

Memo

From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 8/19/2020

Re: Administrative Penalties

At the July council meeting, the topic of administrative penalties was raised, and Council asked to see examples of what other cities have in place. Dymoke provided the following examples from Albany, Melrose, and Holdingford.

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ORDINANCE 14 PENALTIES AND FEES

Section 14.01: PETTY MISDEMEANORS. All violations this City Code designates as a petty offense or petty misdemeanor shall be punishable by a fine up to Three Hundred (\$300) Dollars. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.01 on 1/4/06

Section 14.02: MISDEMEANORS. All violations this City Code designates as a misdemeanor shall be punishable by a fine up to One Thousand (\$1,000) Dollars and up to ninety (90) days in jail. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.02 on 1/4/06

Section 14.03: NO STATED PENALTY. If this City Code does not expressly provide a penalty for a Code violation, a violation of any rule or regulation adopted pursuant to this Code shall be a misdemeanor subject to the penalties in Section 14.02.

Section 14.04: PERMIT AND APPLICATION FEES. Appendix A of this City Code lists permit, application, connection, inspection and other types of fees or charges the City may assess regarding licensing or services. The City Council may change and amend these fees and charges by resolution as the Ordinance establishing the fee or charge provides. The City Clerk/Administrator shall amend Appendix A to reflect any changes in the charges or fees the City Council approves.

Section 14.05: PENALTIES FOR EACH OFFENSE. When this City Code provides a penalty or forfeiture for a violation, the penalty or forfeiture shall be for each violation.

Section 14.06: PAYMENT OF FINES AND PENALTIES. The Court or office receiving payment of all fines, forfeitures and penalties recovered for any violation of this City Code shall pay the amount into the City Treasury in the manner, time and proportion the law provides.

Section 14.07: ADMINISTRATIVE PENALTIES.

Subd. 1: Purpose. The City Council determines that there is a need for alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent mechanism, there are certain negative consequences for the City and the accused. The delay in the criminal justice system does not ensure prompt resolution, citizens resent being labeled criminals for violating administrative regulations, the high burden of proof and potential incarceration are not appropriate for many Code violations, and the criminal process does not

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always regard City Code violations as important. As a result, the City Council finds the use of administrative citations and imposition of civil penalties is a legitimate and necessary alternative enforcement method, which will be in addition to any other legal remedy that may be pursued for Code violations.

Subd. 2: Administrative Offense. An administrative offense is a violation of any section of this Code when one performs an act prohibited, or fails to act when the failure is prohibited, and is subject to the penalties set forth in this Code and the City's penalty schedule.

Subd. 3: Notice. Any Police Officer, the Building Inspector or any designee by the City with authority to enforce this Code shall, upon determining that there has been a violation, notify the violator, person responsible for the violation, or in the case of a vehicular violation, attach notice of the violation to the vehicle. The notice shall state the nature, date, and time of the violation, the name of the official issuing the notice, the amount of the scheduled initial penalty and any applicable charges.

Subd. 4: Payment. Once a notice is given, the person responsible for the violation shall, within seven (7) days after the notice is issued, pay the penalty amount to the City Clerk/Administrator in person or by mail, and payment shall be an admission of the violation. A late charge established in Appendix A shall be imposed for each seven (7) days the penalty remains unpaid after the first seven (7) day period.

Subd. 5: Hearing Officer. The City Council shall be the Hearing Officer authorized to hear or determine a cause of controversy under this Section. The Hearing Officer is not a judicial officer but is a public officer as defined by Minnesota Statute 609.415, as amended, and is subject to Minnesota Statutes relating to public officers.

Subd. 6: Hearing. Any person contesting an administrative offense under this Section may request, within seven (7) days after the notice is issued, to be heard by the Hearing Officer who shall hear and determine the grievance. Upon receiving a request for a hearing, the Hearing Officer shall set a hearing date and provide a written notice of the hearing at least five (5) days in advance, unless the parties accept a shorter time period. The Hearing Officer shall have authority to impose a penalty, dismiss the violation for cause, and reduce or waive the penalty upon the terms and conditions the Hearing Officer determines. The Hearing Officer must state the disposition reasons in writing. If the Hearing Officer sustains the violation, the violator shall pay the penalty imposed or sign an agreement to pay upon the terms and conditions set forth by the Hearing Officer.

