

**AGENDA
CITY OF MILLER
TUESDAY, MARCH 22, 2022
7:00 P.M.**

The City of Miller is an equal opportunity employer.

**Call to Order
Pledge of Allegiance**

**Approval of Agenda
Approval of Minutespgs. 1 - 4**

Public Input

New Business

1. On Hand Quarterly Update
2. Building Permit: Scott & Trisha Teason - Addition
3. Police Mission Statementpg. 5
4. 1st Reading of Ordinance #731 - Unmuffled Dynamic Brakingpg. 6
5. Airport Pavement Maintenance Agreement for Transfer of Entitlementspg. 7
6. Dustin Graham – 1st Year NWLC Completion Raise
7. Shut-off Policypgs. 8 - 9
8. Finance Committee Recommendation -- SkyHorizon Sales Taxpg. 10
9. City Council Job Descriptionpgs. 11 - 14

Approval of Bills

Adjourn

Public comments are welcomed during public input, but no action can be taken by the Council on comments received at this meeting. Anyone wishing to have the Council vote on an item should call the Finance Office at 853-2705 by 5:00 p.m. on the Wednesday preceding the next scheduled meeting to be placed on the agenda.

**CITY OF MILLER
CITY COUNCIL MEETING
MARCH 7, 2022**

The City of Miller is an equal opportunity employer.

The City Council met in regular session at city hall at 7:00 p.m. on Monday, March 7, 2022.

MEMBERS PRESENT: Mayor Ron Blachford. Aldermen: Jim Odegaard, Tony Rangel, Bob Steers, Jeff Swartz, Joe Zeller, and Alderwoman Tammy Lichty.

CALL TO ORDER: Mayor Blachford called the meeting to order.

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderman Odegaard, seconded by Alderwoman Lichty to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Rangel, seconded by Alderman Swartz to approve the minutes for the regular meeting held on February 22, 2022. All members voted aye. Motion carried.

PUBLIC INPUT

none

DEPARTMENT HEAD REPORTS

Department head reports were reviewed. No questions were asked.

UNFINISHED BUSINESS

Lot Purchase: Motion by Alderman Rangel, seconded by Alderman Odegaard to not purchase the lot for sale on West 2nd Street. All members voted aye. Motion carried.

NEW BUSINESS

SkyHorizon, LLC: Mike Malone and Kelly Dybdahl, Heartland Consumers Power District, were present to explain the Memorandum of Understanding with the City of Miller, SkyHorizon, LLC, and Heartland Consumers Power District. Motion by Alderman Zeller, seconded by Alderman Steers to sign the Memorandum of Understanding. Roll call vote: Alderman Swartz -- aye, Alderman Odegaard -- aye, Alderman Zeller -- aye, Alderman Rangel -- aye, Alderwoman Lichty -- aye, Alderman Steers -- aye. Motion carried.

Mayoral Proclamation: Mayor Blachford read a proclamation proclaiming March Intellectual and Developmental Disabilities Month. Haley Coss spoke on behalf of SD Partners in Policymaking, an advocacy group for Disability Rights in SD. She explained that disabilities do not discriminate and that we are all responsible for creating an inclusive community. She thanked Mayor Blachford and the council for the proclamation.

Surcharge Clarification: Alderman Rangel read a statement explaining surcharges. Surcharges are only to be used to pay off loans (not used for daily expenses) and cannot be removed or reduced until the applicable loan is paid in full. Water and sewer surcharges are a flat rate based on the number of meters. Electric surcharges are based on kWh used.

Dale Hargens -- Rental House: Dale Hargens was present to request that shutoffs not be done on Friday afternoon and that the landlords be contacted when a renter is delinquent. The city's policy will be looked at and reviewed on the next agenda.

Bryan Rock Products: Roger Haberling requested to purchase a load of baseline aggregate from Bryan Rock Products out of Shakopee, MN. The cost of the load will be approximately \$1,952.50. Motion by Alderwoman Lichty, seconded by Alderman Odegaard to order the aggregate. All members voted aye. Motion carried.

