

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD AN EXECUTIVE SESSION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON FEBRUARY 3, 2009 AT 6:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR CARL SCOTT
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS	E L/GAIL PORTER CARL JOHNSTON

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

WHEREAS, MAYOR SCOTT REQUESTED AN EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO CLEAR THE ROOM IN ORDER TO DECIDE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REOPENED THE MEETING.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

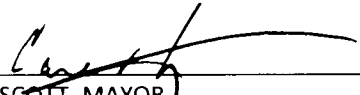
ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

THEREBEING NO FURTHER BUSINESS, THE EXECUTIVE SESSION OF THE MAYOR AND BOARD OF ALDERMEN WAS ADJOURNED ON THIS THE 3RD DAY OF FEBRUARY, A.D., 2009.



CARL L SCOTT, MAYOR

(SEAL)

ATTEST:



JEAN ISHEE, CITY CLERK

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON FEBRUARY 3, 2009 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	CARL L SCOTT
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS	LISA MYERS B C LEWIS KATIE EVANS TOMMIE CORLEY HARRY/NETTIE FARRIS E L/GAIL PORTER CHARLES BLACKWELL ADA MADISON BUDDY REYNOLDS RODNEY SESSION AND MANY OTHERS

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE INVOCATION WAS OFFERED BY RODNEY SESSION.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR SCOTT PRESENTED THE AGENDA WITH THE FOLLOWING CHANGES:

IX. GENERAL BUSINESS

16. REQUEST TO DISPOSE OF 95 HONDA AND 97 CROWN VIC BY AUCTION AND REMOVE FROM INVENTORY FOR THE POLICE DEPARTMENT.
17. REQUEST TO DISPOSE OF 98 FORD 150 BY AUCTION AND REMOVE FROM INVENTORY FOR THE STREET DEPARTMENT.
18. REQUEST TO PURCHASE MOBILE RADIO FOR TRANSIT BUS AT A TOTAL COST OF \$308.00 AFTER REIMBURSEMENT.
19. REQUEST TO ACCEPT CATERPILLAR BUY BACK AGREEMENT ON SKID STEER UNIT AND TO ACCEPT BIDS FOR NEW UNIT.
20. REQUEST TO ACCEPT 2006-2007 AUDIT REPORT.
21. REQUEST TO AUTHORIZE AND ACCEPT THE SETTLEMENT AND COMPROMISE BETWEEN CITY OF PETAL AND BARRONTOWN UTILITY ASSOCIATION PER THE TERMS AND PROVISIONS OF CHRIS WOODS LETTER DATED JANUARY 29, 2009.
22. REQUEST TO ABANDON EMINENT DOMAIN PROCEEDINGS AGAINST BURGER, ROBERTS, SYNDER, MIHLETHALER, ROYALS AND SIMMONS DUE TO THE DETERMINATION THAT SEWER PROJECT IS NOT ECONOMICALLY VIABLE AT THIS TIME.

X. SEMINARS & TRAVEL

4. REQUEST TO APPROVE DORIS WALTERS TO ATTEND 3RD ANNUAL STATEWIDE TRANSPORTATION SUMMIT IN JACKSON, FEBRUARY 18-19, 2009.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING CHANGES. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY

ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE MINUTES OF THE REGULAR MEETING OF JANUARY 20, 2009 AND THE SPECIAL MEETING OF JANUARY 20, 2009.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JANUARY 20, 2009 AND THE SPECIAL MEETING OF JANUARY 20, 2009. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT CALLED FOR PUBLIC COMMENT.

THEREUPON, DEBORAH REYNOLDS ADDRESSED THE MAYOR AND BOARD OF ALDERMEN ABOUT THE TRIP THE BAND TOOK TO WASHINGTON, DC JANUARY 20, 2009 AND GAVE THE BOARD A TOKEN FROM FRONT ROYAL, VA.

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO APPOINT ANTHONY MOZINGO AS JUDGE PRO-TEMP AND MARTHA CARSON AS PROSECUTOR PRO-TEMP FOR THE RAY PRICE CASE DUE TO THE "RECUSAL" OF OUR CITY JUDGE AND CITY PROSECUTOR.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO APPOINT ANTHONY MOZINGO AS JUDGE PRO-TEMP AND MARTHA CARSON AS PROSECUTOR PRO-TEMP FOR THE RAY PRICE CASE DUE TO THE "RECUSAL" OF CITY JUDGE SHELIA SMALLWOOD AND CITY PROSECUTOR MICHAEL REED. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO PURCHASE A PLACEMAT AD FOR THE KIWANIS PANCAKE DAY FEBRUARY 14, 2009.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO PURCHASE A PLACEMAT AD FOR THE KIWANIS PANCAKE DAY FEBRUARY 14, 2009 IN THE AMOUNT OF \$50.00. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FROM CHRIS MOORE TO EXTEND HIS BUILDING PERMITS FOR 216 COLLINS ROAD AND 220 COLLINS ROAD.

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO GIVE CHRIS MOORE A SIX MONTH EXTENSION ON HIS BUILDING PERMITS FOR 216 COLLINS ROAD AND 220 COLLINS ROAD. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO SET A PUBLIC HEARING DATE FOR VARIANCE REQUEST BY WAITS ENGINEERING.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO SET A PUBLIC HEARING DATE FOR FEBRUARY 24, 2009 FOR A VARIANCE REQUEST BY WAITS ENGINEERING. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO SET A PUBLIC HEARING FOR ALLEN FLYNT.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO SET A PUBLIC HEARING DATE FOR FEBRUARY 24, 2009 AT 7:00 P.M. FOR ALLEN FLYNT. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE RECOMMENDATION FROM THE PLANNING COMMISSION TO GRANT VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 307 FORD DRIVE.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A VARIANCE REQUEST FOR 307 FORD DRIVE. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING PROOFS OF PUBLICATION:

- A. PUBLIC NOTICE PLANNING COMMISSION
- B. NOTICE TO INTEREST PARTIES BULLDOG CONSTRUCTION
- C. PUBLIC NOTICE PETAL SCHOOL BOARD

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO ACCEPT THE FOREGOING PROOFS OF PUBLICATION. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE EMPLOYEE HANDBOOK WITH CHANGES.

SEE EXHIBIT "A"

CITY OF PETAL
EMPLOYEE HANDBOOK

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO ADOPT THE CITY OF PETAL EMPLOYEE HANDBOOK EFFECTIVE MARCH 1, 2009. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE RESIGNATION OF OFFICER EDUARDO DIAZ IN THE POLICE DEPARTMENT.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO ACCEPT THE RESIGNATION OF OFFICER EDUARDO DIAZ IN THE POLICE DEPARTMENT EFFECTIVE JANUARY 22, 2009. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR THE POLICE DEPARTMENT TO PURCHASE AN IN CAR CAMERA FROM DIGITAL ALLIED IN THE AMOUNT OF \$3,895.00.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO PURCHASE AN IN CAR CAMERA FROM DIGITAL ALLIED FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$3,895.00. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO PLACE INTO THE POLICE DEPARTMENT FLEET ONE JEEP CHEROKEE VIN #1J4GX48S94C412231 TO BE USED BY THE VICE/NARCOTICS UNIT.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE THE POLICE DEPARTMENT TO ADD TO THE FLEET ONE JEEP CHEROKEE VIN #1J4GX48S94C412231 TO BE USED BY THE VICE/NARCOTICS UNIT. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO TERMINATE OFFICER DAVID WARD, UPON THE RECOMMENDATION OF CHIEF LEE SHELBOURN IN THE POLICE DEPARTMENT.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO TERMINATE OFFICER DAVID WARD, UPON THE RECOMMENDATION OF CHIEF LEE SHELBOURN IN THE POLICE DEPARTMENT EFFECTIVE FEBRUARY 3, 2009. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE REVENUES AND EXPENDITURES FOR THE MONTH OF DECEMBER 2008.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF DECEMBER 2008. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF JANUARY 2009.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ACCEPT THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF JANUARY 2009. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE CLAIMS DOCKET #106083-106720 OF THE CITY OF PETAL GENERAL FUND AND THE CITY OF PETAL WATER AND SEWER FUNDS FOR THE MONTH OF JANUARY 2009.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO PAY CLAIMS #106083-106720 OF THE CITY OF PETAL GENERAL FUND AND THE CITY OF PETAL WATER AND SEWER FUNDS FOR THE MONTH OF JANUARY 2009. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO DISPOSE OF 95 HONDA AND 97 CROWN VIC BY AUCTION AND REMOVE FROM INVENTORY FOR THE POLICE DEPARTMENT.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO DISPOSE OF 95 HONDA VIN #1HGCD5656SA066682 AND 97 CROWN VIC VIN #2FALP71W9VX137554 AND REMOVE FROM INVENTORY IN THE POLICE DEPARTMENT. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO DISPOSE OF 98 FORD F150 BY AUCTION AND REMOVE FROM INVENTORY IN THE STREET DEPARTMENT.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO DISPOSE OF 98 FORD F150 VIN #1FTZF1765WNB9214 AND REMOVE FROM INVENTORY IN THE STREET DEPARTMENT. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FROM TOM HARDGES, RECREATION DIRECTOR, TO PURCHASE A MOBILE RADIO & BASE COMMUNICATIONS SYSTEM FOR TRANSIT BUS.

SEE EXHIBIT "B"
QUOTES
MOBILE RADIO & BASE

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO AUTHORIZE TOM HARDGES, RECREATION DIRECTOR, TO PURCHASE A MOBILE RADIO & BASE COMMUNICATION SYSTEM FOR TRANSIT BUS FROM PETAL ELECTRONICS IN THE AMOUNT OF \$1,540.00, BUT TO BE REIMBURSED FROM SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT (SMPDD) IN THE AMOUNT OF \$1,232.00. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO ACCEPT CATERPILLAR BUY BACK AGREEMENT ON SKID STEER UNIT AND TO ADVERTISE FOR BIDS FOR NEW UNIT.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ACCEPT THE CATERPILLAR BUY BACK AGREEMENT ON SKID STEER UNIT AND TO ADVERTISE FOR BIDS FOR NEW UNIT. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO ACCEPT THE 2006-2007 AUDIT REPORT FROM KING CPA.

SEE EXHIBIT "C"

2006-2007 AUDIT

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE 2006-2007 AUDIT FROM KING CPA. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO AUTHORIZE AND ACCEPT THE SETTLEMENT AND COMPROMISE BETWEEN CITY OF PETAL AND BARRONTOWN UTILITY ASSOCIATION PER THE TERMS AND PROVISIONS OF CHRIS WOOD'S LETTER DATED JANUARY 29, 2009.

SEE EXHIBIT "D"

DUKES, DUKES, & WOOD

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE AND ACCEPT THE SETTLEMENT AND COMPROMISE BETWEEN CITY OF PETAL AND BARRONTOWN UTILITY ASSOCIATION PER THE TERMS AND PROVISIONS OF CHRIS WOOD'S LETTER DATED JANUARY 29, 2009. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO ABANDON EMINENT DOMAIN PROCEEDINGS AGAINST BURGER, ROBERTS, SYNDER, MIHLETHALER, ROYALS AND SIMMONS DUE TO THE DETERMINATION THAT SEWER PROJECT IS NOT ECONOMICALLY VIABLE AT THIS TIME.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ABANDON EMINENT DOMAIN PROCEEDINGS AGAINST BURGER, ROBERTS, SYNDER, MIHLETHALER, ROYALS AND SIMMON DUE TO THE DETERMINATION THAT SEWER PROJECT IS NOT ECONOMICALLY VIABLE AT THIS TIME. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR CHIEF LEE SHELBOURN TO ATTEND A ONE DAY WAGE AND HOUR FMLA SEMINAR IN BILOXI, MS MARCH 24, 2009.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE CHIEF LEE SHELBOURN TO ATTEND A DAY WAGE AND HOUR SEMINAR IN BILOXI, MS MARCH 24, 2009 AND TO PAY HIS EXPENSES. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR MICHELLE STREBECK, COURT CLERK, TO ATTEND THE JUDICIAL COLLEGE SEMINAR IN TUNICA, MS MARCH 4-6, 2009.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE MICHELLE STREBECK, COURT CLERK, TO ATTEND THE JUDICIAL COLLEGE SEMINAR IN TUNICA, MS MARCH 4-6, 2009 AND TO PAY HER EXPENSES. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR DETECTIVE KEN BULLOCK TO ATTEND LSI TRAINING IN BILOXI, MS FEBRUARY 17-19, 2009.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO AUTHORIZE DETECTIVE KEN BULLOCK TO ATTEND THE LSI TRAINING IN BILOXI, MS FEBRUARY 17-19, 2009 AND TO PAY HIS EXPENSES. ALDERMAN STRINGER SECONDED THEMOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR DORIS WALTERS TO ATTEND THE 3RD ANNUAL STATEWIDE TRANSPORTATION SUMMIT IN JACKSON, MS FEBRUARY 18-19, 2009.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO AUTHORIZE DORIS WALTERS TO ATTEND THE 3RD ANNUAL STATEWIDE TRANSPORTATION SUMMIT IN JACKSON, MS FEBRUARY 18-19, 2009 AND TO PAY HER EXPENSES WITH IT BEING REIMBURSED BY SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT (SMPDD). ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED AMENDMENT TO ORDINANCE 2005(6).

SEE EXHIBIT "E"

ORDINANCE 2005(6-1)
TREE ORDINANCE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE

ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ARBOR DAY PROCLAMATION.

SEE EXHIBIT "F"

PROCLAMATION

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO ADOPT THE FOREGOING PROCLAMATION. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE ACKNOWLEDGEMENT CERTIFICATION FOR LARRY CARRAWAY.

SEE EXHIBIT "G"

CERTIFICATION

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ACCEPT THE CERTIFICATION FOR LARRY CARRAWAY. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ADJOURN. ALDERMAN WEAVER SECONDED THE MOTION.

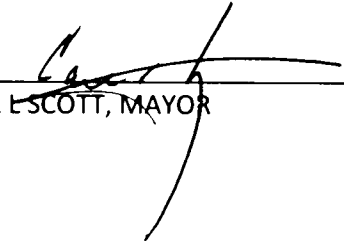
THOSE PRESENT AND VOTING "YEA"

ALDERMAN DAVID CLAYTON
ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN WAS ADJOURNED ON THIS THE 3RD DAY OF FEBRUARY, A.D., 2009.



CARL E. SCOTT, MAYOR

(SEAL)

ATTEST:



JEAN SHEE, CITY CLERK

EXHIBIT "A"

City of Petal Employee Handbook



Effective June 18, 1996
Revised December 21, 2004
Revised November 5, 2007
Revised February 3, 2009.

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Please include any additional comments you would like to make.

Employees Signature _____ Date _____

Supervisor/Manager: Please include any additional comments you would like to make.

Supervisor/Manager Signature _____ Date _____

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be a nominee of any political party or candidate for public office in the City of Petal shall constitute an automatic resignation of said City employee without further action by the City of Petal. Mayor and Board of Aldermen shall declare said position vacant and said City employee shall be compensated for his/her services up to and including the day of his/her filing said application or request.

- B. Any city employee who becomes a candidate of public office, not within the City of Petal infrastructure, may do so with out penalty as long as said employee does not campaign while representing the City in an official capacity.
- C. The limitations contained in this section shall not apply to a part-time employee of the City or an employee who derives his/her principle income from other employment or the practice of a profession.

6.0 POLITICAL OR RELIGIOUS BELIEFS OR ACTIVITY

- A. No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor or eligible employee, because of his/her political opinions or affiliations or religious beliefs or creeds, provided such opinions, beliefs, or creeds do not advocate the overthrow of the Government by force or violence.

7.0 EMPLOYMENT OF RELATIVES

- A. It is the policy of the City that relatives within the third degree or relationship may not be employed in the same department without exception. Relatives include spouse and in-laws, step-relatives, and half relatives to the third degree. This is defined specifically as parent; then first degree – child; second degree – grandchild, grandparent, brother, sister, third degree – great grandchild, great grandparent, uncle, aunt, nephew, niece. If two employees become relatives; in any manner as set forth in this paragraph as a result of marriage, they will not be allowed to work in the same department of the city. It will be necessary for one to be transferred or to resign effective on or before this date of marriage. This rule shall apply to any person who is re-employed as well as a new employee. 12/13/01

8.0 POLICY OF EQUAL EMPLOYMENT OPPORTUNITY

- A. It is a firm policy of the City to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, physical handicap, or age, and to promote the full realization of equal employment opportunity through a continuing affirmative program. This policy applies to, and is an integral part of every

PERSONNEL RULES AND REGULATIONS

ARTICLE I: GENERAL PROVISIONS

1.0 PURPOSE

- A. The purpose of these rules is to set forth the principles and procedures that are to be followed by the City in the administration of its personnel program. These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever these are necessary to assure effective administration of the City's personnel program.

2.0 POSITIONS COVERED

- A. These rules and amendments when approved by the Mayor and Board of Aldermen shall be applicable to positions in all departments of the City.