Subd. 7: Failure to Pay. If a violator fails to pay a penalty imposed by this Section, or as agreed upon following hearing before the Hearing Officer, the City may bring a misdemeanor or petty misdemeanor charge against the alleged violator according to this Code and applicable law. If the violator pays the penalty or if the Hearing Officer finds the individual not to have committed the administrative offense, the City shall not bring a criminal charge for the same violation.

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Subd. 8: Disposition of Penalties. All penalties collected under this Section shall be paid over to the City Clerk/Administrator, who shall deposit the penalty in the City's general fund and issue a receipt.

Subd. 9: Scheduled Penalties. Penalties shall be imposed for violating administrative offenses according to a penalty schedule the City Council establishes periodically by resolution.

Subd. 10: Appeal. An aggrieved party may obtain judicial review of the Hearing Officer's decision according to State law.

Subd. 11: Option to Withdraw. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time before paying the administrative penalty as is provided in this Ordinance, the individual may withdraw from participation in the procedures whereupon the City may bring criminal charges according to this Code and State law. Likewise, the City in its' discretion, may choose not to pursue an administrative offense and may bring criminal charges instead."

warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident, or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Administrator or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses, or city service to the property. Mailed notice shall be given to the licensee, owner, resident, or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident, or other person in control of the property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the City Administrator's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety, and welfare.

§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in § 10.20, the City Council is authorized to create by resolution, adopted by a majority of the members of the City Council, supplemental administrative penalties. The resolution may be in the form established in Appendix A of this chapter.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Administrator, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Administrator within 14 days of the notice of the violation. A sample notice is contained in Appendix B of this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, then the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the City Council, the City Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the City Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the city, through its attorney, may bring criminal charges in accordance with state law and this code. Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by City Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

APPENDIX A: RESOLUTION TO ADOPT A SCHEDULE OF OFFENSES AND VOLUNTARY ADMINISTRATIVE PENALTIES

WHEREAS, the City Council has adopted the provisions of Melrose Code of Ordinances § 10.98, establishing a procedure for requesting the voluntary payment of administrative penalties for certain violations of the code; and

WHEREAS, the provisions of Melrose Code of Ordinances § 10.98 authorize the City Council, by a resolution adopted by a majority of its members, to identify administrative offenses and establish penalties for these offenses;

NOW THEREFORE, be it resolved by the City Council as follows:

<i>Offense</i>	<i>Code Section</i>	<i>Amount of Administrative Penalty</i>
All offenses for which an administrative penalty may be established under this code, other than those specified below:		

EFFECTIVE DATE: The effective date of the resolution is the date of its passage by a majority of the members of the City Council. Passage of this resolution implements the provisions of City Code § 10.98.

Mayor: _____

Attest: _____
City Administrator

APPENDIX B: NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section _____ of the City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated § _____ of the City Code relating to

_____ .
The City Council has by resolution established an administrative penalty in the amount of \$_____ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14-day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by _____ (establish date), then the payment of the administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the City Council, the City Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the City Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the City Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Payment of the administrative penalty may be made by check, cash, or money order to the City Administrator.

Signed: _____
(Name and title of person giving notice)

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CHAPTER 10: GENERAL PROVISIONS

' 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the city code, for which designation code of ordinances, codified ordinances or code may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the Traffic Code. Sections may be referred to and cited by the designation " ' " followed by the number, such as ' 10.01. Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

' 10.02 RULES OF INTERPRETATION.

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *AND or OR.* Either conjunction shall include the other as if written and/or, whenever the context requires.

(2) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

' 10.03 APPLICATION TO FUTURE ORDINANCES.

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All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

' 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

' 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The area within the corporate boundaries of the city as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term *CITY* when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. The county or counties in which the city is located.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes an individual, person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

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SIGNATURE or *SUBSCRIPTION*. Includes a mark when the person cannot write.