AMI Meters: Dustin Graham explained the bids that were received for AMI electric meters. Only one bid was eligible, but it did not meet all the specs. Motion by Alderman Rangel, seconded by Alderman Steers to accept DGR Engineering recommendation to reject all bids and do a Request for Pricing. All members voted aye. Motion carried.

Substation Repair: Motion by Alderwoman Lichty, seconded by Alderman Odegaard to have Northern Testing Services repair the substation for approximately \$13,125.00 that was purchased from NorthWestern Energy. This substation feeds the entire town. All members voted aye. Motion carried.

Repairs to Extra Police Car: Dustin Graham received a quote from Stobbs to have the transmission replaced for approximately \$4,295.00. Motion by Alderwoman Lichty, seconded by Alderman Zeller to have the transmission replaced in the 2015 Ford Expedition.

Livestock Addition Plat: Motion by Alderman Swartz, seconded by Alderman Zeller to approve the Livestock Addition Plat. All members voted aye. Motion carried.

TLC Olson Construction Change Order #3: Motion by Alderman Steers, seconded by Alderman Rangel to approve TLC Olson Construction Change Order #3. All members voted aye. Motion carried.

SPN Flood Study Invoices: Motion by Alderman Odegaard, seconded by Alderwoman Lichty to approve SPN invoices 25566 & 25567 for \$9,300.00. All members voted aye. Motion carried.

Annual Report: Finance Officer, Sheila Coss presented the 2021 annual report as prepared by Kohlman Bierschbach & Anderson, LLP. Motion by Alderman Swartz, seconded by Alderman Rangel to approve the 2021 annual report. All members voted aye. Motion carried.

Helm & Associates Invoices: Motion by Alderwoman Lichty, seconded by Alderman Odegaard to pay Helm & Associates \$7,605.63 for invoices 25530 and 25548. All members voted aye. Motion carried.

Approval of the Bills: Motion by Alderman Swartz, seconded by Alderman Odegaard to approve the bills. All members voted aye. Motion carried.

EXECUTIVE SESSION: Motion by Alderwoman Lichty, seconded by Alderman Steers to go into executive session for personnel matters pursuant to SDC1. 1-25-2(1) at 8:44 p.m. All members voted aye. Motion carried. Motion by Alderman Zeller, seconded by Alderman Odegaard to come out of executive session at 9:42 p.m. All members voted aye. Motion carried.

Wages: No action taken.

Congressional Record -- John Thune: The city received a letter from Senator John Thune to honor everyone for the successful emergency evacuation of the Miller School and Hand-in-Hand Daycare.

Motion by Alderman Zeller, seconded by Alderwoman Lichty to adjourn the meeting. There being no further business, the meeting was adjourned at 9:45 p.m. All members voted aye. Motion carried.

Ronald Blachford, Mayor

Sheila Coss, Finance Officer

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Bills March 2022 (1)

