Vista School District
- 4. Individual La Vista residents
- 5. Private organizations that may have one or more La Vista residents on the team

Scheduling

- A. Teams desiring to schedule use of City ball fields shall schedule through the City's Recreation Director not earlier than one-week prior to the desired time of use and not later than 24 hours prior to the desired day of use. Information for scheduling shall include the day, date, and time of use (beginning time and ending time), identification of sponsor or organization and name of ball team.
- B. Persons or organizations scheduling the ball field shall be issued a permit designating the field and scheduled time of use. Permits shall be obtained from the City's Recreation Director during the week in which the field is scheduled for use. Permits shall be picked up Monday through Friday between 9:00am – 5:00pm at the La Vista Community Center.

Periods of Operation

- A. La Vista fields shall be available for team play and practice normally during the period March 1 – October 31, or until the end of each designated season. The exact time and day of opening and closing of ball fields shall be determined by the Recreation Director, based on weather conditions and maintenance capabilities.
- B. All La Vista ball fields shall be closed for a 2-week period at the end of each ball season to permit maintenance and preparation of football fields.
- C. The Recreation Director shall cancel the use of any ball field when weather conditions dictate, i.e., too wet or muddy for use and damage may result.

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Recreation: Scheduling, Operation and Maintenance of City Fields

Marking of Ball Fields

The City's Public Works Department shall be responsible for marking each field throughout the season.

General Rules

- Sponsoring teams and individuals are responsible for the conduct of their membership and all activities. Users of the ball fields shall ensure that the area is left in a good state of repair.
- Any damage to ball field facilities shall be reported to the Recreation Director.
- Teams scheduling ball fields shall not monopolize the use of the facilities prior to or after their scheduled time.

Waiver of Building Permit Fees for Political Subdivisions

It shall be the policy of the City Council of the City of La Vista that the political subdivisions of the State of Nebraska which levy property taxes within the corporate limits of the City of La Vista may request a waiver of the following building permit fees:

- Building permit fee;
- Plumbing permit fee;
- Mechanical permit fee;
- Plan Review fee;
- Sidewalk fee; and
- Drive approach fee.

Eligible political subdivisions as defined above may make a request for the waiver of the fees identified above in writing to the City Administrator at the time of application for a building permit. A determination will be made by the City Administrator prior to the issuance of a building permit.

Prior to approving the waiver of fees, the City Administrator shall consider whether the facility being constructed will primarily serve residents of the City of La Vista, the financial impact to the City's General Fund and other related criteria.

It shall be the policy of the City Council of the City of La Vista that in no case will the City Administrator waive fees in an amount greater than \$20,000.00 per lot.

It shall be the policy of the City Council of the City of La Vista that in no case will the City consider a waiver of fees that have been previously paid.

It shall be the policy of the City Council of the City of La Vista that in no case will the City waive the following fees that are commonly charged at the time of application for a building permit:

- Sewer tap;
- Sewer Connection;
- Certificate of Occupancy;
- Out-of-pocket City costs such as City Engineers Fees or Design Review Fees.

It shall be the policy of the City Council of the City of La Vista that in no case will the City waive fees for any building permit which is not owned and operated by a political subdivision of the State of Nebraska that levies property taxes within the corporate limits of the City of La Vista.

Upon waiver or denial of a request for a waiver of any building permit fees in accordance with this Policy, the City Administrator shall provide written notification to the Mayor and City Council of his/her determination. It shall be the policy of the City Council that the decision of the City Administrator shall be final.

Municipal Pool: Hours of Operation, Opening, Closing and Refunds

The following is the policy of the City Council of the City of La Vista pertaining to the hours of operation of the municipal pool, the deviation from the same, and the refund of admission charges.

Recreation Director Responsibilities

It shall be the responsibility of the City's Recreation Director to determine, consistent with the standards herein established to determine when a deviation from the hours of operation of the municipal pool, as established herein, is warranted.

Normal Hours of Operation

The La Vista Municipal Pool will, under normal conditions, be open to the public from:

- 1:00pm to 9:00pm Monday through Sunday during the months of May, June, and July.
- 1:00pm to 8:00pm Monday through Friday during the month of August.
- 1:00pm to 6:00pm, Saturday and Sunday in August.

Note: The Pool Manager reserves the right to deviate from these hours due to the presence of conditions specified in the next section of this Policy Statement.

Deviation from Normal Hours of Operation

Deviations from the Normal hours of operation of the municipal pool may be made under the following conditions:

1. The temperature outside must be at least 70 degrees in order for the pool to open.
2. The pool will not open in the event of inclement weather, such as rain and or lightning.
3. If, during the normal hours of operation, inclement weather conditions such as rain and lightning develop, the pool will be closed and no refunds will be made.
4. If, at the normal opening time, the pool water is too "cloudy" to allow continued public swimming, all persons will be asked to leave the water and wait while an attempt is made to clear up the condition. No refunds will be made.
5. If, during the normal hours of operation, the pool must be closed due to malfunctioning equipment (including a condition of "cloudy" water, which cannot be corrected) and at least one hour of swim time is lost as a result, refunds will be given to persons who paid at the door.

Library: Usage, Operation and Scheduling of Meeting Rooms

To establish standard policy for the City of La Vista Public Library standard operation policies for usage, operation and scheduling of meeting rooms.

Administrative Policies

- A. City of La Vista Public Library Meeting Rooms (“Library Meeting Rooms”) are intended to accommodate the needs of the Public Library and administrative City of La Vista activities and as available the needs of the Metropolitan Community College (“MCC”) Sarpy Center.
- B. The City’s Library Director or designee will be responsible for the day-to-day scheduling of the meeting rooms.

Priority Schedule for Library Meeting Rooms

- 1. La Vista Public Library.
- 2. Other City of La Vista administrative users.
- 3. Other City of La Vista users, as authorized by the City Administrator and considered city related activity.
- 4. Metropolitan Community College Sarpy Center users.

Note: Private organizations and/or individual citizens are not eligible for usage of the meeting rooms.

Scheduling

Permitted users desiring to schedule use of the Library Meeting Rooms shall schedule through the City’s Library Director or designee not earlier than six months prior to the desired time of use and not later than 72 hours prior to the desired day of use. Information for scheduling shall include the day, date, and time of use (beginning time and ending time).

Periods of Operation

- A. Library Meeting Rooms shall be available normally Monday through Thursday from 8 a.m. to 9 p.m., Friday through Saturday from 8 a.m. to 5 p.m., Sunday from 1 p.m. to 5 p.m.
- B. The exact times and dates of Library Meeting Room availability shall be determined by the Library Director or designee, based on hours of Library operation and MCC Sarpy Center operation, holiday closings and maintenance capabilities.

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Council Policy Statement

Library: Usage, Operation and Scheduling of Meeting Rooms

General Rules

- Library Meeting Room users shall be responsible for the conduct of their meeting participants at all times. Users of the Library Meeting Rooms shall insure that the area is left in a good state at conclusion of use.
- Any damage to Library Meeting Rooms shall be reported to the Library Director.

Consumption of Alcoholic Beverages on Municipal Property

It shall be the policy of the City Council of the City of La Vista that the sale and consumption of alcoholic beverages on municipal property shall be closely restricted.

A permit by the City Council shall be required for the sale or consumption of alcoholic beverages on municipal property. A permit may be issued to a non-profit public service organization, based in La Vista. The permit shall be limited to one annual fundraising activity per year, per organization. Proceeds from any fundraising activity must be expended exclusively within the City of La Vista for the general betterment of its citizen (examples of eligible events are La Vista Days Beer Garden, La Vista Volunteer Fire Department Water Fights).

Requests for a permit shall be submitted in writing to the City Clerk at least 30 days prior to the scheduled activity and shall include the name of the organization, the activity for which the permit is sought, and the date, time and place of the activity for which the permit is requested. Additionally, in cases where the activity is not a City of La Vista sponsored event, the applicant must identify compliance with all State of Nebraska Liquor License Laws for the sale of alcoholic beverages (e.g. application for a Special Designated Permit).

Private parties may apply to the city Council for permission to serve alcohol on municipal property only when the following conditions are met:

1. Alcoholic beverages are distributed by a caterer/bartender licensed by the State of Nebraska to sell/serve alcoholic beverages offsite.
2. An off-duty police officer is contracted with for security and is present during the event.
3. A \$200 refundable security/damage deposit is due upon approval of the permit for any event at the Community Center.

Requests for a permit shall be submitted in writing to the City Clerk and shall include the name of the individual, the activity for which the permit is sought, and the date, time and place of the activity for which the permit is requested.

Prior to the approving a permit for a private party the City Council shall consider the following:

1. Will issuance of the permit and the presence of alcohol unreasonably interfere in the public's enjoyment of municipal facilities such as a park or the Community Center?
2. Will issuance of the permit and the presence of alcohol present an undesirable atmosphere for the youth of La Vista at municipal facilities such as a park or the Community Center?

Recognition Dinner and Service Award Maximums

The purpose of this policy statement is to establish the maximum cost per person for recognition dinners and for service awards for employees, volunteers and officials of the City.

Nebraska Revised Statute §13-2203(2)(iii) and Nebraska Revised Statute §13-2203(3) authorizes municipalities to expend public funds for one recognition dinner each year and service awards for employees, volunteers and officials of the municipalities.

Public funds may be expended for nonalcoholic beverages and meals provided at one recognition dinner each year held for elected and appointed officials, employees, or volunteers of the City of La Vista. The maximum cost per person for such dinner established by formal action of the governing body, shall not exceed fifty dollars (\$50). An annual recognition dinner may be held separately for employees of each department or separately for volunteers, or any of them in combination, if authorized by the governing body.

The expenditure of public funds for plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on City of La Vista government boards or commissions shall not exceed two hundred dollars (\$200). Before amending the amount of this expenditure, the governing body shall by official action, after a public hearing, amend this policy statement which sets a dollar limit on the value of the plaque certificate of achievement, or item of value to be awarded. This amount shall not be amended or altered more than once in any twelve-month period.

Naming a City Park or Recreation Facility

All City of La Vista parks and recreational facilities shall be identified by a name established by the Mayor and City Council.

The following procedure shall be used in naming a city park or recreational facility:

1. Prior to the approval of a name for a city park or recreational facility, the La Vista Park and Recreation Advisory Board shall be requested to provide a recommendation to the Mayor and City Council.
2. The La Vista Park and Recreation Advisory Board shall hold a public hearing to ensure input from all citizens in the community prior to making a recommendation to the Mayor and City Council.

Generally, the Mayor and City Council discourage the naming of a new or existing park after any individual (living or deceased) because there is a significantly larger number of individuals who play important roles in the community than there are new parks to be named. Notwithstanding the above, the Mayor and City Council reserve the right to make exceptions to this policy upon a unanimous vote of all members of the City Council.

Prior to the naming of any neighborhood park, the Mayor and City Council shall consider the name of the subdivision (i.e. Ardmore, Apple Grove, etc.) for use as the park's name.

The Mayor and City Council reserve the right to reject any or all names submitted to it by the Park and Recreation Advisory Board.

Policy, Rules and Regulations for Use of the Community Center

Administration

The administration, scheduling and maintenance of the Community Center shall be the responsibility of the City of La Vista Recreation Department.

The scheduling and determination of acceptability of groups and functions shall be the responsibility of the Recreation Director or his designee. Any problems arising from there shall be directed to the City Administrator for final resolution.

Fees shall be reviewed annually by the Recreation Advisory Committee and approved by the Mayor and City Council.

Community Center Usage

The primary purpose of the Community Center is to provide highly structured recreation programs for all citizens of La Vista, plus provide the opportunity for individuals and groups to use the facility through unstructured open recreation. The facility will be scheduled to facilitate both of these purposes.

The Recreation Director, with recommendation of the Park and Recreation Advisory Board, shall establish the policies and procedures for use of the facility, along with the necessary fees, by individual residents of the City of La Vista and in limited cases use by non-residents of the City of La Vista. These policies and procedures shall be in written form and available to the public upon request.

A secondary purpose of the Community Center is to allow groups to rent the facility for special events. Request for use of the facility for special events will be considered but will not generally preempt highly structured recreation programs. Depending on the attendance at unstructured open recreation programs, special events may be given priority.

The scheduling of activities at the Community Center shall adhere to the following priority schedule:

1. Recreation groups under the sponsorship or direction of the Recreation Department.
2. Any Department, Board or Commission of the City of La Vista.
3. Service Organizations; such as Schools, Scouts, 4-H, Jaycees, Churches, Optimist, Sports Clubs, Pet Clubs and other service organizations serving the La Vista area.
4. Organizations and/or individuals whose activities are recreational or educational in nature.
5. Individuals or groups who wish to use the Community Center for fund raising activities in which the proceeds benefit the citizens of La Vista.
6. Individuals who wish to use the Community Center, for activities such as bridal and baby showers, reunions, and receptions.
7. Organizations and/or individuals whose activities are profitable in nature.

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Policy, Rules and Regulations for Use of the Community Center

The City of La Vista prohibits the use of the Community Center for political activities except for use as a polling place or open public debates sponsored by non-partisan organizations.

The Recreation Director shall grant use of the Community Center in the order in which written applications are received in compliance with the above priorities, and such other administrative practices established for the purpose of managing the Community Center. When more than one group requests the use of the Community Center for the same time frame, La Vista residents will be given priority over non-resident groups.

The City reserves the right to locate said special events in the smaller meeting rooms if adequate space is available in these rooms.

Community Center Rules and Regulations

- Every applicant who receives permission to use the Community Center shall, during the time of such use, be responsible for the preservation of law and order on the property.
- Consumption or possession of alcoholic beverages shall be prohibited.
- Possession of firearms/weapons shall be prohibited.
- All raffles and games of chance must be pre-approved by the Chief of Police.
- Reasonable equipment and special facility arrangements available at the Community Center and requested on the written application may be provided by the Recreation Director. No privately owned equipment or materials shall remain at the Community Center for any length of time.
- Table and chairs may be set up by groups renting or using the Community Center and shall be taken down and placed in their original position after the activity.
- All other areas of the Community Center shall be restored to an orderly condition, trash placed in proper personal property removed.
- Users shall comply with all smoking, fire and other regulations.
- Use of the Community Center by groups composed of minors (21 years of age and under) shall be granted only to adults who accept the responsibility for supervising the group throughout their activity.
- Decorations shall be allowed under the following conditions; no nails, tacks or staples to be used on the walls, ceiling or equipment without the consent from the Recreation Director. Fire hoses or extinguishers shall not be covered by decorations or any obstructions placed so as to prohibit their use in case of emergency. Decorations shall be removed after use within such time as designated by the Recreation Director unless permission to leave them has been granted by the Recreation Director.
- The placing of obstacles such as chairs, tables, benches, decorations, etc., which obstruct exit signs or doors shall not be permitted.
- The burning of candles or any open flames is not permissible unless approved by the Recreation Director.
- No animals, except those needed for assisting disabled individuals, shall be permitted in the Community Center unless approved by the Recreation Director.

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Policy, Rules and Regulations for Use of the Community Center

- The installation or use of additional electric wiring or the use of electrical appliances on any of the Community Center electrical circuits shall be allowed only upon approval by the Recreation Director or his designee.
- All activities must end by 10:00 p.m. unless special permission is obtained from the Recreation Director.
- Thermostats shall not be adjusted.
- Sponsoring groups shall be responsible for the conduct of their activity. Groups charged with breakage or mistreatment of the Center and/or its equipment shall be financially responsible and liable for such damages and shall be denied further use of the Community Center until a time is designated by the Recreation Director.
- The entire Community Center is a tobacco free facility. Smoking is not allowed anywhere in the Community Center.
- Food or drink will be permitted in areas designated by the Recreation Director.
- Any groups not complying with all of the above rules and regulations pertaining to the Community Center's usage, shall forfeit usage of the building until a time is designated by the Recreation Director.

Community Center Fees

Security deposits shall be required of all rental groups and such security deposits shall be paid at time of reservations. Security deposits shall be returned the next week after the scheduled activity. This is provided that the user group has not inflicted any damage to the Community Center, and has fulfilled their responsibilities to clean up the area following their usage of it. The deposit may be forfeited, and the user may be billed for damages, which exceeds the deposit, if the cleanup responsibilities are not fulfilled, as stated in the rental agreement. Security deposits may be forfeited automatically if the user group does not inform the Community Center two (2) weeks in advance that the group will not be using the Center. This does not apply when an activity is cancelled due to weather.

All other fees shall be paid three (3) calendar days in advance of the scheduled event. Failure to comply with this policy will result in the cancellation of the group's reservation.

Fees shall be established by resolution of the City Council as a part of the City's Master Fee Schedule.

Facility Rental

The entire facility can be rented for special events. Interested individuals should contact the Community Center for information on the type of special events allowed. Fees shall be established by resolution of the City Council as a part of the City's Master Fee Schedule.

Deposits must be paid one (1) month in advance (if reservation date is less than a month away, deposit must be paid immediately).

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Policy, Rules and Regulations for Use of the Community Center

Racquetball/Walleyball Courts

The Community Center has two racquetball/walleyball courts. Use of the racquetball/walleyball courts is by reservation only. Fees shall be established by resolution of the City Council as a part of the City's Master Fee Schedule.

Residents and Non-Residents may reserve the courts at any time. If reserving for more than one session, payment must be made in advance for the next session. If reserving for consecutive weeks (as for leagues), payment for the entire season must be paid in advance of the season start date.

Courts are rented on the ½ hour, (i.e., 12:30 to 1:30). Participants must bring their own equipment for racquetball. The Community Center does provide nets and balls for walleyball.

Refund Policy for Recreation Department Fees for Programs and Rentals

Youth Sport Leagues/Municipal Pool/Special Events

Requests must be received prior to first scheduled game, swim lesson or special event and shall be subject to a \$5.00 service charge and equipment fees may be assessed.

Requests for refunds due to illness or injury will be refunded a partial credit and subject to a \$5.00 service charge and equipment fees may also be assessed. No refunds will be made for illness or injury after the midpoint of the season. Written verification by a physician is required.

No refunds of pool passes or resident tags will be issued. Refunds of daily admissions are established by the Council Policy Statement for *Municipal Pool: Hours of Operation, Opening, Closing and Refunds*.

No other refunds will be issued.

Adult Sport Leagues

Requests for refunds must be made at least two weeks prior to the first scheduled game and shall be subject to \$50.00 service charge. No other refunds will be issued.

Facility Rentals

Requests for refunds must be made at least ten business days prior to the reservation date and shall be subject to a 20% service charge of the deposit fee. No other refunds will be issued.

Smoking and Use of Tobacco Products at City Facilities

Definitions

For purpose of this policy:

Smoking means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, including the use of smokeless tobacco and snuff, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Tobacco products means cigarettes, cigars, pipes, smokeless and chewing tobacco.

Electronic smoking device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

Vapor means an aerosol mist or smoke which emits from an electronic smoking device.

Policy

It shall be the policy of the City Council and the City of La Vista that the use of tobacco products at City facilities shall be closely restricted.

In an effort to consider the needs and concerns of employees who use tobacco products and electronic smoking devices, as well as those who do not, and to provide a healthy *tobacco and vapor free* working environment, the City has adopted the following restrictions:

All employees, volunteers, customers and visitors are expected to extinguish and properly dispose of any tobacco products or the use of any electronic smoking devices prior to entering City Hall, the Community Center, the City Annex Building, the Golf Course Clubhouse, the Police Station, the Public Library, or Public Works Buildings.

To facilitate this policy the City shall post signage identifying City Hall, the Community Center, the City Annex Building, the Golf Course Clubhouse, the Police Station, the Public Library, Public Works Facilities and the Swimming Pool as *tobacco and vapor free* facilities at all public entrances and provide ashtrays for disposal.

Any tobacco or electronic smoking use is prohibited throughout the buildings and grounds at City Hall, the Community Center, the City Annex Building, the Police Station, the Public Library, Public Works Facilities and the Swimming Pool; except for areas identified as tobacco and electronic smoking device permitted locations and posted with appropriate signage. Installation of appropriate signage will be coordinated with the Building Maintenance Division of Public Works. Tobacco and electronic smoking

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Smoking and Use of Tobacco Products at City Facilities

device permitted areas will be designated by the Department Head with the approval of the City Administrator and such designated areas must be outdoors or outdoors in nature, such as a garage.

Tobacco and electronic smoking device use is permitted on the Golf Course grounds.

Employees and volunteers may not use tobacco products or electronic smoking devices in City vehicles or while operating City equipment.

City of La Vista Code of Conduct

Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members (Council Members as well as Board and Commission Members) will work for the common good of the people of La Vista and not for any private or personal interest and they will assure fair and equal treatment of all persons, claims and transactions coming before the La Vista City Council or a La Vista Board or Commission.

Comply with the Law

Members of the City Council shall comply with the oath taken when sworn into office. They shall support and defend the constitution of the United States and the State of Nebraska. They shall support the laws of these United States, the State of Nebraska and the City of La Vista including, but not limited to: United States Constitution; Nebraska Constitution; the La Vista Municipal Code; Nebraska Political Accountability and Disclosure Act; laws pertaining open processes of government; and City ordinances, resolutions and policies. Members shall not advocate or be a member of any political party or organization that advocates the overthrow of the government of the United States or of Nebraska by force or violence.

Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, use of inappropriate language or profanity, personal charges or verbal attacks upon character or motives of other members of the Council, Boards, Commissions, staff or members of the public. Members shall exhibit respect for all people and shall be sensitive to different cultures, ethnicities and backgrounds.

Members recognize that they act collectively as a governing body during properly noticed public meetings. Members recognize that they do not have authority to make decisions or take individual actions on behalf of the City Council unless expressly directed to do so by the City Council.

Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council, Boards and Commissions governing deliberation of public policy issues. Members shall encourage meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

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City of La Vista Code of Conduct

Members shall respect the confidentiality of information concerning property, City personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

When members or staff engage in conversation with residents, applicants, developers and officials of other governmental agencies, they shall be cautious not to make representations or promises about future actions of the Council, Boards and Commissions. Future actions of the City Council cannot be promised or predicted with certainty.

Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the Council, Board or Commission, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. For purpose of establishing the public record and informing members of the public, they shall articulate reasons for policy decisions.

Members recognize that within the public setting surprises are counterproductive and agree not to spring a surprise on each other or staff during a public meeting. If in doubt, members will meet with staff beforehand and members will not ask staff a sensitive question in a public meeting to which they do not already know the answer.

Members recognize the importance of their attendance at meetings of their respective body. Members shall make it a priority to be in attendance at all meetings, arrive on time and stay for the duration of the meeting.

Conflict of Interest

In accordance with the *Nebraska Political Accountability and Disclosure Act* and in order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

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City of La Vista Code of Conduct

Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

Members shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.

Representation of Private Interests

In keeping with their role as stewards of the public interest, Council Members shall not appear on behalf of the private interests of third parties before the Council or any Board or Commission or proceeding of the City, nor shall members of the Board or Commission appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

Advocacy

Members shall represent the official policies of the City Council, Board or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions or positions, members shall explicitly state they do not represent their body or the City of La Vista nor will they allow the inference that they do.

Members shall leave decisions made at the public meetings at the meeting and shall refrain from disputing such decisions at a later date or later public meeting.

Policy Role Matters

Members shall respect and adhere to the Mayor-Council-Administrator form of La Vista City government as outlined by the Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, Commissions, Boards and city staff.

Go through City Administration

Except as provided in the La Vista Municipal Code, members should not interfere with the administrative functions of the City or the professional duties of City staff; nor should members impair the ability of staff to implement Council decisions.

Independence of Commissions and Boards

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City of La Vista Code of Conduct

Because of the value of the independent advice of Commissions and Boards to the public decision-making process, members of the Council shall refrain from using their position to unduly influence the deliberations of outcomes of Commission and Board proceedings.

Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees in order to not create the perception in inappropriate direction to staff.

Implementation

As an expression of the standard of conduct for members expected by the City, the La Vista Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, standards of conduct shall be included in the regular orientations for candidates for City Council, applicants to Commissions and Boards and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of La Vista Code of Conduct.

City Hall: Hours of Operation, Opening and Closing

The following is the policy of the City Council of the City of La Vista pertaining to the hours of operation of City Hall and the deviation from the same.

Responsibility of City Administrator

It shall be the responsibility of the City Administrator, in consultation with Department Heads over areas of operation located at City Hall, to determine the standard work week for City employees assigned to City Hall, as established in §2 of the City of La Vista's Personnel Rules and Regulations.

Normal Hours of Operation (for public services)

The La Vista City Hall, under normal conditions, will be open to the public from:

1. 8:00 a.m. to 4:30 p.m. Monday through Thursday*
2. 8:00 a.m. to noon on Friday

*The first and third Tuesday of each month, if a meeting of the City Council is scheduled, City Hall would be open to the public from 8:00 a.m. to 6:30 p.m.

Deviation from Normal Hours of Operation

Deviations from the Normal Hours of Operation (public access) may be made under the following conditions:

- A. If, during the normal hours of operation, inclement weather conditions such as severe snow and ice on public streets develop, City Hall will be closed to the public with notification to the Mayor and media, in accordance with Standard Operation Policy for Weather Related Closing of City Offices.
- B. If, during the normal hours of operation, activities of citywide importance are scheduled that require attendance by a majority of City Hall personnel, the Mayor can approve a deviation from Normal Hours of Operation upon recommendation from the City Administrator.

Policy, Rules & Regulations for Background Checks on Coaches

The following is the policy of the City Council of the City of La Vista pertaining to conducting background checks on youth coaches.

Statement

In an effort to protect children who participate in City of La Vista Recreation Department Youth sport programs, background checks will be mandatory for all recognized coaches and assistant coaches.

Definitions

The City of La Vista Recreation Department recognizes a head coach as being one who is responsible for scheduling and organizing practices, attending all practices and games providing guidance and teaching skills to the participants and who is the primary contact with the City of La Vista Recreation Department regarding team or player issues.

An assistant coach is recognized as being one who attends more than two practices or games during a season for the purpose of providing guidance and teaching skills to the participants. The assistant coach is responsible for organizing and scheduling practices in the head coach's absence. The assistant coach is the secondary contact with the City of La Vista Recreation Department.

Only those persons officially recognized as head coaches or assistant coaches by the City of La Vista Recreation Department will be allowed to be on the sidelines during games and practices.

Procedure

Coaching candidates must complete a *Background Check and Youth Coaches Application Form* **prior to** being assigned any responsibilities of coaching or assistant coaching. This form gives the City of La Vista Recreation Department the right to check criminal history records.

Background checks will be conducted by the City of La Vista Police Department. After review, the decision to determine coaching eligibility will be made by the City of La Vista Recreation Department. All information will be kept strictly confidential. The decision will be final and may not be appealed.

In some instances, factors of time may be taken into account when considering coaching eligibility (i.e. length of time since disposition of certain offenses).

Any coach, who while coaching for the City of La Vista Recreation Department is arrested for committing an offense per the attached list, may forfeit his/her coaching eligibility until disposition by the courts. A conviction on an offense as listed will result in termination of coaching eligibility as stated in this policy. Coaches are required to notify the City of La Vista Recreation Department if arrested or convicted of an offense, per attached sheet, at any time during their coaching term.

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Policy, Rules & Regulations for Background Checks on Coaches

Failure to notify the City of La Vista Recreation Department of any arrests and/or convictions will result in the immediate removal of the volunteer coach.

All coaching candidates will complete a *Background Check and Youth Coaches Application Form* every 12 months.

The City of La Vista Recreation Department will notify the applicant of their decision. If a criminal history is found, the applicant may request a copy of the history report. If the applicant disagrees with the report, it will be up to the applicant to verify and supply documentation to support his or her claim. The applicant will not be allowed to coach during this process.

List of Disqualifying Criminal Offenses

The following is a list of offenses that would be grounds to disqualify an applicant from being a coach or assistant coach for the City of La Vista Recreation Department.

1. Arson
2. Aggravated kidnapping
3. Aggravated sexual assault
4. Crimes against children (including abandonment, abuse, endangerment, indecency, sexual assault, pornography, possession or promotion of pornography, enticement, solicitation, sale or purchase of, injury to indecency)
5. Injury to elderly or disabled
6. Intoxication manslaughter
7. Manslaughter (involuntary or involuntary)
8. Any violation of the law intended to control the possession or distribution of any controlled substance or illegal drug
9. Prohibited sexual conduct prostitution (including promotion of, aggravated promotion of)
10. Marijuana possession *
11. Theft *
12. Assault
13. Aggravated robbery
14. Bigamy
15. Criminal nonsupport
16. Criminally negligent homicide
17. Deadly conduct
18. Delivery of marijuana
19. Indecent exposure
20. Kidnapping
21. Manufacture of or delivery of a controlled substance or dangerous drug
22. Murder (including capital murder)
23. Obscenity
24. Public lewdness
25. Rape

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Policy, Rules & Regulations for Background Checks on Coaches

- 26. Sexual abuse
- 27. DWI, DUI*

This list of offenses is not intended to be all-inclusive and in no way sets limits on the offenses that are deemed grounds for disqualifying an individual from coaching with the City of La Vista Recreation Department. Decisions on all other offenses not otherwise described above will be made at the sole discretion of the City of La Vista Recreation Department.

***Note: Eligibility depends on the severity and length of time passed since the offense occurred.**

Capital Improvement Program

Introduction

The Capital Improvement Program (CIP) for the City of La Vista is a 5-year plan that systematically examines the city's infrastructure and capital needs. The CIP shall be reviewed and updated on an annual basis to reflect the changing needs of the community and changes in available monies for financing capital projects. The CIP is considered a major financial planning and policy tool for the Mayor and City Council that lists the capital improvement projects, places the projects in a priority order and schedules the projects for funding and implementation. The CIP is a planning document and does not authorize or fund projects.

Capital Improvement Program Objectives

1. To forecast public facilities and improvements that will be needed in the near future.
2. To anticipate and project financing needs in order to maximize available federal, state, county and grant related funds.
3. To promote sound financial planning.
4. To avoid dramatic fluctuations of the tax rate.
5. To focus attention on and assist in the implementation of established community goals as outlined in the Comprehensive Plan.
6. To serve as a guide for local officials in making budgetary decisions.
7. To balance the needs of new development with those of the existing community.
8. To promote and enhance the economic development of the City of La Vista.
9. To strike a balance between needed public improvements and determine the financial capability of the City to provide for these improvements.
10. To provide an opportunity for residents to voice their requests for community improvement projects.
11. To provide for improvements in a timely and systematic manner.

CIP Projects

The CIP Plan will identify all major capital projects in which the City is involved. The following criteria is a general guide to distinguish among projects which should be included or excluded from the CIP. For purpose of the CIP, a project is generally defined to be a project that possesses the following characteristics:

1. Items requiring an expenditure of at least \$10,000 and having a useful life of more than five years.
2. An expenditure that is classified as a fixed asset.
3. Items obtained under a long-term lease.
4. Involves the skills and construction needs beyond those needed for general repair and maintenance projects.

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Council Policy Statement

Capital Improvement Program

Capital Improvement Projects include:

1. Obligations for labor, materials and contractors involved in completing a project.
2. Acquisition of land or structures.
3. Engineering or architectural services, professional studies or other administrative costs.
4. Construction, renovation, replacement or expanding City facilities, grounds or equipment.
5. The purchase of major pieces of equipment.
6. Participation in interlocal agreements with other agencies.
7. Information technology improvements.

Capital projects should:

1. Support City Council goals and objectives and be consistent with the City of La Vista's Comprehensive Plan.
2. Prevent the deterioration of the city's existing infrastructure and protect its investments in parks, streets, buildings and utilities.
3. Encourage and sustain economic development in La Vista.
4. Respond to and anticipate future growth in the city.
5. Increase the efficiency and productivity of city operations.

Upon the evaluation and final analysis of all proposed capital improvement projects, the City Administrator is responsible for the preparation of the forthcoming year's Capital Improvement Plan for the City Council review and adoption.

Budget Preparation

The annual Capital Budget (*currently construction fund*) shall evolve from the Capital Improvements Program. Capital project expenditures must be appropriated in the capital budget. A funding source and resource availability shall be presented to the City Council at the time a project is presented for funding. The City's Capital Budget is to be prepared annually in conjunction with the operating budget on a fiscal year basis to ensure that capital and operating needs are balanced against each other. Projects approved for funding from the CIP will be recommended in the Capital Budget.

Procedure for Annual Capital Improvement Plan

1. Initiation

Requesting Department

- a. Creates a list of the various capital improvement projects to be considered.
- b. Verifies that projects meet the definitions of the previously defined CIP policy.
- c. Prepares a Project Detail Form for each project.
- d. Prioritizes each proposal using the CIP Evaluation Criteria.
- e. Submits request to the Assistant City Administrator.

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Capital Improvement Program

2. Review

CIP Coordination Team

A CIP Coordination Team is a cross-departmental team which participates in the review and recommendation of the CIP program to the City Administrator. The Team will review proposed capital projects with regard to congruence with City objectives and prioritize projects in accordance to the adopted criteria. The CIP Team will be led by the Assistant City Administrator and will include the following members: Finance Director, Public Works Director, Community Development Director and City Engineer.

City Administrator

- a. Reviews the Capital Improvement recommendation of the CIP Coordination Team.
- b. Finalizes recommendation and formulates an updated Capital Improvement Plan.
- c. Presents the Budget and Capital Improvement Plan to the Mayor and City Council.

3. Implementation

Planning Commission

- a. Holds a public hearing to review project priority from a professional planning perspective.
- b. Makes recommendation to the City Council regarding the proposed Capital Improvement Plan.

City Council

- a. Holds a public hearing to review and prioritize projects from a budgetary and affordability perspective, as well as examining the need and priority of the projects themselves.
- b. Adopts the Capital Improvement Plan by resolution.

Department

- a. Upon approval by the City Council, submits a Project Approval Form to the City Administrator. No project will begin until the Project Approval Form has been completed and approved.
- b. Initiates project in accordance with standard operating policies and procedures.
- c. Monitors project and submits quarterly a Project Status Form to the City Administrator.
- d. If estimated project cost exceeds appropriation, submits updated Project Approval Form to City Administrator with updated cost information and justification for increase.

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Capital Improvement Program

City Administrator

- a. Reviews and signs off on the Project Approval Forms.
- b. Reviews quarterly Project Status Forms.
- c. Reviews updated Project Approval Forms and forwards them to Finance Director.
- d. Monitors the Capital Improvement Plan and provides periodic status reports to the City Council.

Finance Director

- a. Assigns a Capital Improvement Program number and an account number to each approved project.
- b. Categorizes each Capital Improvement Project by fund and responsible department.
- c. Generates Capital Improvement Project Summary Reports of expenditures and fund balances for distribution to City Administrator and Department Heads.

4. Closeout

Department

- a. Completes a Capital Improvement Closeout Form and submits to Finance Director.

Finance Director

- a. Reconciles final appropriation and expenditure for each Capital Improvement Project.
- b. Eliminates Capital Improvement Project at year end from Capital Improvement Project Summary reports.

Criteria for Evaluating Projects

Maximum of 148 Points

Risk to Public Health or Safety	25 Points
To protect against a clear and immediate public safety or health.	
Goals/objectives	20 Points
To coincide with the goals and objectives adopted by the City Council.	
Litigation/Mandates	18 Points
Improvements required as a result of litigation, perceived litigation or federal or state regulation.	
Timing/Linkages	15 Points
An expenditure that is necessary to insure coordination with another CIP Project or inter-governmental agency.	
Economic Impact	12 Points
A project that will enhance economic development in the City, or add to the tax base, either directly or indirectly.	
Efficiencies	10 Points
Reduction of current maintenance expenditures and avoidance of costly future rehabilitation.	
Maintain Current Level of Service	10 Points
A project necessary for the City to continue to provide one or more services.	

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Capital Improvement Program

Service Improvement

9 Points

A project that improves the quality of existing services.

Operating Budget Impact

Max.15 Points

Projects that lower future operating expenses will get a positive score from 0 to 15. Projects that have no effect on operating expenses will score zero. Projects that increase operating expenses will score from 0 to -15.

Community Support/Impact

8 Points

To what extent does the project have broad and/or community support.

Financing

6 Points

Grant/loan available.

Capital Improvement Program Preparation Schedule

October 1	CIP forms distributed to departments
November 15	CIP Planning Meeting
December 15	Deadline for CIP requests
February 15	CIP Coordination Team reviews
March 1	Draft CIP document presented to City Administrator
April	City Administrator presents preliminary CIP proposal to Council during annual strategic planning workshop.

This Policy is Being Revised

City Website Policies

The following shall constitute the official website policies for the City of La Vista.

Terms of Use

By visiting the Official Site of the City of La Vista, Nebraska, users agree that they will not use the Site for any unlawful activity or use it in any way that would violate any of the terms and conditions stated in this Policy.

Links to External Websites from City of La Vista's Website

In order to provide information regarding City government, as well as other governmental agencies and private organizations in partnership with the City, the City of La Vista may establish links on the City website to external sites. Links to the following types of organizations may be provided.

- A. Other government agencies, including, but not limited to, federal, state, county, regional, educational institutions, and special districts.
- B. Organizations that receive sponsorship from the City of La Vista in the form of a financial grant, or a written contract by which the City provides services in collaboration with the organization to achieve a mutual goal related to the City's governmental purpose.
- C. Commercial real estate and commercial developers that assist the City in promoting businesses throughout La Vista by providing listings of available commercial property in La Vista.
- D. Local and regional economic development organizations that assist the City in promoting businesses throughout La Vista and business district associations.
- E. Sites providing directional and climatic information.

Disclaimer of Endorsement

The City of La Vista provides these links solely for users of the City's website information and convenience. When users select a link to an outside website, they are leaving the La Vista website and are subject to the privacy and security policies of the owners/sponsors of the external website.

- A. The City of La Vista does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on a linked website.
- B. The City does not endorse or recommend any third-party website, product, or services, unless otherwise noted.
- C. The City of La Vista does not authorize the use of copyrighted materials contained in linked websites. Users must request such authorization from the sponsor of the linked website.
- D. The City of La Vista is not responsible for transmissions users receive from linked websites.

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City Website Policies

Location and Appearance of Links

The City reserves the right to determine how and where external links will appear on its website; i.e. what page the link appears on and where the link is placed on the page.

Links to the City of La Vista's Website

Advance permission to link to the City's Website is not necessary. However, the party linking to the City's website should be aware that its sub-pages may change at any time without notice.

Entities and individuals linking to the City's website shall not capture pages with frames, present the City's website content as its own, or otherwise misrepresent this website's content or misinform users about the origin or ownership of its content. Any link to the City's website should be a full forward link that passes the client browser to the City's website unencumbered. The web browser "back" button should return the visitor to the originating site if the visitor wishes to back out.

E-Mail Addresses

Under Nebraska law, e-mail communications are typically public records. If you do not want your e-mail address released in response to a public-record request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Privacy Policy

You do not have to give the City of La Vista personal information to visit our website, download our publications, or use our e-mail communications, or any other feature. We collect no personal information about you when you visit our website unless you choose to provide this information to us or unless required by a specific City agency in order to transact business with that agency. We will use the information that you voluntarily provide to use to notify you of selected Site changes or new publications. We may also use it to conduct statistical analyses of user activities in order to measure user interest in the information we provide and how we provide it. However, we do collect and store some non-personal information as stated below.

What We Collect and Store Automatically

If you do nothing during your visit but browse through the website, read pages, or download information, we will gather and store certain information about your visit automatically. This information does not identify you personally. We automatically collect and store only the following information about your visit.

1. Name of the domain from which you access the Internet (for example, xcompany.com, if you use a private Internet access account, or yourschool.edu if you connect from an education institution's domain);
2. The type of browser and operating system used to access our site;
3. The date and time you access our site;

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City Website Policies

4. The page from which you came and the pages that you access; and
5. Your system's IP (Internet Protocol) address (an IP address is a number that is automatically assigned to your computer whenever you are surfing the Web).

We use the information we collect in aggregate to count the number of, and types of, visitors to the different pages on our Site and to help us make our Site more useful to visitors like you.

Disclaimer Regarding Accuracy of Information

Visitors to, and users of, the official website of the City of La Vista, Nebraska, are advised that information contained within the pages of the Site is believed to be accurate. However, errors can occur even with computer-generated information. The City of La Vista makes no representation regarding the completeness, accuracy, or timeliness of such information and the data or that such information and data will be error-free. In the event that the information on the City's official printed documents differ from the information contained on this website, the information on the City's official printed documents will control and take precedence. Please be aware that in the event an error or omission occurs, the City of La Vista will use all of its resources to recover fees and taxes due to it. Visitors are encouraged to review the official version of all documents upon which they plan to rely. Any special notices related to the accuracy of data presented in our Site, or how current specific elements of these are, will be defined on those specific pages.

Although we try to ensure broken links do not exist; links to other Internet sites may have changed. If you encounter broken links, please report it to the City so we can assess and correct the situation.

Intrusion Detection

For security purposes and to help ensure this service remains available to you, we use special software programs for monitoring network traffic to identify unauthorized attempts to upload or change information, or otherwise to cause damage to this government computer system or Site. These programs collect no information that would directly identify an individual but they do collect information that could help us identify someone attempting to tamper with this website.

If you use this system or Site, you should understand that all activities may be monitored and recorded. Anyone using this system or Site expressly consents to such monitoring. WARNING - If such monitoring reveals possible evidence or information of criminal or suspicious activity, monitoring records may be provided to law enforcement officials without any prior oral or written notice to you.

Except for authorized law enforcement investigations, we make no other attempts to identify individual users or their usage habits. We only use raw monitoring data for logs for determining trends in usage patterns and in diagnosing systems or Site problems.

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City Website Policies

Indemnity

As a condition of use of the City of La Vista' website, the user and/or anyone linking to this Site agrees to indemnify the City of La Vista, its Mayor, Councilmembers, officers, employees, and agents against any and all liability, expenses (including attorney's fees and court costs) and damages arising out of claims resulting from user's using this website and/or anyone linking to this Site, including, without limitation, any claims alleging facts that if true would constitute a breach of these terms and conditions stated in this Policy.

City Safety Committee Structure

The purpose of this policy will be to define the organization, responsibilities, and tenure of the members of the City of La Vista Safety Committee.