STATE. The State of Minnesota.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

' 10.06 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

' 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

' 10.08 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

' 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

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' 10.10 OFFICIAL TIME.

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

' 10.11 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

' 10.12 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

' 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

' 10.14 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

' 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

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(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

' 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

' 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

' 10.18 COPIES OF CODE.

The official copy of this code shall be kept in the office of the City Clerk for public inspection. The Clerk shall provide a copy for sale for a reasonable charge.

' 10.19 ADOPTION OF STATUTES AND RULES AND SUPPLEMENTS BY REFERENCE.

(A) It is the intention of the City Council that, when adopting this Minnesota Basic Ordinances, Code of all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

(B) It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this Code was enacted, unless there is clear intention expressed in the Code to the contrary.

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' 10.20 ENFORCEMENT.

(A) Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.

(B) As permitted by M.S. ' 626.862, as it may be amended from time to time, the City Clerk shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

(C) The City Clerk and any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

(D) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Clerk or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Clerk to object to the termination before it occurs, subject to appeal of the Clerk's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

' 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in ' 10.20, the City Council is authorized to create by resolution, adopted by a majority

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of the members of the Council, supplemental administrative penalties. The resolution may be in the form established in Appendix VI of the User's Guide to the MBC. Such resolution may not proscribe administrative penalties for traffic offenses designated by M.S. ' 169.999.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Clerk, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. A sample notice is contained in the Appendix to this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the City, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the City, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the City for the alleged violation.

' 10.99 GENERAL PENALTY AND ENFORCEMENT.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota

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Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) Pursuant to M.S. ' 631.48, as it may be amended from time to time, in either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in ' 10.98, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

APPENDIX

NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section of the City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated ' _____ of the City Code relating to _____

The City Council has by resolution established an administrative penalty in the amount of \$ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14--day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by _____ (establish date), then the payment of the

TITLE I: GENERAL PROVISIONS

administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Payment of the administrative penalty may be made by check, cash or money order to the City Treasurer.

Signed: _____
(Name and Title of Person Giving Notice)

Memo

From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 8/19/2020

Re: Personnel Policy

Health Insurance

At the July council meeting, the topic of our health insurance policy came up briefly. The way the policy currently reads, full-time employees will receive a benefit of \$9,000 even when they are on the City's health insurance. My understanding of the background of this policy is health insurance premiums were increasing by large percentages and the City was paying the whole premium at the time. In order to be able to predict and limit the City's cost, a cap of \$9,000 of the City's portion was put in place. Example calculations are shown on the next page. Our policy currently reads:

Health Insurance

Health insurance is offered to full-time employees. The City contributes a maximum of \$9,000 per year per full-time employee. The plan is provided by Blue Cross Blue Shield. If the employee's premium exceeds the \$9,000 City contribution, the remainder will be withheld from the employee's paycheck. If the premium is less than the \$9,000 City contribution, the excess will be added to the employee's paycheck.

Compensatory Time

At the July council meeting, Council asked to see examples of how other cities handle comp time. Following are examples from Albany, Avon, Belgrade, Holdingford, Long Prairie, Paynesville, and Sauk Centre.

City of Freeport
 Health Insurance for Payroll

		Annual Totals		
		Employer Portion	Employee Portion	Total Employer Expense
<u>Employee</u>				
#1	BCBS bill (pay once per month)	3,897.84		
	Add'l wages (pay every pay period)	5,102.16		
		<u>9,000.00</u>	<u>0.00</u>	<u>9,000.00</u>
#2	BCBS bill (pay once per month)	11,019.96		
	Wage deduct (deducted 1st 2 pay periods)		(2,019.96)	
		<u>11,019.96</u>	<u>(2,019.96)</u>	<u>9,000.00</u>

Overtime / Compensatory Time

The City of Freeport has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Clerk will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime. In general, employees in executive, administrative and professional job classes are exempt; all others are non-exempt.

Non-Exempt (Overtime-eligible) Employees:

All overtime-eligible employees will be compensated at the rate of time and one-half for all hours worked over 40 in one workweek. Annual leave, compensatory time and paid holidays do not count toward “hours worked”. Compensation will take the form of either time and one-half pay or compensatory time. Compensatory time is paid time off at the rate of one and one-half hours off for each hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the City Clerk.