| | | |
|-------------------------|------------------------|---------------------|
| A & B Business | Supplies | 160.86 |
| American Solutions | Supplies | 233.84 |
| Americinn | Lodging | 639.84 |
| BDS | Garbage | 179.00 |
| Manning Digging | Service | 360.00 |
| City Utilities | Utilities | 13,302.44 |
| CK Welding | Repairs | 108.20 |
| Cowboy Country Stores | Fuel | 1,204.09 |
| Forte | Prof Fees | 145.00 |
| Graham, Dustin | Reimb | 233.76 |
| Gross, Gordon | Reimb | 11.00 |
| Hammill, Brandon | Reimb | 48.30 |
| HCPD | Power | 75,723.58 |
| Helms & Associates | Prof Fees | 7,605.63 |
| Hofstetzer, Ron | Reimb | 13.00 |
| Pioneer Garage | Repairs | 304.48 |
| John Deere Financial | Parts | 245.49 |
| KBA | Prof Fees | 2,000.00 |
| Letsche, Devin | Reimb | \$11.00 |
| MMUA | Prof Fees | 616.00 |
| Napa | Parts | 347.96 |
| Northwest Pipe | Fittings | 2,749.82 |
| Oakley Farm & Ranch | Supplies | 23.98 |
| OHED | 80% BBB | 2,124.93 |
| Postmaster | Postage | 450.00 |
| PrairieLand Collections | Prof Fees | 31.89 |
| Reber, Zachary | Reimb | 75.00 |
| SD DOT | Regist. | 70.00 |
| Servall | Service | 78.09 |
| Sign Solutions | Signs | 222.29 |
| SPN | Prof Fees | 14,100.00 |
| WAPA | Power | 43,222.94 |
| | Accounts Payable Total | <u>\$167,640.41</u> |

| Payroll Salary plus | | 2/28/2022 & | | |
|-------------------------|--|--------------------|-------------------|--------------------|
| Benefits by Department: | | 3/03/2022 | | |
| Department | | w/o OT | OT | Total |
| 41101 COUNCIL | | 2,777.38 | 0.00 | 2,777.38 |
| 41402 FINANCE OFFICE | | 3,083.65 | 0.00 | 3,083.65 |
| 41902 BUILDING | | 316.86 | 0.00 | 316.86 |
| 42101 POLICE | | 11,504.04 | 1,212.13 | 12,716.17 |
| 43101 STREET | | 6,371.53 | 332.52 | 6,704.05 |
| 43201 SEWER | | 5,234.98 | 77.21 | 5,312.19 |
| 43305 WATER | | 6,024.71 | 77.20 | 6,101.91 |
| 43403 ELECTRIC | | 8,822.60 | 0.00 | 8,822.60 |
| | | <u>\$44,135.75</u> | <u>\$1,699.06</u> | <u>\$45,834.81</u> |

**CITY OF MILLER
CITY COUNCIL MEETING
MARCH 14, 2022**

The City of Miller is an equal opportunity employer.

The City Council met in special session at city hall at 7:00 p.m. on Monday, March 14, 2022.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen: Jim Odegaard, Tony Rangel, Bob Steers, Jeff Swartz, Joe Zeller, and Alderwoman Tammy Lichty.

CALL TO ORDER: Mayor Blachford called the meeting to order.

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderman Odegaard, seconded by Alderwoman Lichty to approve the agenda. All members voted aye. Motion carried.

PUBLIC INPUT
None.

NEW BUSINESS

Safe Route to School: Logan Gran, DOT was present via Microsoft Teams and, Chancey Shrake, Brosz Engineering was also present to assist in the logistics of moving forward with the Safe Route to School or stopping the project. The city was asked on September 4, 2019, to apply for a TAP grant from the DOT on behalf of the Miller School for a Safe Route to School. At that time, there was to be no financial cost to the city, but they did ask that there be a donation of in-kind work. Due to unforeseen circumstances, the school is no longer able to financially support this project. The local match is at least 18.05% of the total project or \$47,261.90 of the estimated construction costs on the original application in 2019. Brosz Engineering is estimating an additional 8.4%. The DOT will review these figures and let the city know if they agree with this amount and if we should go forward with the project depending on estimated costs. Motion by Alderwoman Lichty, seconded by Alderman Odegaard to move forward with the project. Bob Steers asked for clarification on how to pay for the unbudgeted project. Roll call vote: Alderman Swartz – aye, Alderman Zeller – aye, Alderman Odegaard – aye, Alderman Rangel – aye, Alderwoman Lichty – aye, Alderman Steers – aye. Motion carried.

Motion by Alderman Zeller, seconded by Alderwoman Lichty to adjourn the meeting. There being no further business, the meeting was adjourned at 7:45 p.m. All members voted aye. Motion carried.