Organization

The committee will be organized as follows:

1. Four of the eight members of the Committee shall be representative from each of the City's bargaining groups and non-bargaining personnel. In accordance with the provisions of Nebraska Revised Statute 48-443, which requires the Committee be comprised of an equal number of representatives for the Employer and the Employees. The Employer representatives can be from any management level and may include non-management employees if desired as determined by the Directors of the various City departments who submit the names of individuals who are interested in serving on the Safety Committee. It is intended that the committee represents a diverse cross-section of all City departments and employees.
2. The names of all Committee members shall be made available to all City employees.
3. The initial terms of the members of the Safety Committee shall be staggered so that four members are appointed for a two-year term and four members are appointed for a three-year term beginning on April 15, 2008. Thereafter, all members of the Committee shall be appointed for a two-year term.
4. The Committee shall select a Chair and a Vice-Chair from its membership who shall serve for terms of two years unless otherwise provided for as determined by the members of the Committee.
5. An employee of the City shall serve as an ex-officio, non-voting member of the Committee for purposes of coordinating the meetings of the Committee; maintaining all records of Committee meetings; handling correspondence pertaining to the Committee; maintaining accurate minutes of all meeting transactions and providing copies of minutes to each Committee member; assisting the Chair in planning Committee meetings; establishing an agenda for each meeting; and providing any other administrative assistance required by the Chair or Vice-Chair. This person must be competent in the use of Microsoft Word and Outlook. The ex-officio member shall be appointed for a two-year term.
6. A representative of the Fire and Rescue Department serving the City of La Vista shall serve as an ex-officio, non-voting member of the Committee for purposes of working with the Safety Committee to help ensure all responsibilities of the Safety Committee are carried out.
7. The specific responsibilities of the Safety Committee shall consist of the following:
 - a. In accordance with state law, the Committee shall adopt and maintain an effective written injury prevention program;

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City Safety Committee Structure

- b. The Committee shall actively engage in promoting safety at all work sites throughout the City;
 - c. The Committee shall make recommendations regarding methods of addressing safety and health at work sites throughout the City;
 - d. The Committee chair or vice-chair shall accompany a representative of the State of Nebraska Department of Labor during any safety inspections conducted by the Department of Labor in accordance with the terms of Nebraska Revised Statute 48-443 or the Department of Labor rules and regulations promulgated to those statutory provisions;
 - e. The Committee shall assist in the investigation of unsafe practices or conditions which are brought to the attention of the Committee and provide recommendations with respect to preventing reoccurrences of such practices;
 - f. The Committee shall facilitate the safety inspections of City facilities.
 - g. Committee members upon request shall serve on any subcommittee which is created by the Safety Committee to study specific areas of concern relative to safety concerns and accident prevention;
 - h. Committee members shall review accident/injury reports and records and, if appropriate, make recommendations regarding methods to prevent the occurrence of future accidents/injuries;
 - i. Committee members should take all reasonable measures to attend a meeting and if unavailable, shall request an excused absence.
 - j. Committee members shall perform any other duties and assignments deemed necessary by the body as a whole.
8. The Safety Committee shall meet quarterly (January, April, July, October) on the second Tuesday of the month at 9:00 am at the La Vista Police Station.
 9. The Chair of the Safety Committee shall be responsible for conducting all Committee meetings in an orderly and businesslike manner; encourage suggestions to improve workplace safety; have a good working knowledge of City safety policies and procedures; and provide for meetings of the Safety Committee on a quarterly basis or as otherwise directed by the body as a whole. In the event the Chair is unable to attend a meeting, the Vice-Chair will conduct the meeting in his or her absence.
 10. The Committee Chair and Vice-Chair should be selected from the members of the Committee as soon after the Committee members' terms commence on or about April 15, 2008.
 11. The Committee may adopt any formal written rules of procedure for the conduct of its business and proceedings as it deems appropriate.

City Council Meeting Agenda Procedure

The purpose of this policy statement is to establish uniform procedures for the preparation of City Council meeting agendas with appropriate items for the special recognition, proclamation, consent agenda, resolution, ordinance and discussion.

The City Council generally meets on the first and third Tuesday of each month. The City Clerk is responsible for the preparation of the Council meeting agenda. Determination of whether various items are placed on the Council meeting agenda for consideration is made by the City Administrator.

The Mayor and members of the City Council may direct the City Administrator to place a topic — germane to the City's proceedings — on an upcoming Council meeting agenda. Such topic shall be a discussion item only to allow for the Council as an elected body to direct whether staff and legal counsel should research the issue and prepare the appropriate form of action for consideration at a later date.

Department Heads shall submit items to the City Clerk for the Council meeting agenda no later than Monday of the week prior to the meeting by 10:00 a.m. Department Heads should reference the Standard Operating Policy for details. Variance in the deadline may be established by the City Clerk *in advance* due to holidays or similar reasons.

The addition of an item to the Council meeting agenda after the deadline may only be made with approval of the Mayor, City Administrator, Assistant City Administrator or their designee.

Residents or members of the public may address the Mayor and City Council regarding any agenda item. Those wishing to speak will be required to complete a form indicating their intention. Residents or members of the public may also address the Mayor and City Council - regarding any item germane to the City's proceedings — at any regularly scheduled meeting of the City Council under the agenda item designated *Comments from the Floor*. Residents or members of the public may also address the Mayor and City Council during public hearings. In addressing the Mayor and City Council the public shall limit comments to a maximum of three minutes per person.

Members of the public who require special accommodations to attend a Council meeting should contact the City Clerk at 331-4343 in advance.

The City Council meeting agenda will be available in the Office of the City Clerk for public inspection by 11:00 a.m. on the Friday prior to the City Council meeting.

Employee Compensation – Pay for Performance

Purpose

The City's Pay for Performance compensation program is designed to attract, retain, motivate and reward qualified employees who demonstrate a commitment to the City of La Vista, Nebraska and its mission through the payment of financial compensation that is commensurate with the employee's ability, responsibility and contribution toward the City's goals.

Objectives

The primary objectives are to:

1. Maintain internal equity by evaluating jobs to assure that a position's duties and responsibilities and the required skills, experience, and education are valued fairly as compared to others within the organization.
2. Ensure external competitiveness by developing and maintaining compensation levels that reflect current market rates of pay.
3. Promote a pay for performance philosophy by providing incremental pay increases that distinguish between levels of performance.
4. Ensure that compensation actions comply with federal, state and local legal requirements.
5. Provide employees with information on the compensation process, the overall pay structure and current market pay for each position.
6. Provide flexibility to allow the system to remain responsive to changes in the marketplace, the organization and the economic conditions within our industry.

Applicability

The Pay for Performance program shall apply to all employment positions in the City with the following exclusions:

1. Employment positions covered as part of a collective bargaining agreement, except to the extent otherwise provided in the agreement.
2. Any temporary employment position such as seasonal positions.
3. Any employment position covered by an express employment contract, except to the extent otherwise provided in the contract.

Provisions

The City Administrator or his/her designated representative shall be responsible for administering the Pay for Performance program according to the following provisions:

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Employee Compensation – Pay for Performance

1. *Salary Ranges*

Salary ranges will be established for each class of positions and shall be approved by the Governing Body as part of the annual Compensation Ordinance. Each range will be defined by minimum and maximum salary amounts. The range defines the pay opportunities for the class of positions.

In order to keep salary ranges in line with the market, an annual minimum adjustment of 1.5% shall be made. Information from multiple sources will be reviewed each year and if a different adjustment amount is determined to be needed, a recommendation shall be presented to the Governing Body for approval. Additionally, the City of La Vista will conduct a market study every three years for all positions covered by the pay for performance program to ensure market comparability. Every five years position descriptions will be reviewed to maintain internal equity and relevancy.

Adjustments to the salary ranges do not increase employee pay, but do increase the range maximum. Upon implementation of a salary range adjustment all ranges are adjusted upward. Any employee who is below the minimum after a salary range adjustment will be moved to the new minimum.

2. *Starting Salaries*

New employees in positions that are part of the Pay for Performance program shall be hired at the minimum of the pay range in which the position is classified. However, a Department Head, with the approval of the Human Resources Department, can recommend to the City Administrator that an exceptionally well-qualified applicant be employed above the minimum, not to exceed the mid-point of the range. The City Administrator shall approve any appointment above the entry level salary. (In accordance with the provisions of the City Personnel Policy and Procedures Manual, the City Administrator may approve a starting rate of compensation above the mid-point of the position grade range in exceptional circumstances.)

3. *Performance Appraisals and Performance Pay*

Salary increases will be based exclusively on the outcome of the employee's annual performance appraisal, which recognizes the extent to which the employee demonstrates the city's core values of Accountability, Integrity, and Public Service, as well as demonstration of additional job-related competencies and performance goals if applicable. As salary increases are dependent upon the performance appraisal, it shall be the responsibility of supervisors to complete an accurate and honest evaluation on employees supervised.

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Employee Compensation – Pay for Performance

Recommended salary adjustments shall be one of the following:

- a) A salary increase in an amount commensurate with the corresponding level of performance, consistent with the Council-adopted pay for performance matrix,
- b) Maintain the current rate of pay, or
- c) Reduction of current salary.

4. *Performance Pay Increases*

Employees may be considered for performance pay increases each year as part of their annual performance appraisal according to the following:

- a) An employee shall be eligible to receive a merit increase based on their overall performance rating and the corresponding percentage for that rating as set out in the Council-adopted pay for performance matrix.
- b) Managers who receive an overall performance rating of Needs Improvement are not eligible for a salary increase.

The Governing Body shall annually determine the amount of the performance pay matrix for salary increases subject to the City's overall financial state. The goal is to appropriately reward and recognize the employees for the overall appraisal rating.

Exceptions:

- a) Employees in their initial probationary period will not be eligible for a pay increase until the conclusion of said period. Pay increases will only be given during the initial probationary period if the ranges are adjusted in order to keep an employee within the range for their position. Upon successful completion of their probationary period, employees may receive a 3% increase. Subsequent increases will follow the annual performance appraisal process.

Employee salaries shall be maintained within the range established for the position classification they currently hold to include employees in their initial probationary period. Employees whose salary is at the maximum of the pay range may receive additional compensation above the top of the range in an amount corresponding to the pay matrix established by the Governing Body for that year as a one-time increase that does not calculate into the employee's base salary for subsequent years.

5. *Other Pay Rate Adjustments*

The following actions shall affect the pay status of an employee in the manner provided:

City of La Vista

Council Policy Statement

Employee Compensation – Pay for Performance

- a) Transfer: When an employee is transferred to a different position within the same pay classification, the employee shall continue to receive the same salary.
- b) Promotion: When an employee who meets all established requirements is promoted to a position in a higher pay classification, the employee's salary shall be advanced to the minimum level of the new pay range. If the employee's rate of pay prior to promotion was equal to or greater than the minimum of the new range, the employee shall be advanced to a level which would provide at least the equivalent of a five (5) percent increase.
- c) Demotion: Upon demotion, an employee may receive a decrease in pay. It shall be the responsibility of the City Administrator or his/her designated representative to determine the amount of the pay decrease, if any.
- d) Temporary: When an employee fills a position in a higher pay range, the employee may be advanced to at least the minimum level of that pay range or to a level which would provide at least the equivalent of a five (5) percent increase for the duration of the substitution. If an employee takes on additional assignments in the absence of another employee, the employee's manager can recommend a temporary salary increase not to exceed three (3) percent, for the duration of the absence. For positions covered by an express employment contract, the provisions of the contract shall apply.

Bulletin Board Policy for City Facilities

Purpose and Authority

- A. The primary function of the bulletin boards located in the facility and any other space designated for the display of public notices is to provide information to users about events or services of cultural, education, or community nature.
- B. Organizations may request notices to be posted subject to the guidelines set forth in this policy
- C. Application of these guidelines will be based on the judgment of the facility director. Requests that do not fall clearly within these guidelines may be authorized only if they are in the best interests of the City.
- D. The City Administrator reserves the right to remove any item.

Priorities and Guidelines

1. Priority is given to tax-supported agencies, non-profit organizations, and to community organizations with which the City carries out cooperative programs.
2. Notices and publications must be judged by the facility director to be of interest to members of the La Vista community.
3. The following types of notices will not be displayed:
 - a. Announcements of religious activities.
 - b. Those promoting political parties or candidates or those advocating the election of any candidate or a stand on any issues on the election ballot.
 - c. Posters, petitions, and the like that advocate a position on a public issue.
 - d. Announcements or advertisements of fund-raising activities (individual or group) or of drives to stimulate membership or subscriptions. Exceptions may be made for one-time fund-raising events sponsored by community service organizations.
 - e. Announcements of advertisements by profit-making organizations.
 - f. Announcements which publicize ongoing programs or series of programs except those of tax-supported institutions.
 - g. Legal notices.
 - h. Notices of merchandise or services for sale.
 - i. Rental announcements.
 - j. Lost pets.
4. Display items must be of reasonable size in relation to the space available and will not be accepted if they detract from the effective use of space.
5. The appearance and content of the notice must be suitable for display in a public service area.
6. Generally, notices will not be posted for longer than three weeks. The facility is unable to make arrangements for any notices to be returned.
7. Posting of a notice or publication does not imply endorsement by the City.

City Administrator Performance Evaluation

Purpose

The La Vista Mayor and City Council annually will evaluate the City Administrator's performance to accomplish the following purposes:

1. provide accountability for the delivery of services, and use of City staff and other resources under the supervision and responsibility of the City Administrator;
2. determine to what extent the City Administrator has accomplished performance goals established by the governing body;
3. establish the City Administrator's performance goals for the next review period;
4. identify other performance expectations that will enhance the Administrator's public service to the governing body and community;
5. promote ongoing and constructive two-way communication between the governing body and Administrator about performance expectations; and
6. determine, based on the governing body's findings, adjustments in the Administrator's compensation consistent with City's pay for performance philosophy.

Applicability

This policy shall apply to anyone who holds the position of City Administrator, except that a newly hired Administrator shall be evaluated at 6-month intervals during the first year after appointment and at least annually thereafter. The Mayor and City Council retain discretion to conduct an evaluation more frequently if a majority has concerns about the Administrator's performance.

Evaluation Process

The City Administrator's performance will be reviewed annually in accordance with the anniversary date of the contract execution. The Mayor or his/her designee shall be responsible for initiating and facilitating the City Administrator's performance evaluation as follows:

1. Human Resources will annually establish the Performance Evaluation schedule which will be based upon the City Council meeting when the evaluation will be administered. The schedule will allow for all parties to have two weeks to complete each portion of the process. The process will begin with the Mayor requesting that the City Administrator prepare a performance self-evaluation based upon performance goals established for the previous review period and the competencies identified in the City Administrator evaluation form.
2. In conjunction with the requirements of the ICMA credentialing process, the Mayor will also provide for administration of a confidential 360-degree evaluation of the City Administrator. Results of the 360-degree evaluation will be provided to the Administrator prior to the self-evaluation and to the Mayor and City Council subsequent to the completion of their individual evaluations and prior to their collective meeting with the Administrator.

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Council Policy Statement

City Administrator Performance Evaluation

3. The Mayor will distribute the evaluation form, the Administrator's current performance goals, and the Administrator's self-evaluation to all City Council members who will have two weeks to complete their individual evaluations.
4. The following numerical scale shall be used by each governing body member to evaluate leadership qualities identified in the evaluation form and the Administrator's achievement of performance goals:
 - a. Fails to Meet Expectations - Consistently fails to meet the specific performance competency. Represents a general performance weakness. Performance requires remediation. May have received previous warning from the governing body related to this competency.
 - b. Meets Expectations - Consistently and routinely meets parameters of a performance competency. Administrator does what is necessary. Performs without the need for repeated reminders from the governing body.
 - c. Exceeds Expectations - Fully and routinely excels in performing a particular performance competency. Consistently performs beyond the established minimum parameters. His or her performance of a particular competency serves as a model for the performance of department heads and other staff.
5. The point system in the performance evaluation tool shall reflect that fifty percent of the City Administrator's evaluation is based on how he/she performs the job (leadership qualities) and fifty percent of the evaluation is based on what he/she accomplishes.
6. The Mayor or his/her designee shall combine the evaluations of each governing body member into a consolidated evaluation document. Scores from all individual assessments by governing body members shall be totaled and all written comments reported.
7. Two weeks before the City Administrator's performance evaluation is due for completion, the Mayor and City Council shall meet in executive session to review the consolidated evaluation document and determine the governing body's evaluation of the Administrator's performance as follows:
 - a. An overall finding of the Administrator's performance shall be determined by adding individual scores from each governing body member's completed form. The following scale shall be used to arrive at a general finding of performance:

City of La Vista
Council Policy Statement

City Administrator Performance Evaluation

Total Point Score ¹	General Performance Finding
0 – 224 points	Fails to meet expectations
225 – 274 points	Meets expectations
275 – 324 points	Exceeds Expectations

- b. A general finding of the Administrator’s performance shall be determined by identifying: *Areas of unanimous/substantial agreement on Administrator’s performance.*
 - c. Disagreement among members of the governing body as to the Administrator’s performance shall be noted by identifying: *Areas of disagreement on Administrator’s performance.*
8. During the same executive session, the Mayor or his/her designee shall facilitate and document ideas for the City Administrator’s performance goals for the next review period.
9. At the next regularly scheduled meeting and in executive session, the Mayor and City Council shall:
- a. review the consolidated performance evaluation document and determine final agreement on the governing body’s evaluation of the Administrator’s performance;
 - b. seek agreement on any desired adjustments to the City Administrator’s compensation based on the performance evaluation;
 - c. seek tentative agreement on the Administrator’s performance goals for the next review period;
 - d. meet with the City Administrator to report his/her performance evaluation, compensation adjustment and proposed performance goals, and invite his/her feedback and discussion; and
 - e. amend as needed and give final approval to the Administrator’s performance goals for the next review period.

¹ Total points possible from the consolidated Mayor and City Council evaluations is 324 points. “Exceeds” category based on 85 percent or more of the total of 324 points; “Meets” category represents 70 – 84 percent of the total points.

City of La Vista

Council Policy Statement

City Administrator Performance Evaluation

Additional Guidelines

1. All documents related to the City Administrator's performance evaluation are confidential personnel records, and all related discussions shall occur in executive session and remain confidential.
2. Decisions related to adjustments in the City Administrator's compensation shall be finalized in an open meeting through a formal motion and vote.
3. The final consolidated performance evaluation document, along with approved performance goals shall be placed in the personnel file of the City Administrator.
4. The Mayor may elect, subject to City Council approval, to retain the services of an outside facilitator to assist with administration of the City Administrator's performance evaluation.

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990

Purpose

The City of La Vista will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of La Vista further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Authorities

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap”.

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance”.

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

28 CFR Part 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

City of La Vista

Council Policy Statement

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990

49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities."

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States . . . to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

Organization

Please see Responsibility Flow Chart on Attachment 1.

Section 504/ADA Coordinator Responsibilities

The City Clerk is designated as the City's Section 504/ADA Coordinator. The Coordinator shall be responsible for coordinating the City's efforts to comply with and carry out its responsibilities under the Section 504/ADA including employment matters and receiving any complaints communicated to the Coordinator alleging the City's non-compliance or alleging any actions that would be prohibited acts.

Section 504/ADA Notice to the Public

The City of La Vista does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of La Vista also does not discriminate on the basis of disability in its hiring or employment practices.

City of La Vista

Council Policy Statement

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

City Clerk
402-331-4343 Phone
402-331-4375 Fax
8116 Park View Blvd.
La Vista, NE 68128

Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

Section 504/ADA Self-Evaluation

The following areas were evaluated at the time of the original passage of the acts and are reviewed periodically to ensure continued compliance:

1. Personnel policies, procedures, benefits, programs, etc. were reviewed for accessibility;
2. City buildings and facilities were evaluated for accessibility, and;
3. City programs, services and activities were evaluated for accessibility.

The buildings, facilities, programs, services and activities are reviewed on an annual Basis as part of the Capital Improvement Program and the normal budget process.

Self-evaluations consider all programs, activities and services. Remedial measures necessary to bring the programs, policies, and services into compliance may include, but be limited to, (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids to needed to provide effective communication.

Section 504/ADA Transition Plan

The following areas identified in the self-evaluation process were given a transition plan and have been completed:

1. Employment
 - a. Application form was reviewed and updated for compliance.
 - b. Policy on pre-employment physical examinations was changed to be post job offer.
 - c. Application procedure was changed to allow for changes in maximum testing times (such as those with dyslexia or other impairments).

City of La Vista

Council Policy Statement

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990

- d. Job descriptions were updated. New format now includes a section for Essential Functions, Physical Requirements, Tools/Equipment Used, and Working Conditions.
- e. Recruitment information is now available in several formats and additional locations.
- f. Training with provided to all employees with additional training for supervisors regarding hiring policies, interviewing questions and procedures, etc.

2. Buildings/Facilities/Infrastructure

- a. Police Station (old facility)—pathways, door handles, and doorbells were changed, restroom facilities were modified, accessible parking and signage were altered for compliance.
- b. Police Station (new facility)—the new station was designed to be totally accessible according to building code requirements. Severe weather warning accommodations are available upon request.
- c. Fire Station No. 1 (old facility)—modified restrooms, added accessible parking spaces and with related signage and modified door handles. A new facility to replace Fire Station No. 1 is in the planning stages and will proceed when funding can be arranged.
- d. City Hall—a new City Hall was constructed prior to Jan. 1995 compliance deadline which conformed to all of the accessibility standards at that time.
- e. Municipal Swimming Pool—modifications were made to the bathhouse to modify restrooms and shower facilities, hallways were modified, and accessible parking was provided. Wheelchair access from the exterior is provided via a gate opening at the side of the building to circumvent a front door width restriction after which access to the bathhouse is available from inside the pool area. Some major issues, such as zero-depth entry remain. These will be addressed with a new aquatic facility at such time as funding can be obtained.
- f. Central Park-Restroom modifications were made and accessible parking stalls were provided.
- g. City Park—a drinking fountain was lowered and a new concession/maintenance building was constructed that provided accessible restrooms.
- h. Sports Complex—insulated piping and modified faucet handles in restrooms, changed door handles and provided accessible parking spaces
- i. Signage indicating accessible entrances was placed on each building.

3. Curb Ramps on Public Streets

- a. Newly built or altered streets and roads include ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. "Altered" includes resurfacing while isolated panel replacement and filling-in potholes does not.
- b. New sidewalks and walkways in public right of way or public property contain curb ramps in accordance with the applicable design regulations at the time that they are constructed.
- c. The public may request curb ramps at specific locations at any time. They will be constructed if warranted at such time as funds are available.