3.0 ADMINISTRATION

- A. These rules shall be adopted by the Mayor and Board of Alderman and administered by the Department Heads under the direction of the Mayor.

4.0 USING OFFICIAL AUTHORITY

- A. No employee of the City shall use his official authority or influence to coerce the political action of any person or body. No person shall dismiss, or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in the City because of his political opinions or affiliations. No employee in the City shall make any contribution to the campaign fund of any candidate for municipal public office, or take any part in the management affairs or political campaign of any candidate while the employee is representing the City in an official capacity. In no way shall this interfere with an employee as a citizen to express his/her opinion and cast his/her vote.

5.0 BECOMING A CANDIDATE FOR PUBLIC OFFICE

- A. No employee of the City shall continue in such position after becoming a candidate for nomination or election to any public office representing the City of Petal. In the event any employee of the City shall file with the Chairman or other proper officer of any political party within the State, or with the proper officer of the State of Mississippi or any City, County precinct, or other political subdivision of the State of Mississippi, an application or a request to

aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees.

9.0 POLICY ON 504 GRIEVANCE PROCEDURES

- A. Required under revenue sharing regulations (31 CFR 51.55 (d) (2)). The City of Petal, Mississippi has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing (ORS) regulations (31 CFR 51.55 (d) (2)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part that "no otherwise qualified handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..." Complaints should be addressed to the Mayor of Petal at Petal City Hall, who has been designated to coordinate Section 504 compliance efforts.

- a. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- b. A complaint should be filed within seven (7) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).
- c. An investigation, as may be appropriate, shall follow a filing of a complaint, the investigation will be conducted by the Mayor or his/her designee. These rules contemplate informal, but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 C.F.R. 51.55 (d) (2), the City of Petal, need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.
- d. A written determination as to the validity of the complaint and description of resolution, if any, may be issued by the Mayor, and a copy forwarded to the complainant no later than fourteen (14) days after its filing.
- e. The Section 504 coordinator shall maintain the files and records of the City of Petal relating to the complaints filed.
- f. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution, the request for reconsideration should be made within fourteen (14) days to the Mayor of Petal.
- g. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of

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- Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- h. These rules shall be construed to protect the substantive rights of interested person, to meet appropriate due process standards and to assure that the City of Petal complies with Section 504 and the ORS regulations.

10.0 POLICY OF EQUAL ACCESS TO SERVICES AND PROGRAMS PROVIDED BY THE CITY

- A. It is a firm policy of the City to provide equal access to services and programs provided by the City for all persons without discrimination because of race, creed, color, sex, age, national origin or handicap. All employees will be continually reminded to be sensitive to the needs of the handicapped in order to maintain compliance with this policy. 10/16/84

11.0 SEXUAL HARASSMENT POLICY

- A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive working environment. It is the policy of the City of Petal to maintain a work environment that is free from the hostile atmosphere created by sexual harassment or intimidation. Such conduct will not be tolerated. Any employee who is subjected to sexually harassing or intimidating conduct by any individual, including supervisory personnel, employed by the City, should immediately report the incident to their Department Head and or Mayor. Such charges will be properly investigated and if substantiated, the offending individual will be appropriately disciplined. 7/17/90

12.0 PERSONAL HYGIENE AND DRESS

- a. Employees wearing civilian clothing on duty shall wear clothing that reflects a positive image and should not be offensive to the general public.
- b. Employees that are issued uniforms shall wear the uniform in its entirety.
- c. Clothing shall be kept clean, neatly pressed and in good repair at all times. Faded or threadbare items of clothing shall not be worn.
- d. Shirts shall be buttoned/zippered full length except top buttons of the shirts which may remain unbuttoned. Any variation from this will have to be at the discretion of the department head and upon approval by the Mayor.
- e. No body piercing will be visible to the public with the exception of earrings worn on the ear.

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- f. Female employees are permitted to wear dresses and/or skirts that are of reasonable length (no shorter than three (3) inches above the knee). Strapless, backless, halter type dresses: are not allowed to be worn.
- g. Pants and slacks should not be worn by employees that fit excessively tight. Stirrups and/or stretch pants should be worn only when accompanied by an oversized or tunic type sweater or blouse. The hem of that top should be arms length at the sides (i.e., ends of the fingertips).
- h. Loose fitting walking shorts may be worn, applying the same standards for length as dresses and skirts.
- i. Loose fitting clothing may not be worn by any employee of the City of Petal when working around/with machinery.
- j. T-shirts, tank, tube, midriff, crop, halter-tops, shorts, athletic apparel or sweatshirt/sweatpants are not allowed unless submitted in writing by the department head and approved by the Mayor.
- k. Bras and camisoles should be worn with blouses made of sheer material.
- l. Employees shall not cut or wear hair in a style as to cause adverse public reaction or comment.
- m. Mustache, beards and hair shall be clean and neatly trimmed at all times.
- n. No employee of the City of Petal shall report to work with offensive breath or body odor.

ARTICLE II: RECRUITMENT POLICY

1.0 PROMOTION FROM WITHIN THE DEPARTMENT

- A. The factors in determining promotions will be personal file, continued development, education, length of service and the results of departmental testing. This practice is observed so that both employees and the public will regard the government service as a career: efficiency and ability will be recognized: and the turnover of personnel will be minimized.
 - a. Promotion within the Police Department: will be based upon: length of service, personal file, education, continued development in work related subjects, written test, in-basket test and oral review board. Once a passing grade has been obtained the officer will be placed on the eligibility list for a period of two years.

2.0 TRANSFER OF QUALIFIED CITY EMPLOYEES:

- A. Transfers may be made between positions within a department or between departments within the city. Should the new positions have a different minimum qualification, the employee seeking the transfer shall be required to prove he/she is qualified for the said position. A request for transfer must be initiated in writing by the employee so affected on forms furnished by the City and must be approved by the Department Head and Mayor.

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3.0 RECRUITMENT OF NEW EMPLOYEES:

- A. If no employees are available for promotion or no request for transfer to the position is made, or if no employee available for promotion or transfer is satisfactory, the position may be filled by employment of new personnel, (If the new personnel are qualified to do the work of said position).

ARTICLE III: EMPLOYMENT POLICY

It is the policy of the City of Petal, Mississippi, to fill all vacant positions in the City service with the best qualified applicants available.

1.0 PROBATIONARY PERIOD

- A. Following the conditional appointment of any applicant into the employ of the city, except the Policemen and Firemen, a probationary period of six (6) months exists during which time an employee must serve to the satisfaction of the Department Head, and in the case of a Policeman and Firemen, a probationary period of one (1) year exists for the same purpose. The probationary period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and for eliminating any conditional employee whose performance does not meet the required standards. During this period of probation, probationary appointees may be discharged from their positions. 12/18/90 - 6/18/96

2.0 RESIDENCY REQUIREMENTS

- A. All employees will be hired with the following priority:
 - a. residents of the City of Petal
 - b. residents of Forrest County
 - c. residents of other areas

3.0 DISQUALIFICATION

- A. The City Clerk with the approval of the Mayor may remove from further consideration at any time the application of an applicant who:
 - a. does not possess the minimum qualifications
 - b. has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate insatiability for employment
 - c. has made false statement of any material fact or practiced deception in his/her application
 - d. is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his/her duties
 - e. is addicted to the habitual use of drugs or intoxicants

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- f. has been convicted of crimes other than misdemeanor violations
- g. does not reply to a mail inquiry within ten (10) business days or does not return a telephone inquiry within two (2) business days
- h. fails to accept appointment within two (2) business days or to report for duty within the time prescribed

4.0 PHYSICAL REQUIRED

- A. Employees will be required to undergo a pre-employment physical and drug screening and the statement of the physician and a copy of the drug screening results will be placed in the employee's file. If the employee leaves the City's employment within six (6) months, the employee will reimburse the City the actual cost of his/her pre-employment physical. 7/17/90

5.0 POLYGRAPH REQUIREMENT

- A. The Mayor and Board of Aldermen of the City of Petal, Mississippi, do hereby adopt, approve, and promulgate the following addition to the "Personnel Rules and Regulations" of the City of Petal, Mississippi, as follows, to-wit:

- a. **PURPOSE** - This order establishes requirements for all employees of the City of Petal, Mississippi, and future employees to submit to polygraph examinations relating to their employment, as a condition of employment: and/or as a condition for continued employment.
- b. **POLICY** - All employees of The City of Petal, Mississippi, both present and future, are required to perform their assigned duties and responsibilities effectively, satisfactorily, and efficiently while protecting the safety of the public and the safety of their fellow city employees. It is the intent of this policy to promote professional conduct and competence among employees of the City of Petal while safeguarding the interest of those fellow employees and their interest of the general public.
- c. **PROCEDURE** - All employees of the City of Petal shall submit to a polygraph examination when ordered to do so by the Mayor and/or Board of Aldermen, in any intradepartmental inquiry into alleged violation of laws, city rules, regulations, and policies, or as condition for employment.

The results of a polygraph examination ordered by the Mayor and/or the Board of Aldermen may not be used in any criminal proceeding, these tests are intended for administrative use only, are confidential in nature, and may only be disseminated, to those persons who serve in a "need to know" capacity. However, results of a polygraph examination may be used in all administrative proceedings, personnel appeals, or any civil actions resulting there from.

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ARTICLE IV: OVERTIME

- A. The City of Petal complies with Overtime compensation under the Fair Labor Standards Act. Overtime shall be defined as work authorized by the supervisor and performed in excess of an employee's regularly prescribed work week. The work week for all City employees, other than Policeman and Firemen, will be a seven (7) day work week, not to exceed forty (40) hours. Any time worked over the forty (40) hours will be given, either as comp-time or cash at a rate of one and one-half (1 ½) times the regular hourly rate of pay and must be approved by the Mayor.
- B. The work period for law enforcement activities as set in article 553.230 (b) section 7 (k) of the FLSA states, For those employees engaged in law enforcement activities (including security personnel in correctional institutions) who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7 (k) until the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28. All hours over will be compensated with time at one and one-half (1 ½) times the hours worked.
- C. The work period for fire protection activities as set in article 553.230 (a) section 7 (k) of the FLSA states, For those employees engaged in fire protection activities who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7 (k) until the number of hours worked exceeds the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28. All hours over will be compensated with time at one and one-half (1 ½) times the hours worked.

ARTICLE V: CHANGES IN STATUS AND TRANSFERS

1.0 STATUS CHANGE

- A. When it is necessary to change an employee to a different position, change his name or address, increase or decrease his pay, grant a leave of absence, or suspend him from duty, the action is considered a status change.

Request to affect these types of action shall be submitted by the Department Head to the Mayor in writing or may be initiated by the Mayor for action by the Board of Alderman.

2.0 TRANSFERS

- A. Any employee of the City who has successfully completed his/her probationary period may be transferred to the same or similar position in a

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different department, providing they meet all the requirements of the position they are asking to be transferred to, without being subject to a probationary period. An employee who seeks a transfer to another department should submit a letter requesting such transfer to his/her department head for approval. If the transfer is acceptable to both department head's and it is in the best interest of all concerned, the transfer will be processed by the City Clerk and submitted to the Mayor and Board of Aldermen for approval.

ARTICLE VI: DISCIPLINARY ACTION

1.0 PERSONAL CONDUCT

- A. City Employees are always in the public eye. It is; therefore, especially important that actions which bring discredit to the City should be avoided in our relationships with the public and each other as fellow employees. Conduct by employees should conform to published rules and regulations and accepted customs and standards of courtesy, conduct and cooperation. Whenever employee performance, attitude, work habits, or personnel conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapse and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself. However, the action to be taken depends on the seriousness of the incident and conduct. Listed below are examples of actions and conduct (although this is not an exhaustive list) that are unacceptable to the City and will result in disciplinary action, up to and including termination.
 - a. Unauthorized absences or excessive tardiness
 - b. Abuse of City Leave Policy
 - c. Leaving work without permission or stopping work before time authorized
 - d. Conviction of a felony, a crime involving moral turpitude, or job-related misdemeanor
 - e. Conduct unbecoming a City employee while on or off duty
 - f. Negligence in performing job duties
 - g. Failure to follow instruction of individual's in line of supervisor authority
 - h. Insubordination
 - i. Willful disregard or violation of safety rules
 - j. Failure to report an accident, incident and/or injury
 - k. Unauthorized use of /or misuse of City equipment or property (including traffic signal control devices)
 - l. Theft or removal of City property or that of a fellow employee
 - m. Involvement in an accident chargeable to the employee while operating any City vehicle/equipment
 - n. Accidents/incidents chargeable to the employee that results in injury and/or property damage

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- o. Possession, use, distribution or sale of drugs or alcohol on the job
- p. Reporting to work under the influence of alcohol or drugs
- q. Testing positive (as defined by the alcohol/drug testing policy) on an alcohol/drug test
- r. Falsifying leave or work records, giving false information, or giving false testimony in an administrative or judicial proceeding (includes punching another's time card)
- s. Use of abusive or discourteous language
- t. Threats against supervisors, co-workers, or other individuals encountered in the performances of his/her duties
- u. Fighting on the job (when not in the performance of duties)
- v. Failure to cooperate in an internal investigation, including but not limited to, taking a polygraph examination
- w. Failure of a supervisor to discipline his/her employees at all or consistently
- x. Incompetence or inefficiency in the performance of duties of the position to which he/she is appointed
- y. Failure to pay or make reasonable; provisions for the future payment of just debts due and owing by him/her
- z. Aiding in assessment or collection from any employees in the service of the City for the propose of securing the nomination of any person to municipal, county, state, or federal office, or for the purpose of making a gift to any elective officer or superior officer in the City's employ
 - aa. Any attempt to include any employee of the City to commit an illegal act or acts in violation of any law or reasonable departmental regulation
 - bb. Employment in gainful occupation for profit in addition to regular full-time employment with the City of Petal where such occupation tends to leave the employee physically or mentally unfit for his regular work
 - cc. Willful and wanton brutality or cruelty to a prisoner or one under arrest or sentenced, provided the act committed was not necessarily lawfully done in self-defense or to protect the lives of others or to prevent the escape of a person lawfully in custody

2.0 DISCIPLINARY ACTIONS MAY TAKE THE FORM OF:

- a. Counseling: Counseling is the process of approaching a suspected or identified problem with an employee through a private interview.
- b. Reprimand: In situations where an oral warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employees departmental file and his/her personnel folder in the Personnel Department.
- c. Dismissal: An employee may be dismissed by his/her department head with the approval of the Mayor and Board of Aldermen for the appropriate reasons. The employee shall be furnished a written notice containing the nature of the proposed action, the charges against him/her, and his/her

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right to answer the charges in writing. After receiving notice, but prior to the proposed effective date of dismissal, the employee may be placed on administrative leave, vacation leave, (if accrued) or suspended with pay at the discretion of the department head with approval of the Mayor.

All disciplinary procedures to include verbal counseling, written reprimand and recommendation for dismissal must be documented in writing and placed as a permanent record in the employee file. While it is the intent that disciplinary procedures be progressive in severity, some instances will require recommendations for immediate dismissal.

3.0 GIFTS

- A. Any public employee who receives any gift from a private citizen or business firm is subject to criticism. This is particularly true if the citizen or business firm is one with which the employee must deal with in their official capacity. In order to eliminate criticism and misunderstanding, the following rules shall constitute the official policy of the city with regard to the acceptance of gifts by city employees:

- a. No gift shall be received if a favor or consideration is either expressed or implied by the giver;
- b. No money shall be accepted under any circumstances.
- c. City employees may accept, on rare occasions, any gift which they could normally consume (eat or drink) in one day, or which has a retail value of Twenty Dollars (\$20.00) or less.
- d. City employees may accept any inexpensive item which is mass produced and would normally be given to the general public, such as imprinted pencils, pens, calendars, or other novelty items.

Failure to comply with this policy will lead to disciplinary action being taken.

4.0 TELEPHONE USE

- A. The City normally adopts a modest budget for necessary long distance calls. To safeguard the City where such calls are concerned, the following is herewith stated as the City's procedure:
 - a. The employee must receive permission from the department or division head before making the call;
 - b. The employee must make proper arrangements for charging the cost of the call to his/her own private number if the call is not job related.
- Any change in telephone service involving additions, alterations or adjustments must be approved by the Mayor and Board of Alderman.