Ronald Blachford, Mayor

Sheila Coss, Finance Officer

LEGAL NOTICE OF RECEIPT

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Mission Statement

Miller City Police

To protect & service the entire Miller city community at all times and outside of the city limits as the need arises and their abilities allow. Those duties are to include but not limited to:

1. Immediate response to the needs and requests for a assistance from any Miller resident or business owner.
2. Immediate response to needs and request for assistance from the Miller Ambulance service, Miller hospital & clinic, nursing home, miller schools, Hand County Sheriff's department and Miller fire department.
3. Requests for assistance from any of the above shall take precedence over non-emergency police duties.

ORDINANCE #731

The City of Miller is an equal opportunity employer.

AN ORDINANCE AMENDING SECTION 36-3 OF THE ORDINANCES OF THE CITY OF MILLER, SOUTH DAKOTA.

BE IT ORDAINED by the City of Miller, South Dakota, that Article I. Section 36-3 is hereby amended to read as follows:

Article I. Sec. 36-3. Unmuffled dynamic braking, air braking, or jake braking prohibited.

An unmuffled dynamic braking device is a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of rear wheels. Such devices are also commonly referred to as air brakes, Jacob's brakes, or jake brakes. The use of a dynamic braking device in the city is prohibited, except as follows:

- (1) Operating a motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger shall be prohibited.
- (2) This section shall not apply to a public emergency response vehicle equipped with a dynamic braking device when the device is used during a response to an emergency situation.
- (3) Penalty: Noise Violations. Any person who violates this chapter shall be punishable by a fine set by the city council and on file with the city finance officer.

Dated this 4th day of April 2022.

Ronald Blachford, Mayor

(SEAL)

ATTEST:

Sheila Coss, Finance Officer

Record of Votes:

Request for FAA Approval of Agreement for Transfer of Entitlements

In accordance with 49 USC § 47117(c)(2),

Name of Transferring Sponsor: City of Miller

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47117(c) for the:

Name of Transferring Airport (and Locid): Miller Airport (MKA)

for each fiscal year listed below:

| Entitlement Type (Passenger, Cargo or Nonprimary) | Fiscal Year | Amount |
|---|-------------|------------------|
| NP | 2022 | \$ 43,000 |
| | | \$ |
| | | \$ |
| | | \$ |
| Total | | \$ 43,000 |

The Federal Aviation Administration has determined that the waived amount will be made available to:

Name of Airport (and Locid) Receiving Transferred Entitlements: State of South Dakota

Name of Receiving Airport's Sponsor: State of South Dakota

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of _____ (date)

or when the availability of apportioned funds lapses under 49 USC § 47117(b).

For the United States of America, Federal Aviation Administration:

Signature: _____

Name: _____

Title: _____

Date: _____

Certification of Transferring Sponsor

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this _____ day of _____

Name of Sponsor: City of Miller

Name of Sponsor's Authorized Official: _____

Title of Sponsor's Authorized Official: _____

Signature of Sponsor's Authorized Official: _____

Certification of Transferring Sponsor's Attorney

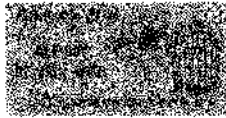
I, _____ acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of _____. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Dated at _____ (City, State), this _____ day of _____

Signature of Sponsor's Attorney: _____

Shut off Procedures 2nd business day of the month

1. Christi runs the daily deposit at 8:00 a.m. *This deposit includes any payments made in the drop box as of 8:00 a.m. Any payments that come in the mail do not arrive in office until after 10:00 a.m. most days; thus, they are not processed until the next day.*
2. Christi runs the shut off list, adds the \$50 delinquency fine (\$25 for electric and \$25 for water), and gives the list to the electric department.
3. Dustin reviews the list and calls, leaves messages or texts before he shuts then off, preferably before noon.
4. The individuals must pay the delinquent amount and the next month's payment to be reconnected (*or to stay on*).
5. Employees do not have the authority to make arrangements with customers. Customers must talk to their council member if they are unable to make the entire payment. *One arrangement per customer. They only get 1 "get-out-of-jail-free" card.*