The employee’s supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action.

Overtime earned will be paid at the rate of time and one-half on the next regularly scheduled payroll date, unless the employee indicates on his/her timesheet that the overtime earned is to be recorded as compensatory time in lieu of payment.

The maximum compensatory time accumulation for any employee is 40 hours per year. Once an employee has earned 40 hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests.

All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The City Clerk will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves city employment at the hourly pay rate the employee is earning at that time.

A minimum of two hours will be paid to all employees for each call out to respond to accidents, complaints or emergencies. Whenever it is prudent authorization from the employee’s supervisor should be obtained before responding to a call out. Some call outs can be addressed once the employee begins their shift. Only emergencies will be considered as call outs. When prior authorization is not obtained for a call out, a written report must accompany the timesheet. If the supervisor finds the claim for payment for a call out is not justified, the claim may be denied. Communications relating to City business at home is not considered call out time.

Exempt (non-overtime-eligible) Employees

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountancy, an exempt employee will need to work 40 or more hours per week. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Exempt employees are paid on a salary basis. This means that they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed.

The City of Freeport will only make deductions from the weekly salary of an exempt employee in the following situations:

- The employee is in a position that does not earn annual leave and is absent for a day or more for personal reasons other than sickness or accident;
- The employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (for example, a situation where the employee has exhausted all of his/her paid leave or a situation where the employee does not earn paid leave).
- The very first workweek or the very last workweek of employment with the City in which the employee does not work a full week. In this case, the City will prorate the employee's salary based on the time actually worked.
- The employee is in a position that earns paid leave and is absent for a partial day due to personal reasons, illness or injury, but:
 - Paid leave has not been requested or has been denied;
 - Paid leave is exhausted;
 - The employee has specifically requested unpaid leave;
 - The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- The employee takes unpaid leave under the FMLA.

The City of Freeport may for budgetary reasons implement a voluntary or involuntary unpaid leave program and, under this program, make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

The City of Freeport will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness but will require the employee to pay back to the City any amounts received by the employee as jury fees or witness fees.

If the City inadvertently makes an improper deduction to the weekly salary of an exempt employee, the City will reimburse the employee and make appropriate changes to comply in the future.

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

Leave Policy for Exempt Employees

Management employees are required to work the number of hours necessary to fulfill their responsibilities including evening meetings and/or on-call hours. The normal hours of business for management staff are Monday through Thursday, 7:00 a.m. to 4:30 p.m. and Friday 7:00 a.m. to noon, plus evening meetings as necessary.

Management employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day.

Absences of less than four (4) hours do not require use of paid leave as it is presumed that the staff member regularly puts in work hours above and beyond the normal Monday through Friday requirement. Management employees must communicate their absence to the City Clerk or his/her designee.

If one of the above employees regularly absents themselves from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than forty (40) hours per week is needed to fulfill the position's responsibilities, the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Clerk for specific situations as determined necessary.

All exempt positions, whether or not management, may require work beyond forty (40) hours per week. In recognition for working extra hours, these employees may take some time off during their normal working hours with supervisory approval. The time off for extra hours will not necessarily be on a one-for-one basis.

Comp Time – Albany

SECTION 12 – COMPENSATORY TIME/OVERTIME

The City of Albany has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. The City Administrator will determine whether each employee is designated as “exempt” or “non-exempt” from earning overtime.

The City recognizes that some employees may be required to work extra hours in emergency situations and during peak workload periods. The scheduling and payment of compensatory time or overtime will be in accordance with the applicable Fair Labor Standards Act and subject to the following:

- A. Overtime should be avoided, but when it is necessary, the immediate Supervisor or City Administrator must give specific approval prior to it being earned or used. An employee who works overtime without prior approval may be subject to disciplinary action.
- B. Pre-authorization may be presumed by employees in emergency situations such as excess snowfall, flood, severe storms, water main breaks, lift stations malfunctions, or other similar situations where the immediate response of staff is required to avert endangerment of life, home, and/or property.
- C. Exempt employees are required to work the number of hours necessary to fulfill their responsibilities with no additional compensation. Exempt employees are paid on a salary basis. This means they receive a predetermined amount of pay each pay period and are not paid by the hour.