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5.0 POLICY ON USE OF CITY OWNED VEHICLES:

- a. Vehicles will not be used for personal use at any time unless authorized by the Board of Aldermen of the City of Petal.
- b. Unauthorized passengers will not be allowed in any City vehicle, unless authorized by a supervisor. Unauthorized passengers include any and all family members, friends, associates and the like.
- c. Vehicles used by the Police and Fire personnel will be parked at their respective stations when not in use on official business, unless authorization is obtained from the Board of Aldermen of the City of Petal.
- d. Vehicles of the Chief & Assistant Chief of Police, Chief and Assistant Chief of Fire may be used by these officers at the discretion of the Board of Aldermen of the City of Petal.
- e. No parts or equipment may be removed or installed on any City of Petal vehicle, unless authorized by the department head and approved by the Mayor of the City of Petal.
- f. No tobacco products to be used within the interior of any City vehicle.
- g. A mileage log will be maintained by any employee authorized to take home a City owned vehicle for the purpose of reimbursing the City for the personal use of the vehicle. Personal use will include the mileage to and from work, lunch travel or any other purpose that is unauthorized city business. Likewise, a mileage log is required for any employee utilizing their personal vehicle for city business. Mileage logs are to be turned in on the first day of each month for the prior months activities. Failure to comply will result in no consideration for employees seeking reimbursement or disciplinary action for employees receiving charges.
- h. All employees will wear a seatbelt. Any employee receiving a ticket will be required to make the necessary court appearance and follow the order of the court. "CLICK IT OR TICKET"

6.0 POLICY ON POLICE DEPARTMENT VEHICLES

- A Any sworn officer of the Petal Police Department will be allowed to carry their police vehicle home if living within the cooperate limits of the City of Petal. Any sworn officer living more than ten (10) but less than twenty six (26) miles will be allowed to carry their vehicle home and will be required to pay a predetermined fee for mileage as set by the Board of Aldermen of the City of Petal. Any sworn officer living more than twenty five (25) miles from the corporate limits of the City of Petal will not be allowed to carry their police vehicle home. All policies and procedures in Section 5.0 are still applicable.

ARTICLE VII: SEPARATIONS

1.0 TYPES OF SEPARATION

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- A. All separations of employees shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability or illness, death, retirement, and dismissal.

- a. Resignation: An employee desiring to resign shall submit the reason therefore and the effective date in writing to his department head as far in advance as possible, but a minimum two- weeks notice is desired. Failure to comply with this requirement may be cause for denying future re-employment with the City.
- b. Lay-Off: The department head, upon approval of the Mayor and Board of Aldermen, may lay off an employee when he/she deems it necessary by reason of shortage of funds or work, the abolition of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classes. No permanent employee shall be laid off while another person is employed on a probationary or temporary appointment in the same class in the same department.
- c. Order of Lay-Off: The lay-off of employees shall be made in inverse order, determined on the basis of length of service in the class and in the department or other organizational unit involved so long as the employee's efficiency or performance rating are satisfactory. An employee's unsatisfactory efficiency or performance rating may overrule his/her tenure based on length of service if such action is in the best interest of the department.
- d. Re-Employment Lists: Employees separated from the city through no fault of their own shall be placed on a re-employment list in the order of their length of service with the City. Personnel eligible on reemployment lists shall be given preference in employment in positions for which they are qualified over eligible personal not previously employed by the City. The rule of three (3) in making selections may still be exercised by appointing officials. The eligibility of all applicants on a re-employment list will expire one year from the date on which they become entitled to reemployment rights. Continuation may be granted upon application to the Director of Personnel and the Mayor and Board of Aldermen. The employee's efficiency or performance rating may also be taken into consideration in deciding upon reemployment.
- e. Disability of Illness: An employee may be separated for disability or illness when they cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the City for disability benefits. An employee who is disabled on the job and is participating in the Public Employee's Retirement System (PERS) is eligible for disability retirement benefits through PERS. An employee who is otherwise disabled and who has four (4) years in the PERS may be

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- eligible for disability retirement benefits. (Details of this program are available in the City Clerk's office). 7/17/90---6/18/96
- f. Death: Separation shall be effective as of the date of death. All compensation due in accordance with Section 3 of this rule shall be paid to the surviving spouse. Further, all unused vacation leave of an employee separated by death shall be paid to the surviving spouse or to his/her estate.
- g. Dismissal: See ARTICLE VI.

2.0 CITY PROPERTY

At the time of separation and prior to final compensation, all records, assets or other items of City property in the employee's custody shall be returned to the department head. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

3.0 RIGHTS OF EMPLOYEES

Permanent employees who separate shall receive payment for all earned salary or wages subject to deductions for any indebtedness pursuant to Section 2 of this rule. Employees, other than those dismissed for cause, shall be paid for their accrued vacation, provided they have given two weeks notice or for a lesser time if approved by the department head.

ARTICLE VIII. LEAVES OF ABSENCE

1.0 GENERAL POLICY

The following types of leaves are officially established: Holidays, Vacations, Sick, Military, Maternity, Civil, Sickness or Death in family, Leave without pay. All leaves may be granted by the department head in conformance with rules established for each type of leave and shall receive approval of the Mayor and Board of Aldermen or their designee as specified. All departments are required to report to the Human Resources Director records of any absence from duty of their employees.

2.0 HOLIDAYS WITH PAY

- A. Authorized Holidays: The following days are official holidays for regular full-time employees whose work does not require being on duty on holidays:
 - a. January 1st---New Year's Day
 - b. Robert E. Lee / Martin Luther King Jr.
 - c. Friday before Easter---Good Friday
 - d. Last Monday in May---Memorial Day
 - e. July 4---Independence Day
 - f. First Monday in September---Labor Day
 - g. November 11 - Veterans Day

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- h. Thanksgiving Day
- i. The day after Thanksgiving
- j. December 24---Christmas Eve
- k. December 25---Christmas Day

And other days as proclaimed by the Governor and approved by the Mayor and Board of Aldermen. Provided, however, that in the event any holiday herein before declared legal shall fall on Saturday or Sunday, then the following Monday shall be a legal holiday.

Police department and fire department personnel who work shifts will not be entitled to paid holidays due to the nature of their duties and the requirement that the departments be manned twenty four (24) hours a day, 365 days a year. 6/11/91

- B. Eligibility for Holiday Pay: In order to receive the benefits of an authorized holiday, an employee must not have been absent without leave either on a work day before or after the holiday. If an employee is absent from work because of illness or emergency leave, as it applies in ARTICLE VIII. LEAVES OF ABSENCE - 4 (C), in order to receive the benefits of an authorized holiday, the employee must notify his supervisor, as directed in ARTICLE VIII. LEAVES OF ABSENCE - 4 (D), and bring a doctor's excuse when he returns to work. 12/16/97

3.0 VACATION LEAVE

General Information.

- A. Regular full time employees of the City of Petal, Mississippi, are eligible to earn vacation leave. Temporary and/or non-full time City employees are not eligible to earn such leave.
- B. Effective January 1, 2008, all eligible City employees will return to a January - December vacation schedule. Newly hired eligible employees will receive a prorated vacation effective on their first anniversary date to be used by December 31 of that year. (Ex. A 40 hour employee will receive 3.33 hours per month following the first anniversary date of employment until December of that same year. An employee hired in September of 2007 will receive 13,332 hours of vacation as of September of 2008 to be used by December 31, 2008.) Then upon reaching the following year, one week of vacation will be available on January 1st following their anniversary date, then in each calendar year thereafter, the employee will be entitled to two (2) weeks paid vacation. Upon reaching the tenth (10th) anniversary, the employee will be entitled to three (3) weeks of paid vacation beginning January 1 of the following year.

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- a. For employees regularly scheduled to work forty (40) hours a week. Upon reaching the sixteenth (16) anniversary, one (1) day of vacation will be added and on every anniversary date thereafter one (1) day of vacation will be added until a maximum of five (5) weeks or twenty-five (25) days of paid vacation per year is reached.
 - b. The Fire Department personnel vacations will be scheduled by shifts, one (1) week of vacation will be equal to two (2) twenty-four (24) hour shifts, two (2) weeks of vacation will be equal to four (4) twenty-four (24) hour shifts, three (3) weeks of vacation will be equal to six (6) twenty-four (24) hour shifts, four (4) weeks of vacation will be equal to eight (8) twenty-four (24) hour shifts and five (5) weeks of vacation will be equal to ten (10) twenty-four (24) hour shifts. Upon reaching the fifteenth (15th) anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon reaching the 20th anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon reaching the 23rd anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon reaching the 25th anniversary the employee will be entitled to one additional twenty-four (24) hour shift, totaling up to five (5) weeks or ten (10) twenty-four (24) hour shifts of vacation.
 - c. The Police Department sworn personnel vacations will be scheduled by shifts, one (1) week of vacation will be equal to four (4) twelve (12) hours shifts, two (2) weeks equal eight (8) twelve (12) hour shifts, three (3) weeks equal twelve (12) twelve (12) hour shifts. Upon reaching the 16th anniversary, beginning January 1st of the following year, one twelve (12) hour shift will be added. Upon reaching the 18th anniversary, beginning January 1st of the following year, one twelve (12) hour shift will be added and upon reaching the 20th anniversary, beginning January 1st of the following year, one twelve (12) hour shift will be added. Upon reaching the 22nd anniversary, beginning January 1st of the following year, one (1) twelve (12) hour shift will be added each year until a maximum of five (5) weeks or seventeen (17) twelve (12) hour shifts are reached.
 - d. Vacation schedule will be the same for the Dispatchers of the Police Department based on twelve (12) hour shifts.
 - e. Vacation schedule will be the same for the Administrative and Civilian employees of the Police Department with the exception that a shift will be eight (8) hours.
- C. Scheduling Vacation Leave:
- a. Department heads are responsible for preparation of vacation schedules. Employees must submit in writing a request for leave in January of each year. The first week of vacation leave for all employees will be scheduled based on seniority. After all employees within the department have requested a date for the first week, the process will start over for the second week and so on until all vacation leave for the department has been exhausted.

- b. The essential need for continuing city operation will be a primary factor for consideration in either approving or disapproving vacation leave periods.
- c. Supervisory personnel are responsible for counseling with their employees to the end that vacation leave periods are scheduled in such a manner to least interfere with orderly city operations. This matter will be given careful thought and attention, by both supervisory personnel and their employees, in order that sufficient qualified personnel will be on duty at all times to carry on assigned city functions.
- d. Vacation days of department heads, Police Chief and Fire Chief will be submitted and approved by the Mayor.
- e. Each employee of the City of Petal must take at least one (1) full week of vacation in three hundred sixty five (365) days.

4.0 SICK LEAVE/PERSONAL LEAVE

- A. General Information
 - a. Regular full-time employees of the City of Petal are eligible to earn sick leave. Temporary and/or non-full time city employees are not eligible to earn sick leave.
 - b. Eligible city employees who have worked six (6) months will get sick time at the end of the probation period at four hours per month.
- B. Amount of Sick Leave
 - a. Each employee working a minimum of one hundred sixty (160) hours or more per month shall earn sick leave at the rate of four (4) hours per month. Sick leave may be accumulated to a maximum of four hundred eighty (480) working hours. Any sick leave credits accumulated while the employee is at the maximum four hundred eighty (480) hours can be accumulated and applied at retirement, upon written request of the employee at the start of the accumulation period, along with any remaining sick leave, toward additional quarters for the purpose of computation of retirement benefits through the Public Employees Retirement System. 1/1/1990---7/17/1990---6/18/1996---2/3/2009
- C. Personal Leave
 - a. Personal leave will be granted to regular full-time employees of the City of Petal. Temporary and/or non-full time city employees are not eligible to have personal leave. Personal Leave shall be earned at the rate of four (4) hours per month.
 - A. 48 hours per calendar year
 - b. Personal leave hours may be scheduled for use by the employees upon the approval of the Department Head. Personal leave hours will be used within the calendar year or lost. Employees will not be paid for unused personal leave upon the termination of their employment with the City, nor can unused personal leave be carried forward to be applied toward additional quarters at retirement.

D. Approval of Sick Leave

- a. Employees eligible for sick leave may be granted such leave with pay, upon approval of the department head or his/her designee for the following reasons:
 - i. Personal illness or injury not related to the job.
 - ii. Personal medical, dental or optical examination.
 - iii. Employees injured on the job will be paid until worker's compensation takes effect. This injury will be verified by medical statements furnished by the employee. Supervisors will let City Hall know as soon as there is an injury.
 - b. A medical certificate will be required in connection with all absences due to illness in excess of three (3) consecutive days.
 - c. If employees are absent from duty on a recurring basis due to illness, supervisory personnel of the City may require a medical certificate for each period of absence regardless of duration. If an employee is suspected of abusing his/her sick leave, a medical certificate may be required for each day of sickness. However, this procedure will not ordinarily be enforced until the employee is officially advised that he/she will be subject to the requirement. This includes Department Heads, Police and Fire Chief.
- E. Notification of Absence. - Employees who are absent from duty due to illness will be expected to notify the shift supervisor, department head or human resources director at City Hall at least two (2) hours prior to the normal beginning tour of duty, on the day of their illness. If the employee is unable to provide such notice their self, they will be expected to have someone else notify their supervisor as to the reason for the absence from work.
- F. Terminations. - An employee at the termination of employment with the City of Petal, either by retirement, resignation, lay-off, termination for cause, or other reason shall not be given accumulated sick leave. This is a gratuity to be paid only during illness, accident while in the employ of the City. In the case of a disability retirement, the employee shall be allowed to use up all accumulated sick leave and/or vacation leave before the effective date of his/her disability retirement.
- G. Transfer. - When an employee is transferred to another position within the City of Petal, any unused sick leave which may have been accumulated to his/her credit shall continue to be available for his/her use as necessary.
- H. Computing Sick Leave. Sick leave absence will be computed hour for hour.
- I. Coordinating of Sick Leave with Workmen's Compensation. In the event an employee is injured on the job within the purview of workmen's compensation coverage, he/she shall come under and be governed by the

terms and conditions of the workmen's compensation act and time lost from work and covered by the terms and conditions of the workmen's compensation act shall not be chargeable to either his/her accumulated sick leave or vacation leave. Provided, that an employee elects to do so, he/she, by written request to the director of personnel, may supplement his workmen's compensation weekly benefit with accumulated sick leave and/or vacation leave for the length of time that such accumulated leave can be applied and until its dollar value is exhausted. SEE SB 2933, DATED JULY 1, 2008

5.0 MATERNITY LEAVE

- A. Family Medical Leave Act states for birth or placement for adoption or foster care must conclude within twelve (12) weeks of the birth or placement. In addition, spouses who are both employed by the City are jointly entitled to a combined leave of twelve weeks.

6.0 MILITARY LEAVE

- A. "Armed Forces" is defined to include the Army, Navy, Marine Corps, Air Force, and Coast Guard. "Reserve Components" is defined to include the federally recognized National Guard and Air National Guard of the United States, the Officers Reserve Corps, the Regular Army Reserve, the Naval Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Marine Corps reserve, and the Coast Guard Reserve.
- B. Full-time employees of the City who are members of any of the reserve components of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they shall be ordered to duty to participate in training at encampments, field exercises, maneuvers, outdoor target practice or for other exercises, for periods not to exceed fifteen (15) days, and, all such officers and employees shall for such periods in excess of fifteen (15) days, be entitled to leave of absence from their respective duties without loss of time, annual leave, or efficiency rating until relieved from duty, and shall when relieved from such duty, be restored to the positions held by them when ordered to duty, or a position of like seniority, status and pay, 7/17/90
- C. Full service credit with the City is to be allowed permanent full-time employees for time spent in the active military service, provided that the employee goes directly from City employ into military service, and makes application for re-employment within thirty (30) days and reports for work within forty-five (45) days after being released under honorable conditions for such military service.
- D. It shall be the policy of the City to guarantee its permanent employees, who volunteer or are called for active military service during a national emergency

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a position upon their return to civilian life equal to one they left, provided that the requirements set forth in the above paragraph are met. The employee will be allowed all benefits added and all pay scale increases which might have occurred during his/her period of absence.

7.0 CIVIL LEAVE

- A. Regular full-time employees of the City of Petal, Mississippi who are required to serve as jurors, or to attend court or coroner's inquest as a witness, may be excused from work with pay, for the day or days in which they serve in such capacity. A sum equal to the amount for compensation received by the city employee for such services will be refunded to the City for proper accounting. 6/18/96
- B. A copy of the summons to report for jury duty or to serve as a witness in court or at a coroner's inquest will be presented by the employee to his/her supervisor prior to departure for such service. If, due to unusual circumstances, this procedure is not possible, the employee will make it a point to notify his/her supervisor of his/her proposed absence at the earliest possible date. In such instances, a copy of the appropriate summons will be furnished by the employee, to his/her supervisor, when he/she returns to work.
- C. If an employee is released from jury duty by the court at noon, or at anytime prior thereto, on a regularly scheduled duty day, the employee shall report to work within one hour after being released by the court.

8.0 SICKNESS OR DEATH IN THE FAMILY

- A. Up to three (3) working days to be granted for death of a member of an employee's immediate family, except for the Firemen in which case one (1) shift will be granted. Immediate family is defined to mean the following:
 - a. Wife
 - b. Husband
 - c. Mother
 - d. Father
 - e. Son
 - f. Daughter
 - g. Brother
 - h. Sister

9.0 LEAVE WITHOUT PAY

- A. Upon application in writing and upon recommendation of the department head, a permanent employee may be granted a leave of absence without pay by the Mayor and Board of Aldermen not to exceed one (1) year for the reason of personal illness in the immediate family, disability, for the purpose

of furthering the employee's education that will benefit the City of Petal, or for other reasons acceptable to the Mayor and Board of Aldermen. Vacation and sick leave benefits shall not be earned and the employee shall pay the total required hospitalization insurance premium.