- **Sec. 38-363. - Payment due date.**

All consumer bills shall be due the 15th day of the following month and shall become delinquent on the 16th day of that same month. In the event that the 15th day of the month falls on a Saturday, Sunday or a holiday, the consumer shall have until the next business day to pay due bill. All delinquent consumer bills shall be assessed a five percent penalty on the unpaid balance.

(Prior Code, § 4.0205(III)(c); Code 1989, § 13.12.180; Ord. No. 474, 8-18-1986; Ord. No. 484, 5-2-1988; Ord. No. 534, 3-4-1996; Ord. No. 636, 4-2-2012; Ord. No. 668, 12-29-2015)

- **Sec. 38-364. - Delinquent notice for non-payment.**

When a consumer bill becomes delinquent, a delinquent notice will be included on the utility bill informing them that the delinquent balance must be paid by the 1st day of the following month. If said bill is still unpaid by the 1st day of the month or the next business day in the event the 1st falls on a Saturday, Sunday or a holiday, the city electric department shall be instructed and authorized to disconnect the electric service to said consumer. Fees and charges required under this chapter shall be in the amount provided in the city fee schedule.

(Prior Code, § 4.0205(III)(d); Code 1989, § 13.12.190; Ord. No. 474, 8-18-1986; Ord. No. 534, 3-4-1996; Ord. No. 636, 4-2-2012; Ord. No. 658, 12-29-2015)

- **Sec. 38-365. - Disconnection for nonpayment.**

The city engineer or superintendent of the city electrical department is directed to disconnect from electrical service any person, firm or corporation on date stated in the termination notice and any deposit made by such person, firm or corporation shall be forfeited to the city and applied on the payment of the delinquent account.

(Prior Code, § 4.0205(IV)(a); Code 1989, § 13.12.200; Ord. No. 474, 8-18-1986)

- **Sec. 38-366. - Conditions for service continuance after disconnection.**

Any person, firm or corporation who, having failed to pay a delinquent bill for electricity as provided in this chapter and whose electrical service has been disconnected because of such delinquency as provided in this chapter shall, before being reconnected, meet the following requirements:

1. Remit to the city finance officer a reconnection fee as provided by the city fee schedule for residential and commercial accounts. Sales tax shall be added to the reconnection fee.
2. Remit to the city finance officer, all payments in arrears, taxes and late fees.

(Prior Code, § 4.0205(V); Code 1989, § 13.12.210; Ord. No. 474, 8-18-1986; Ord. No. 636, 4-2-2012)

Server / Mining in Miller

SkyHorizon LLC

- Energy ONE Incentive plus municipal adder
 - Total: \$0.05889
 - City: \$0.002/kWh - \$45,000
- Up to 3 MW - current configuration
- \$130,000 infrastructure paid up front
- \$10-\$14M capital purchases
 - Containers - mobile



Current System Capacity -- 10.5 MVA

Current System Peak over last 4 years -- 6.449 MVA

System Peak last year -- 6.232 MVA

| Municipal Benefit | | | | | | |
|-------------------|-----------|--------------|--------------|---------------|---------------|---------------|
| Year: | | | | | | |
| | 1 | 2 | 3 | 4 | 5 | TOTAL |
| Municipal \$ | 49,932.00 | \$ 49,932.00 | \$ 49,932.00 | \$ 74,898.00 | \$ 99,864.00 | \$ 324,558.00 |
| Sales Tax \$ | 29,404.95 | \$ 29,404.95 | \$ 29,404.95 | \$ 29,904.27 | \$ 30,403.59 | \$ 148,522.73 |
| Total \$ | 79,336.95 | \$ 79,336.95 | \$ 79,336.95 | \$ 104,802.27 | \$ 130,267.59 | \$ 473,080.73 |