In unique circumstances, the Police Chief may be given time off for additional hours worked by the City Administrator, and the City Administrator may be given time off for additional hours worked by the City Council. Approval in one instance does not, in any way, guarantee approval in a future instance.

- D. Non-exempt employees (other than Police Patrol Officers) will be paid overtime for any hours worked over forty (40) in a given seven (7) day week. All overtime-eligible employees will be compensated at the rate of time-and-one-half (1.5) for all hours worked over forty (40) in one workweek. Compensation will take the form of either time-and-one-half (1.5) pay or compensatory time. Compensatory time is paid time off at the rate of one-and-one-half (1.5) hours off for each one (1) hour of overtime worked.

For most employees the workweek begins at midnight on Sunday and runs until the following Saturday night at 11:59 p.m. Supervisors may establish a different workweek based on the needs of the department, subject to the approval of the City Administrator.

- E. Pursuant to 29 U.S.C.A. §207(k), the City has established a work period of fourteen (14) days applicable to Police Patrol Officers. In order to be eligible for overtime or compensatory time, a Police Patrol Officer must have hours worked in excess of eighty-six (86) hours in the fourteen (14) day work period. The overtime payment will be at the rate of one and one-half (1.5) times their regular rate of pay. See subparagraph I below for a definition of hours worked.

- F. Full-time employees may be permitted to bank a maximum of eighty (80) hours of compensatory time off in lieu of overtime pay. Compensatory time will be calculated as one and one-half (1.5) times the number of overtime hours worked. Once an employee has earned eighty (80) hours of compensatory time in a calendar year, no further compensatory time may accrue in that calendar year. All further overtime will be paid. The employee will be paid for compensatory time used at their regular rate per hour.
- G. The minimum period of compensatory time off taken at any one time shall be four (4) hours.
- H. The maximum period of compensatory time off taken at any one time shall be twenty (20) hours.
- I. Definition of hours worked: For the purpose of determining eligibility for overtime pay or compensatory time, "hours worked" includes all hours that the employee actually performs duties that are for the benefit of the City. All of the hours worked must be added together to determine if the employee exceeded forty (40) hours in one workweek. When computing hours worked, the City will not include time that the employee was gone for PTO leave or holiday, even if the time off is paid time off. For example, if an employee (other than a Police Patrol Officer) works thirty-two (32) regular hours and has two (2) days of PTO in the seven (7) day period, only the thirty-two (32) hours are counted toward overtime eligibility. The employee will not be eligible for overtime or compensatory time for that week.
- J. The City reserves the right to deny requests for compensatory time off if it is deemed that the particular time off would adversely affect the public interest. If a request is denied, the City shall advise the applicant as to which hours or days of compensatory time off will be acceptable within five (5) days of denial.
- K. As with other policies, the policy regarding paid overtime may be adjusted at any time at the City Council's discretion.

Comp Time - Avon

From: Jodi A - City of Avon <jodi.a@cityofavonmn.com>

Sent: Monday, August 3, 2020 9:43 AM

To: lori@freeportmn.org

Subject: RE: Comp Time Policy

Our policy is below. Essentially we work a 40 hour week – period.

We will allow some banking of comp time when necessary, but it must be used by the end of the year so we encourage folks not to let it bank up to where they won't be able to take it off by the end of December.

****there have been times when this has been impossible due November/December to snow storms etc...in those cases, we've brought the issue to council to have them approve overtime pay so nothing is carried over into the new year.**

Everyone here understands the expectation that they will take the time off.

Overtime pay gets very expensive - and honestly for some workers in the past, became an incentive to rack up unnecessary "extra" hours.