10.0 FAMILY AND MEDICAL LEAVE (FMLA) POLICY

- A. The City will comply with all applicable requirements of the Family and Medical Leave Act (FMLA). The City will provide eligible employees up to twelve (12) weeks of unpaid, job-protected leave in any twelve (12) month period for certain family and medical reasons. The FMLA defines eligible employees as employees who: (1) have worked for the City for at least twelve (12) months and (2) have worked for the City for at least 1250 hours in the previous twelve (12) months.
- B. Eligible employees may take leave for the following reasons: (1) to care for a child upon birth or upon placement for adoption or foster care; (2) to care for a parent, spouse, or child with a serious health condition; or (3) when an employee is unable to work because of the employee's own serious health condition.
- C. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care, including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) "continuing treatment" by a health care provider. Examples of a "serious medical condition" include, but are not limited to, pregnancy, heart conditions requiring surgery, back conditions requiring surgery or extensive therapy, severe respiratory conditions, and injuries caused by accidents on or off the job.
- D. The City will require certification of an employee's need for sick leave or the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider or the family member's health care provider, as the case may be. The City also may require a second or third opinion, at the City's expense, and when the leave is a result of the employee's own serious health conditions, a fitness for duty report will be required before the employee is allowed to return to work. The City may deny leave to employees who do not provide proper advance leave notice or medical certification.
- E. FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) weeks of the birth or placement. In addition, spouses who are both employed by the City are jointly entitled to a combined leave of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

- F. Eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing a work schedule in certain circumstances. The City reserves the right to reassign (at his/her current pay and benefits) the employee to a position where the intermittent leave or reduced hours schedule can be better accommodated.
- G. Requests for a leave of absence or any extension of a leave should be submitted in writing to the employee's department head thirty (30) days but not less than five (5) days prior to commencement of the leave period, or as soon as is practicable. The request for leave under this policy due to serious medical conditions must include: (1) the date on which the serious medical condition commenced; (2) the anticipated length of the condition (a date must be supplied); (3) the appropriate medical facts regarding the condition known by the health care provider on the day certification is given. The department head will forward the request to the City Clerk recommending approval or denial. The final decision concerning the request will be made by the Mayor and Board of Aldermen.
- H. All employees on approved leave are expected to report, in writing, at the end of three (3), six (6) and nine (9) weeks to their department head who will pass the information on to the City Clerk, their status and their intent to return to work. This is to be done not less than one (1) week prior to returning, the employee shall give the City a physician's release and formal notice of the intent to return to work on a specific date.
- I. Employees who are on approved leave of absence will be required to use all accrued personal, vacation, and sick days in the case of personal illness, while on leave. The City will provide health insurance and other benefits to employees on leave, as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, personal, and sick days, do not accrue during periods of unpaid leave. 08/04/98
- J. Employees returning from a leave of absence to full-time duty will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from sick leave must provide certification of their ability to perform the functions of their job.
- K. If an employee voluntarily chooses not to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment and will be liable for insurance premiums paid for the employee by the City during the leave of absence. 5/16/95

11.0 DONATED SICK LEAVE POLICY (REVISED 1/6/2004)

- A. Any City employee may donate a portion of his/her unused sick leave to another City employee who is suffering from a catastrophic injury or illness.
- B. "Catastrophic injury or illness" Means a severe condition or combination of conditions affecting the mental or physical health of an employee, including pregnancy, that requires the services of a licensed physician for an extended period of time and that forces the employee to exhaust all leave time, accumulated by that employee, resulting in the loss of compensation from the city.
- C. "Donor" employee donating sick leave to another employee.
- D. "Recipient" employee receiving the sick leave from another employee.
- E. "Committee" will consist of the Mayor, City Clerk and the Department head or supervisor of the recipient.
- F. An employee must have an accumulation of forty (40) sick days in order to qualify as a donor and then can only donate a maximum of up to twenty (20) days. The donor must maintain a balance of forty (40) sick days. The donor must designate the employee who is to receive the leave and the amount of leave to be donated in writing to the City Clerk, who will then notify the department heads of both the donor and recipient. Donated sick leave will be at the lesser of the pay levels between donor and recipient.
- G. An employee must have exhausted all of his/her earned vacation and sick leave to be eligible to receive any leave donated by other employees. The maximum amount of leave that an employee may receive is a total of sixty (60) days.
- H. Before an employee may receive donated leave, he/she must provide the city clerk with a physician's statement that states the beginning date of the catastrophic injury or illness. A description of the injury or illness, and a prognosis for recovery and the anticipated date that the employee will be able to return to work.
- I. If an employee is aggrieved by the decision of the committee that the employee is not eligible to receive donated leave because in the committee's determination the injury or illness is not a catastrophic injury or illness. The employee may appeal the decision to the board of aldermen/aldermen.
- J. If the total amount of leave that is donated to any employee is not used by the recipient employee, the donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of

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leave donated by each donor employee to the total number of days of leave donated by all donor employees.

K. Donated leave shall not be used in lieu of disability retirement.

ARTICLE IX. RETIREMENT AND GROUP INSURANCE

1.0 SOCIAL SECURITY

- A. All full-time employees are enrolled under the Federal Old-Age and Survivor's Insurance Law by contributions through payroll deduction. Full information regarding the requirements and benefits of this law is contained in various pamphlets published by the Social Security Office.
- B. When an employee has enough quarters under Social Security to become insured and their employment is sufficiently current, he/she is entitled to certain benefits. Information as to the number of quarters that are required to be fully insured or currently insured, may be obtained from any Social Security Office.

2.0 PUBLIC EMPLOYEES RETIREMENT SYSTEM

- A. Effective October 1, 2004, all current employees who work thirty (30) hours or more and hired after this date will participate in the Public Employees Retirement System (PERS). Details of this retirement program are available in the City Clerk's office.

3.0 GROUP INSURANCE

- A. The City of Petal provides a group health and life insurance plan and pays the total premium for the employee's share. The employee may pay, if he/she elects to cover their dependents, through the payroll deduction plan. The City complies with the Cobra Act of 1986 which requires that continuation of coverage under an employees' group health plan be made available to covered persons (called "qualified beneficiaries") in the event of a "qualifying event." Details of this benefit are available in the City Clerk's office.
- B. The City of Petal will allow full-time City employees, with twenty (20) years of service, who retire with the Public Employees retirement System and who are not yet eligible for Medicare, to pay to the City, in advance, the appropriate premiums on the first business day of each month and be covered by the City's group insurance until such time as they are qualified for Medicare, or any governmental sponsored healthcare benefits, and that the same consideration be given to employees with four (4) years of service who are compelled to retire because of disability. 6/18/96

ARTICLE X. OTHER BENEFITS

1.0 REST PERIODS

- A. Employees will be granted fifteen (15) minutes in the morning and fifteen (15) minutes in the afternoon as a "coffee break" or rest period, and will be granted thirty (30) minutes for a meal break unless prior arrangements are made with the department head.
- B. Employees taking a one (1) hour lunch break are not eligible for the two fifteen (15) minute rest periods.

2.0 PERFORMANCE APPRAISALS

- A. The Director of Personnel in cooperation with the department heads and subject to approval by the Mayor and Board of Aldermen shall establish a system of employee performance appraisals based on standards of performance. The standards shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of employees to their duties and any other factors related to a true evaluation of the total job performance of the employee. Performance appraisals shall be so developed that they can be used as a factor in granting merit salary increases and determining promotions. Performance appraisals shall be confidential between the immediate supervisor and/or department head, the employee and the Personnel Department. Performance appraisals shall be placed in the employee's personnel file for review by the Mayor and Board of Aldermen in considering merit salary increases or promotions. See Appendix D.

3.0 TRAVEL EXPENSE

- A. Any officer or employee who is required to travel outside the City of Petal with prior approval of the Mayor and Board of Aldermen may receive funds prior to such travel. The officer or employee shall provide receipts of lodging, fees and any other expenses incurred during the travel and return any advanced funds which have not been expended to the City Financial Office within two (2) working days upon their return from such travel.
- B. Pursuant to section 25-1-41, the City will adhere to the maximum daily rates for meal reimbursement as set by the State of Mississippi Department of Finance and Administration which are currently:

MAXIMUM DAILY REIMBURSEMENT

IN STATE	\$30.00 PER DAY
* HIGH COST AREA	\$35.00 PER DAY

OUT OF STATE	\$35.00 PER DAY
** HIGH COST AREA	\$40.00 PER DAY
	\$45.00 PER DAY
	\$50.00 PER DAY

- In-state high cost area is defined as those areas which have experienced significant impact from the gaming and tourist industry, e.g., Adams, Harrison, Hancock, Jackson, Tunica, Warren and Washington counties.
- ** Out-of-state high costs areas are those cities outside the State of Mississippi designated in the Federal Register as having a prescribed minimum per diem daily rate of seventy-five (\$75.00) dollars or higher. 5/3/94

If a privately owned vehicle is used, the employee will also be paid for mileage at a rate of pay as set by the State Financial Department to point of destination and back.

4.0 TRAINING

Any training in any department requiring expenditures of greater than \$500.00 including the travel expenses, will require the person approved for such training, to enter into a contract with the City of Petal for the full amount of said training. Training expenses will be divided evenly by thirty six (36) and retire at that rate each month for thirty six (36) months until full amount is retired. An employee leaving the employ of the City of Petal prior to the retirement date of the training expense, will reimburse the City the remaining pro rata share of said training.

ARTICLE XI. CONDUCT OF EMPLOYEES

1.0 HOURS OF WORK

- A. The hours of work shall be determined by the Mayor and approved by the Board of Aldermen. Assistance with hour scheduling may be requested from the department heads. When an employee's normal work schedule is changed, notice of such change shall be given to the employee at least three (3) days prior to the effective date thereof, if possible.
- B. Most city employees work a forty-hour (40) week of five (5) eight (8) hour days. City Hall offices are open from eight (8:00) o'clock A. M. until five (5:00) o'clock P.M. Starting and quitting time in some departments vary depending on the service they provide. Employees are expected to do so at the request of their department head.
- C. The Police and Fire departments must give twenty-four (24) hour service, seven (7) days a week, to protect the public's life and property. Many of the employees in these departments are required to take off days other than

Saturday and Sunday, and therefore, the hours worked will be determined by the department head and Mayor.

2.0 OUTSIDE EMPLOYMENT

- A. No employee may engage in incompatible employment which could cause conflict of interest or permit use of his city employment for personal gain. Outside employment must not interfere with performance of duties for the City. Any outside employment must be with the approval of the department head and the Mayor and Board of Aldermen.
- B. Request for permission to engage in outside employment must be submitted to the department head and include name of firm, position, duties and hours of employment. The department head will then endorse the request with his recommendation and transmit the request to the Mayor and Board of Aldermen for approval.

3.0 POLITICAL ACTIVITY

- A. A city employee may express his/her opinion privately as a citizen, (while not on the time clock or wearing any uniform in part or in whole issued by the City) and may vote in any election for which he/she is qualified. In fact, all employees are urged to use their right as citizens to vote.

4.0 PAYMENT OF BILLS

- A. Prompt settlement of lawful bills is the solemn obligation of every employee. The reputation and credit rating of all employees can be directly affected by one employee's action or actions. 6/18/96

5.0 BULLETIN BOARD

- A. Each department shall have one or more bulletin boards located in places readily available to all employees. Job announcements will be posted on them as well as other items of importance to employees. Employees should be encouraged to read the items on the bulletin board regularly to keep abreast of current events and information that will inform them of changes in policies and procedures.

6.0 PROHIBITIONS

- A. No employee shall willfully or corruptly make any false statement, certificate, or report regarding his/her position or other employees. No employee, shall permit or be a party to fraud preventing the impartial execution of the personnel rules.

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- B. No employee considered for merit salary increases or promotion in the city service shall either directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his/her merit salary increase or proposed promotion.
- C. No employee shall continue in such position after being qualified as a candidate for nomination or election to any public office with the City of Petal.
- D. Violation of any of the above provisions shall be grounds for dismissal or rejection of an application.

ARTICLE XII. RECORDS AND REPORTS

1.0 PERSONNEL CHANGES

- A. The City Clerk shall prescribe necessary forms and reports for all necessary changes.

2.0 SERVICE RECORDS

- A. A personnel file shall be kept at Petal City Hall which shall contain the name of every person employed or performing duties for the City of Petal. Each file shall show the following information:
 - a. Name address and phone number of Employee
 - b. Social Security Number
 - c. Drivers License Number
 - d. Date and place of Birth
 - e. Race and Sex
 - f. Date of Hire
 - g. Department where hired
 - h. Class title of position held.
 - i. Such other information as the Mayor and Board of Aldermen may direct to be placed in the file.

ARTICLE XIII. SAFETY AND ACCIDENT PREVENTION

1.0 POLICY

- A. In order to provide a safe working environment for its employees, it is the policy of the City of Petal to conduct a comprehensive safety program.
- B. Safety is an integral part of each job in the City and every employee of the City is charged with the responsibility of preventing accidents. The full

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cooperation of every employee is essential in the maintenance of safe, sanitary and healthful working conditions.

2.0 PURPOSE OF THE ACCIDENT PREVENTION PROGRAM

- A. The basic objective of accident prevention in the City is to minimize human suffering and to promote efficient City operations. The City's accident prevention program is designed to eliminate on-the-job accidents as far as possible, and by so doing, accumulate dividends, both in human values and in dollars and cents by:
 - a. Reducing human suffering and loss of income caused by accidents;
 - b. Avoiding loss of work time caused by wasted material;
 - c. Reducing the cost of operating the City government through lowering both the direct and indirect cost incurred in accidents.

3.0 ORGANIZATION OF THE ACCIDENT PREVENTION PROGRAM

- A. The City's accident prevention program is decentralized with each department of the City responsible for carrying out its own safety program.

4.0 ACCIDENT REPORTING PROCEDURES

- A. Personal Injuries: If an employee has "on the job injury" he/she will report the full facts surrounding the injury immediately to his/her supervisor. If medical treatment is necessary, the City supervisor concerned will refer the employee for medical treatment to a physician designated by the City policy.

As soon as possible after the accident, the injured employee and his/her immediate supervisor will complete a "Report of Personal Injury" and forward the complete report to the City Clerk for review and recording.

- B. Accidents involving City Equipment: In any vehicular accident involving City equipment, the operator of the equipment will immediately notify the department head and the law enforcement agency and request and investigation of the accident. The driver of the equipment or vehicle will be required to take a breath test and or urine test and or blood test.

As soon as possible after the accident, the operator of the equipment will complete an "Accident Report Involving City Equipment".

5.0 COMPENSATION TO INJURED EMPLOYEES (To be furnished)

6.0 EMPLOYEE PARTICIPATION

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- A. Each employee of the City of Petal is encouraged to take an active part in the safety program of the City. This can be accomplished by working in a safe, accident-free manner, and by offering suggestions to the supervisor on any matter concerning safety.

ARTICLE XIV: ADMINISTRATION POLICIES FOR DIASATER RELIEF PROGRAMS

- A. Because the City has written personnel policies, formally adopted by the City, all sections of the referenced manual shall apply to employees charging time and costs to the Disaster Relief Program. In addition to the policies already adopted, the following administrative policies will also apply to the Disaster Relief program, funded by the Department of Housing and Urban Development.
- B. The City can be reimbursed for wages paid to employee spending time on the Disaster Relief Program. This reimbursement will be for actual time spent on the program (to be supported by time sheets), at the normal rate of pay for the employee.
- C. Expenses - When an employee is required to travel outside the City of Petal on behalf of the Disaster Relief Program, the employee will be reimbursed for actual expenses. If a privately owned vehicle is used, the employee will also be paid for mileage at the rate adopted by the city.
- D. All other charges made to the Disaster Relief Program will be supported by adequate documentation to show that the costs are attributable to the program.

ARTICLE XV: DRUG AND ALCOHOL ABUSE POLICY

1.0 ALCOHOL AND CONTROLLED SUBSTANCE POLICY

- A. The City of Petal recognizes that alcoholism and drug abuse is a highly complex disease that is treatable. The City of Petal also acknowledges the problem of substance abuse (including alcohol) in our society. Substance abuse is a serious threat to our Employees and the community. A substance abuse program is to ensure safety for our Employees, and the community.
- B. While the City of Petal understands Employees and applicants under a physician's care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substance.
- C. The ultimate goal of the City of Petal's substance abuse program is to balance our respect for individual privacy with our need to maintain a safe, productive, drug-free environment. Our intention is to prevent and treat substance abuse.

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We would like to encourage those who may use drugs or abuse alcohol to seek help in overcoming this problem. In this way, a rehabilitated abuser who remains drug free can return to work as an Employee in good standing. With these basic objectives in mind, The City of Petal has established the following policy with regard to use, possession or sale of alcohol and drugs.