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -120

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Council Policy Statement

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990

d. All existing streets have been provided with curb ramps.

4. Services

- a. Council meeting minutes are available in alternative formats including written and audiotape. City Council and other public hearing agendas are also available in different formats. These are available upon request to the City Clerk at least three working days prior to the public hearing.

Transition plans will be created/alterd as areas are identified during our continuing self-evaluations. Interested persons, including individuals with disabilities or organizations representing individuals with disabilities, will have an opportunity to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

ADA Compliant Procedure

1. If you believe you have been discriminated against, denied employment or a benefit, or excluded from participation in any City program or activity on the basis of disability in violation of the ADA, you may submit a complaint in writing to the City Clerk for resolution. The complaint form should be used. The complaint should be submitted as soon as possible but no later than sixty (60) days after the alleged violation. A record of the complaint and action taken will be maintained. A decision by the City Clerk will be rendered to you in writing or an appropriate substitute format within 10 working days.
2. Upon receipt of a complaint the City Clerk will provide the appropriate Department Head with a copy of the complaint. The Department Head will assist the City Clerk in conducting an investigation. The City Clerk may seek assistance from other Department Heads and the City Attorney depending on the nature of the complaint. A response will be provided in writing to the complainant within 15 working days of receipt of the complaint. The response will explain the position of the City of La Vista and, if applicable, offer options for resolution or actions that will be taken by the City.
3. If the complaint can't be resolved to your satisfaction by the City Clerk you may appeal the decision or action to the City Administrator within 15 days after receipt of the response from the City Clerk.
4. If the complaint can't be resolved to your satisfaction by the City Clerk or City Administrator, then the complaint will be heard by the City Council and discussed at an open, public meeting of the elected body. The decision of the City Council is the final action of the City in response to the complaint.
5. A record of action taken on each request or complaint will be maintained as a part of the records or minutes at each level of the grievance process.
6. Your right to a prompt and equitable resolution of the complaint will not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in the state or federal court. Use of this grievance procedure isn't a prerequisite to the pursuit of other remedies.

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -120

Adopted: May 18, 2010

Amended:

Resolution No: 10-059

City of La Vista

Council Policy Statement

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990

Reasonable Accommodation Procedures

The requirements related to the provision of auxiliary aids and services and information concerning local providers are set forth in an attachment to this policy.

Assurances

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of La Vista, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of La Vista further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

Policy

The City of La Vista (Local Public Agency), hereinafter referred to as the “LPA,” assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA's City Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

City of La Vista

Council Policy Statement

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, (LPA) has appointed a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for (LPA)'s Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Standard DOT Assurances

49 CFR Part 21.7

The (LPA) hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, age, disability/handicap and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the LPA regardless of whether those programs and activities are Federally funded or not. Activities and programs which the LPA hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - a. Transportation Projects such as Street Improvements, Hike/Bike Trails, etc.
 - b. That the LPA agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
 - c. That the LPA shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all *Transportation Projects* and, in adapted form in all proposals for negotiated agreements:

The (LPA) hereby gives assurances:
2. The (LPA), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.
3. That the LPA shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the LPA shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest therein.

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Council Policy Statement

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

5. That where the LPA receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the LPA receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the LPA shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the LPA with other parties: (a) for the subsequent transfer of real property acquired or improved under *Transportation Projects*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *Transportation Projects*.
8. That this assurance obligates the LPA for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the LPA or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the LPA retains ownership or possession of the property.
9. The LPA shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The LPA agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the LPA Department of Transportation under the *Transportation Projects* and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the *Transportation Projects*. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the LPA.

Implementation Procedures

This agreement shall serve as the LPA's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

City of La Vista

Council Policy Statement

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

1. Issue a policy statement, signed by the head of the LPA, which expresses it's commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by NDOR or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
3. Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Develop and implement a community outreach and public education program.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOR's Highway Civil Rights Coordinator within 10 days of the date the complaint was received by the LPA.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.
7. Conduct Title VI reviews of the LPA and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

City of La Vista

Council Policy Statement

Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

a. Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

b. Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the LPA. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the LPA's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a. The date of alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.

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4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.
5. The LPA will advise NDOR within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to NDOR:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address (es) of alleged discriminating official(s).
 - c. Basis of complaint (i.e., race, color, national origin or sex)
 - d. Date of alleged discriminatory act(s).
 - e. Date of complaint received by the LPA.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or Federal) where the complaint has been filed.
 - h. An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against the LPA should immediately be forwarded to NDOR for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.
10. Contacts for the different Title VI administrative jurisdictions are as follows:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2, P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4870
Federal Highway Administration

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Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402)437-5765

Sanctions

In the event the LPA fails or refuses to comply with the terms of this agreement, the NDOR may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part.
2. Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the LPA.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

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APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (*Recipient*) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (*Recipient*), or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the (*Recipient*) shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies, and/or;
 - b. cancellation, termination or suspension of the contract, in whole or in part.

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6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the *(Recipient)* or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the *(Name of Recipient)* will accept title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *(Name of Recipient)* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *(Name of Recipient)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the *(Name of Recipient)*, its successors and assigns.

The *(Name of Recipient)*, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the *(Name of Recipient)* shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the

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Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *(Name of Recipient)* pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *(Name of Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Name of Recipient)* pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of

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said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, (*Name of Recipient*) shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (*Name of Recipient*) and its assigns.

Accepting and Handling Credit Card Payments

The purpose of this document is to establish policies and procedures for the proper handling of credit card transactions processed through automated systems and/or manual procedures. It is intended for:

1. Any individual that accepts, captures, stores, transmits and/or processes credit payments received for the purchase of City of La Vista products and services.
2. Any individual who supports any City of La Vista effort to accept, capture, store, transmit and/or process credit card information, such as a technical support staff member whose role gives him or her access to computer hardware and software holding credit card information, individuals tasked with shredding credit card information, etc.

This policy and the accompanying standard operations policy are intended to ensure that credit card information is handled and disposed of in a manner that satisfies the City of La Vista's obligation to protect such information to the level that meets or exceeds that required by the Payment Card Industry. Since any unauthorized exposure of credit information could subject the City of La Vista to reputational damage and significant penalties, failure to comply with the policy contained within this document will be considered a serious matter.

The City of La Vista is committed to complying fully with the expectations specified by the Payment Card Industry in its Data Security Standard (PCI-DSS). Compliance by the City of La Vista requires that:

1. PCI-DSS compliance is mandatory for any department that accepts, captures, stores, transmits and/or processes credit card information.
2. Only authorized and properly trained individuals may accept and/or access credit card information.
3. Credit card payments may only be accepted by previously approved methods as outlined in the Standard Operation Policy governing the accepting and handling of credit card payments.
4. Each person who has access to credit card information is responsible for protecting the information.
5. Credit card information must be destroyed as soon as it is no longer necessary.
6. Departments must maintain appropriate checks and balances in the handling of credit card information.
7. Each department that handles credit card information must have documented procedures for complying with this policy and PCI-DSS.

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Accepting and Handling Credit Card Payments

8. Suspected theft of credit card information must be reported immediately to the Department Head.

The City of La Vista's operating procedures in support of the above principles are outlined as a Standard Operation Policy.

Violations of this policy and/or the supporting Standard Operation Policy may result in the following for the Department and/or the employee involved: discontinuance of the practice of accepting credit cards, loss of computer or network access privileges, disciplinary action, suspension, termination of employment and/or legal action.

Cell Phone Allowance Policy

This policy is effective as of October 1, 2011 and supersedes any previous policies and guidelines regarding cell phones.

Policy

City of La Vista recognizes the need for certain City personnel to own and use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, allowance and use. Once approved for cell phone allowance a full-time employee will receive a monthly allowance added to payroll as a non-taxable benefit.

For an employee to be eligible for the monthly allowance, at least one of the following must be true:

1. This employee is a key staff member needed in the event of an emergency.
2. This employee is frequently away from access to traditional land-based phone services.
3. This employee is involved in frequent off hours/on-call activity.
4. The nature of this employee's work is critical to the operation of the City and immediate response is required.
5. This employee's assigned work requires substantial travel.
6. The anticipated level of business use is significant.
7. The related cost is justified when compared with alternative communication choices.

Administration of Allowance

When a supervisor deems it appropriate for an employee to receive a cell phone allowance, the employee needs to complete the "Cell Phone Authorization Request" and the "Cell Phone Usage Agreement" forms.

Please note that allowances must be covered by a department's budget.

Hiking/Biking Trail Crosswalk Marking Policy

Introduction

Marking of hiking/biking trail crosswalks on public streets is necessary for the safety of the public with the growing interest and presence of trails throughout the city of La Vista.

Representatives from Public Works, the Police Department, and the Recreation Department will coordinate and determine signage and proper placement of the signage under the following criteria:

1. At mid-block path crossings on all residential streets (local and collector) provide pavement marking crosswalks.
2. At path crossings on all residential streets (mid-block and near intersections) provide YIELD signs facing the path users.
3. At mid-block path crossings on streets that are designated as collector streets (generally over width) provide crosswalk signs facing motorists. If there are locations where the crossings are not readily visible due to curvature of the road, or vegetation or other reasons consider adding advance crosswalk signs.
4. If there are locations where sight distance on the path and/or the roadway is exceptionally limited (a judgment call based on the desirable sight distance values set forth in the AASHTO Guide for the Planning, Design, and Operation of Bicycle Facilities) then consider parking restriction in the vicinity of the crosswalk.

Removal or Ban and Bar from City Facilities/Property

Purpose

In an effort to maintain a safe environment for public employees and visitors, and pursuant to the powers and authority of the City Council, the following policy addresses (1) excluding and prohibiting individuals from remaining on or entering city-owned property; and (2) prohibiting individuals from telephoning the city.

Nothing in this policy shall be construed to authorize the exclusion of any person lawfully exercising their free speech rights or other rights protected by the state or federal constitution. However, a person engaged in such protected activity, who also commits acts that are not protected, and that violate applicable provision of law, shall be subject to exclusion as provided in this policy.

Scope

The policy applies to all city buildings, properties, and employees.

Definitions

“Ban or Banning” refers to prohibiting individuals from remaining or entering on foresaid property and prohibiting them from returning to the foresaid property for the time period noted.

“Bar or Barring” refers to excluding an individual from foresaid property for the time period noted.

“Removal or Removed” refers to asking or having an individual immediately leave from the foresaid property for the time period noted.

Provisions

A. Exclusions from City-Owned Property

1. A person is subject to immediate ban & bar from a city-owned building or property, including city parks, if that person is observed to violate any city ordinance, city policy, or state law, or engage in conduct that places other persons or property in imminent threat of danger or harm. The ban and bar need not be based upon a criminal charge or conviction. The ban and bar may be based upon the observations of a police officer or upon the observations of a city employee in connection with their duties.
2. A person is subject to removal from a city-owned building or property including city parks, if that said person is disrupting or disturbing a city function, recreational activity or private citizen. Removal may be based upon observations of any city employee in connection with their duties.

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Removal or Ban and Bar from City Facilities/Property

3. The removal issued under this policy shall not be for less than one (1) business day and not more than five (5) business days.
4. The ban and bar issued under this policy shall be for thirty (30) days. If the person to be banned has been banned at any time within the last two (2) years before the date of the present ban and bar, the ban and bar shall be for ninety (90) days. If the person to be banned has been banned on two or more occasions within two years to the date of the present, the ban and bar shall be for one-hundred eighty (180) days.
5. At any time within the ban and bar period, a person subject to ban and bar order may apply, in writing, to the City Administrator, for a temporary waiver from the effects of the ban and bar order for good cause shown. In exercising discretion under this provision, the City Administrator shall consider the seriousness of the violation for which the person has been banned, the particular need of the person to obtain a waiver, and any other criteria the City Administrator determines to be relevant to the determination of whether or not to grant a waiver. The decision of the City Administrator to grant or deny a waiver, in whole or in part, is committed to the discretion of the City Administrator, shall be in writing, and is final.
6. All ban and bar orders shall be in writing, state the basis for the order, and include information on the appeal process. The order shall be served personally, or mailed to the person by certified mail if a mailing address is available.
7. The ban and bar will be recorded and kept on file by the issuing department during the term of the ban. A copy of the ban and bar notice will be sent to the Police Department.
8. The ban will remain in effect for the specified period unless it is modified (see Section I.(C)) or rescinded due to an appeal (see Section III).
9. If a person who received a ban and bar remains or returns to excluded properties without compliance with Section I.(D), that person is a trespasser and may be subject to arrest on criminal trespass charges per NE Revised State Statute 28-521.
10. For the purpose of this policy, the person in charge of city-owned property and buildings is the City Administrator or his/her designee.

B. Telephone Contact

For purposes of NE Revised State Statute 28-1310 Intimidation by Telephone Call, the City Administrator, Chief of Police, and Designees have the authority to issue a ban and bar forbidding persons from calling specific city telephone numbers. All orders forbidding a person from calling city telephone numbers must be in writing, state the basis for the order,

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Removal or Ban and Bar from City Facilities/Property

include information on the appeal process and be either served personally or mailed to the person by certified mail if a mailing address is available.

C. Appeal

- a. Any ban and bar from city property, and any prohibition against calling city telephone numbers, may be appealed by filing a notice of appeal within five (5) business days. The notice of appeal shall be mailed to the City Clerk's Office, and will be considered timely only if postmarked within the five (5) day period.
- b. The City Clerk's Office will arrange a hearing on the issue in front of an appointed Ban and Bar Review panel within ten (10) business days of receiving the request.
- c. The panel shall consider any evidence and argument that the panel considers relevant to whether the exclusion or prohibition is consistent with the policy, NE State Statute 28-1310, or any other applicable law. This may include, but is not limited to, affidavits, witnesses, or declarations from involved persons. The city shall have the burden to justify the ban and bar by a preponderance of the evidence.
- d. The written decision of the panel shall be issued within ten (10) business days of the hearing and shall affirm, modify, or cancel the ban and bar. The decision is final.

D. Ban and Bar Review Panel

The Ban and Bar Review Panel will consist of three (3) city officials: The City Administrator or his/her designee; the City Council President; and the Chief of Police or his/her designee.

Hometown Heroes Banner Program

Purpose

The Hometown Heroes Banner Program is intended to honor the veterans of the La Vista community. Participants in the program can display their patriotism by purchasing a banner to be displayed on utility poles in La Vista that honors a resident or their family member(s) who has served our Country in any branch of the military.

Policy

Hometown Hero banners will measure approximately 80" x 30" and will be unique to the specific service member to be honored. The following will be included on the banner:

1. A picture of the veteran
2. Name
3. Branch of military served
4. Era of service

Eligibility and Procedure

1. The veteran being honored must be a resident of the City of La Vista (current or former) or be a family member of a La Vista resident.
2. A completed Application Form must be submitted, along with full payment.
3. If you wish to enroll multiple Heroes, each banner will require a separate application form.
4. Cost for each banner is \$175.00 which includes the cost of the banner, installation materials and maintenance.
5. Application forms are available at the following locations:
 - a. La Vista City Hall, 8116 Park View Blvd.
 - b. La Vista Police Department, 7701 So. 96th Street
 - c. On the City's website at www.cityoflavista.org/Hometownheroes.
 - d. Completed forms and full payment can be returned to either location.

Program Management

1. For **2015**, the initial year of the program, the following will apply:
 - a. Application period closes on Friday June 5th, 2015.
 - b. Enrollment will be limited to the first 38 applicants.
 - c. At the close of the application period banners will be ordered for those who have submitted completed forms accompanied by full payment.
 - d. Banners will be displayed on utility poles along 84th Street.
 - e. Banners are guaranteed to be displayed for at least two (2) seasons and re-

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HOMETOWN HEROES BANNER PROGRAM

- enrollment to the program is not required.
- f. Display period will be Fourth of July through Labor Day.
2. For **subsequent years** the following will apply:
 - a. Application period closes on April 1st
 - b. Enrollment numbers will be based upon the number of participants already enrolled in the program.
 - c. At the close of the application period banners will be ordered for those who have submitted completed forms accompanied by full payment.
 - d. Banners will be displayed on utility poles along 84th Street and other thoroughfares throughout the City based on the number of participants.
 - e. Banners are guaranteed to be displayed for at least two (2) seasons and re-enrollment to the program is not required.
 - f. Display period will be Memorial Day through Fourth of July.
 3. Banners will be taken down after the designated display period and stored at City of La Vista facilities until installation the following year.
 4. The cost of the banners includes any maintenance and/or replacement of the banner or mounting hardware during the designated two-year display period in the event that damage occurs.
 5. The applicant may collect the banner they purchased at any time, excluding during the display period. By collecting the banner the applicant forfeits the opportunity to have the banner displayed in subsequent years.

Police Department Asset Forfeiture Expenditures

Background

The La Vista Police Department (LVPD) receives a portion of the assets it seizes under the Federal Comprehensive Crime Control Act of 1984. Federal and state laws, as well as formal agreements, govern the administration, budgeting and expenditure of asset forfeiture funding (Department of the Treasury (DOT) and Department of Justice (DOJ) Guides for Equitable Sharing).

Policy Considerations

This asset forfeiture expenditure policy focuses on establishing programs and purchasing equipment that enhance officer safety, improve officer performance and supports narcotic investigations and enforcement.

Policy

It shall be the policy of the City Council and the City of La Vista that the expenditure of asset forfeiture funds focus on establishing programs and purchasing equipment that enhance officer safety, improve officer performance and supports narcotic investigations and enforcement.

1. The La Vista Police Department will propose an Asset Forfeiture Expenditure Master Plan to the City Council for approval on an annual basis. The Asset Forfeiture Master Plan must be approved by City Council prior to the appropriation and expenditure of asset forfeiture funding.
2. The following priorities will be used in developing Asset Forfeiture Expenditure Master Plans:
 - a. Enhancement of safety equipment for front line law enforcement personnel (e.g., ammunition, weapons, and Tasers).
 - b. Integration of technology advancements (Specialized law enforcement vehicles, in-car computers and cameras, and computer software).
 - c. Support for specialized law enforcement programs, investigations, and operations (e.g., informant pay and equipment for Special Weapons and Tactics (SWAT) Team, K-9 Unit, Special Enforcement Team (SEB).
3. Asset forfeiture funding will not be used to supplant local funds. Conversely, expenditures identified and approved to be funded by asset forfeiture funding will not be supplanted by the General Fund.
4. Asset forfeiture funding will be expended in a manner consistent with state and federal requirements.
5. The Police Department shall submit an "Annual Certification Report" outlining the previous year's receipt and usage of forfeiture funds.

Special Designated Liquor License Procedure

The purpose of this policy statement is to establish a uniform procedure for the recommendation to the Nebraska Liquor Commission (NLC) to approve/deny an application for a Special Designated Liquor License (SDL) within the City of La Vista.

The City Council has determined that it is in the best interests of the City and the Community to have the approval process run through the office of the City Clerk and that these do not need to go before the City Council for approval. The City Council will be provided with a copy of the permit application when it is received and will be provided a memo stating action taken regarding the permit application following staff review.

The following guidelines will be applied by the City Clerk in reviewing applications for special designated liquor licenses for the consumption of alcoholic liquors.

An application for a special designated liquor license will be recommended for approval by the City Clerk only when:

1. A favorable police report has been issued relating to the type and level of security to be provided to ensure that the liquor laws, and in particular the liquor laws relating to the sale to and consumption by minors, will be complied with.
2. Adequate restroom facilities are available or will be provided.
3. The granting of such a permit will not create traffic congestion or hazards, and will not violate any of the provisions of the La Vista Municipal Code.
4. The application otherwise complies with the requirements of the Nebraska Liquor Control Act, including without limitation Neb. Rev. Stat. §53-134 and all rules and regulations as outlined by the Nebraska Liquor Control Commission.
5. The application for special designated liquor license is submitted for review at least twenty-one (21) working days prior to the event date.
6. The application is approved by the chief building official or their designee.

An application for a special designated liquor license will be recommended for denial by the City Clerk when:

1. An unfavorable police report has been issued relating to the type and level of security to be provided to ensure that the liquor laws, and in particular the liquor laws relating to the sale to and consumption by minors, will be complied with.
2. Adequate restroom facilities are not available or will not be provided.
3. The granting of such a permit will create traffic congestion or hazards, or will violate any of the provisions of the La Vista Municipal Code.
4. The application does not comply with any requirements of the Nebraska Liquor Control Act or any rules or regulations as outlined by the Nebraska Liquor Control Commission.
5. The application for special designated liquor license is submitted for review at less than twenty-one (21) working days prior to the event date.

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Special Designated Liquor License Procedure

6. The application is not approved by the chief building official or their designee.
7. The application requests authorization to sell or consume alcoholic liquors beyond the hours for sale at retail and dispensing authorized in Chapter 114 of the La Vista Municipal Code.

The City Clerk shall then issue a response the NLC either recommending approval or denial of the SDL.

These guidelines shall be applied to all applications for special designated liquor licenses for the consumption of alcoholic liquors. Nothing herein shall preclude the City Clerk in conjunction with the Chief of Police and Chief Building Official from deviating from the above-stated guidelines when exceptional or peculiar circumstances exist warranting such a deviation.

Employee Performance Management Policy

Purpose

The City's Performance Management Program is designed to foster a dialogue between managers and employees throughout the year in support of the City of La Vista's objectives and goals.

Objectives

The primary objectives of the performance management process are to:

1. Ensure employees perform work that accomplishes the business needs of the City of La Vista.
2. Ensure the employee is clearly aware of the performance measures and results expected for the job including goals as prescribed.
3. Confirm employees receive ongoing feedback about how effectively they are performing relative to expectations.
4. Continually monitor employee's progress and communicate any ongoing issues to assist the employee in aligning performance with the expected outcomes for the job.
5. Acknowledge and address employee performance that does not meet expectations.
6. Assign salary increases that are consistent with the employee's performance.