Overtime/Compensatory Time/On Call Time

Federal regulations concerning overtime apply to employees of the City of Avon. All full-time Department Heads of the City of Avon will be salaried employees. Excluding 'exempt' employees, compensatory time shall be accrued at 1½ times the employee's regular rate for any hours over forty (40) actually worked in a week (vacation/sick time or holidays do not count as 'worked' hours). For 'exempt' employees, compensatory time shall be earned at a rate of 1:1 meaning that for every hour worked in excess of forty (40) in a week, exempt employees will earn one hour of compensatory time. Compensatory time shall be taken off whenever possible within the same pay period to avoid the banking of compensatory time.

Overtime for hourly employees, with prior approval from the Clerk/Administrator, shall be paid out at 1½ times the employee's regular rate for situations that are imminent threats to public health or safety.

An employee that gets called out for snowplowing duty on a Saturday or Sunday shall receive 2 hours compensatory time in addition to regular pay for all actual hours worked.

Comp Time – Belgrade

Compensatory Time

Compensatory time is paid time off at the rate of one-and-one-half hours off for each hour of overtime worked. Employees may request and use compensatory time off in the same manner as other leave requests. All compensatory time will be marked as such on official time sheets, both when it is earned and when it is used. The City Clerk-Treasurer will maintain compensatory time records. All compensatory eligible employees will be required to fill out the annual irrevocable election form before the start of each new year and cannot change their election at any time during the calendar year.

Annual Irrevocable Election for Overtime or Compensatory Time in Lieu of Options

Option #1: The Employee may participate in the Compensatory pay election program and make an irrevocable election to receive compensatory time in lieu of overtime pay for overtime hours worked in the elected calendar year subject to the following limitations of what is budgeted per department. The number of hours the Participant may elect to receive as compensatory time under this election shall not exceed 240 hours. Any overtime hours worked over the 240 thresholds will receive overtime pay. This election, once made, is irrevocable. The Participant will not be permitted to receive overtime pay for the hours the Participant has elected to receive as compensatory time pursuant to this election unless their compensatory time is maxed out at 240 hours. All accrued and unused compensatory time will be paid when the employee leaves city employment.

Option #2: The Employee may participate in the Overtime pay election program and would receive overtime pay for overtime hours worked in the elected calendar year subject to the following limitations of what is budgeted per department. This election, once made is irrevocable. The Participant will not be permitted to accrue compensatory time in lieu of overtime pay for the overtime hours worked in the elected calendar year.

Option #3: The Employee may participate in the comp/overtime pay with cash out program and has elected to be able to accrue or get paid out overtime during the elected calendar year. The participant wishes to make an irrevocable election to get paid out up to 40 hours maximum of comp time at the end of the year in December. The number of hours the participant may elect to receive as compensatory under this election shall not exceed 40 hours. Any overtime hours worked and approved over the 40 hours will receive overtime pay.

If an employee makes no election, they will be paid out overtime pay as it is earned and approved.

Comp Time – Holdingford

5.3 Overtime/Compensatory Time

Compensatory Time Authorized overtime work will usually be compensated for by allowing the employee time off. Compensatory time shall accrue only after the employee has worked forty hours in any work week. Compensatory time shall be earned at the rate of one and one-half (1-1/2) hours of compensatory time for each full hour of authorized overtime worked Monday through Friday.

Weekend and Holiday Pay

Weekend and Holiday Scheduled Work - Work on a Saturday, Sunday or a designated holiday will be compensated as follows:

Regular duties that are required every weekend and/or on a holiday, employees shall be credited compensatory time at the rate of two (2) hours for each full hour of required Saturday, Sunday or designated holiday work.

Call backs -when an employee is required to report outside of their regular work schedule or scheduled duties on Saturday, Sunday or a Holiday, they shall receive compensation as follows:

Saturday: A minimum of two (2) hours at 1 and 1/2 times compensatory time for each full hour worked.

Sundays and Holidays: a minimum of two (2) hours of compensatory time for each full hour worked

Compensatory time cannot be accrued on a two (2) hour minimum call back when less than one (1) hour of actual time is worked.