**Does not include \$130,000 capital paid for by SkyHorizon

| Sales Tax Potential From Equipment Purchase | | | | | |
|---|--------------|------------------|------------------|------------------|------------------|
| Equipment \$ | 8,000,000.00 | \$ 10,000,000.00 | \$ 12,000,000.00 | \$ 14,000,000.00 | \$ 16,000,000.00 |
| Sales Tax \$ | 160,000.00 | \$ 200,000.00 | \$ 240,000.00 | \$ 280,000.00 | \$ 320,000.00 |

City Council Member Description & Roles and Responsibilities

POSITION TITLE: Alderman/City Council Member

SUMMARY DESCRIPTION: It is the responsibility of Council Members to ensure the City fulfills its duties under the law and lawfully exercises its powers. City Council Members should gain a working knowledge of the laws that regulate city government. Councilmembers' statutory duties are to be performed by the Council as a whole. For example, the Council, not individual members, must supervise administrative officers, formulate policies, and exercise City powers. Time should be devoted to problems of basic policy as you act as liaisons between the City and the general public. Council Members should be concerned, not only with the conduct of daily affairs, but also with the future development of the City. Each Council Member has full authority to make and second motions, participate in meaningful discussions, and vote on every matter before the Council. As individuals, Council Members have no administrative authority and are subject to the Council Code of Conduct. The Council, however, has complete authority over all administrative affairs in the city.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

1. The most important single responsibility of a Council Member is participation at council meetings.
2. Read and review all agenda materials supplied prior to scheduled meetings, participate meaningfully in discussion of issues, request additional data, actively listen to ensure complete understanding.
3. Become familiar with the City's plans, budgets, policies, and any other documents that impact City policy.
4. Review and approve finances, payments, annual budgets, tax levy, contracts for services, financial reports, audits, etc.
5. Set and interpret rules governing proceedings, preserve order at City Council meetings, establish rules of procedure, commit to attendance and address non-attendance, identify and address conflicts of interest.
6. Establish policies for the effective and efficient delivery of municipal services to the City.
7. Add, delete, modify, or reduce municipal services.
8. Create, Modify, Rescind local resolutions and ordinances.
9. Set administrative policies.
10. Respond to constituent request for information, act as a liaison between the City and the general public.
11. Establish and modify goals for the City, participate in capital improvement planning and long-range planning.
12. Approve the municipal boundaries, sphere of influence and all annexations of land into the City, approve all zoning changes, subdivisions, and commercial and industrial development plans.
13. Exercise all the powers of the City that the law does not delegate to others.



14. Legislate for the City.
15. Provide community leadership.
16. Promptly report any concerns or allegations with respect to accounting, internal controls, auditing, budgeting, or cash management matters.
17. Serve on various boards or committees and any other specific powers deemed necessary and requested by the Mayor or City Administration.
18. Understand and abide by the adopted Council Code of Conduct.

MINIMUM REQUIREMENTS:

1. Elected by the City of Miller residents or appointed by Common Council.
2. Must meet the State Requirements for holding office:
 - a) Qualified/Registered voter and resident of respective Ward
 - b) Reside in City 3 months before election
 - c) Not a defaulter to the City

City of Miller Board Conduct and Obligations

All Board Members, whether elected or appointed, have a responsibility to at all times conduct themselves in a manner befitting the position. Each Board Member must remember that their first priority is to act in the best interest of the City of Miller and to not let personal prejudice, history, or bias affect decisions made as a City Councilor.

1. POLICY STATEMENT

- 1) This Code of Conduct is a public declaration of the principles of good conduct and standards of behavior that Elected and Appointed Members of the City of Miller are committed to demonstrate in the performance of their responsibilities as community representatives.
- 2) The principles and standards in the Code of Conduct are in addition to the requirements of any other relevant Regulation/s.