Applicability

The Performance Management program shall apply to all employment positions in the City with the following exclusions:

1. Any temporary employment position such as seasonal positions.
2. Any employment position covered by an express employment contract, except to the extent otherwise provided in the contract.

Provisions

1. Annual Performance Management Process

The City Administrator or his/her designated representative shall be responsible for administering the Performance Management Program according to the following process:

	Annual Performance Cycle April 1 through March 31
Expectation-Setting (By April 30)	By April 30 of each year, the supervisor and the employee will meet to discuss goals (if applicable) and expectations for the upcoming evaluation period. (This discussion can also take place as part of the annual evaluation which occurs in March.)

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Employee Performance Management Policy

	<p>Employees should understand the application of the City's core values to their job, the additional job-related competencies and performance goals (if applicable) as the components they will be evaluated on.</p> <p>Discussion should be documented on the Assessment Meetings Form. Goals should be documented on the Performance Evaluation Form, which will be launched on April 1st of each year.</p>
1 st Quarter Assessment (April-June)	<p>By June 30 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
2 nd Quarter Assessment (July-September)	<p>By September 30 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
3 rd Quarter Assessment (October-December)	<p>By December 31 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
4 th Quarter – Annual Evaluation	<p>By February 1 employee completes the Performance Summary Form and submits it to the supervisor.</p> <p>By March 31 the supervisor completes the annual performance evaluation and meets with each employee.</p>

Prior to the completion of the annual performance evaluation, employees will be required to complete a Performance Summary, which shall be considered by the supervisor. This opportunity is meant to provide for open communication between the employee and the supervisor on measurements of performance.

Direct supervisors are responsible for completing employee performance evaluations. The performance evaluation shall be reviewed and approved by additional department/division supervisors, if appropriate, as well as the Department Head before presenting to the employee. After the evaluation is presented to the employee a Personnel Action Form (PAF) shall be completed and sent to Human Resources.

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Employee Performance Management Policy

2. Performance Evaluation Appeal Process

The City believes that managers and supervisors are in the best position to evaluate an employee's work performance and work behavior. For this reason, Human Resources will not attempt to substitute its judgment for the supervisors' unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory or not factual based on solid data. The appeal process can still be helpful, however because it involves a neutral third party who can help to facilitate a better understanding or resolve a dispute between an employee and a supervisor.

An employee who is dissatisfied with his or her performance evaluation should request a follow-up meeting with his/her supervisor within 10 days of receiving the evaluation to discuss the evaluation candidly, express any disagreements the employee may have with the review and provide additional information/documentation to support his/her case.

If the employee still disagrees with his/her evaluation after follow-up discussion with the supervisor, the employee may submit a formal, written appeal to the Department Head within 10 days of the follow-up meeting with the supervisor. If the supervisor is the Department Head, the written appeal should be submitted to the Department Head's immediate supervisor. The appeal must include (1) a written memo stating the employee's intent to appeal and listing the specific parts of the evaluation with which the employee disagrees, explaining the nature and extent of the disagreement; (2) a copy of the performance evaluation with the employee's comments; and (3) any relevant supporting documentation.

The Department Head will review and respond in writing to the employee within 10 days of receiving the appeal.

If the employee continues to disagree with their performance evaluation, he/she may then appeal to Human Resources within 10 days. The appeal must include all of the information submitted on appeal to the Department Head and the Department Head's written response.

Human Resources' response to appeals of an employee performance evaluation may include some or all of the following actions:

- a. Review the evaluation, appeal, and supporting documentation.
- b. Contact the employee and/or the supervisor to obtain clarification or additional information.
- c. Contact the Department Head to obtain clarification or additional information.
- d. Collect additional information from other relevant sources.
- e. Make a decision and inform the employee in writing with a copy to the supervisor and the Department Head. If applicable, take any necessary action to implement the decision.

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Employee Performance Management Policy

Human Resources shall present a final recommendation to the City Administrator for approval within 20 days of receiving the appeal. The City Administrator shall make a determination within 10 days of receiving the recommendation. This decision shall be final.

The time limits stated in the appeal process are directory and every reasonable effort shall be made to comply with them, but they shall not be considered or interpreted to be jurisdictional. The failure of any of the parties to meet any of such deadlines and timelines shall not eliminate the parties' responsibility to comply with the intent of the process. However, if an employee who is dissatisfied with his/her performance evaluation has not taken the initial step to request a follow up meeting with their supervisor prior to the next quarterly performance assessment, the evaluation will stand as presented.

3. Performance Ratings

The City's performance evaluation system is based on the following rating scale:

Exceptional – Consistently demonstrates the highest level of performance of a quality and/or quantity that provides superior results and makes additional contributions and suggestions. This rating is reserved for employees who continue to stand out in every area or for those who have consistently gone above and beyond standard expectations on their goals, competencies and the City's organizational values to achieve the highest level of results.

Note: Receipt of the "Exceptional" level of overall performance rating is rare and should be reserved for only those employees that routinely out perform all others, or where circumstances during the evaluation period allowed an employee to truly distinguish him/herself. Employees receiving this rating would typically be a small percentage of the total workforce.

Excels – Frequently demonstrates high levels of performance in terms of quality and/or quantity and makes contributions that are above and beyond what is expected. It is appropriate for employees who have achieved and frequently exceeded expectations on their goals, competencies and the City's organizational values. This rating is an indication that performance expectations have been exceeded on a frequent basis.

Successful – Is successful in meeting job expectations, performing all duties in a manner that meets performance standards established for the job. Makes ongoing contributions and is dependable.

Needs Improvement – Performance is clearly below the minimum standards of the position. Immediate improvement is required.

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Employee Performance Management Policy

Note: Any employee who receives a performance evaluation with an overall rating of “Needs Improvement” will be placed on a Performance Improvement Plan (PIP) for a minimum of 90 days. A PIP is a document that may include, but is not limited to, levels of performance that must be achieved to obtain a “Successful” rating, current performance deficiencies, support that may be provided by the department or City, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions. If the employee’s performance does not improve, the employee will be subject to termination.

These ratings are applied to each of the competencies, as well as to an overall summary rating.

4. Performance Competencies

All employees, regardless of level in the organization, will receive a rating and objective feedback on the City’s three organizational values:

- a. Accountability - Accept responsibility for job performance, decisions, actions, behavior, and the resources entrusted to you.
- b. Integrity - Keep your word, honor your commitments, practice loyalty and doing what is right.
- c. Public Service - Provide high quality service through communications, teamwork, and professionalism. Practice courtesy and respect at all times.

In addition to the organizational values described above, additional job-specific competencies may be rated.

5. Performance Goals

All employees at the manager level and above will be assigned SMART goals (specific, measurable, attainable, realistic, time-oriented), during the Expectation Setting meeting. Goals will factor into the employee’s overall rating and should be clearly linked to a goal in the City’s strategic plan. Establishment of goals for supervisors and individual contributors will be an option that will be decided at the department level.

6. Introductory Period

Employees in their introductory period will begin receiving feedback on a quarterly basis. In order to incorporate new hires into the evaluation and pay increase cycles, the initial evaluation period will vary from 7-18 months depending upon start date. However, employees will be eligible for a pay increase at the conclusion of the introductory period. Pay increases will only be given during the introductory period when the ranges are adjusted in order to keep an employee within the range for their position.

Overhire Positions

Purpose

To delegate authority to the City Administrator to authorize hiring staff in excess of the number of positions approved by the City Council in the annual budget (overhire positions), in specified circumstances.

Definition

Overhire: An authorized position for which funds are not budgeted. The overhire concept assumes that a department (particularly Police) experiences several position vacancies during a fiscal year, and that the salary and fringe benefit savings from these vacancies will offset the cost of the overhire personnel. The overhire personnel, in turn ensures that the department will not be forced to limit operations because of staffing shortages and can better control overtime expenditures.

Policy

The use of overhire personnel is permitted to accelerate the filling of vacant positions by initiating the hiring process in advance of actual vacancies.

Conditions Permitting Use of Overhires

The City Administrator may authorize employment of an overhire position in any circumstance where it is felt to be in the City's best interest.

Generally, the following circumstances would warrant consideration of an overhire request:

1. Knowledge of a pending retirement/resignation where it is necessary to hire and cross-train a replacement employee prior to the departure of the existing employee.
2. Knowledge of a pending vacancy where it is desirable to recruit and hire a replacement employee such that there is no reduction in staffing and service levels.
3. Backfilling for an injured employee where the employee is not expected to return for an extended period of time, if ever.

Under all circumstances, approval of an overhire position is based upon the assumed permanent vacancy of an existing position in the near future. Positions will only be authorized following a review of the necessity for filling the position immediately as an overhire.

Budgetary Considerations

Approval of an overhire position is conditioned on the availability of adequate budget authority to guarantee the additional position will not exceed the authorized annual budget.

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Special Designated Liquor License Procedure

Procedure

Department Heads shall submit written requests for overhire authorization to the Managing Director of the department. If approved by the Managing Director, a recommendation of approval will be forwarded in writing to the City Administrator for final approval. Notification will then be made to Human Resources and the Finance Department.

Appointment to the Overhire Position

The date of an employee's appointment to an overhire position is designated as the start of the employee's probationary period. An overhire is differentiated from working out-of-class in that the working out-of-class is a temporary, short-term filling of a higher-level position.

Reporting

The number of staff overhires will be reported to the City Council during the annual budget process.

Pedestrian Crosswalk Marking Policy

Introduction

Marked crosswalks meeting the following criteria are installed and maintained by Public Works:

1. School crossings as designated by each school facility
2. Signalized intersections with pedestrian signals
3. Intersections with high crash rates involving pedestrians
4. Locations requested by residents meeting the requirements as described in Section 3 of this policy.

Design Standards

1. Crosswalk markings shall comply with the standards as set forth in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD).
2. Locations where decorative crosswalks have been installed will not be considered for standard crosswalk markings.
3. No Crosswalks shall be installed at an unsignalized location unless the motorist has an unrestricted view of the pavement surface consistent with the Stopping Sight Distance as defined by AASHTO's *A Policy on Geometric Design of Highways and Streets*, current edition.

Requests for Marked Crosswalks

In order to evaluate requests for marked crosswalks and to preserve effectiveness of marked crosswalks by avoiding overuse, the following process and criteria shall be applied:

1. There is a requirement to circulate a petition to the property owners within 300 feet of the proposed marked crosswalk location. Petitions need to have greater than two-thirds affirmative support (based on the number of parcels and at least one owner or resident signature per parcel, one parcel is one vote) in order for a crosswalk request to be evaluated.
2. Crosswalk locations shall meet the following qualifications:
 - a. There shall be at least 1,000 vehicles per day (average daily traffic) at the crosswalk location(s). Current traffic counts will be taken by Public Works if the petition is valid.
 - b. There shall be at least 10 crossings by individuals or groups of pedestrians in the hour of maximum vehicle-pedestrian conflict. Such hour will be determined by Public Works based on field observations.
 - c. The proposed crosswalk location shall be at least 1320 feet from another marked crosswalk.

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Pedestrian Crosswalk Marking Policy

3. In commercial/industrial locations the petition process shall be followed for all businesses located within 300 feet of a proposed crosswalk locations. One signature of a business owner or manager is required per business. The qualifications listed above are applicable.
4. Requests for Marked Crosswalks may require additional measures and/or warning signage be installed as part of the crosswalk markings; therefore, project may need to be programmed and/or further designed. Public Works Director reserves the right to recommend crosswalk(s) not be installed, and/or installation be delayed until crossing design, construction and maintenance activities can be properly programmed.
5. Locations may require further review and/or recommendation for additional measures and/or re-routing of crossings as to more closely align with pedestrian and/or driver expectations, as well as account for other environmental and/or site condition considerations. Public Works Director reserves the right to further evaluate the location as requested and make a recommendation as to approve or deny any requested crosswalk marking location(s).
6. Crosswalks spanning into neighboring jurisdictions will be required to be reviewed and approved by the neighboring jurisdiction prior to the crosswalk being marked and/or other measures being constructed. Maintenance by the neighboring agency to be consistent with any applicable maintenance memorandum of understanding(s), and/or typical shared maintenance practice(s) between jurisdictions.

Subsequent Requests

A proposed crosswalk location will not be evaluated by Public Works more than once per 12-month period.

Maintenance Interval

Crosswalks are typically repainted one time per 12-month period.

Periodic Evaluation

From time to time, based upon changes in traffic patterns, pedestrian trip generation, and/or other situations and/or conditions that change the intervals of pedestrian/vehicle interaction, crosswalk sites may be re-evaluated by Public Works as to be determined if the crosswalk should no longer be marked and/or maintained as marked crosswalk.

Public Library User Privileges

Administration

The administration and daily operation of the La Vista Public Library shall be the responsibility of the Library Director and is guided by established policies and procedures.

Fees shall be reviewed annually by the Library Advisory Board and approved by the Mayor and City Council.

Public Library User Privileges

Within the library, the use of all materials is open to the public. Service will not be denied or abridged because of religious, racial, social, economic, political, or age status. The use of the library or its services may be denied for due cause including, but not limited to, failure to return books or pay fees, destruction of library property, or failure to abide by stated library policies.

Any person who resides within the city limits or through business ownership pays property taxes to the City of La Vista, may apply for a library card at no charge. New patrons requesting a library card will be required to show identification with proof of address at the time of request. Library cards can be issued to all who are 15 years of age and older and to minor children ages 5-14 with parental consent.

Employees of the City of La Vista, members of the La Vista/Papillion Fire Department, teachers in a La Vista Public School, or current students, faculty members or staff members of the Metropolitan Community College, may also apply for a library card at no charge.

Military personnel (active duty and dependents only) residing outside the city limits may apply for a card at no charge. Military ID must be presented.

Non-residents (those living outside the city limits) may obtain a card by paying a fee as set forth in the City's Master Fee Ordinance.



City Financial Policies

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City Financial Policies

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Council Policy Statement

City Financial Policies

A. General Policies

The City will maintain sound financial practices in accordance with all federal, state and local laws and direct its financial resources towards meeting the City's long-term goals. The City will maintain and further develop programs to assure its long-term ability to pay the costs necessary to provide the level and quality of service required by its residents.

A review of the Financial Policy will be performed every three years, and any changes to the Financial Policy will be brought forward for City Council consideration and approval. Further, in the event there are any recommended deviations or exceptions from the Financial Policy, those exceptions will be presented for the City Council's consideration.

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City Financial Policies

B. Definitions

Accrual Basis - An accounting method that recognizes revenue when the services are provided and records expenses when they are incurred.

Amortization - An accounting technique used to periodically lower the book value of a loan or intangible asset over a set period.

Arbitrage - In the context of government finance, the reinvestment of the proceeds of tax-exempt securities in materially higher-yielding taxable securities.

Assigned Fund Balance - The portion of a governmental fund that represents resources that are set aside by the government for a specific purpose.

Bond Anticipation Notes (BAN) - A short-term interest-bearing security issued in advance of a larger, future bond issue. Bond anticipation notes are smaller short-term bonds that are issued by corporations and governments, such as local municipalities, wishing to generate funds for upcoming projects.

Cash Basis - An accounting method that records revenue when cash is received, and records expenses when cash is paid.

Cash-only Basis - Contemporaneous or advance cash payment for goods, services or other transactions, as determined by the Finance Director.

Cash Reserve - Money kept on hand to meet short term and emergency funding needs such as natural disasters, economic downturns, and the inevitable unforeseen event that would trigger a fiscal hardship.

Certificates of Participation (COP) - A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues. Certificates of participation are secured by lease revenues. A certificate of participation can also be referred to as a participation certificate.

City Administrator - The City Administrator of the City of La Vista or any designee of the City Administrator.

Collection - Any action taken to collect or attempt to collect a small amount pursuant to this policy.

Committed Funds - Includes amounts that are committed for specific purposes by formal action of the City Council. Amounts classified as "committed" are not subject to legal enforceability like restricted funds; however, those amounts cannot be used for any other purpose unless the City Council removes or changes the limitation by taking the same form of action it employed to previously impose the limitation.

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City Financial Policies

Comprehensive Annual Financial Report (Annual Report) - Is a set of financial statements comprising the financial report of a municipal entity that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB).

Construction Manager at Risk (CMR) - Acts as a consultant to the owner in the development and design phases but as the equivalent of a general contractor during the construction phase. The CM at risk is responsible for early coordination during the design phase, value engineering, and constructability reviews as well as the selection, scheduling, and sequencing of trade subcontractors. The term "at risk" conveys that the CM under this method bears the risks of the general contractor, such as price escalation, delay, etc., that are not present in an agency CM situation.

Credit Card (P-Card) - The City issues and authorizes the use of credit cards to efficiently purchase goods or services needed for City businesses that require immediate payment. The credit card is designed to delegate the authority and capability to purchase limited items directly to an authorized employee. Credit cards are ordered and administered through the Finance Department

Debt - Any amount described in this policy that a person owes the City.

Debt Service Coverage Ratio (DSCR) - A measurement of available cash flow to pay current debt obligations. The DSCR shows the extent current fiscal year income is available to fund debt service expense. A ratio of 1.0 is the objective.

Debtor - Any person owing a debt described in this policy.

Depreciation - An accounting method of allocating the cost of a tangible asset over its useful life and is used to account for declines in value.

Due Date - Payment is due 30 days from the invoice date, unless otherwise specified by applicable laws, rules, regulations, policies, or agreement in connection with a particular amount.

Dunning Letter - A notification sent to any person stating that payment for goods, services or other amounts owed to City is overdue, including more strident demands for payment or other actions to collect should the person continue to be non-responsive in paying. Provided, however, such notification shall incorporate any required provisions of any applicable laws or regulations, including without limitation required Notice of Neb. Rev. Stat. § 45-623 if an amount subsequently is assigned to a collection agency.

Economic Development Bonds - Transactions passed through a public entity (such as an economic development authority) to become tax-exempt and thereby save in interest costs.

Encumbrances - A commitment within an organization to use funds for a specific purpose.

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Enterprise Fund - The businesslike functions in which a government provides a service to residents in return for fees and charges, such as water, sewer, and transit systems.

Finance Director - The Finance Director of the City of La Vista or any designee of the Finance Director. Any authority of the Finance Director under this policy also may be exercised by the City Administrator.

Fund Balance - Net position of a government fund. It serves as a measure of the financial resources available in a governmental fund. It is the net of all assets, liabilities, deferred outflows of resources and deferred inflows of resources. Portions of the fund balance can be further defined as nonspendable, restricted, committed, assigned, and unassigned.

Good standing - Status of any person achieved by full payment of any amounts for goods, services or otherwise owed to the City.

Highway Allocation Fund Pledge Bonds - Bonds issued by political or governmental subdivision or public corporation to be expended for the cost of construction, reconstruction, maintenance, and repair of public highways, streets, roads, or bridges and facilities, and connecting structures.

Internal Service Funds - Activities that provide services to the government itself, such as fleet maintenance.

Market Value - The price at which a security is trading and could presumably be purchased or sold on the open market.

Modified Accrual Basis - Recognizes revenues when they become available and measurable and, with a few exceptions, recognizes expenditures when liabilities are incurred.

Nonspendable - The portion of a governmental fund balance that cannot be spent because the underlying resources are not in spendable form or because the government is legally or contractually required to maintain the resources intact. Example: pre-paid items.

Notice - Pursuant to Neb. Rev. Stat. § 45-623 in connection with any amount assigned to a collection agency, an attempt of the City to advise the debtor at least 30 days in advance by first-class mail, postage prepaid, at the last-known address of the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid.

Obligation - An act or course of action in which a duty or commitment is made to a person or entity to make a payment or other action.

Operating Reserve - Available General Fund balance, excluding nonspendable, restricted, committed, and assigned fund balance, compared to operating expenditures in a fiscal year, expressed as a percentage and as number of months' expenditures that could be funded from the reserve balance.

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Overdue: – Any small amount owed to the city which has not been paid within 30 days of the invoice date, unless a different due date is specified by applicable laws, rules, regulations, policies or agreement in connection with a particular amount.

Person – Any individual, organization, association, or entity.

Public Works General Improvement – This is defined by Nebraska Revised State Statutes 16-321 as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of such improvement is over thirty thousand dollars (\$30,000).

Purchase Order – An authorization to purchase goods and/or services that exceed purchasing authority as outlined in the General Policy.

Quick Check – A check created outside the scheduled check run.

Request for Proposal (RFP) – A solicitation, often made through a bidding process, by a department interested in procurement of a commodity, service, or asset, to potential suppliers. The RFP outlines the bidding process, contract terms, and how the bid should be formatted and submitted.

Request for Qualifications (RFQ) – A document that asks potential suppliers or vendors to detail their background and experience providing a specific good or service. In this case, the city is only concerned about the vendor's skills and experience. Therefore, the response is not a bid. Often, this response is called a statement of qualifications (SOQ).

Restricted Funds - Fund constraints placed on the use of amounts are either externally imposed by creditors (such as through debt), grantors, contributors or laws or regulations of other governments; or imposed by law through constitutional provisions or enabling legislation. This would generally include amounts in bonded capital projects funds, debt service funds, and program funds funded with federal program dollars.

Requisition – A request for a purchase order.

Sales Tax Revenue Bonds - A revenue bond is a municipal bond supported by the revenue from a specific project, such as a toll bridge, highway or local stadium. Sales tax revenue bonds are municipal revenue bonds that are secured by a sales tax revenue collected. Typically, revenue bonds can be issued by any government agency or fund that is managed in the manner of a business, such as entities having both operating revenues and expenses.