Compensatory time should be used as time off as quickly as work load will permit. If more than 80 hours of compensatory time is accumulated at the end of any month see the Overtime Pay Section for proper disposition. No employee may take more than sixteen (16) hours of compensatory time off during any one week period, except when an employee who desires to take more than sixteen (16) hours of compensatory time off during any one week period, that employee must get prior City Council approval. In a personal emergency the Mayor may approve the time off of more than sixteen (16) hours in any one workweek when Council is not available. Compensatory time earned up to 40 hours shall be carried forward into the next calendar year.

Hours Worked definition- Holiday, sick, vacation time and compensatory time are not considered time worked for purposes of calculating overtime.

Overtime Pay. It is recognized that in order to maintain basic services under unusual circumstances, emergencies, and peak workloads, employees may be required to work overtime which will accumulate as compensatory time as provided in the Compensatory Time section above. With City Council approval compensatory time in excess of eighty (80) hours shall be paid to the employee on the first pay date of each month at their regular pay rate. At year end, with City Council approval, compensatory time accrued in excess of forty (40) hours shall be paid to the employee at the employee's regular pay rate. Compensatory time shall be determined by the provisions of the Federal Fair Labor Standards Act 29 US Code 207 (o) (6) (B) which reads as follows:

(B) the terms "compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

Pursuant to federal and state wage and hour laws, employees classified as fulltime and nonexempt under Fair Labor Standards Act (FLSA) who are authorized overtime work in excess of the regularly scheduled workweek or pay period will be compensated at a rate of one and one-half times their base rate of pay for hours worked in excess of their regular schedule. FLSA mandates that the City classify employees in regards to overtime/compensatory time as one of the following categories: FLSA Exempt Employee or FLSA Non-Exempt Employee.

1. FLSA Exempt Employee

Exempt employees are not paid for overtime over 40 hours unless otherwise provided by collective bargaining or contract agreement. Exempt employees are generally employees who are classified as professional, administrative, executive and seasonal-recreation, under the FLSA exempt status.

2. FLSA Non-Exempt Employees

Overtime or compensatory time must be paid at a rate of one and one-half times the non-exempt (this includes full-time, part-time and temporary employees) employee's regular rate of pay for each hour worked in a work week in excess of 40 hours per week.

5.4 General Rules - Overtime/Compensatory Time

All overtime and comp time to be worked must be pre-approved by the City Administrator and Department Head and/or his/her designee prior to working overtime or compensatory time. Failure to obtain prior approval of overtime and compensatory time may result in denial of the overtime or compensatory time request.

Comp Time – Long Prairie

Overtime will be compensated at the rate of one and one-half (1½) times for all hours worked over the employee's scheduled shift. All use of sick leave hours, vacation hours, holidays, and compensatory hours are to be considered hours worked in computing overtime.

- A. When an employee is entitled to overtime pay, he/she has option to take it as compensatory time at the rate of one and one-half (1½) times the hours of overtime and holidays. An employee is entitled to take all or any part of this overtime as compensatory time.
- B. Compensatory time must be used by the last pay period of the calendar year. Any compensatory time not used by the period specified above, shall be paid out in cash at one and one-half (1½) times the employee's hourly rate of pay.
- C. An employee can accumulate up to forty (40) hours of compensatory time. If the City is unable to schedule the employee to take time off when over forty (40) hours have been accumulated, the employee will be paid at his/her regular hourly rate for those hours in excess of forty (40).

Overtime will be distributed as equally as practicable.

For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

Overtime will be calculated to the nearest fifteen (15) minutes.

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

Comp Time – Paynesville

From: Jennifer Welling <Jennifer@paynesvillemn.com>

Sent: Monday, August 3, 2020 12:22 PM

To: lori@freeportmn.org

Subject: RE: Comp Time Policy

Lori – This is what we have in the Union Contract. Thank you.

ARTICLE 8

Overtime and Premium Pay

8.1 Overtime Calculation

Employees will receive overtime compensation for all hours worked in excess of forty (40) in a one week period. When determining hours worked for a particular week, all compensated hours during that week shall be considered as time worked.

8.2 Overtime Compensation

Overtime compensation due under this article may be taken in the form of equivalent compensatory time off at times mutually agreed upon by the employee and her/his immediate supervisor.