2. PRINCIPLES

- 1) Board Members will seek to achieve a team approach when dealing with staff of the Board, and they will seek to achieve an environment of mutual respect and trust. They shall establish a working relationship with fellow Members that recognizes and respects the diversity of opinion and seeks to achieve the best possible outcomes for the community.
- 2) Councilors and Board members will treat City Staff with respect and tolerance of their different roles in achieving the Board Objectives. They will ensure that their behaviors are not and cannot be interpreted to constitute bullying and/or harassment.
- 3) In all things Councilors and Board Members must act with honesty and integrity and conduct themselves in a way that generates community trust and confidence in them as individuals, and which enhances the role and image of the Board and local Government generally.
- 4) Board Members will be fair, reasonable, just, non-discriminatory, and honest in their dealings with individuals and organizations and behave in a manner that facilitates constructive communication between the Board and the community.
- 5) Board Members will not make improper use of information acquired or make improper use of their position as a Member of the Board.
- 6) Councilors and Board Members are expected to show commitment by completing the specified training courses and updating as needed. Board members will discharge their duties conscientiously and to the best of their abilities. In a fair, honest, and respectable manner according to the law.
- 7) Information provided to or obtained by a Board Member in the course of his or her duties is to be respected for its confidentiality and used in a careful and prudent manner consistent with the nature of that information.
- 8) Board Members must have due regard to the laws dealing with conflict of interest in relation to all their duties and behaviors and exercise the highest level of integrity expected of people holding public office.

3. DEFINITIONS

Harassment is unlawful. It is usually based on a real or perceived difference such as race, sex, or disability. It may lead to the person who is being harassed feeling offended, humiliated, intimidated, or being disadvantaged. Harassment consists of unwelcome, offensive, abusive, belittling, or threatening behavior directed at another person.

Bullying is a form of harassment and is not acceptable. Bullying results from treating another person in a less favorable way by intimidatory, offensive, degrading, or humiliating behavior. Bullying may be an offence under the Occupational Health Safety and Welfare Act (1986) and may result in serious penalties.

4. PROCEDURES

- 1) Meetings are to be conducted in accordance with Robert's Rules of Order. Although our city is small and informal, order must be maintained to ensure all actions will be supported by law. Outbursts, inflammatory comments, and personal attacks will not be tolerated by anyone in attendance at any meeting.
- 2) Meetings shall begin promptly at the specified hour.
- 3) Many actions taken by a governing body require not just a majority vote of the quorum but a majority vote of *all* the elected officials. Not having the appropriate number of Councilors in attendance at any meeting affects the efficient functioning of the entire community.
- 4) Any Board member shall be paid monthly.
- 5) Board members shall complete W-4, I-9, and direct deposit forms prior to receiving the first paycheck.
- 6) Committee appointments ensure all areas of the City's business receive proper attention. It is the appointee's responsibility to be knowledgeable of the happenings of and fulfill their obligations to their respective committees and to report applicable information at meetings.
- 7) Packets containing information to be discussed at the next scheduled meeting will be available by 5:00 p.m. the Friday before each meeting. Members are encouraged to receive their agendas and packets via email; however, paper versions are available and delivered by the Miller Police Department. This allows each Councilor sufficient time to review the information and investigate any questions or concerns *before* the meeting thus allowing meetings to progress smoothly, efficiently, and quickly.
- 8) No person (Councilor, Board Member, Employee, Citizen, or Committee member) may, at any time, enter City property or conduct City business under the influence of drugs or alcohol.

Councilors and Board members are accountable to the Board and the community for compliance with this Code of Conduct.

- A complaint alleging a breach of the Code of Conduct must be made in writing by any person and, subject to clauses of this Code, must be investigated by the Board.
- The complaint must identify the provision(s) of the Code which it alleges have been breached and provide all evidence available to support the allegation.