Small amount – \$100 or less.

Sole Source – Refers to those purchases where there is only one supplier that provides the goods and services.

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Unassigned Fund Balance – The difference between the total fund balance in a governmental fund and its nonspendable, restricted, committed, and assigned components.

Uncollectable amount – Any small amount owed to the City which has not been paid within 120 days of the invoice due date and has been determined to be uncollectible pursuant to this policy.

Write-off – Removal of any uncollectible amount from the City's financial records.

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City Financial Policies

C. Budget Process Policy

The City follows a biennial budget process, emphasizing long-range planning and effective program management. A biennial budget process enforces the practice of forecasting and planning, while reducing strain on financial staff and discouraging “expenditure creep” that is commonly associated with annual budget cycles.

The first year of the biennium is the odd numbered year. The second year of the biennium is the even numbered year. The preparation for the two-year cycle occurs during the second year of the previous biennium. A review of the first and second year occurs during the first year of the biennium. The biennial budget and subsequent amendments to either year of the biennium are adopted by the City Council and filed with the State of Nebraska Auditor of Public Accounts (APA) on or before the due date set by the APA.

The biennial budget process is consistent with the La Vista Municipal Code, specifically Chapter 35: Finance and Revenue, whereby:

- A budget will be proposed by the City Administrator, with consultation of staff, and adopted by the City Council each year.
- The fiscal year begins on October 1 and ends September 30 of the following calendar year.
- A draft of the proposed budget is presented to City Council at a public meeting.
- The City Council adopts the budget for the two years of the biennium on or before the due date set by the State of Nebraska Auditor of Public Accounts (APA).

Operating Budget Policy

1. In even numbered years (the second year of the biennial budget), the City will adopt a biennial budget for the following two years on or before the APA due date.
2. Review of the biennial budget will occur during the odd-numbered year (first year of the biennial budget) and amendments will be adopted on or before the APA due date.
3. Amendments may be adopted prior to the APA due date as necessary during the biennium. Although this flexibility exists, only major items should be considered for budget amendments as flexibility exists within a fund’s budget to address minor items.
4. The City will make every effort to adopt balanced operating budgets, with ongoing expenditures paid for with ongoing revenues, and avoid procedures that balance budgets by deferring needed expenditures.
5. The City will maintain an operating reserve percent and debt service coverage ratio in accordance with the adopted policy.
6. The City will estimate revenues using an objective and analytical process. In the case of significant uncertainty, conservative projections will be used.
7. The City will maintain a level of expenditures that support essential services and promote quality of life for its residents.

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8. The City will forecast its General Fund and other major fund expenditures and revenues for a five-year period and will update the forecast annually. The forecast provides the foundation for budget recommendations. When the first year of the five year forecast falls on an odd-numbered year, the first two years form the biennial budget request.
9. The City will endeavor to maintain a diversified and stable revenue system to minimize the impact of short-term fluctuations in any one revenue source.
10. The City will avoid targeting revenues for specific purposes whenever possible, allowing maximum flexibility in funding decisions.
11. The City will investigate potential new revenue sources, particularly those that will not add to the tax burden of residents and local businesses.
12. The biennial budget will incorporate objectives from the City's strategic plan.
13. The City will work proactively to monitor legislation that may benefit or burden the City financially.
14. The City will maintain a Capital Improvement Program (CIP) that accounts for capital project plans five years into the future. The CIP will support the City Council's goals and objectives, be consistent with the comprehensive plan, protect investment in infrastructure, and encourage economic development.
15. Future operating costs associated with new capital improvements will be projected and included in the operating budget forecasts.
16. An inventory of the City's physical assets, their condition, and remaining useful life will be maintained. An inventory should be completed every three years.
17. investment and to minimize unexpected maintenance and replacement costs.

Budgetary Control

The City Council is required to adopt a budget for all City funds and departments. Adoption of the budget requires a majority vote of the City Council. Subsequently, the City Council approves any revisions that increase the total budgeted expenditures or revenues of any department and fund, and any changes to staffing levels.

The City Administrator is authorized by the City Council to allocate the budget within the prescribed limits, for administrative purposes. This includes changes between expenditure categories (i.e., personnel services, commodities, contractual services, maintenance, other charges, debt service, capital outlay, or capital improvements) within a fund.

Changes to Capital Improvement Program that significantly alters project scope must be approved by City Council.

Community Input

Essential to the development of La Vista's annual budget is feedback from individuals and organizations. Input from the community is received through various channels, including City Council meetings, the City website, forums, community surveys, and public hearings.

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Basis of Budgeting

Governmental funds, including general, special revenue, and capital project funds, are budgeted on a cash basis.

Proprietary funds, including enterprise and internal service funds, are budgeted on a cash basis.

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D. Fund and Reserve Policy

General Fund Operating Reserve

Establishing and maintaining adequate cash balances and reserves allows financial flexibility and security and is recognized as an important factor considered by bond rating agencies and the underwriting community when reviewing debt issuance. Along with maintaining credit worthiness, such cash balances and reserves provide the means to handle economic uncertainties, local disasters and other unanticipated financial hardships, as well as meet cash flow requirements. The City will adhere to the following policies:

- A positive cash balance should be shown in the total and unassigned General Fund balance at the end of the fiscal year. At a minimum, the unassigned fund balance should be in the target range of 20% to 25% of General Fund appropriations for the succeeding fiscal year to provide adequate cash flow and emergency cash funding.
- Nonspendable, restricted, committed, and assigned fund balance is excluded from the total General Fund balance to compute the unassigned fund balance. The unassigned General

Fund and Reserve Policy (Cont.)

- Fund balance must be positive. That is, the other categories of fund balance cannot exceed the total General Fund balance.
- Restricted fund balance should not be used to finance routine operating expenses that exceed budgeted levels.
- The operating reserve (unassigned fund balance) should not be used to finance capital projects unless specifically earmarked for a project and designated as a restricted fund balance.
- Revenues will equal or exceed expenditures for each budget year unless there are funds available in the operating reserve. Excess operating reserves may be used to balance revenues and expenditures so long as the minimum operating reserve requirements of this policy are met.
- Short-term borrowing, such as tax anticipation notes, to meet the requirements in this section is prohibited.
- The annual budget is considered balanced if the revenue and expenditure activity and change in fund balance net to zero with an ending fund balance that is positive.
- A cash reserve requirement is embodied in the operating reserve. By maintaining a 20% to 25% operating reserve, cash reserves exist to address short term needs.

The operating reserve is reported to the City Council annually when the completed audited financial statements are presented for approval. A projected operating reserve balance is presented during the budget process for the current year-end estimate and the succeeding five years.

If the operating reserve rises above or falls below the desired range, the following actions are taken.

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- When the designated operating reserve falls below the desired range, the City shall create a plan to restore the cash reserve to the appropriate levels during the following budget cycle or through a budget amendment in the current biennial budget.
- When the designated operating reserve rises above the desired range, any excess funds will remain unassigned in the General Fund until the funds are distributed as outlined in the next approved biennial budget or through an approved budget amendment in the current biennial budget.

Sales Tax Incentive Refund Reserve

The City maintains a Sales Tax Incentive Refund Reserve within the General Fund operating reserve to provide for sales tax revenue shortfalls resulting from State refunds to taxpayers under Nebraska incentive programs. The State notifies the City one year in advance of large refunds and the City records this as a liability on the government-wide financial statement. The Sales Tax Incentive Refund Reserve is held in the fund balance as unassigned and available in the operating reserve calculation.

The City sets aside funds for the Sales Tax Incentive Refund Reserve throughout the year, using a pre-determined benchmark of monthly consumer use tax collections exceeding a designated amount. The Sales Tax Incentive Refund Reserve is utilized throughout the year when large sales tax refunds result in reduced cash flow in a month. The overall amount to reserve is analyzed during the biennial budget process using the State notifications and the forecast of consumer use tax.

Qualified Sinking Fund

In 1998, under the authority of the Nebraska Budget Act, the Mayor and City Council approved Resolution 98-145 authorizing the creation of a Qualified Sinking Fund to pay for the acquisition or replacement of tangible personal property with a useful life of five years or more. The Qualified Sinking Fund is maintained separately from the General Fund. Unassigned General Funds and Lottery Fund restricted community betterment funds are available for appropriation of transfers to the Qualified Sinking Fund.

The purpose of the Qualified Sinking Fund is to earmark and build a reserve for designated pay-as-you-go acquisitions of capital items. The intent is to reduce debt financing of tangible personal property with a useful life of five years or more.

The City may use one of several methods to establish a budget for transfers to the Qualified Sinking Fund:

- The required level of reserve equals each year's vehicle and equipment audited depreciation expense. For example, if the prior fiscal year's equipment depreciation expense is \$100,000, that amount may be set aside for future vehicle and equipment replacement.
- Equipment replacement schedules
- Convert individual department appropriation variance from an expenditure to a year-end transfer to the Qualified Sinking Fund.

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If this set aside (transfer) causes the General Fund operating reserve percentage to drop below the 20% to 25% range, the transfer may be adjusted.

Sewer Fund

The City will maintain reserves for the purposes of offsetting unanticipated fluctuations in Sewer Fund revenues to provide financial stability, including the stability of revenues and the rates and charges and funding for emergency repairs. The reserves are based on the following:

- An unrestricted fund balance equivalent to 25% of total annual expenditures
- Reserves above 25% are directed to the Sewer Reserve Fund for anticipated capital projects based on the prior fiscal year's audited financial statements.

Sewer Reserve Fund

The City maintains a Sewer Reserve Fund for the replacement of sewer lines, repairs to the sewer system, and sewer capital outlay. Capital Improvement Program projects will be funded by the reserve fund balance and bond proceeds. Transfers are made from the Sewer Fund annually when

Fund and Reserve Policy (Cont.)

the Sewer Fund operating reserve exceeds 25% based on the prior fiscal year's audited financial statements.

Expenditures of the Sewer Reserve Fund will be directed by projects approved in the CIP and capital outlay needs as directed by the City Council. Approved funds will be transferred back to the Sewer Fund for designated capital outlay or CIP expenditures.

Interfund Transfers

To achieve important public policy goals, the City has established various special revenue, capital project, debt service and enterprise funds to account for revenues whose use should be restricted to certain activities. Accordingly, each fund exists as a separate financing entity from other funds, with its own revenue sources, expenditures and fund equity. Any transfers between funds for operating purposes are clearly set forth in the biennial budget.

At the beginning of the fiscal year, the Finance Director will prepare an interfund transfer schedule to be reviewed and approved by the City Administrator followed by periodic updates throughout the fiscal year.

Master Fee Ordinance Updates

Updates to the Master Fee Ordinance will be reviewed on an ongoing basis to ensure they keep pace with the cost to provide service and service delivery changes. A comprehensive analysis of City costs and fees should occur at least every five years. Fees may also be adjusted during this interim period based on supplemental analysis whenever there have been significant changes in the method, level, cost of service delivery, and comparability to other jurisdictions.

Before implementation of the Master Fee Ordinance updates, the City Council adopts the final recommendations with the biennial budget and as necessary throughout the fiscal year.

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E. Financial Reporting and Accounting Policy

General Policies

The City will establish and maintain a high standard of accounting practices, using the latest edition of the Governmental Accounting, Auditing, and Financial Reporting (GAAFR) publication as its source of generally accepted accounting principles (GAAP).

The City's relationship with its independent public accounting firm will be reviewed at a minimum every five years.

The City will maintain its budget on a cash basis of accounting and maintain its accounting system on a modified accrual basis of accounting for all interim, internal, and state reporting except for the Comprehensive Annual Financial Report which will be produced in accordance with GAAP.

The City will adhere to a policy of full and open public disclosure of all financial activity and information.

Annual Reporting

The City will produce a Comprehensive Annual Financial Report (CAFR) in accordance with generally accepted accounting principles to provide accurate and meaningful information concerning the City's financial condition and performance.

The City will contract an independent public accounting firm licensed in the State of Nebraska to perform the annual audit which will be made available to the public each year. The selection of the audit firm is subject to the City's formal bidding process. The Finance Director shall prepare a detailed request for proposal for auditing services. The request for proposal for auditing services will follow the City's request for proposal process in the selection of an auditor.

The City will comply with all State and Federal audit and review regulations, including OMB A-133 Single Audit Act audit and review requirements and submitted to the State of Nebraska Auditor of Public Accounts (APA) according to the due date set by the APA.

Interim Reporting

The City will prepare and issue timely interim reports on the City's financial status to the Council and staff. This includes:

- Monthly financial reports
- Monthly revenue reports
- Monthly investment reports
- Other reports as requested.

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F. Investment Policy

Purpose of Policy

The purpose of this document is to establish policies and procedures that enhance opportunities for prudent and systematic investments and to organize and formalize investment-related activities.

The investment policies and practices of the City of La Vista are based on state law and fiduciary responsibility for cash management. All funds will be invested in accordance with the City's investment policy and Nebraska Revised Statutes §19-1304 and §77-2341 and La Vista Code of Ordinances §35.15.

Scope

This investment policy applies to all cash assets included within the scope of the City of La Vista's audited financial statements.

Delegation of Authority

The Finance Director is the designated investment officer, and has the authority to make certain investment decisions, under the review of the City Administrator as noted below.

The City Administrator has general management responsibility over the Finance Director and has direct responsibility for the preparation and administration of the City budget. To fulfill these duties, the City Administrator must work closely with the Finance Director regarding investment decisions. Accordingly, any determination made by the Finance Director regarding the timing, amount, and type of investments made with City funds should be made only after the City Administrator has been given an opportunity to review and comment on any such intended investment.

The Director of Administrative Services shall monitor and review all investments for compliance with this investment policy.

Prudence

The standard of prudence to be used for managing the City's investments is the "prudent investor" rule, which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived."

The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City shall recognize that no investment is totally riskless and that the investment activities of the City are a matter of public record.

City officers acting in accordance with written procedures and exercising due diligence shall be relieved of the personal responsibility for an individual security's credit risk or market price change if deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

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As used herein, capital stock financial institutions shall include state and national banks, capital stock state building and loan associations, capital stock federal savings and loan associations, capital stock federal savings banks, capital stock industrial and investment companies and capital stock savings banks as outlined in Nebraska Revised Statutes §77-2366.

Investment Objectives

The City will limit investment activities to achieve the following objectives:

- Safety - The funds will be invested in such a manner as to ensure preservation of capital and protection of principal.
- Legality - All investments will be in conformance with federal, state and other legal requirements.
- Liquidity - The investment portfolio will remain sufficiently liquid to enable the City to meet its cash flow requirements. This is accomplished by structuring the portfolio, so the securities mature to meet cash requirements for ongoing operations. Investments shall be managed to avoid, but not prohibit, sale of securities before their maturities to meet foreseeable cash flow requirements.
- Return on Investment - The investment portfolio will be designed with the objective of maximizing the rate of return on investment while maintaining acceptable low risk levels and ensuring adequate liquidity.

Instruments

Funds of the City of La Vista may be invested in the following instruments:

- U.S. Treasury obligations which carry the full faith and credit guarantee of the United States Government and are the most secure instruments available.
- U.S. Government agency and instrumentality obligations that have a liquid market with a readily determinable market value.
- Money market funds registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933 and having a rating by Standard & Poor of AAAm-G, AAA-m, or AA-m, and if rated by Moody's, rated Aaa, Aa1, or Aa2.
- Savings accounts, deposit accounts or money market deposit accounts which are insured by the FDIC.
- Fully insured or collateralized certificates of deposit of banks and capital stock financial institutions.
- A-1 P-1 rated commercial paper secured by an irrevocable line of credit or collateralized by government securities (within the list of acceptable investments under the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council as required by Nebraska Revised Statutes §77-2341(1).
- Banker's acceptances issued by the 10 largest domestic banks and the 20 largest international banks (within the list of acceptable investments under the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the

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authorized investment guidelines of the Nebraska Investment Council as required by Nebraska Revised Statutes §77-2341(1).

The maximum maturity on any investment made with City funds is not to exceed a period of three years.

Ethics and Conflicts of Interest

Elected officials and employees involved in the investment process shall:

- Refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
- Disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.
- Refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

Diversification

It is the policy of the City of La Vista to diversify its investment portfolio to eliminate the risk of loss resulting from over concentration of funds in a specific maturity, a specific issuer or specific class of securities.

Maturities will be staggered to meet all projected obligations of the City and will be selected to provide stability of income and reasonable liquidity.

Safekeeping and Custody

The Finance Director shall establish a system of internal controls, which shall be reviewed with an independent auditor of the City. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City.

To protect against potential fraud and embezzlement, the investments of the City of La Vista shall be secured through third party custody and safekeeping procedures.

The Finance Director shall be bonded in an amount no less than \$25,000 to protect the public against the risk of embezzlement and misappropriation of funds. Unless prevailing practices or economic circumstances dictate otherwise, ownership shall be protected through third party custodial safekeeping.

Deposit of City Funds

To protect the liquidity and security of City funds, policies related to the deposit of City funds in any bank or depository will be as follows:

- No funds of the City shall be deposited in any bank or capital stock financial institution not insured by the Federal Deposit Insurance Corporation (FDIC).

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- In accordance with Nebraska Revised Statutes §16-713, The Finance Director may, upon resolution of the Mayor and City Council authorizing the action, purchase certificates of deposit from and make time deposits in banks, capital stock financial institutions, or qualifying mutual financial institutions selected as depositories of City funds under the provisions of Nebraska Revised Statutes §16-712, §16-714, and §16-715.
- The amount of collateral pledged by each bank or depository shall be monitored by the Finance Director monthly to ensure it is adequate to cover all funds on deposit at such institution.
- The selection of any bank or depository providing liquid cash funds are subject to the City's formal bidding process. The Finance Director shall prepare a detailed request for proposal for banking services. The request for proposal for banking services will follow the City's request for proposal process in the selection of a bank or depository.

Limit and Collateralization of Deposits

Time deposits and certificates of deposit in banks or capital stock financial institutions more than FDIC insurance shall be collateralized by bond in accordance with the requirements of Nebraska Revised Statutes §16-713 through §16-716 and shall not exceed the limits as to amount prescribed by Nebraska Revised Statutes §16-716.

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G. Debt Management Policy

Purpose of Policy

The City of La Vista (City) maintains conservative financial policies to assure strong financial health both in the short and long-term.

Maintaining the City's credit rating is an important objective of the financial policies. To this end, the City is constantly working to improve its financial policies, budgets, forecasts, and financial health.

This Debt Management Policy shall apply to financing obligations of the City of La Vista and the La Vista Community Redevelopment Agency and the City of La Vista Facilities Corporation.

This policy sets forth the criteria for issuance and repayment of financing obligations. The primary objective of the Debt Management Policy is to establish criteria that will protect financial integrity while providing a funding mechanism to meet capital needs. The underlying approach is to only finance capital improvements that cannot be funded on a pay-as-you-go basis. The City shall not incur long-term obligations to finance current operations.

Responsibility

Authority to incur financing obligations is given by the City Council. The Finance Director and designated staff will perform the duties of debt issuance, interest payments, principal repayments and other financing-related activities.

The Finance Director is responsible for assuring that the activities related to incurring and payment of financing obligations will not jeopardize the City's credit rating.

Purpose of Financing

The City incurs financing obligations primarily to fund long-term capital improvement projects and to refinance existing obligations. Incurring long-term financing obligations to fund operating deficits is not permitted.

While the preferred means of financing projects is the "pay-as-you-go" method of using current revenues to pay for capital projects because it avoids interest payments, the City would be able to undertake capital projects under this method only if sufficient cash accumulates. Prudent use of financings rather than pay-as-you-go funding of capital projects can distribute the cost of a project over its useful life and facilitate better allocation of resources and increase financial flexibility. Long-term financing of capital projects can also be used in conjunction with pay-as-you-go to finance over time only a portion of the project if sufficient funds are not readily available.

Budgeting and Capital Planning

The City shall develop and maintain a five-year Capital Improvement Program (CIP) that is approved by the City Council. The City Council adopts the first two years of the CIP during the biennial budget process.

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A determination to utilize financing obligations to fund all or a portion of a capital project first requires an analysis as part of the biennial budget process of the sources of revenues to repay the financing obligations and the impact of repayment of the financing obligations on existing budget commitments.

The Finance Director is responsible for coordinating and analyzing financing requirements. This will include the timing of when financing obligations are incurred, calculation of outstanding obligations, levy and budget limitation calculations and compliance, impact on future debt service and payment burdens, and current revenue requirements.

Asset Life

Generally, no financing obligations will be incurred for periods exceeding the useful life or average useful lives of assets to be financed.

Types of Obligations

The following is a description of the types of long-term financing obligations the City may issue:

- **General Obligation Bonds**
General obligation (GO) bonds are secured by a pledge of full faith and credit of an issuer and a promise to levy taxes in an unlimited amount as necessary to pay debt service. GO bonds usually achieve lower rates of interest than other financing instruments since they are a lower risk.
- **Revenue Bonds**
Revenue bonds are obligations payable from revenues generated by a specific revenue activity. Revenue bonds are payable solely from the designated source and are not secured by any pledge of ad valorem taxes or general fund revenues.
- **Lease-Purchase Financing**
Lease-purchase financings can be structured using certificates of participation, or bonds issued by the City of La Vista Facilities Corporation. Payments on lease-purchase obligations are made from the General Fund or other available sources and are not subject to annual appropriation.
- **Other Bonds and Notes**

The City has the power to issue economic development bonds, sales tax revenue bonds, highway allocation fund pledge bonds, bond anticipation notes, certificates of participation and others; the La Vista Community Redevelopment Authority has the power to issue tax increment obligations and occupation tax revenue bonds.