2.0 DEFINITIONS

- A. Legal Drug: Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.
- B. Illegal Drug: Any drug; (a) which is not legally obtained, (b) which may be legally obtainable but has not been legally obtained, or (c) which is being used in a manner or for a purpose other than as prescribed.
- C. Driver: From this point forward in this policy, the word "Driver" means every person who drives or is in actual physical control of a vehicle, and employee drivers of commercial motor vehicles who are subject to commercial driver's license requirements.
- D. On Duty: This policy and federal regulations that require it often use the term "on duty" in conjunction with prohibited conduct or drug and alcohol testing. Whenever used in this policy, the term "on duty" has the meaning given to by the Department of Transportation Regulations found in 49 C.F.R. 395.2 (a). "on duty" includes all the time a Driver is preparing to work or is working until relieved from all work responsibility. It includes time spent awaiting dispatch, inspecting equipment, assisting with loading or unloading a commercial vehicle, as well as time spent repairing, obtaining assistance for, or remaining in attendance with a disabled vehicle. Whenever a Driver is "on duty" as defined in this section, that Driver is considered to be performing safety-sensitive functions and is subject to all aspects of The City of Petal's policies and regulations on which it is based.
- E. Employee: Full time, part time employees, and officials of the City.

3.0 POLICY

- A. The City of Petal's policy is to employ a work force without the presence of alcohol or illegal drugs in his/her system. Likewise, the sale, possession, transfer, or purchase of controlled substances while on the property of the City of Petal or while performing company business is strictly prohibited. The use, sale, or possession of an illegal or non-prescribed drug or controlled substance while on duty (unless a component of one's job) will result in disciplinary action, up to and including discharge. No alcoholic beverages are to be

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brought or consumed on City of Petal property unless in the line of duty and with the approval of the Mayor and department head. Prescription drugs are to be used only in the manner, combination and quantity prescribed and to who prescribed.

- B. Additionally, Employees are prohibited from the off premises use of alcohol and possession, use, or sale of illegal drugs when such activity can adversely effect job performance, job safety, or the company's reputation in the community.
- C. The City of Petal will not hire, unless federal or state law provides otherwise, alcoholics or drug abusers whose current use of such substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others.
- D. Employees will be subject to disciplinary action, up to and including dismissal, for violations of this policy. Such violations include, but are not limited to, possessing illegal or non prescribed drugs and narcotics or alcoholic beverages at work, being under the influence of or such substances while working, or dispensing, distributing or illegally manufacturing or selling them on company premises. Employees, their possessions, and company issued equipment and containers under their control are subject to search or surveillance at all times while on The City of Petal's premises or while Employee is conducting company business.
- E. Employees may be required to take a test at any time (for reasonable suspicion) to determine the presence of drugs or alcohol, unless such tests are prevented by law. Testing positive (with supporting confirmation test) for drugs or alcohol is a violation of this policy. Employees subject to the drug free work place act who are convicted of any criminal drug violation must report such condition to the Personnel Department within five (5) days. The Personnel Department will take appropriate action.
- F. Any Employee who refuses to take a drug and alcohol test will be subject to discipline, up to and including termination of employment.
- G. Employees who must use prescribed drugs or narcotics during work should report this fact to the Department head who will in turn report it to the Personnel Director along with acceptable medical documentation. A determination will be made as to whether the Employee is able to perform his/her job safely and properly.
- H. Employees who are experiencing work related problems resulting from drugs, narcotics or drug abuse or dependency may request, or be required, to seek counseling or help. Company sponsored or required counseling is to be kept confidential and is to have no influence on performances appraisals. Job

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performance alone, not the fact that the Employee seeks counseling, is to be the basis of all performance appraisals.

- I. An Employee who is abusing drugs or alcohol may be granted a medical leave of absence in accordance with established corporate policy to undertake rehabilitation treatment. The Employee would not be permitted to return to work until certification is presented to the Department Head who will present it the Personnel Department that the Employee is capable of performing the essential function of his/her job. Failure to cooperate on an agreed upon treatment plan (if organizationally referred) may result in discipline, up to and including termination. Participating in a treatment program does not insulate an Employee from the imposition of discipline for violations of this or other City policies.
- J. The City of Petal will, to the extent feasible, provide continuing education to Employees regarding the ill effects of drug and alcohol abuse.

4.0 EFFECTIVE DATE

- A. This policy and the testing and other requirements of it go into effect on October 1, 1996. After that date, all Equipment operators will be subject to both the drug and alcohol testing and to the prohibitions of this policy. All other Employees will be subject too the drug testing components.

5.0 PROHIBITED CONDUCT

- A. All Employees are prohibited from using controlled substances and will be subject to testing for Marijuana, Amphetamines, Opiates, Cocaine, and Phencyclidine (PCP). All Employees are prohibited from possessing alcohol while on duty. In addition, Employees are prohibited from consuming alcohol while on duty, for a period of four hours before going on duty and for a period of eight hours after being involved in an accident. Employees are also prohibited from refusing to consent to this policy or to an alcohol or drug test under the terms of this policy.

6.0 DRUG AND ALCOHOL TESTING

- A. In order to detect and deter violations of this alcohol and controlled substances policy, The City of Petal is implementing a drug and alcohol testing program. This testing program is required by the FHWA regulations for Employees who must participate in the testing as a condition of employment in The City of Petal. Testing of all Employees of The City of Petal is a decision made by the Mayor and Board of Alderman. The City of Petal has contracted with Work Well, an Occupational Health and Safety Program at Methodist Hospital, which provides drug and alcohol testing services in compliance with Federal regulations.

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- B. Controlled substances' testing uses a urine specimen provided by the employee. Alcohol testing utilizes a breath testing machine into which the employee will blow. This machine is similar to the "breathalyzer" machines utilized by law enforcement personnel. Testing procedures; and security precautions are discussed in detail in Appendix "A" to this policy. This section will only summarize how testing is done, in most general terms. Employees must be familiar with the detailed statement of procedures set in appendix "A" of this Policy.
- C. Controlled substances testing will be limited to tests for (1) Amphetamines, (2) Cocaine, (3) Marijuana, (4) Opiates, and (5) Phencyclidine (PCP) the terms "drug" and "controlled substances" are used interchangeably in this Policy and refer to the five (5) substances just listed. No controlled substance test will be ruled as a verified positive until the Employee's urine specimen has been tested once by a federally certified laboratory and found positive, has been tested again by the laboratory and confirmed positive and then has been reviewed by a Medical Review Officer ("MRO"). The MRO gives the Employee an opportunity to explain any circumstances which might indicate the test is invalid or otherwise does not represent a violation of The City of Petal's policy, such as use of prescription medications pursuant to a doctor's order. The MRO for The City of Petal will be a licensed medical or osteopathic doctor with particular knowledge of substance abuse.
- D. Since alcohol is not an illegal substance, The City of Petal's policy does not prohibit or test for responsible alcohol use by Employees of legal drinking age. Testing will be conducted only at times when the Employee is either on duty or is about to come on or off duty, and the testing levels for alcohol are designed to register positive only when a Employee has consumed alcohol within four (4) hours of reporting for duty or while on duty. There are six (6) different circumstances under which Employees will be subject to testing. However, all drug and alcohol tests will be conducted according to strict privacy protection and safety/security procedures that are required by Federal law. These are explained in detail in Appendix "A" to this Policy.

7.0 TESTS

A. Pre-employment

- a. The City of Petal will conduct pre-employment drug and alcohol testing for all Employees applicants and no person shall be allowed to perform safety-sensitive functions (i.e., on-duty Employee functions) until they have satisfactorily passed both an alcohol and drug screen.

B. Post-Accident

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- a. Post accident testing for drugs and alcohol is also required for each surviving Employee if the accident involved the loss of human life or if the Employee receives a citation for a moving violation arising from the accident. The alcohol test is to be administered within eight (8) hours following the accident. If a test is not administered within two (2) hours, The City of Petal must prepare and maintain a written statement of the reason for the delay. If the test is not preformed within (8) hours of the accident, there shall be no further attempts to administer an alcohol test and the records shall reflect why no test was administered. Drug testing, on the other hand, must be conducted within thirty-two (32) hours following the accident.
- b. Employees must remain readily available for testing after an accident, though necessary medical attention will not be delayed. Your supervisor will provide instructions to you as to how to conduct yourself after an accident in order to help comply with post accident testing requirements. This information is summarized in Appendix (B) to this Policy. If a local law enforcement official conducts a drug and/or alcohol test after an accident in compliance with federal, state or local law and provides the results of those tests to The City of Petal, the results of those tests will satisfy post accident testing requirements of this policy. If the test is positive, it will be a violation of this policy.

C. Random Test

- a. The City of Petal will conduct random testing for drugs for all Employees. Random tests will be spread reasonably throughout the calendar year. When a person is notified of selection for random testing, he/she must proceed immediately to the designated testing site. Selection for random testing will be made by Work Well using a random number generator computer program. All Employees are subject to selection every time, even if that Employee has earlier been selected for a random test.
- b. The random alcohol testing is for all Employees of the City of Petal. Initially, the random testing rate for alcohol will be twenty-five percent (25%) of the average number of Driver/Employee positions. This rate means that The City of Petal will conduct a number of tests at least equal to the required percentage of Driver/Employee positions. For drug testing, the requirement is fifty percent (50%) of the average number of driver/employee positions, through a proposed DOT regulation would eventually lower the drug testing percentage rate. For now, however, drug and alcohol random testing will remain at different rates. Some Drivers/Employees chosen for random testing will be tested for both drugs and alcohol some will be tested only for drugs. Before signing the consent

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form to be tested. Drivers/Employees will be told whether the test is for drugs, alcohol or both.

- c. From year to year, the FHWA may change the random testing rate of Drivers/Employees and The City of Petal will be required to test at whatever rate the FHWA sets. The Federal Highway Administration, through audits, will determine on an industry-wide basis the annual percentage rate of positives for random alcohol testing. If, in two (2) consecutive calendar years, the positive rate is less than five percent (5%), the rate will decrease to ten percent (10%) of Driver/Employee positions. If, however, in a two (2) year period, the rate for each year is less than one percent (1%) but equal to or greater than point five percent (.5%), the rate of testing will be twenty-five percent (25%). On the other hand, the driver/Employee position percentage rate may be increased if in any one (1) calendar year the positive rate increase to more than point five-percent (.5%). For example, if the rate were lowered to ten percent (10%), and then the following calendar year the positive rate was point seven percent (.7%), the testing rate would return to twenty-five percent (25%) of driver/employee positions. If the positive rate were to increase to one percent (1%) or greater, alcohol testing would be conducted at a fifty percent (50%) rate. Random rates will be published in March of each year by the FHWA for each industry segment.

D. Reasonable Suspicion

- a. The City of Petal will also conduct reasonable suspicion testing for both alcohol and drugs. A decision to conduct reasonable suspicion testing must be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of an Employee consistent with drugs or alcohol use. The decision must be made by a supervisor who has received training in detecting such conduct. All City of Petal supervisors who may make reasonable suspicion testing decisions will be provided training in detection in accordance with the FHWA regulations.
- b. Like the post accident testing for alcohol reasonable suspicion testing for alcohol should be conducted within two (2) hours of the determination to test but in no event later than eight (8) hours after that determination. If it takes more than two (2) hours to get the test, documentation must be maintained explaining the delay and no alcohol test shall be conducted more than eight (8) hours after selection. A written record must be made of the observation leading to the reasonable suspicion test and it must be made within twenty-four (24) hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.

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safety-sensitive duties until the later of twenty-four (24) hours or the beginning of his next scheduled shift.

H. Pre-Employment Screening and Background Checks

- A. As a condition of applying for employment with the City of Petal, an applicant must consent in writing to a pre-employment drug and alcohol test and to a two (2) year background check by the City of Petal of the applicant's previous employers to determine whether the applicant has tested positive for drugs or alcohol or has otherwise violated the drug and alcohol policies of a previous employer. The City of Petal will be required to respond to similar inquires from other prospective employers in the event a City of Petal's Driver/Employee or a former City of Petal's Driver/Employee applies for work with another employer. These requirements are designed to prevent Drivers/Employees who test positive from applying elsewhere for a job without first completing the required follow-up evaluations and treatments specified in the federal regulations and explained in the preceding section of this policy.

I. Notification of Test Results to Drivers

- a. The results of a driver's/Employees drug or alcohol test will be reported to him/her by his supervisor. If the test is positive, the Driver/Employee will be informed which substance or substances for which the test is positive. Employee applicants wishing to have the results of their drug and alcohol tests must request them in writing within sixty (60) days of being informed of the disposition of their application for employment.

J. Access to Records

- a. The FHWA regulations require The City of Petal to keep detailed records of its drug and alcohol testing program. However, these records are confidential and can only be released upon written consent of the Driver/Employee involved or by regulatory or court order. If a Driver/Employee makes a claim to a fact finder, such as a workers compensation claim The City of Petal may turn over results of drug or alcohol testing records by requesting them in writing and paying the cost of the copies. A Driver's/Employee's supervisor will assist him, upon request, in making an appropriate request for a copy of the records.

K. Employee Information and Training

- a. As noted above, supervisory personnel who may be involved in making reasonable suspicion testing determinations must receive required training in making those determinations pursuant to FHWA regulations. In addition, all affected Drivers/Employees are being provided information

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E. Return to Duty/follow-up

- a. The final testing provided for in the regulations is return to duty testing and follow-up testing. Return to duty testing is required for any Employee who has previously violated this policy or a similar policy mandated by The City of Petal or the FHWA, such as by testing positive for drugs or alcohol. If a Driver/Employee has tested positive for either, the Employee must, in addition to other requirements, pass another test before returning to duty. In addition, once back on duty, the Employee is subject to unannounced follow-up alcohol and/or controlled substance testing for a period of up to sixty (60) months, all as directed by the EPA Counselor who has evaluated the Employee prior to the return to work. **PLEASE NOTE: ANY EMPLOYEE WHO VIOLATES THE CITY OF PETAL'S POLICY WILL BE SUBJECT TO DISCIPLINARY ACTIONS UP TO AND INCLUDING TERMINATION.**

F. Effect of a Positive Test or Refusal to Be Tested

- a. A positive test result for alcohol or any of the five controlled substances is a violation of this policy. Any refusal to submit to a test when required by this policy is also treated as a positive test result. Whenever this policy talks about a positive test, it includes a refusal to submit to testing as well as a confirmed and verified positive test result measured in accordance with the procedures and cut-off levels specified in the FHWA and DHHS regulations.
- b. An Employee will be considered to have refused to submit to a test if: (1) the Employee refuses to sign a consent form at the time the test is to begin, (2) the Employee refuses to cooperate in the testing process; or (3) the Employee is unable or unwilling to provide the required breath and/or urine samples and there is no plausible medical explanation for the failure, as determined by the MRO.
- c. As was stated above (under the heading "Effects of Violation"), testing positive is a violation of this policy and will result in discipline. Any Employee found in violation of this policy will be subject to disciplinary actions up to and including termination. In addition, Employees will be subject to the mandatory EPA Assessment.

G. Special Alcohol Rule

- A. To be considered a confirmed positive alcohol test, the Employee's level must register point zero four (.04) or greater. However, a special rule applies to Drivers/Employees whose alcohol level is less than point zero four (.04) but greater than point zero two (.02). This result does not trigger all of the effects noted above. Instead, the Driver/Employee must not drive or perform any

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about the effects and consequences of alcohol and controlled substance use/abuse on personal health, safety in the work environment as well as information regarding manifestations and causes that may indicate controlled substance use/abuse. Information being provided also discusses available methods of interviewing when an alcohol or controlled substance problem is suspected. The information, which is summarized in Appendix "C" to this Policy, is a part of the policy and all Employees are required to carefully review it in conjunction with reviewing this Policy. Employees should direct any questions regarding this information to their supervisor or designated person in charge of the City of Petal's testing program.

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APPENDIX "A"
TESTING PROCEDURES AND SAFEGUARDS

Introduction: The City of Petal will contract with Work Well to provide all of The City of Petal's drug and alcohol testing services, including Medical Review Officers or other consulting physicians to review and evaluate drug testing results. The APPENDIX will outline the procedures and Employee can expect when called upon to give a drug and/or alcohol test specimen. These procedures are required by Federal law. If you believe that a test was conducted in a manner other than specified in the procedures please inform your supervisor immediately. The procedures are specifically designed to safeguard an Employee's privacy during the testing process and to assure accurate test results.

Initial Presentation: A person required to give a drug or alcohol testing specimen at Work Well will be tested courteously and with individualized attention to minimize any stress or anxiety associated with the testing procedure. The Work Well Employee conducting the drug testing specimen collection process is called a Collection Site Person ("CSP") and the Work Well Employee who conducts alcohol testing is called a Breath Alcohol Technician ("BAT"). Work Well's BAT's and CSP's will not use language that might be considered offensive or accusatory, but will strive to be courteous at all times to the person to be tested. In addition, Work Well's BAT's and CSP's will follow the procedures outlined in this policy and procedure statement to assure the integrity and quality of the alcohol and drug testing process, thereby maximizing accurate test results.