Stipulations for comp time are as follows:

1. 80 hours maximum banked. Upon reaching the limit, an employee must either receive cash for additional hours of overtime worked, or use some comp time before accruing further comp time.
2. Employee comp time must be approved by the applicable Department Head or the City Administrator before taken.
3. Each time upon turning in time cards, employee must let the City Administrator know if overtime will be reimbursed by cash or comp time. Once determined, it cannot be changed at a later date.
4. An employee may cash in up to 40 hours of earned comp time on the last pay period of the year. No more than 120 hours can be cashed in at the end of the year including both comp time and comp time on-call. An employee cannot carry over more than 40 hours of comp-time on-call hours at the end of the year so they must cash in any excess hours.

Comp Time – Sauk Centre (from Public Works union contract)

- 13.9 Employees may elect to accumulate compensatory time as earned at the overtime rate, with a maximum accumulation up to sixty (60) hours per year. Payment in cash to the employee's Health Care Savings Plan will be made during any period in which compensatory time accrues beyond sixty (60) hours to reduce the accrual to the sixty (60) hour maximum. Employees must reduce their compensatory time to forty (40) hours by December 31st of each year. Any compensatory time over forty (40) hours shall be deposited into employee's Health Care Savings Plan.

Memo

From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 8/19/2020

Re: Senior Center Cement Work

Dolores Notch will be attending the meeting to talk about the possibility of doing cement work at the Senior Center. A quote for the work is on the next page.

JEROME HARTUNG

P.O. BOX 92

FREEPORT MN 56331

DATE: Oct 1/9

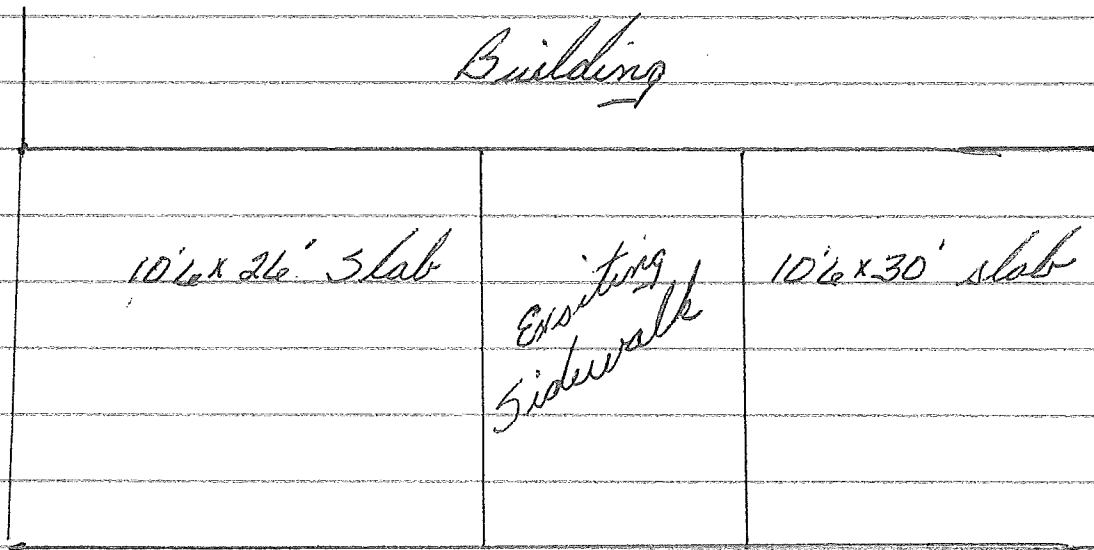
PREPARED BY: Jerome

PROJECT TITLE: Freeport Senior Center

Pour 1 - 10'-6" x 26' slab, left side of sidewalk
Pour 1 - 10'-6" x 30' slab, right side of sidewalk
use expansion strips between building and concrete
match existing sidewalk, cut concrete
seal concrete,

4000# psi concrete 4" thick

mtl + labor total \$ 2680⁰⁰



Tax

6 Buffers (Parking) 16⁰⁰ each

96⁰⁰