- **Bank Loans**
Under certain circumstances, it may be advantageous to obtain financing through a direct bank loan as permitted under Nebraska law. One potential advantage of bank loans is that the process for execution is generally simpler and can be less expensive to issue than a

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publicly offered financing. Additionally, a bank loan can often be structured in a manner that more closely conforms to specific project or repayment considerations than a bond issue. However, since bank loans are issued in an environment less transparent than a publicly offered financing, it is more difficult to assess how the proposed loan rates, fees, and terms compare to the market. The City Finance Director will consult with the City Administrator and Director of Administrative Services to determine whether a bank loan is the appropriate financing method for a particular project.

Affordability Targets

- **Debt Service Fund**

The most important affordability ratio used in analyzing the City's debt position is the debt service coverage ratio (DSCR) – the available revenue as a ratio to annual debt service payments (including lease-purchase obligations). This analysis excludes enterprise revenue bonds and other obligations supported by dedicated revenue pledges. Additionally, this analysis may exclude other General Fund liabilities such as loan obligations. Liabilities of the City's related agencies are also excluded from the debt affordability ratios.

The City will target a DSCR of equal to or greater than 1.0. Should the DSCR fall below the desired range, the City shall create a plan to restore the appropriate levels.

The DSCR is presented during the budget process for the current year-end estimate and the succeeding five years. The budget is prepared to achieve a DSCR of at least 1.0 in each year, providing adequate annual income to meet projected debt service expenditures.

- **General Obligation and other Tax-Supported Obligations**

The decision on whether to assume new general obligation or other tax-supported obligations (including lease-purchase obligations, highway allocation fund pledge

bonds, tax-supported sales tax revenue bonds, and others), shall be based on costs and benefits, current conditions of the municipal bond market, and the City's ability to afford and service new obligations, as determined by an objective analytical approach. This process shall benchmark the City's debt position against generally accepted measures of debt load and affordability. These measures shall include but are not limited to:

- Debt per capita: the outstanding principal as a percentage of population.
- Debt as a percent of assessed valuation: outstanding principal as a percentage of assessed valuation.
- Measures are evaluated by comparing to other similar jurisdictions, taking into consideration characteristics of the city, such as growth activity, and best practices.
- Revenue Bonds

A rate increase to cover both operations and debt service costs, while maintaining debt service reserve fund balances to meet proper coverage ratios, should be considered when enterprise revenue bonds are issued by the City and periodically while enterprise revenue bonds are outstanding.

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Structure of Debt

- **Term of Debt**

Financing obligations will be structured consistent with a fair allocation of costs to current and future beneficiaries or users. Financings by the City should be of a duration that does not exceed the useful life of the improvement that it finances and, where feasible, should be shorter than the projected economic life. The standard term of long-term financing is typically 15-25 years.
- **Debt Repayment**

The City shall pay all interest and repay all debt and other obligations in accordance with the terms of the bond ordinance, bond covenants and other operative documents related to a financing obligation. To the extent possible, the City will seek level or declining repayment schedules.
- **Call Options/Redemption Provisions**

A call option, or optional redemption provision, gives the City the right to prepay or retire debt prior to its stated maturity. This option may permit the City to achieve interest savings in the future through refunding, or in some cases, full or partial redemption of the bonds. Generally, fixed rate tax-exempt municipal bonds are structured with a 5 to 10-year call at par (no premium). Because the cost of call options can vary widely, depending largely on market conditions, an evaluation of factors such as the following will be conducted in connection with each issuance:

 - The time until the bonds may be called
 - The price at which the bonds may be called
 - The potential to generate future interest cost savings (or call option value)
 - Any need for additional flexibility with respect to repayment.

Professional Services

The Finance Director shall be responsible for the solicitation and selection of professional services that are required to administer the City's debt program. The bond and disclosure counsel and trustee costs associated with the bond issuance will be paid with bond proceeds. Eligible City staff costs related to issuance of long-term bonds may also be reimbursed from bond proceeds.

- **Bond Counsel**

The City will engage bond counsel and disclosure counsel for all financings. Bond counsel will deliver an opinion for each financing (a) as to the validity of the City's obligations with respect to the financing, (b) that the interest paid on the obligations is exempt from Federal income tax (if applicable), and (c) any other subjects necessary for the obligations to be accepted by the purchaser(s) thereof. Bond counsel is also responsible for preparing all financing documents, including bond ordinances, trust indentures, and other related documents, and assists in preparation of official statements. Disclosure counsel shall be required to deliver a customary 10(b)-5 opinion on City offering documents. The disclosure counsel will work with staff to draft all disclosure documents for a bond financing. The City may engage separate firms in the

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capacity of bond and disclosure counsel or one single firm to perform bond and disclosure counsel functions.

- **Underwriters**
An underwriter(s) will be used for all debt issued in a negotiated or private placement sale method. The underwriter is responsible for purchasing negotiated or private placement debt and reselling the debt to investors.
- **Trustee/ Fiscal Agent**
A paying agent, or trustee, will be used to provide accurate and timely payment to bondholders. The Finance Director will monitor funds held by third party trustees and review trustee bank statements monthly to ensure any expenditures from the trustee accounts are in accordance with the intended use of the financing proceeds. Professionals should be selected based on merit using a competitive process and those relationships reviewed periodically. A competitive process using a request for proposals (RFP) or request for qualifications (RFQ) permits the City to compare the qualifications of proposers and to select the most qualified firm or firms based on the scope of services and evaluation criteria outlined in the RFP and that best meets the needs of the community and the type of financing being undertaken. The RFP should comply with state and local procurement requirements.

Credit Ratings

The City will maintain good communication with bond rating agencies regarding its financial condition. This effort will include providing periodic updates on the City's general financial condition, coordinating meetings, and presentations in conjunction with a new issuance. The City will continually strive to maintain its bond rating by improving financial policies, budgets, forecasts and the financial health.

Refunding Debt

A debt refunding is a refinance of debt typically done to take advantage of lower interest rates.

Current Refunding

A current refunding is one in which the refunding bonds are issued no more than 90 days before the date upon which the refunded bonds will be redeemed.

The Finance Director, working with the Director of Administrative Services, will periodically evaluate the City's existing financing obligations and execute, upon approval of the City Council, a refinancing when economically beneficial. A refinancing includes the issuance of bonds to refund existing bonds.

Unless otherwise justified, such as a desire to remove or change a bond covenant, a debt refunding will require a minimum present value savings of 3%. This savings requirement for a refunding may

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be waived by the City Administrator upon a finding that such a refunding is in the City's overall best financial interest.

Arbitrage Rebate Monitoring and Reporting

The City will, unless otherwise justified, use financing proceeds within the established time frame pursuant to the bond ordinance, indenture, or other governing documents and will take steps to comply with the arbitrage rules for tax-exempt financings. Arbitrage is the interest earned on the investment of the bond proceeds at a rate above the interest rate paid on the obligations. If arbitrage occurs, the City may be required to pay the amount of the arbitrage to the Federal Government as required by Internal Revenue Service Regulation 1.148-11. The City will maintain a system of recordkeeping and reporting to meet the arbitrage rebate compliance requirement of the IRS regulation. If determined appropriate, the recordkeeping shall include tracking investment earnings on bond proceeds, calculating rebate payments, and remitting any rebate earnings to the federal government in a timely manner to preserve the tax-exempt status of the outstanding debt.

Tax Certificate Compliance

The City will comply with requirements imposed in any tax certificate to maintain the tax-exempt status of the City's tax-exempt obligations.

Ongoing Disclosure

The City will meet secondary disclosure requirements in a timely and comprehensive manner, as stipulated by the SEC Rule 15c2-12. The Finance Director shall be responsible for providing ongoing disclosure information to the Municipal Securities Rulemaking Board's (MSRB's) Electronic Municipal Market Access (EMMA) system, the central depository designated by the SEC for ongoing disclosures by municipal issuers and may engage Bond Counsel or another firm to assist in such efforts.

Investment of Bond Proceeds

The proceeds of the bond sales will be invested until used for the intended project to maximize utilization of the public funds. The investments will be made to obtain the highest level of safety. The City of La Vista Investment Policy and the bond documents govern objectives and criteria for investment of bond proceeds. The Finance Director and Director of Administrative Services, or the bond trustees under the direction of the Finance Director or Director of Administrative Services, will invest the bond proceeds in a manner to avoid, if possible, and minimize any potential negative arbitrage over the life of the bond issuance, while complying with arbitrage and tax provisions.

In certain cases, particularly for bond reserve funds, it may be fiscally prudent to invest funds using a forward delivery agreement or some other type of guaranteed investment contract. Such agreements should be obtained under a competitive bid process under consultation with a financial advisor.

Internal Control Procedures

The Finance Director is responsible for ensuring compliance with the Debt Management Policy. The Finance Director will monitor the expenditure of financing proceeds in a manner consistent with its monitoring of other City funds and will ensure that bond proceeds are expended exclusively for their authorized purpose as appropriated in the biennial budget. Disbursement of bond proceeds

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from the trustee may be made to reimburse the City for expenditures associated with the project. In either case, the Finance Director will prepare the certificate or other required document requesting disbursement of funds by the trustee. Internal control procedures will be reviewed and amended as necessary to ensure compliance.

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H. Collection Policy

Purpose

The purpose of this policy is to provide general guidelines to staff with respect to small amounts owed to the City and writing-off such amounts that are considered uncollectable. This policy is not intended to be an exclusive statement, or to waive or limit any rights or remedies of the City, with respect to any amount at any time owed to the City. In addition, this policy (i) shall not be construed to prevent the City from at any time or in any circumstance requiring advance or immediate payment, or from agreeing to extended, partial, periodic, or other payment terms, and (ii) shall not apply to any amount for which advance deposit or prepayment is required or permitted by applicable laws, rules, regulations, policies, or agreement. Except as otherwise specified, the City Administrator shall be authorized to take any action on behalf of the City as necessary or appropriate to carry out this policy. The policy shall not apply to any delinquent and unpaid real property taxes or assessments.

Scope

The City of La Vista (City) may provide goods or services to, or otherwise transact with, any person on a cash-only basis. In certain situations, the City may provide goods, services, or other consideration to any person in advance of payment and present an invoice for payment. If an

invoice is issued, the invoice due date should be included on the invoice. A summary of or reference to this policy also may be included.

Unless otherwise specified by applicable laws, rules, regulations, policies, or agreement in connection with a particular amount, the invoice due date is 30 days after the invoice date, overdue beyond 30 days of the invoice due date, and uncollectible 120 days after the invoice due date.

If a person has an overdue invoice, services or access to City facilities could cease until delinquent amounts are paid or other arrangements are made for payment satisfactory to the Finance Director. All business interactions or other transactions with the person shall be conducted on a cash-only basis until the balance due is paid in full and good standing is restored, unless otherwise approved by the Finance Director. Once revoked, good standing may be restored by fully paying all overdue amounts, except as otherwise determined by Finance Director based on a person's history of prior delinquencies. The City may, at its discretion, require any conditions of restoration to good standing, including without limitation, a deposit. The City department handling an account in this situation should consult with the Finance Director.

The intent of the City – where reasonably practicable – is to employ progressive steps to attempt to collect small amounts owed to the City. These progressive steps, which may be determined on a

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case-by-case basis by the Finance Director or Finance Director's designee, may include any one or more of the following:

- Issuing up to three invoices, statements, or other communications within 120-days of the invoice due date;
- Calling the person and requesting payment;
- Mailing a dunning letter to the last known address of the person. With respect to any debt that might be assigned to a collection agency, the dunning letter shall constitute notice ("Notice") pursuant to Neb. Rev. Stat. § 45-623(2), and shall be mailed first-class mail, postage prepaid, to the last-known address of the debtor, advising the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid.
- After at least 30 days have elapsed from the time the Notice in subsection "c" is sent, the debt may be assigned to a collection agency for further collection attempts in accordance with applicable provisions of Neb. Rev. Stat. § 45-623 and on such terms and conditions as agreed by the City and such collection agency;
- Publication on the City website and/or in a local newspaper of the names of any person who meets the three following criteria:
 - Have a small amount(s) owed to the City which are overdue;
 - To whom a collection or dunning letter has been written; and
 - Who have not paid or responded to the City.
- Placing the person and any owned or controlled entities on a cash-only basis;
- Filing of a civil suit in the appropriate legal jurisdiction for both a judgment of indebtedness and a writ of execution;
- Taking any further action as the City Administrator determines necessary or appropriate under applicable laws to collect, including without limitation execution of writs of judgment, till taps, bank account sweeps, seizure of other collateral; and
- Filing of foreclosure lawsuits against real property of the debtor.

The City may, at its discretion as directed by the Finance Director or City Administrator, add collection costs to any overdue balance. As a matter of policy, collection costs will be added to all accounts turned over to a collection agency for further collection attempts.

The Finance Director shall have the authority to approve payment plans for overdue amounts owed the City. This authority shall include the ability to establish repayment terms. The following criteria shall be applicable to all payment plans:

- A person may not have more than one active repayment plan at any time. Consolidation of multiple payments owed into a single repayment plan may occur at the discretion of the Finance Director.
- Unless unusual circumstances are present, no payment plan shall have a repayment term exceeding 12 months.
- Any default on a payment plan shall result in revocation of good standing, and subsequent transactions with the debtor shall be on a cash-only basis.

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Uncollectible Amounts

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which are under a cumulative amount of up to \$100 per person, may be written off immediately upon approval of the Finance Director.

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which in total are greater than \$100 and less than or equal to a cumulative amount of \$1,000 per person, may be written off immediately upon approval of the City Administrator.

Unpaid amounts for which more than 120 days has elapsed since the due date of the invoice, and which are **over** a cumulative amount of \$1,000 per person, may be written off immediately upon approval of the City Council.

Accounting for Bad Debt

The City shall use the direct write-off method for uncollectible accounts, removing the account receivable and creating a bad debt adjustment.

Collection actions shall not cease, however, until the debt is collected, the account is returned from the collection agency as uncollectible, a statute of limitations is reached, or the debt is written off.

Any debt which is subsequently recovered after a write-off, shall as a matter of accounting policy be recorded as a miscellaneous revenue.

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I. Vendor Setup and Maintenance Policy

New Vendor Setup

Request for a New Vendor (Check, ACH, EFT)

1. Employee requesting a new vendor must fill out the New Vendor Request Form sign it and forward to the finance dept. along with the vendors W9.
2. Finance department will verify the information on the form then sign the form.
3. If applicable, finance department will send out Forms for ACH vendors to fill out, verify the information on the form and sign the ACH form.
4. If applicable, finance department will request EFT form from vendor, fill out the form and return to vendor.
5. Once all forms are filled out verified and signed finance will forward all forms along with W9 to the City Clerk.
6. City Clerk or designee will review the documents to verify everything has been checked, sign the form and forward to clerk to be entered into BSA. The Request form along with the W9 will be scanned into BSA.
7. If vendor is being set up for ACH or EFT payments the clerk who entered the vendor in BSA will notify finance that the vendor is set up and finance will add the bank information to the vendor in BSA.
8. Once all set up is complete the originator of the request will be notified that the vendor is set up and ready to use.

Request for New Vendor (P-Card)

1. Employee requesting a new vendor must fill out the New Vendor Request Form sign it and forward to the City Clerk office.
2. City Clerk or designee will verify that they have all the information that they need, sign the form and enter into BSA. The request will be scanned into BSA
3. Clerk will notify originator of the request when the vendor has been set up.

Request for New Vendor (Employee)

1. Employee requesting a vendor set up for an employee needs to fill out the request and forward to HR.
2. HR will decide if the Employee needs to be set up as a vendor. If so they will sign the form and forward to the City Clerk.
3. City Clerk or designee will verify that they have all the information that they need sign the form and forward to clerk for input into BSA.

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4. The clerk will notify HR when the vendor has been set up.

Note: All Vendors will be deactivated after two years of no activity. If for any reason a deactivated vendor needs to be reactivated, you will need to follow the steps for Request for a new vendor. All information needs to be updated and indicate on the form that they have done business with the City in the past.

Vendor Maintenance

Request for a Change of Payment Address

1. If a request for change of payment address comes through email the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward with attached email to the finance department.
2. If request for change is made via phone call or US Mail, the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward to the finance department along with any documents they received with the request.
3. The finance department will call the vendor contact in BSA and verify all the information on the form, sign it and forward to the City Clerk or designee for final approval.
4. City Clerk or designee will approve the form, sign it and forward to vendor set up clerk for entry into BSA. The maintenance form along with all documentation will be uploaded into BSA.

Request for Change from Paper Check to ACH/EFT

1. If a request for change of payment type comes through email the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward with attached email to the finance department.
2. If request for change of payment type is made via phone call or US Mail, the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward to the finance department along with any documents they received with the request.
3. The finance department will contact the vendor contact in BSA to verify the information, then email the form to the vendor to fill out with banking information.
4. When the form is received back from the vendor finance will verify that all the information is correct and matches with what is in BSA. Finance will sign the form and forward to the City Clerk or designee for final approval.
5. City Clerk or designee will approve the form sign it and forward back to finance to update the bank information in BSA. The maintenance form along with all documentation will be uploaded into BSA.

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Request for Change of ACH Account Number

1. If a request for change of payment account number comes through email the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward with attached email to the finance department.
2. If request for change of payment account number is made via phone call or US Mail, the employee receiving the request will fill out the Vendor Maintenance form. The employee will sign the form and forward to the finance department along with any documents they received with the request.
3. The finance department will contact the vendor contact in BSA to verify the information then email the ACH/EFT form to the vendor to fill out with banking information.
4. When the form is received back from the vendor finance will verify that all the information is correct and matches with what is in BSA. Finance will sign the form and forward to the City Clerk or designee for final approval.
5. City Clerk or designee will approve the form sign it and forward back to finance for entry into BSA. The maintenance form along with all documentation will be uploaded into BSA.

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J. Purchasing Policy

Purpose

This policy is intended to be a guide to the City of La Vista's purchasing methods and maximize the purchasing power and value of public funds. When used properly, the policy will enable the City to obtain needed materials, equipment, supplies, and services efficiently and economically. The policy is designed to:

- Comply with the legal requirements of public purchasing and procurement including the City's Municipal Code and State Statute.
- Maintain a purchasing system of quality and integrity that promotes efficiency, effectiveness, and equity in public purchasing.
- Assure vendors that impartial and equal treatment is afforded to all who wish to do business with the City.
- Ensure that the City receives maximum value for each dollar spent by awarding purchase orders and/or contracts to the lowest responsible bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance, and other relevant factors.
- Promote good and effective vendor relations, cultivated by informed and fair buying practices and strict maintenance of ethical standards.

General Policy

Local Buying

Whenever possible, purchases will be made from local vendors in the La Vista area if quality and price are comparable. Department directors or designees should ensure that local vendors offering goods or services needed by the City are included in the competitive bidding and/or shopping process. The City has a responsibility, however, to obtain the maximum value for each public dollar spent.

Standards of Conduct

All vendors shall be treated equitably. Purchasing decisions shall be based on price, value, quality, performance, delivery, references, recommendations, written standards, previous service, and other relevant factors promoting the best interest of the City.

Employees are prohibited from furnishing to any prospective bidder information that would give any vendor an unfair advantage over other prospective vendors.

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While a department director or designee may delegate minor purchases to employees, he/she is still responsible for ensuring such purchases are made according to the provisions of this policy.

No department director or employee is to make any commitment to any salesperson or firm that will bind the City in any way prior to a formal authorization.

Employees shall not have financial interest in the profits of any contract, service or other work performed by or for the City; nor shall they personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company. (Employee Handbook – Conflict of Interest)

Employees shall not accept from any person or company any type of free or preferred service, benefit, or concession that personally benefits the employee. (Employee Handbook – Conflict of Interest)

Planning

Department directors or designees shall requisition goods and services in such a way as to allow time for competitive bidding, ordering, and delivery of materials in accordance with this policy. Exceptions may only be made on rare occasions when an emergency exists. The purchasing process begins with the annual budget.

Taxes

The City is exempt from all local and Nebraska state sales taxes. The City Clerk Department or designee will provide the necessary exemption documents (Nebraska Department of Revenue Forms 13 and 17) to any vendor or employee making a purchase upon request.

Subdivision of Purchases

No purchase shall be subdivided for the purpose of circumventing the dollar value limitations imposed by State Statute, City ordinance, City policy or any guidelines established by the City Administrator.

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Purchasing Authorization Levels

Amount of Purchase	Appropriate Authorization Procedure
\$500 or Less	P-Card Procedures – No purchase order is required.
Less Than \$5,000	Department Director (Designee) required approval – No purchase order required, not including capital outlay expenditures.
\$5,000 to less than \$10,000	Requisition - 3 Informal Bids or State Contract* & Approved by Finance Director (or Designee) – Purchase order required.
\$10,000 to less than \$50,000;	Requisition - 3 Informal Bids or State Contract* & Approved by Finance Director and City Administrator– Purchase order required.
Over \$50,000; or over \$30,000 if Public Works General	Formal Bids/RFP or State Contract* - Awarded by City Council – Purchase order required.

*This includes gov't approved purchasing co-ops

Procedures

Each City Department purchases items unique to their function and items that are necessary for repair or to keep equipment and amenities in safe and good working order. All Department Directors (or designees) will make a good-faith effort to utilize the purchase order system when it is required.

A purchase order shall be issued when goods/services are to be received at a future date.

An invoice may be used when goods/services have been received on the same date as the authority was granted to purchase such goods/services; or when an obligation has occurred.