A particular CSP or BAT works with only one person to be tested at a time. Prior to beginning the testing process, each person must show proof of identification through a driver's license or other picture-bearing identification card. If positive proof of identification is not possible, the BAT or CSP will not proceed with specimen collection or any aspect of alcohol or controlled substance testing.

DRUG TESTING

Since the procedures for alcohol testing are different from those for drug testing they will be discussed separately. Drivers/Employee's are subject to both types of tests and will be informed by Work Well personnel whether the test is for alcohol, drugs or both.

Specimen Collection Process: After an Employee has presented proper proof of identification, the CSP will conduct a short interview to document the relevant information about the person to be tested. Relevant information from this interview and from the complete specimen collection process is documented on a carbonless custody and control form, which identifies the specimen donor, the particulars of the collection process, and the transfer of the specimen to the appropriate lab or other facility for testing. In addition, the Employee will be provided a consent form to sign, giving written consent to the testing procedure. If an Employee refuses to consent or revokes his/her consent at any point, the BAT or CSP will not proceed with the process and the City of Petal will consider this a Refusal to Submit and a violation of The City of Petal's policy.

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After the initial interview, the Employee will be requested to remove any coat or any other unnecessary outer garments that might conceal materials that could be used to alter or affect the specimen to be given in any event, the Employees will be allowed to retain his/her wallet during the process of urine collection or if they prefer, their wallet can be securely locked in a storage compartment at the clinic.

The specimen is collected in a clean, single use, sealed and securely wrapped container. Work Well will keep a supply of these containers on hand. Before giving the specimen collection container to the Employee, the CSP will allow the Employee to wash and dry his/her hands in the view of the CSP. The CSP will remain with the Employee and observe him/her to make certain that the Employee has no access to water or other substances that might be used to alter the specimen.

The CSP will then give the specimen collection container to the Employee and place him/her in the collection room, where the Employee will fill the collection container with at least forty-five (45) milliliters of urine. If the Employee is unable to urinate or is unable to provide the required minimum urine amount of forty-five (45) ml, the specimen collection process must be begun again, and the CSP will assist the Employee by providing fluids to drink. Any urine sample collected that is less than forty-five (45) ml. will be discarded since Work Well does not combine urine from two collections to reach the required volume. The Employee will be allowed a reasonable time (not to exceed two (2) hours) to consume fluids (not to exceed twenty-four (24) ounces) and provide a specimen. If the Employee is unable to provide a specimen in two hours, a physician will evaluate him/her to determine if his/her problem is a medical one or constitutes a refusal to cooperate. The physician will report the results of this evaluation to The City of Petal. (Note: There will be no such medical evaluation for pre-employment tests unless The City of Petal agrees in advance to it.)

Unless circumstances require (as outlined below), there will be no direct observation of the Employee while he/she is providing the urine specimen. All aspects of the collection process are designed to maintain the modesty and privacy of the Employee. No unauthorized persons shall be allowed to be present in the specimen collection area during the procedure. After the Employee returns with the specimen in the collection container, he/she will be allowed to wash and dry their hands.

After the Employee delivers the containerized specimen to the CSP, the specimen will remain in the view of the Employee at all times until it is split into two separate specimen containers, labeled and sealed. The Employee will observe the sealing and labeling of the specimen containers by the CSP and the Employee will initial the identification labels on the bottles to verify that they contain his/her specimen. The specimen containers are then sealed in the appropriate mailing envelope or container and remain under the control and supervision of the CSP at all times until the package is prepared for shipment to the laboratory. After the container has been sealed and initialed by the Employee and the custody and control form has been completed by the CSP, the urine specimen collection process is complete.

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Split Specimen Collection: Using two separate containers for the Employee's urine specimen is known as the split specimen collection method. With this method, the specimen is split by the CSP into a "primary" specimen consisting of at least thirty (30) ml. and second "split" specimen containing at least fifteen (15); ml. of urine. Both are labeled and forwarded to a DHHS certified lab as outlined in the preceding section. All initial and confirmation testing conducted by the certified laboratory will be conducted on the primary specimen only. However the laboratory must also maintain the split specimen in secure storage.

If an Employee is informed by the Medical Review Officer that the result of the laboratory's analysis of his/her primary specimen is positive, the Employee has seventy-two (72) hours from the time he/she is informed of the verified positive result to request an analysis of the split specimen being held by the laboratory. Any request for analysis of the split specimen made after this seventy-two (72) hour period will not be honored unless the MRO, in his/her discretion, determines after discussion with the Employee that there were unusual circumstances that caused an excusable delay in requesting the test. Any test of the split specimen pursuant to an Employee's request will be at the expense of the Employee.

If the Employee makes a timely or otherwise proper request for a split sample test, the MRO must inform the lab in writing and the lab must immediately forward the split specimen to a second certified laboratory, with the seal intact and with proper chain of custody documentation, as well as a copy of the MRO's request. The second lab will perform the split specimen test and will report the results to the MRO. If the split test does not confirm the results of the first test, the test is canceled. However, The City of Petal and the MRO need not await the results of the split specimen test to initiate administrative action and EAP referral or to take such other actions as are provided for in the City of Petal's drug and alcohol testing policy.

Other Security Precautions: In addition to the security precautions inherent in the specimen collection and Employee identification system outline above, the following additional precautions are used by Work Well to maximize the integrity and accuracy of the drug specimen collection process.

- A. Toilet bluing agents are used to tint the water in the toilet located in the collection room where the Employee provides the actual specimen. All other sources of water in that area are secured so that the Employee cannot obtain access to them. In addition, the Employee is not allowed to flush the commode while in the collection room, because flushing may be used to dispose of evidence of materials used to contaminate or tamper with the specimen. If the seal on the commode that secures it against flushing is broken or if flushing sounds are heard from the specimen collection room, that specimen will be considered questionable and the Employee must submit to a retest.

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- B. While the CSP will remain courteous and respectful of the Employee at all times, any unusual or suspicious actions or behavior on the part of the Employee will be noted on the custody and control form.
- C. Within four (4) minutes after collection of the specimen, the temperature of the specimen will be measured to make certain that it is within the acceptable range of 32.5 degrees to 37.7 degrees centigrade (90.5 degrees to 99.8 degrees Fahrenheit). In addition, the CSP will check the color of the urine specimen and look for any evidence of contamination or tampering. Any unusual appearance of the urine or unusual temperature will be noted on the custody and control form.
- D. In any instance where the CSP suspects that the specimen was tampered with, the test specimen will be sent to the laboratory, but a new test will be scheduled, including a test under direct observation if The City of Petal consents to direct observation. (Direct observation testing is discussed below).
- E. After the specimen has been split, sealed, labeled, and placed in the mailing envelope or other shipping container, it will either be shipped immediately or stored securely in a locked space under the control of Work Well and the appropriate CSP. The completed custody and control form, including the chain of custody portions, will be completed and certified by the CSP and placed in the shipping container with the specimen which is being shipped or stored for shipping.
- F. From the time the Employee is initially identified until the specimen has been collected, split, labeled, initialed, and sealed, the CSP is not allowed to leave the specimen collection area at any time. If it becomes necessary due to emergency or other unavoidable circumstance for the CSP to leave, any collection begun at that point will be nullified and the test must be begun again.

Direct Observation Testing: Since Work Well's drug testing specimen collection process seeks to protect the privacy and modesty of all Employees tested, direct observation of the person giving the specimen during the time they are providing it is not part of the normal collection procedure. However, under certain circumstances, direct observation specimen collection may be necessary to assure the integrity of the drug testing process. Whenever direct observation testing is required under the guidelines set forth below, the person observing the Employee giving the specimen will be of the same gender as the Employee. The following guidelines will be used in determining whether direct observation collection is necessary and, in all cases, the decision to conduct direct observation collection will be made only after consultation with the approval by the City of Petal or a higher-level supervisor of the CSP. The following circumstances are the exclusive grounds for direct observation testing.

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EXHIBIT "A"

- A. The Employee has presented a urine specimen that falls outside the acceptable temperature range (32.5 degrees to 37.7 degrees Celsius; 90.5 degrees to 99.8 degrees Fahrenheit) and (a) the Employee declines to provide a measure of oral body temperature; or (b) body temperature is measured and it varies by more than one degree Celsius or 1.8 degrees Fahrenheit from the temperature of the specimen;
- B. The last urine specimen provided by the Employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity or less than 1.003 and Creatinine concentration below .2g/l.
- C. The CSP observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen (for example, substitute urine in plain view, blue dye in specimen presented, ect.); or
- D. The Employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FHWA approved follow-up testing upon or after return to service.

Medical review Officer: Work Well is staffed with qualified physicians who serve as Medical Review Officers ("MRO") (for federally required drug testing) and who assist other, voluntary drug testing programs (not federally managed) in evaluating laboratory results of drug testing. Work Well's physicians shall have served as MRO's in numerous testing programs for several years and are familiar with DHHS, DOT, and FHWA requirements for interviewing Employees who test positive to determine whether a particular test result is "confirmed positive," and they also maintain the required drug testing records for blind sampling and composite reporting, as well as individual test results.

A report in each person tested will be sent to the MRO by the laboratory. This report will identify the drugs tested for, whether positive or negative results were obtained, the specimen number assigned and the drug testing laboratory specimen identification number.

A positive laboratory test result does not automatically identify an Employee, applicant, or independent contractor Employee as having used drugs in violation of a DOT or FHWA rule. Instead, the MRO reviews the laboratory results along with the circumstances of the tested Employee to determine whether the test is in fact a "confirmed positive". This review must be performed prior to reporting the test results to the Company's administrative officials. The MRO, being a licensed physician with knowledge of substance abuse disorders, examines alternate medical explanations for any positive laboratory test results. This generally includes conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors revealed by the Employee.

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Prior to making a final decision to verify a positive test result for an individual, the MRO gives the individual an opportunity to discuss the test results. The MRO may verify a test as positive without having communicated directly with the Employee about the test in three circumstances:

- A. The Employee expressly declines the opportunity to discuss the test;
- B. More than five days have passed since the date the Employee was contacted by designated Company representative and informed to contact the Medical Review Officer as soon as possible; or
- C. Other circumstances provided for in Department of Transportation Agency Drug Testing Regulations.

If the MRO is unable to reach the individual directly, the MRO will contact the designated official of The City of Petal who, in turn, will contact the Employee. In the case where the Employee has failed to contact the MRO for more than five (5) days since the date the Employee was contacted by the designated Company representative, the MRO may report the test results as "confirmed positive"

However, the MRO may still reopen the verification process if the Employee contacts the MRO and presents information that his delay in getting in touch with the MRO resulted from serious illness, injury or other unavoidable circumstances.

The purpose of the MRO interview is to allow the Employee to present information concerning a legitimate explanation for the positive laboratory test. If after such action, the Medical Review Officer concludes that there is a legitimate explanation of the positive test, the Medical Review Officer may declare the test to be negative. Otherwise the result will be verified as a "confirmed positive". Following verification of a positive test result, the Medical Review Officer will refer the case to the City of Petal's designated management official empowered to recommend or take administrative action.

The Medical Review Officer is the only person authorized to order a re-analysis of the original sample or a test of the split specimen. Authorization for a split specimen test may be made by the Employee within seventy-two (72) hours of his/her having received actual notice of a positive test. If the retest or split specimen is negative, the Medical Review Officer will cancel the test. (See section above regarding "Split Specimen Analysis).

The Medical Review Officer will not disclose to any party any medical information provided by the individual as part of the testing verification process. There is an exception to this rule where, in the MRO's reasonable medical judgment, the information indicates that continued performance by the individual of his/her safety sensitive function could pose a significant safety risk. Before obtaining medical information from any individual as part of the verification process, the MRO explains to the Employee that any

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information provided may be disclosed to third parties if continued performance by the Employee of his/her safety-sensitive function could pose a significant safety risk.

ALCOHOL TESTING

As noted earlier, alcohol testing is different from drug testing because it involves testing breath with a machine. Thus, no laboratory or urine samples are involved. This section will explain alcohol testing procedures.

The Testing Machine/EBT: The testing apparatus is a breath machine, referred to as an EBT (evidential breath testing device), and the particular make and model used is certified by the National Highway Traffic Safety Administration (NHTSA) and must appear on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." This list is referred to in the industry as the CPL, and it is somewhat analogous to the drug testing requirement that labs be listed as certified by the DHHS. All Work Well machines will meet these requirements.

The requirements for the EBT are somewhat different for initial screening vs. confirmatory testing, but if the machine meets the requirements for confirmatory testing, it can be used for the initial screening as well. For confirmation testing, the EBT must be able to distinguish between alcohol and acetone at concentrations of a .02 alcohol concentration (Drug Testing Measured in terms grams per 211 liters of air). Also, the machine must be capable of printing in triplicate or on three consecutive and identical copies of the test result, the EBT's serial number (and manufacture, the time of the test, and a unique number generated by the EBT to identify the particular specimen being tested). The unique identification number produced by the EBT must also be capable of being read before the test is conducted.

For the initial screening test only, it is permissible to use an EBT that is on NHTSA's CPL list but does not meet all the other requirements just discussed. If such a machine is used, the tester must use a highly stylized log book to track the data for each initial screening test. **However, in all cases, confirmation testing for alcohol must be conducted on an EBT meeting all the requirements of the preceding paragraph.**

The regulations require that the manufacture of the EBT develop a Quality Assurance Plan of testing and maintenance for the machine and Work Well's personnel will follow that plan to assure proper function of the EBT's used in the City of Petal's program. Work Well will keep the machines securely stored when not in use. Work Well's personnel will conduct testing of calibration, tolerances, and testing intervals, as well as machine inspection and maintenance procedures. Work Well is required to keep detailed records of their EBT Quality Assurance Plan.

The BAT: The person who conducts the alcohol testing is called a breath alcohol technician or BAT and this person is the functional equivalent of the CSP who collects drug testing specimen. Work Well BAT's are trained on the type of EBT to be used and are trained at an approved course meeting NHTSA model course requirements. Work

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Well maintains documentation for The City of Petal of the proficiency and training of its BAT's, along with other required records of compliance with FHWA regulations.

Testing Procedures: The procedures for alcohol testing are similar to drug testing. For example, the BAT must initially confirm the identity of the person to be tested and BAT must explain the testing procedure to the Employee. The BAT is to work with only one Employee at a time. The testing is to be conducted at a location and in a manner that ensures aural and visual privacy. A mobile testing unit (i.e., van) may be used but must meet the privacy requirements. The only exception to the privacy requirement arises in the case of accident scene or other emergency testing, and in the event, Work Well will assure the Employees are provided as much privacy as the situation will allow.

Initial Screening: After the BAT has identified the Employee and has explained the testing procedure, the next step is to fill out the first part of the Breath Alcohol Test form, which includes the Employee's consent to be tested? (If the Employee refuses to sign, this constitutes a refusal to be tested and is treated as a positive test would be), after consenting, the Employee watches the BAT open an individually wrapped and sealed mouthpiece, which is then attached to the EBT. The Employee is instructed to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates a valid sampling amount had been obtained.

The EBT will then provide the results of the initial test and the BAT will share these with the Employee. (Note: The methods of communicating and documenting these steps; will vary depending on whether the machine is fully digital or whether a log book is used.) If the test results are a breath alcohol concentration of less than .02 the test is considered negative and the Employee and BAT complete the remainder of the form, sign it and report the results to The City of Petal.

If the results of the initial screening test is .02 or greater, it will be necessary to conduct a confirmation test. This second test will use a fully digital EBT meeting the confirmation testing requirements noted earlier above and may be conducted by the same BAT. If a different BAT will perform the confirmation test, The BAT who did the initial testing must sign off in the appropriate place on the form.

Confirmation Testing: Generally, the same BAT will perform the initial and the Confirmation test, though this is not required. If a new BAT will perform the confirmation test, the new BAT must re-verify the Employee identification steps and must explain the testing procedures to the Employee. In addition, the new BAT will need to complete section 1 of the test report form. In all cases, the confirmation test must be performed within twenty (20) minutes of the completion of the screening test.

There is a waiting period between the initial screening test and the confirmation test of fifteen (15) minutes, counted from the conclusion of the screening test. The BAT will instruct the Employee not to eat or drink anything during the waiting period and not to belch, if possible. The restrictions, like the waiting period itself, are for the Employee's benefit by preventing an inflated or otherwise inaccurate alcohol reading. However, the

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EXHIBIT "A"

test will be conducted at the end of the waiting period, regardless of whether the Employee follows the forgoing instructions. Any failure by the Employee to follow instructions will be noted by the BAT in the "Remarks" section of the testing form.