The following are purchasing guidelines and procedures:

1. Informal Purchasing

- A. Purchases of less than five thousand dollars (\$5,000) may be made by the Department Head, as budget allows, without obtaining any specified number of written quotes and without additional approval by the City Administrator.
- B. All purchases equal to or greater than five thousand dollars (\$5,000) but less than fifty thousand dollars (\$50,000) shall be acquired after solicitation of three (3) written quotes, if possible, and after being assigned a purchase

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- C. order. Purchases provided for under this subsection should be made from the “lowest responsible, qualified, and responsive bidder” following the same criteria established in this policy for the formal purchasing procedure.
- D. Final approval of informal purchases equal to or greater than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000) will be made by the Finance Director.
- E. Final approval of informal purchases greater than ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000) will be made by the Finance Director and City Administrator.
- F. If the estimated cost of supplies, equipment, or contractual services is fifty thousand dollars (\$50,000) or greater, move to Formal Purchasing.

2. Formal Purchasing

- A. When the estimated cost of supplies, equipment, or contractual services is fifty thousand dollars (\$50,000) or more, no formal contract for purchase shall be authorized until the City Council has authorized a formal Request for Proposal (RFP) for bidding.
- B. Bids shall be submitted to the City Clerk per instructions in the RFP.
- C. Final approval of formal purchasing will be made by the City Council.
- D. Whenever applicable, the City may use a State of Nebraska contract to purchase supplies, equipment, or services without the necessity of using the formal bid requirements as set forth in this section.

3. Public Works General Improvement Purchasing

- A. No contract for enlargement or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of such improvement is over thirty thousand dollars (\$30,000) shall be made unless it is first approved by the City Council per Nebraska Revised State Statute 16-321.
- B. Before the City Council makes any contract in excess of thirty thousand dollars (\$30,000) for enlargements or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city engineer and submitted to the City Council. In advertising for bids as provided in subsections (C) and (D) of this section, the City Council may publish the amount of the estimate.

- C. Advertisements for bids shall be required for any contract costing over thirty thousand

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dollars (\$30,000) entered into for an enlargement or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or (b) for the purchase of equipment used in the construction of such enlargement or general improvements.

- D. The advertisement provided for in subsections (B) and (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper in or of general circulation in the City. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a loss of, injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Nebraska Revised State Statute, section 16-405 when adopted by a three-fourths vote of the City Council and entered on record.
- E. If, after advertising for bids as provided in subsections (B), (C), and (D) of this section, the City Council receives fewer than two bids on a contract or if the bids received by the City Council contain a price which exceeds the estimated cost, the Mayor and the City Council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.
- F. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the City, the City Council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

Quick Checks

The use of quick checks is discouraged, however, on those occasions with time constraints, the department director or designee may request a quick check with supporting documentation. All requests for quick checks must be approved by the Finance Director or designee and cannot circumvent authorized purchasing authority. The quick check information will appear in the claims run on the next City Council consent agenda.

Sole Source Purchases

Sole source purchases are permissible if the item or service being requested is available from only a single supplier. Some examples of circumstances that could necessitate sole source purchases are:

- Compatibility of technical equipment, accessories, or replacement parts is the paramount consideration.
- The purchase of supplies or equipment for which there is no competitive product.

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- The purchase of used equipment, which may become immediately available and subject to prior sale.
- There is a clear and compelling reason that sole source purchasing is justified, and it is approved by the City Administrator.

Any request that a purchase be restricted to one potential supplier shall be accompanied by a written explanation as to why no other supplier will be suitable or acceptable to meet the need. In cases of reasonable doubt, competition should be solicited.

Emergency Purchases

Occasionally, purchases need to be made on an emergency basis. An emergency is defined as a situation that occurs and if not immediately corrected would jeopardize the health, safety, and/or property of residents, the health and safety of City employees, and/or the property of the City.

Emergency purchases shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency.

All emergency purchases will require notification to the City Administrator or designee as soon as practical. The department director or designee shall clearly note the lack of budget authorization and proposed source of funding.

Expenditures to Be Reimbursed by Insurance

When requesting approval of an expenditure that is to be considered for insurance reimbursement, the potential for such reimbursement shall be noted in the request.

Credit Card

City credit cards may be issued to department directors, mid-level managers, and/or a department authorized employee to make authorized purchases for official City business.

A. Responsibilities

- The Finance Director (or designee) is the administrator of the credit card program.
- A department director, where appropriate, may authorize an employee(s) under their direction to use a credit card. The director will make recommendations to the Finance
- Department as to recommended limits on the account, including monthly spending limits, number of transactions per day, number of transactions per billing cycle, and merchant category restrictions.
- An employee who will be issued a credit card must sign a credit card agreement prior to being issued a credit card. The employee is responsible for not only protecting the card but is also responsible and accountable for all purchases made using the credit card. The employee will assume responsibility that all purchases made with the credit

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card adhere to this policy and will ensure that no unauthorized purchases are made. The City will consider unauthorized purchases to be a misappropriation of City funds that violates City policy and potentially state law. The employee authorized to use the credit card and the department director are responsible for the integrity and accuracy of credit card purchases and as such, are responsible for receipts for all credit card purchases and transactions. All purchases processed against a credit card must be made by or under the immediate direction of, the employee to whom the card is issued. Credit card receipts must specify all purchased items. Receipts that show only a total amount without any itemized details are unacceptable. The employee should inform the merchant of the City's tax-exempt status. The City may hold the employee personally responsible for items purchased without the supporting documentation.

- The Finance Department or authorized designee will return incomplete receipts to the P-card holder who will then be responsible for obtaining a detailed receipt or attaching a signed statement.

- Credit card holders who do not retain acceptable receipts for credit card purchases may have their authority to use the credit card revoked. The Finance Director will notify a department director concerning any misuse of a credit card.

B. Reconciliation – Finance places spending limits and other restrictions on each credit card issued to an authorized employee depending on the purchasing authority of the cardholder. Generally, that purchasing limit shall not exceed

five thousand dollars (\$5,000), but may be exceeded for an employee with extensive business travel requirements. The Finance Department or designee must review the charges and reconcile the amounts with the receipts for the purchases.

C. Disputed Charges – An authorized employee who is issued a credit card is responsible for attempting to resolve any dispute with a vendor. The employee shall work with the Finance Department to resolve any such charge. If a resolution is not possible, the employee/Finance department must immediately notify the bank of the disputed item and follow the bank's dispute process.

D. Termination or Transfer of Employee – When an employee, who has been issued a credit card, terminates from City employment or transfers from a department, the department director should notify the finance department of the change immediately.

E. Loss of Credit Card – A credit card holder must report to the Finance department a lost credit card immediately and no later than within one business day of the discovered loss. The City may hold an employee liable for any losses not covered by the protection plan. The City may also hold an employee responsible for the cost of a replacement card.

F. Travel Expenses – All travel expenses paid for using a credit card must be documented

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in accordance with the City's Travel Policy.

- G. Personal Use** – The City credit card shall not be used for personal identification or as a personal credit reference. Personal expenses processed on a City credit card violate the program policies and are subject to disciplinary action up to and including termination of the cardholder.

Vendor Credit Accounts

Credit accounts for specific vendors (i.e. Office Depot, Hobby Lobby, Wal-Mart) may be issued to the City by the vendor.

Purchases made on a vendor credit account require that the department director or designee note the expenditure code and sign the receipt before processing for payment.

Under no circumstances are vendor credit accounts to be used for personal expenditures, even if the expenditure is made with the intent to reimburse the City.

Consent Agenda Purchases

The following items will be processed for payment on the City Council Consent Agenda:

- Invoices for progress payments on a contract authorized by the City Council.
- Contract change orders over 10% of the authorized contract amount or exceeding fifty thousand dollars (\$50,000).

Competitive Bidding and Selection

Bid Process (Including RFP)

The department or project manager will prepare bid/proposal specifications, mailing lists, and advertising dates and schedule the bid/proposal opening date, time, and location. Where appropriate, the City will utilize website notices for national advertising.

For bids required to be opened publicly the City must publish a notice indicating the time and place at which the bids or proposals will be publicly opened and read aloud. The notice must be published at least once a week for two consecutive weeks. The first publication must appear before the 14th day before the date that the bids or proposals are publicly opened and read aloud. The notice must be published in a newspaper of general circulation.

The City Clerk will receive bids and maintain them until the date of the bid opening. At the time of the bid opening, the City Clerk will present all bids to the department or project manager for opening, review, and analysis.

The City will reject as nonresponsive any bid which is received after the due date and time. The timestamp in the City Clerk's Office will be the official time.

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The City Clerk, or designee, will conduct the bid opening and read the bids aloud at the designated time and place. Bid openings are open to the public.

For proposals that do not require a public reading, the City Clerk will receive proposals and maintain them until the date of the proposal opening. At the time of the proposal opening, the City Clerk will present all proposals to the department or project manager for opening, review, and analysis. The City will reject as nonresponsive any proposal which is received after the due date and time. The timestamp in the City Clerk's Office will be the official time.

Pursuant to state law, the City must award bids/proposals based on the lowest responsible bidder or the bid that provides the best value. As for "best value", the City, pursuant to law, may consider:

- A. the price
- B. reputation of the bidder, including safety record and financial capability
- C. reputation of the bidder's goods or services
- D. the quality of the bidder's goods or services, including proposed personnel
- E. the extent to which the goods and services meet the City's needs
- F. the bidder's past relationship with the City
- G. total long-term cost to the City of acquiring the goods or services

After reviewing the bids/proposals, the department or project manager will prepare an agenda item with the staff recommendation for Council approval and award.

The City has the option to reject any or all bids/proposals even if only one bid/proposal is received.

Contracts

Contracting for professional services (consulting, engineering, etc.) or for ongoing technical services (maintenance, IT services, etc.) may be done on a negotiated basis. Where practical, however, those vendors providing such services should be asked to submit formal proposals to provide the services requested. Such proposals shall be evaluated on the basis of the vendor's reputation, experience, and understanding of the work to be done. Price, while being a factor, should not be the primary factor. City Administrator and City Council authorization or affirmation is still required at the same dollar limitations as semi-formal or formally bid contracts.

Contract Administration

- A. The City Clerk or designee will advertise and bid all contracts qualifying for formal bidding procedures. The City Clerk or designee will oversee receiving, opening, and announcing all formal bids. Bids received late will be immediately returned to the late bidder unopened.
- B. Formally bid contracts will be executed by the Mayor and attested to by the City Clerk. The City Administrator or designee shall execute all other contracts on behalf of the City. Copies of all contracts will be forwarded to the City Clerk.

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- C. The City Administrator or designee will administer all contracts on the authority of the City Council.
- D. The City Administrator or designee will approve all change orders to contracts. City Council must approve all change orders for contracts that were bid using formal bidding procedures.
- E. Contractual payments on formally bid contracts must be approved, individually, by City Council action. Other contractual payments must be approved by the City Administrator or designee and listed on the claims list presented to the City Council.
- F. Where appropriate, retainage shall be withheld on contracts for public improvements or on other contracts as deemed appropriate or necessary.
- G. Purchase orders are not required for periodic payments on contracts.
- H. The invoice may be entered directly into the accounts payable system and the contract electronically attached to the invoice.
- I. Contracts can be extended or renewed at the discretion of the City Administrator or designee.

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K. Fund Balance Policy in Accordance with GASB #54

The purpose of this is to comply with the Governmental Accounting Standards Board (GASB) statement issued on March 11, 2009, *GASB #54 Fund Balance Reporting and Governmental Fund Type Definitions*. It will also provide a stable financial environment for the City of La Vista's operations that allows the City to provide quality services to its residents in a fiscally responsible manner designed to keep services and taxes as consistent as possible over time. This fund balance policy is meant to serve as the framework upon which consistent operations may be built and sustained. This policy was first adopted on September 20, 2011, under resolution number 11-114.

The following are fund definitions from GASB #54 and the City of La Vista's policy:

Fund Balance

Fund Balance is the difference between assets and liabilities in governmental funds (i.e. general fund, special revenue funds, capital project funds, debt service funds).

Non-Spendable Fund Balance

Describes the amount of a fund balance that cannot be spent because it is either not in spendable form or there is a legal or contractual requirement for the funds to be remain intact. Typically, a significant portion of the City's resources can be spent only for specified purposes. The following categories define the revenue source and the level of force of the constraint on spending.

Policy - At the end of each fiscal year, the City will report the portion of the fund balance that is Non-Spendable.

Restricted Fund Balance

The restricted fund balance category includes the portion of the fund balance that reflects constraints on spending because of legal restrictions stipulated by outside parties, constitutional provisions, and enabling legislation including, any legal restrictions based on state statutes or grant requirements placed on the use for specific purposes.

Policy - At the end of each fiscal year, the City will report Restricted Fund Balance for amounts that have applicable legal restrictions. In addition, funds restricted by enabling legislation will be reported as restricted.

Committed Fund Balance

The committed fund balance classification includes the portion of the fund balance that reflects constraints that the City has imposed upon itself by a formal action of the City Council (for example,

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an ordinance or resolution passed by the City Council). This constraint must be imposed prior to year end but the amount can be determined at a later date.

Policy - Prior to the end of each fiscal year, the City will report Committed Fund Balance for long-term loan receivables such as advances to other funds and similar accounts.

Assigned Fund Balance

The assigned fund balance is the portion of the fund balance that reflects funds intended to be used by the City for specific purposes assigned by more informal operational programs (e.g. replacement schedules - the constraint on use is not imposed by external parties or by formal council action). In governmental funds other than the general fund (capital project funds, debt service funds); assigned fund balance represents the amount that is not restricted or limited. The authority to assign fund balance is delegated to the City Administrator or designee.

Policy - At the end of each fiscal year, the City will report Assigned Fund Balance for equipment replacement according to the City's Capital Request schedule.

Unassigned

This is the residual classification for the City's **General Fund** and includes all remaining amounts not contained in the other classifications and, therefore, not subject to any constraints. Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set budget. Although there is generally no set budget for the unassigned portion, there is a need to maintain a certain funding level. Unassigned fund balance is commonly used for emergency expenditures not previously considered. In addition, the resources classified as unassigned can be used to cover expenditures for revenues not yet received.

Policy - At the end of each fiscal year, the City will maintain Spendable – Unassigned portions of the fund balance for Cash Reserve in a range up to 25% of the General Fund operating expenditures. In addition to cash reserve needs this accommodates emergency contingency concerns.

In the event that amounts designated for Cash Reserve fall above or below the desired range, the City Administrator or designee shall report such amounts to the City Council as soon as practical after the end of the fiscal year. Should the actual amount designated for Cash Reserve fall below the desired range, the City shall create a plan to restore the appropriate levels. Should the actual amount designated for cash reserve rise above the desired range, any excess funds will remain unassigned pending the City Council's final decision.

Policy, Rules and Regulations for Use of the Link

Administration

The administration, scheduling and maintenance of the Link shall be the responsibility of the City of La Vista Recreation Department. For purposes of this policy statement, “the Link” means the real property and public plaza, restroom, concession and other improvements to real property owned and identified as such by the City in the transition areas between Central Park and the Mixed Use Redevelopment Area, and all City-owned fixtures, facilities, furnishings, equipment and supplies used in connection with such improvements.

The scheduling, consideration and approval of requests to use the Link shall be the responsibility of the Recreation Director of the City of La Vista or his/her designee (“Recreation Director”). Decisions of the Recreation Director in connection with the Link shall be final and binding on all parties, unless appealed in accordance with the following two sentences. A decision of the Recreation Director may be appealed in writing to the City Administrator or any designee of the City Administrator (“City Administrator”) within five (5) calendar days after the decision. Any such appeal shall be hand delivered to the City Administrator at La Vista City Hall for review and final resolution and decision, which review, resolution and decision shall be final and binding on all parties.

Fees for use of the Link shall be reviewed annually by the Recreation Director and any additions, subtractions, or changes shall be approved by the Mayor and City Council.

The Link Usage

The primary purpose of the Link is to be an amenity to Central Park that will provide outdoor activity spaces as well as restroom and kitchen/concession facilities for the general public. A secondary purpose of the Link is to allow individuals and groups (“Users” or each a “User”) to rent the facility for special events (“Use”).

The Recreation Director from time to time shall establish, and from time to time may supplement, eliminate or modify, additional policies and procedures for use of the facility as the Recreation Director determines necessary or appropriate, along with the necessary fees. These policies and procedures shall be in written form and available to the public upon request, and shall include such agreements, permits or other documents (“Agreements”) governing the Use, in form and content satisfactory to the Mayor, City Administrator, Recreation Director or any designee of the Mayor, City Administrator or Recreation Director.

The City shall have priority to use the Link for such events or uses as the Mayor, City Council or City Administrator from time to time determines, including without limitation Salute to Summer or other events for residents of the City. Requests and uses of the facility for special events will be subject to such City uses.

The City of La Vista prohibits the use of the Link for political activities except for open public debates sponsored by non-partisan organizations.

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The Recreation Director shall be authorized to grant use of the Link in accordance with this policy statement and such additional or different policies and procedures as in effect from time to time.

The Link Rules and Regulations

1. The Recreation Director will determine and maintain the schedule for the Link, including without limitation determining dates and times that the Link is available for use, which schedule shall be subject to review and approval or revision by the Mayor or City Administrator from time to time in the sole discretion of the Mayor or City Administrator.
2. An application for use of the Link shall be submitted in writing to the Recreation Director in such form, content and time as specified by the Recreation Director or applicable policies procedures.
3. Every User shall, during the time of such Use, be responsible for the preservation of law and order on the property.
4. Consumption or possession of alcoholic beverages shall be permitted for an event only as approved by the Mayor, City Council or Recreation Director. Compliance with liquor license requirements as well as off duty police security satisfactory to the La Vista Police Chief will be required.
5. If outside food service is requested that requires use of the commercial kitchen facilities, a caterer must be used that is on the City's list of approved caterers.
6. Possession of firearms/weapons shall be prohibited on the premises, except for off duty police assigned to provide security during the Use.
7. Use of fixtures or equipment at the Link, if available, may be requested on the written application for Use. Fee structures will be outlined in the City's Master Fee Ordinance. Privately owned equipment or materials, if permitted, shall be promptly removed from the Link at the conclusion of the event unless otherwise approved in advance by the Recreation Director.
8. Table and chairs, if available, may be requested when completing the application for Use. Associated fees will be outlined in the City's Master Fee Ordinance.
9. All areas of the Link shall be restored to a good, neat, clean and orderly condition and the condition existing at the commencement of the Use, trash shall be placed in proper containers, and personal property shall be removed.
10. Users of the Link shall comply with all applicable laws, rules and regulations, including without limitation all smoking, fire and other public safety laws or regulations.
11. Use of the Link by groups composed of minors (21 years of age and under) shall be granted only to adults who apply for and are granted permission to use the Link, accept the responsibility for supervising the group and ensure all applicable requirements are satisfied throughout their activity.
12. Decorations shall be allowed as specified from time to time by the Recreation Director provided no nails, tacks, adhesive, or staples shall be used on the walls, ceiling or equipment, fire hoses or extinguishers shall not be covered by decorations, or any obstructions placed so as to interfere with their use in case of emergency. Decorations shall be removed at the conclusion of the event/rental.

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13. The placing of obstacles such as chairs, tables, benches, decorations, etc., which obstruct exit signs or doors or potentially interfere with exiting shall not be permitted.
14. The burning of candles or any open flames is not permitted.
15. The installation or use of additional electric wiring or the use of electrical appliances on any of the Link's electrical circuits shall be subject to prior written approval by the Recreation Director.
16. All activities must end by 10:00 p.m. and the Link must be restored to a good, neat, clean and orderly condition and the condition existing at the commencement of the Use, all personal property other than City property shall be removed, and the premises shall be vacated by all persons no later than 11:00 p.m. unless prior written approval is obtained from the Recreation Director.
17. User shall be responsible for the premises, and all persons, events or occurrences on the premises or arising out of or resulting from the Use, including without limitation the conduct, acts or omissions of participants at an activity. Not in limitation of the foregoing, User shall be liable for all claims, liabilities, costs and expenses whatsoever arising out of or resulting from the Use.
18. Use of the Link shall be subject to any further direction as the Recreation Director, City Administrator or Police Chief from time to time determine necessary or appropriate.

Link Fees

Security deposits shall be required of all Users in such amount as established in the Master Fee Ordinance or by the Recreation Director from time to time, and such security deposits shall be paid at time of reservations. Security deposits shall be returned to the User after the Use, provided the Recreation Director determines that there is not any damage to the Link or losses, claims, liabilities, costs or expense arising out of or resulting from the Use, and User has fulfilled all responsibilities agreed upon in the application or in any Agreement. The deposit shall be retained and used by the City to repair any damage to the Link, clean or restore the premises, or pay any losses, claims, liabilities, costs or expenses arising out of or resulting from the Use; and the User shall be billed for costs and expenses which exceed the deposit. Cancellation less than two (2) weeks before the Use causes the City to incur substantial damages that are difficult or impossible to determine. Security deposits shall be automatically retained by the City as liquidated damages if the User does not inform the Recreation Department in writing at least two (2) weeks in advance that the User will not be using the Link. This does not apply if the Recreation Director determines that an activity must be cancelled due to weather.

All fees due shall be paid at least one (1) week in advance of the scheduled event. Failure to comply with the immediately preceding sentence will result in the cancellation of the reservation and Use, and the City shall retain the security deposit as liquidated damages pursuant to the immediately preceding paragraph.

Provisions of this policy statement shall apply except as otherwise specified from time to time by the Mayor, City Council or City Administrator. Permission to use the Link shall not transfer or convey to a User any rights or interests other than a nonexclusive right to use the Link for approved date, time

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and Use. Fees shall be established, supplemented, eliminated or modified from time to time by the Mayor and City Council as a part of the City's Master Fee Ordinance.