The testing procedures themselves for the confirmation test are identical to the initial test in terms of instructions to the Employee, using a new mouth piece and getting a valid specimen. Before administering the test, however, the BAT must conduct an Air Blank test to assure that the EBT registers 0.00 on the Air Blank (a test of room air). If the first Air Blank registers greater than 0.00, one additional Air Blank may be conducted. If that second Air Blank test is 0.00, the test may proceed. If not, the test must not proceed using that machine. That EBT will not be used in FHWA testing again until it has been checked for calibration and tolerances in accordance with the manufacture's quality assurance program.

If the EBT confirmation tests result is different from the initial test result, the confirmation test result controls. As with the initial test, the BAT will show the result of the confirmation test to the Employee and will complete the testing form. Both the Employee and the Bat must then sign the testing form. The BAT will then conduct an additional Air Blank test and, if the result is greater than zero, the confirmation test is invalid.

To be considered positive and in absolute violation, a driver's confirmed alcohol level must be .04 or greater. Results between .02 and .04 are not absolute violations but require that the Employee be relieved of safety-sensitive duties until the longest of twenty-four (24) hours or the start of his/her next shift.

Reporting Results: The result of the alcohol test is reported on a triplicate form, the format of which is required by the FHWA regulations.

The City of Petal has designated the City Clerk to communicate with Work Well's BAT on alcohol testing matters. If test results are initially communicated other than in writing, the BAT and the City of Petal's representative must have a system of identification before the information is provided. The initial oral report must be followed by delivery of the City of Petal's copy of the testing form and the City of Petal is responsible for maintaining this and all other required records in a secure manner

Miscellaneous Provisions: As with drug testing, any suspicious behavior, failure to cooperate, inability to provide a specimen or other behavior which makes completion of an alcohol test impossible shall terminate the test and shall be documented by the BAT. Similarly, if a test is interrupted or events occur which would render the test invalid, the test must be aborted and started over using new materials and new forms.

If an Employee is unable to provide a specimen of air suitable for testing. The City of Petal shall be so informed and The City of Petal will select a physician to evaluate whether the failure to provide enough air is, medically explainable. This is the same requirement as the "shy-bladder" evaluation performed; by the MRO under the drug

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testing regulations and, as in drug testing, the physician's report to The City of Petal must be in writing. If there is no valid medical explanation for the failure to provide the specimen, it is treated as a refusal to co-operate and thus a positive test. (Note: This medical evaluation will not be conducted if the test is a pre-employment test.)

A breath alcohol test is considered invalid under the following circumstances: failure to observe the fifteen (15) minute waiting period; failure of EBT to pass calibration and tolerance tests at the next subsequent check; failure of the BAT to conduct Air Blank testing; failure of the BAT to sign the form or to note in the "remarks" section that the Employee failed or refused to sign the form; EBT fails to print a conformation test result; disparity between the Employee identification number or alcohol concentration as between the printed result form and the digital reading on the machine.

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APPENDIX "B"
SUMMARY OF POST-ACCIDENT REQUIREMENTS FOR TESTING

If a Driver/Employee is involved in an accident driving while on duty, a post accident drug and alcohol test is required if: the accident involves a fatality or the driver receives a citation for a moving violation. To assist Drivers/Employee's in complying with this requirement, District Supervisors will discuss with you procedures for post accident testing. They are summarized as follows:

- A. If you are involved in an accident you should immediately contact law enforcement, who will investigate the accident and administer a breath test.
- B. You should contact your Supervisor:
- C. If you receive a citation or if the accident involves a fatality (or potential fatality), you must be alcohol and drug tested:
- D. If you need medical assistance, that assistance is not to be delayed to conduct testing. However, if you are unable to do so, inform the medical personnel of the need for the testing for drugs and alcohol.
- E. If you are unable, due to injuries, your signed consent form on file allows the City of Petal to order the necessary tests for you.

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APPENDIX "C"
SUMMARY OF INFORMATION ON EFFECTS, MANIFESTATIONS AND METHODS OF INTERVENTION IN ALCOHOL AND DRUG USE/ABUSE

- A. Drug and Alcohol Use/Abuse in the Workplace
 1. Physical, Behavioral, Speech and Performance Indicators
 2. Methods of Intervention
 3. The Facts about Substance Abuse (6 minutes)
- B. How Drugs Affect the Body
 1. Stimulants
 2. Depressants (Including Alcohol)
 3. Narcotics
 4. Hallucinogens
- C. The Personal Effects of Drug and Alcohol Use/Abuse
 1. Health
 2. Work
 3. Personal Life
- D. The Role of the Supervisor/Manager
 1. Supervisor/Cop/Counselor
 2. Proper Job Performance Documentation
 3. Five Steps on How to Confront a Troubled Employee
- E. Certificate of Completion

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EXHIBIT "A"

APPENDIX D

Performance Appraisal	
Date:	_____
Appraisal Period: From:	_____ To: _____
Employee Name:	_____
Hire Date:	_____
Department Name:	_____
Position Title:	_____
Supervisor's Name:	_____

Performance Ratings		
5	Exceptional	Employee displays a consistently high level of ability that regularly exceeds requirements. (About 0% - 10% of employees)
4	Advanced	Employee displays a high level of ability, exceeding requirements in some areas, but not consistently. (About 10% - 20% of employees)
3	Competent	Employee displays an average level of ability and usually meets the minimal requirements. (About 50% - 70% of employees)
2	Improvement Needed	Employee is showing inconsistency in meeting requirements. (About 10% - 20% of employees)
1	Major Improvement Needed	Employees at this level regularly fail to meet requirements. (About 0% - 10% of employees)

Job Knowledge	
Employee demonstrates understanding and awareness of all aspects of current job classification and positions him/herself for advancement opportunities.	

Performance Rating Comments

Persuasive Communication	
Employee demonstrates the ability to generate credibility and inspire trust by attentive, empathic, patient and truthful communication.	

Performance Rating Comments

Resiliency	
------------	--

Employee demonstrates the determination to keep going in the face of setbacks, criticisms, and rejection, even with tough and demanding customers - also the willingness to go "the extra mile" to see a sale closed successfully.

Performance Rating Comments

Personal Presentation and Organization	
--	--

Employee demonstrates adeptness as it refers to personal presentation, dress, and grooming, as well as personal organization and demeanor, including matters such as attitude, preparation and punctuality.

Performance Rating Comments

Interpersonal Relations	
-------------------------	--

Employee builds and maintains effective working relations with the organization's other internal employees. Shares information and market intelligence. Communicates well with management, colleagues and customers.

Performance Rating Comments

Policy and Procedures	
-----------------------	--

Does the employee understand and comply with policies and procedures?

Performance Rating Comments

Goals and Objectives	
----------------------	--

Goal Number One	
Description	
Performance Standard	
Actual Performance	
Evaluation	

Goal Number Two	
Description	
Performance Standard	
Actual Performance	
Evaluation	

Goal Number Three	
Description	
Performance Standard	
Actual Performance	
Evaluation	

Employee	
----------	--

When you have studied your appraisal, please read the statements below and respond.

"The ratings and comments in this appraisal are a fair and reasonable assessment of my work performance and developmental needs."

Strongly Agree Agree Not Sure Disagree Strongly Disagree

"I believe that the goals set are reasonable and obtainable and I will try to achieve this level of performance."

Strongly Agree Agree Not Sure Disagree Strongly Disagree



City Of Petal
Recreation Department
605 Hillcrest Loop
Petal, Ms 39465
601-325-4814

Larry L. "Butch" Brown
Executive Director

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / GaMDOT.com

EXHIBIT "B"

To: Mayor and Board Members
Fr: Tom Hardges Jr

Request your approval to allow Petal Electronics to install a Mobile Radio & Base Communication System in the Bus per MDOT recommendation. The cost will be \$1,540.00 for the installation, however after the reimbursement total cost will be \$3308.00.

Mr. Tom Hardges, Jr.
Recreation/Transportation Director
City of Petal-Recreation Department
101 W. 8th Avenue
Petal, Ms. 39465

Dear Mr. Hardges,

Subject: Communication Equipment Purchase

We have received the quotes for purchase of communications equipment that you recently submitted. As a result of our staff review, we concur with your decision to make this purchase based on the lowest bid. We are prepared to reimburse the cost of this purchase through our Section 5310 contract agreement with Southern Mississippi Planning and Development District (SMPDD).

Please take the necessary steps to have SMPDD invoice us after the purchase has been completed. We are making SMPDD aware of our concurrence by a copy of this letter. If you require additional assistance from our office please contact Ms. Gwen Smith of our staff at (601)-359-7800.

Charles Carr
Charles Carr
Public Transit Director

PC: Ms Lydia Davis
Southern Mississippi PDD

PETAL ELECTRONICS

922 US Highway 11
PETAL, MISSISSIPPI 39465
(601) 582-4515

NAME City of Petal	DATE OF ORDER 19 MAR 08																																												
ADDRESS	PHONE																																												
JOB NAME / LOCATION Estimate to Install	ORDER TAKEN BY																																												
DESCRIPTION OF WORK Radio's in Buses & mobile	<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA																																												
<table border="1"> <thead> <tr> <th>QTY.</th> <th>DESCRIPTION</th> <th>PRICE</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>Comex 3300 Radios</td> <td>275.00</td> <td>550.00</td> </tr> <tr> <td>1</td> <td>Power supply</td> <td>100.00</td> <td>100.00</td> </tr> <tr> <td>1</td> <td>Antxon 99 Antenna</td> <td>100.00</td> <td>100.00</td> </tr> <tr> <td>1</td> <td>100' coax</td> <td>70.00</td> <td>70.00</td> </tr> <tr> <td>1</td> <td>Push up pole 30'</td> <td>100.00</td> <td>100.00</td> </tr> <tr> <td>2</td> <td>PAL 2500 Linear Amp</td> <td>370.00</td> <td>740.00</td> </tr> <tr> <td></td> <td>Labor</td> <td></td> <td>250.00</td> </tr> </tbody> </table>	QTY.	DESCRIPTION	PRICE	AMOUNT	2	Comex 3300 Radios	275.00	550.00	1	Power supply	100.00	100.00	1	Antxon 99 Antenna	100.00	100.00	1	100' coax	70.00	70.00	1	Push up pole 30'	100.00	100.00	2	PAL 2500 Linear Amp	370.00	740.00		Labor		250.00	<table border="1"> <thead> <tr> <th>LABOR</th> <th>HOURS</th> <th>RATE</th> <th>AMOUNT</th> <th>TOTAL MATERIALS</th> <th>TOTAL LABOR</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>1540.00</td> <td>00</td> </tr> </tbody> </table>	LABOR	HOURS	RATE	AMOUNT	TOTAL MATERIALS	TOTAL LABOR					1540.00	00
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				1540.00	00																																								
WORK ORDERED BY	TOTAL LABOR																																												
TAX																																													
JOB INVOICE 4969	DATE COMPLETED TOTAL 1540.00																																												
SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)																																													

1100 HARDY STREET
HATTIESBURG, MISSISSIPPI 39401
WHOLESALE ONLY
882-6571

ANTENNAS
TUBES

MOTOR
VIBRATORS

CUSTOMER'S
ORDER NO. Quote DATE 1-16-08

SOLD TO City of Petal Fax 601-708-0836
Address Petal Rec. Dept.

SALESMAN JBT

QTY	DESCRIPTION	PRICE	AMOUNT
	Estimate to Install Radios Base & Mobile (Grand E/30 Days)		
2	3300 (Comex) radios	311.00	622.00
1	FR25 power supply (100w)	165.50	165.50
1	B-99 (Antxon) Antenna	100.00	100.00
1	100' RG8U Coax #100	80.00	80.00
1	H30 pushup pole 30'	170.00	170.00
2	2500 PAL Linear Amp	370.00	740.00
1	Labor		300.00

SALES TAX

RECEIVED BY
TOTAL \$1,840.50

PETAL ELECTRONICS, INC.
FORM NO. - 6015282837
Jan. 16 2009 10:05AM P1

EXHIBIT "C"

Independent Auditors Report
Page 1

The City of Petal has not presented Management's Discussion and Analysis for the current reporting period as required by part of the Uniform Government Accounting Standards. The City of Petal is not a government subject to the provisions of GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34.

L. W. Mc
King CPA, PLLC
Petal, MS 39071

CITY OF PETAL, MISSISSIPPI
FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

GOVERNMENT-WIDE FINANCIAL STATEMENTS

CITY OF PETAL
ADMITTED FINANCIAL STATEMENTS
SEPTEMBER 30, 2007
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BOOK A
CITY OF PETAL
STATEMENT OF REVENUES
SEPTEMBER 30, 2007

	2007	2006	% CHG.
REVENUES FROM OPERATIONS	1,000,000	1,000,000	100.0%
Operating revenues	1,000,000	1,000,000	100.0%
Operating expenses	1,000,000	1,000,000	100.0%
Operating income	0	0	0.0%
Other revenues	0	0	0.0%
Other expenses	0	0	0.0%
Other income	0	0	0.0%
Other expenses	0	0	0.0%
Total revenues	1,000,000	1,000,000	100.0%
Total expenses	1,000,000	1,000,000	100.0%
Total income	0	0	0.0%

Total Revenues and Expenses

	2007	2006	% CHG.
Total Revenues	1,000,000	1,000,000	100.0%
Total Expenses	1,000,000	1,000,000	100.0%
Total Income	0	0	0.0%

Independent Auditors Report
Page 2

The City of Petal has not presented Management's Discussion and Analysis for the current reporting period as required by part of the Uniform Government Accounting Standards. The City of Petal is not a government subject to the provisions of GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34. The City of Petal is not a government that is required to provide financial statements in accordance with GASB Statement No. 34.

L. W. Mc
King CPA, PLLC
Petal, MS 39071

EXHIBIT "C"

EXHIBIT B

**CITY OF PETAL
FINANCIAL STATEMENTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007**

	2007		2006	
	Actual	Budget	Actual	Budget
REVENUES				
Operating Revenues	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Revenues	2,300	2,300	2,300	2,300
Other Revenues	1,000	1,000	1,000	1,000
Total Revenues	1,125,470	1,125,470	1,125,470	1,125,470
EXPENDITURES				
Operating Expenditures	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Expenditures	2,300	2,300	2,300	2,300
Other Expenditures	1,000	1,000	1,000	1,000
Total Expenditures	1,125,470	1,125,470	1,125,470	1,125,470
Change in Net Assets	0	0	0	0
Net Assets at Beginning of Year	0	0	0	0
Net Assets at End of Year	0	0	0	0

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT C1

**CITY OF PETAL
RECONCILIATION OF GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET ASSETS
SEPTEMBER 30, 2007**

Governmental Funds Balance Sheet	\$ 5,858,317
Adjustments:	
Capital assets reported by governmental funds in the statement of net assets are not reported by the Statement of Net Assets	(8,828,109)
Capital assets reported by governmental funds are not reported by the Statement of Net Assets	(1,540)
Other adjustments to the Statement of Net Assets	14,872
Statement of Net Assets	\$ (2,985,670)

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT B

**CITY OF PETAL
FINANCIAL STATEMENTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007**

FUND FINANCIAL STATEMENTS

	2007		2006	
	Actual	Budget	Actual	Budget
REVENUES				
Operating Revenues	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Revenues	2,300	2,300	2,300	2,300
Other Revenues	1,000	1,000	1,000	1,000
Total Revenues	1,125,470	1,125,470	1,125,470	1,125,470
EXPENDITURES				
Operating Expenditures	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Expenditures	2,300	2,300	2,300	2,300
Other Expenditures	1,000	1,000	1,000	1,000
Total Expenditures	1,125,470	1,125,470	1,125,470	1,125,470
Change in Net Assets	0	0	0	0
Net Assets at Beginning of Year	0	0	0	0
Net Assets at End of Year	0	0	0	0

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT D

**CITY OF PETAL
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN NET ASSETS FOR GOVERNMENTAL FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2007**

	2007		2006	
	Actual	Budget	Actual	Budget
REVENUES				
Operating Revenues	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Revenues	2,300	2,300	2,300	2,300
Other Revenues	1,000	1,000	1,000	1,000
Total Revenues	1,125,470	1,125,470	1,125,470	1,125,470
EXPENDITURES				
Operating Expenditures	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Expenditures	2,300	2,300	2,300	2,300
Other Expenditures	1,000	1,000	1,000	1,000
Total Expenditures	1,125,470	1,125,470	1,125,470	1,125,470
Change in Net Assets	0	0	0	0
Net Assets at Beginning of Year	0	0	0	0
Net Assets at End of Year	0	0	0	0

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT C

**CITY OF PETAL
BALANCE SHEET GOVERNMENTAL FUNDS
SEPTEMBER 30, 2007**

	2007		2006	
	Actual	Budget	Actual	Budget
ASSETS				
Operating Assets	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Assets	2,300	2,300	2,300	2,300
Other Assets	1,000	1,000	1,000	1,000
Total Assets	1,125,470	1,125,470	1,125,470	1,125,470
LIABILITIES AND FUND EQUITY				
Operating Liabilities	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170	\$ 1,122,170
Capital Liabilities	2,300	2,300	2,300	2,300
Other Liabilities	1,000	1,000	1,000	1,000
Total Liabilities	1,125,470	1,125,470	1,125,470	1,125,470
FUND EQUITY				
Operating Equity	\$ 0	\$ 0	\$ 0	\$ 0
Capital Equity	0	0	0	0
Other Equity	0	0	0	0
Total Fund Equity	0	0	0	0
Total Liabilities and Fund Equity	1,125,470	1,125,470	1,125,470	1,125,470

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT D1

**CITY OF PETAL
RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF
REVENUES, EXPENDITURES, AND CHANGES IN NET ASSETS
TO THE STATEMENT OF ACTIVITIES BALANCE SHEET
FOR THE YEAR ENDED SEPTEMBER 30, 2007**

Governmental Funds Statement of Activities Balance Sheet	\$ 1,044,879
Adjustments:	
Capital assets reported by governmental funds in the statement of net assets are not reported by the Statement of Net Assets	(8,828,109)
Capital assets reported by governmental funds are not reported by the Statement of Net Assets	(1,540)
Other adjustments to the Statement of Net Assets	14,872
Statement of Net Assets	\$ (7,798,908)

The audit is of financial statements on an integrated basis of the accounts.

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EXHIBIT "C"

**CITY OF PETAL
STATEMENT OF CASH FLOWS
PROPRIETARY FUND
FOR YEAR ENDED SEPTEMBER 30, 1997**

Exhibit C

	1997	1996	1995
Cash from operations	1,102,514	1,162,541	1,188,801
Change in cash and cash equivalents	(177,479)	(877,146)	(1,843,881)
Cash at beginning of year	228,035	405,524	1,249,405
Cash at end of year	40,556	528,378	405,524
Operating activities:			
Operating revenues:			
Taxes	1,102,514	1,162,541	1,188,801
Licenses and permits	100,000	100,000	100,000
Fees	100,000	100,000	100,000
Interest	100,000	100,000	100,000
Dividends	100,000	100,000	100,000
Other	100,000	100,000	100,000
Operating expenses:			
Salaries and benefits	(1,000,000)	(1,000,000)	(1,000,000)
Materials and supplies	(100,000)	(100,000)	(100,000)
Utilities	(100,000)	(100,000)	(100,000)
Travel	(100,000)	(100,000)	(100,000)
Depreciation	(100,000)	(100,000)	(100,000)
Interest	(100,000)	(100,000)	(100,000)
Other	(100,000)	(100,000)	(100,000)
Net change in cash and cash equivalents	(177,479)	(877,146)	(1,843,881)
Cash at beginning of year	228,035	405,524	1,249,405
Cash at end of year	40,556	528,378	405,524

The notes to the financial statements are an integral part of these statements.

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NOTES TO FINANCIAL STATEMENTS

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**CITY OF PETAL
STATEMENT OF FINANCIAL POSITION AND
CHANGES IN FINANCIAL POSITION
PROPRIETARY FUND
FOR YEAR ENDED SEPTEMBER 30, 1997**

Exhibit F

	1997	1996	1995
Assets:			
Cash	40,556	528,378	405,524
Accounts receivable	100,000	100,000	100,000
Inventory	100,000	100,000	100,000
Prepaid expenses	100,000	100,000	100,000
Other assets	100,000	100,000	100,000
Total Assets	440,556	928,378	805,524
Liabilities:			
Accounts payable	100,000	100,000	100,000
Accrued liabilities	100,000	100,000	100,000
Deferred revenues	100,000	100,000	100,000
Other liabilities	100,000	100,000	100,000
Total Liabilities	400,556	400,000	400,000
Net Position	40,000	528,378	405,524

The notes to the financial statements are an integral part of these statements.

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**CITY OF PETAL
STATEMENT OF FINANCIAL POSITION
PROPRIETARY FUND
SEPTEMBER 30, 1997**

Exhibit H

	1997	1996
Assets:		
Cash	40,556	528,378
Accounts receivable	100,000	100,000
Inventory	100,000	100,000
Prepaid expenses	100,000	100,000
Other assets	100,000	100,000
Total Assets	440,556	928,378
Liabilities:		
Accounts payable	100,000	100,000
Accrued liabilities	100,000	100,000
Deferred revenues	100,000	100,000
Other liabilities	100,000	100,000
Total Liabilities	400,556	400,000
Net Position	40,000	528,378

The notes to the financial statements are an integral part of these statements.

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**CITY OF PETAL
STATEMENT OF CASH FLOWS
PROPRIETARY FUND
SEPTEMBER 30, 1997**

Exhibit E

	1997	1996	1995
Cash from operations	1,102,514	1,162,541	1,188,801
Change in cash and cash equivalents	(177,479)	(877,146)	(1,843,881)
Cash at beginning of year	228,035	405,524	1,249,405
Cash at end of year	40,556	528,378	405,524
Operating activities:			
Operating revenues:			
Taxes	1,102,514	1,162,541	1,188,801
Licenses and permits	100,000	100,000	100,000
Fees	100,000	100,000	100,000
Interest	100,000	100,000	100,000
Dividends	100,000	100,000	100,000
Other	100,000	100,000	100,000
Operating expenses:			
Salaries and benefits	(1,000,000)	(1,000,000)	(1,000,000)
Materials and supplies	(100,000)	(100,000)	(100,000)
Utilities	(100,000)	(100,000)	(100,000)
Travel	(100,000)	(100,000)	(100,000)
Depreciation	(100,000)	(100,000)	(100,000)
Interest	(100,000)	(100,000)	(100,000)
Other	(100,000)	(100,000)	(100,000)
Net change in cash and cash equivalents	(177,479)	(877,146)	(1,843,881)
Cash at beginning of year	228,035	405,524	1,249,405
Cash at end of year	40,556	528,378	405,524

The notes to the financial statements are an integral part of these statements.

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**CITY OF PETAL
STATEMENT OF CASH FLOWS
PROPRIETARY FUND
FOR YEAR ENDED SEPTEMBER 30, 1997**

Exhibit G (continued)

	1997	1996	1995
Operating revenues:			
Taxes	1,102,514	1,162,541	1,188,801
Licenses and permits	100,000	100,000	100,000
Fees	100,000	100,000	100,000
Interest	100,000	100,000	100,000
Dividends	100,000	100,000	100,000
Other	100,000	100,000	100,000
Operating expenses:			
Salaries and benefits	(1,000,000)	(1,000,000)	(1,000,000)
Materials and supplies	(100,000)	(100,000)	(100,000)
Utilities	(100,000)	(100,000)	(100,000)
Travel	(100,000)	(100,000)	(100,000)
Depreciation	(100,000)	(100,000)	(100,000)
Interest	(100,000)	(100,000)	(100,000)
Other	(100,000)	(100,000)	(100,000)
Net change in cash and cash equivalents	(177,479)	(877,146)	(1,843,881)
Cash at beginning of year	228,035	405,524	1,249,405
Cash at end of year	40,556	528,378	405,524

The notes to the financial statements are an integral part of these statements.

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EXHIBIT "C"

CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

The City of Petal, Mississippi (the City) was incorporated in 1974. The City operates under Mayor/ Alderman form of government and provides the following services:

- Public Safety
- Public Works
- Parks and Recreation
- Cultural and Recreation
- General Administration

A. FINANCIAL REPORTING ENTITY

The City of Petal is a municipal corporation governed by an elected Mayor and City Council. The City is a separate legal entity and is not a part of the government and is bonded independently. Bonded component governments are considered to be financially accountable. Bonded component governments are reported as separate entities, not as a part of the government's operations.

Related component units:

The final Public Improvement Corporation is not for-profit entity formed to finance the construction of a water project center to be owned by the City and operated by the City of Petal. The City of Petal is the majority owner of the Water and Sewer Improvement Corporation is reported as a governmental fund.

B. BASIS OF PRESENTATION

The financial statements are prepared on the basis of the accounting principles generally accepted in the United States of America. The financial statements include a statement of net assets and a statement of changes in net assets) report information on all of the non-fundular activities of the primary government and its component units.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

Additionally, the City reports the following major proprietary funds:

- Water and Sewer Improvement Fund - This fund accounts for the activities of the City's water and sewer operations.
- Solid Waste Disposal - This fund accounts for the activities of the City's solid waste collection and disposal operations.

Proprietary activities of accounting and financial reporting should begin in December 1, 1991 generally are followed in which the government-wide and proprietary fund financial statements are prepared on the basis of the accounting principles generally accepted in the United States of America and the Governmental Accounting Standards Board. Governmental funds are reported in the government-wide financial statements. The proprietary fund financial statements are reported in the proprietary fund financial statements.

As a general rule, the effect of fund-level activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are: (1) the effect of fund-level activity on the government-wide financial statements is reported in the government-wide financial statements, and (2) capital assets and liabilities. Financially significant changes would affect the direct costs and program revenues reported for the various activities concerned.

Amounts reported in a program or revenue account (1) changes to estimates or assumptions, (2) changes to the accounting principles, (3) changes to the accounting methods, and (4) changes to the accounting policies. Financially significant changes would affect the direct costs and program revenues reported for the various activities concerned.

Proprietary funds, including operating activities and expenses, fund operations, and other activities, are reported in the proprietary fund financial statements. Operating activities and expenses are reported in the proprietary fund financial statements. Operating activities and expenses are reported in the proprietary fund financial statements. Operating activities and expenses are reported in the proprietary fund financial statements.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which may or may not require rates and charges for support.

The statement of activities distinguishes the degree to which the direct costs of government activities are covered by charges for those activities. Other revenues are reported in the statement of activities, but are not reported in the statement of net assets. Other revenues are reported in the statement of net assets, but are not reported in the statement of activities. Other revenues are reported in the statement of net assets, but are not reported in the statement of activities.

Special financial statements are provided for governmental funds, proprietary funds, and trust funds. These statements are prepared on the basis of the accounting principles generally accepted in the United States of America. The financial statements include a statement of net assets and a statement of changes in net assets) report information on all of the non-fundular activities of the primary government and its component units.

C. MAINTENANCE FUND, WATER AND SEWER IMPROVEMENT FUND, AND FINANCIAL STATEMENTS

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting, as are the financial statements of the proprietary funds. The financial statements of the proprietary funds are prepared using the cost of sales method of accounting, which is a modification of the accrual basis of accounting. The financial statements of the proprietary funds are prepared using the cost of sales method of accounting, which is a modification of the accrual basis of accounting.

Governmental fund financial statements are prepared using the cost of sales method of accounting, which is a modification of the accrual basis of accounting. The financial statements of the proprietary funds are prepared using the cost of sales method of accounting, which is a modification of the accrual basis of accounting.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

When both restricted and unrestricted resources are available for use, it is the government's policy to use the restricted resources first, then unrestricted resources to fund the same or similar purposes.

D. ACCOUNTING COORDINATION

The financial statements are prepared in accordance with the accounting principles generally accepted in the United States of America and the Governmental Accounting Standards Board. Governmental funds are reported in the government-wide financial statements. The proprietary fund financial statements are reported in the proprietary fund financial statements.

E. DEPRECIATION

The City of Petal reports depreciation on its capital assets. Depreciation is reported in the government-wide financial statements. Depreciation is reported in the government-wide financial statements.

F. CAPITAL ASSETS

The City of Petal reports capital assets in its financial statements. Capital assets are reported in the government-wide financial statements. Capital assets are reported in the government-wide financial statements.

G. INDEBTEDNESS

The City of Petal reports its indebtedness in its financial statements. Indebtedness is reported in the government-wide financial statements. Indebtedness is reported in the government-wide financial statements.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

Under accrual accounting, however, debt service obligations, as well as expenditures related to compensated absences and claims and judgments, are reported in the statement of net assets.

The City reports the following major governmental funds:

- General Fund - This is the City's primary operating fund. It accounts for all of the City's activities that are not reported in the other governmental funds.
- Solid Waste Disposal - This fund accounts for the activities of the City's solid waste collection and disposal operations.
- Water and Sewer Improvement Fund - This fund accounts for the activities of the City's water and sewer operations.

All other governmental funds are reported in the other governmental funds column of the final financial statements.

The City reports the following fund types:

- Major Governmental Funds
- Minor Governmental Funds
- Debt Service Fund - This fund is used to account for the accumulation of debt service payments and interest on debt.
- Debt Service Fund - This fund is used to account for the accumulation of debt service payments and interest on debt.

FINANCIAL STATEMENTS

Amounts are used to report transactions held by the district in a primary fund, capacity (asset equity liability) and do not include measurement of costs of operations.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

For accounting purposes, financial reporting and reporting requirements with respect to the City's financial statements are as follows:

- **REVENUES**
- **EXPENSES**
- **ASSETS**
- **LIABILITIES**
- **NET ASSETS**

Amounts are used to report transactions held by the district in a primary fund, capacity (asset equity liability) and do not include measurement of costs of operations.

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EXHIBIT "C"

CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

All of the bonds, bond insurance costs are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. Premiums are reported as deferred charges and discounts are reported as bond discounts in the fund financial statements. Issuance costs are reported as other financing uses received, are reported as debt service expenditures.

N. BOND LIABILITIES
Bonds are classified as long-term and classified in three components:

1. Interest in arrears, net of related debt - Currents of interest, including interest on bonds, but not including interest on bonds that are not due and payable.
2. Interest in arrears, net of related debt - Currents of interest, including interest on bonds, but not including interest on bonds that are not due and payable.
3. Unmatured and mature - All other net assets that are not due and payable.

Plant and Equipment
In the fund financial statements, plant and equipment, including related depreciation, is reported as a separate asset and liability. Depreciation is reported as a separate expense. Plant and equipment is reported as a separate asset and liability. Plant and equipment is reported as a separate asset and liability.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

No amount is reported as an asset or liability in the fund financial statements. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

PROPERTY, PLANT, AND EQUIPMENT
The City's property, plant, and equipment is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

COMMODITIES AND SERVICES
The City's commodities and services are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

M. LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

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CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 1997

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont)

The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

LIABILITIES
The City's liabilities are reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability. The amount reported as an asset or liability in the fund financial statements is reported as a separate asset and liability.

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CITY OF PETAL
MINUTE BOOK 29

EXHIBIT "C"

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 3. ACCOUNTS RECEIVABLE AND ALLOWANCE ACCOUNT

Accounts receivable consists of the City's individual meter funds and accounts receivable in the aggregate, including the applicable allowance for uncollectible accounts, are as follows:

Accounts Receivable	Year ended September 30,		
	2007	2006	2005
Accounts Receivable	\$ 123,400	\$ 221,144	\$ 114,649
Allowance for uncollectible accounts	(1,348)	(1,294)	(1,241)
Net Accounts Receivable	\$ 122,052	\$ 219,850	\$ 113,408

The following is a schedule by year of the allowance for uncollectible accounts as of September 30, 2007:

Year ended September 30,	2007	2006	2005
Accounts Receivable	\$ 1,348	\$ 1,294	\$ 1,241
Allowance for uncollectible accounts	(1,348)	(1,294)	(1,241)
Total net receivables	\$ 0	\$ 0	\$ 0

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 4. INTER-FUND TRANSACTIONS AND BALANCES (cont.)

The following is a summary of changes in capital assets for governmental activities:

Capital Assets	2007	2006	2005
Land	\$ 10,000	\$ 10,000	\$ 10,000
Buildings	\$ 50,000	\$ 50,000	\$ 50,000
Equipment	\$ 20,000	\$ 20,000	\$ 20,000
Infrastructure	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Other	\$ 500,000	\$ 500,000	\$ 500,000
Total	\$ 1,670,000	\$ 1,670,000	\$ 1,670,000

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 5. CAPITAL ASSETS (cont.)

The following is a summary of changes in capital assets for governmental activities:

Capital Assets	2007	2006	2005
Land	\$ 10,000	\$ 10,000	\$ 10,000
Buildings	\$ 50,000	\$ 50,000	\$ 50,000
Equipment	\$ 20,000	\$ 20,000	\$ 20,000
Infrastructure	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Other	\$ 500,000	\$ 500,000	\$ 500,000
Total	\$ 1,670,000	\$ 1,670,000	\$ 1,670,000

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 6. CAPITAL ASSETS

The following is a summary of changes in capital assets for governmental activities:

Capital Assets	2007	2006	2005
Land	\$ 10,000	\$ 10,000	\$ 10,000
Buildings	\$ 50,000	\$ 50,000	\$ 50,000
Equipment	\$ 20,000	\$ 20,000	\$ 20,000
Infrastructure	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Other	\$ 500,000	\$ 500,000	\$ 500,000
Total	\$ 1,670,000	\$ 1,670,000	\$ 1,670,000

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 7. LONG-TERM LIABILITIES (cont.)

GENERAL OBLIGATION BONDS

The City issues general bonds to provide funds for the acquisition and construction of capital assets and other purposes. The total amount of general obligation bonds issued in prior years was \$1,700,000 with no additional obligations issued on or after the date of the City's financial statements generally are stated in 20-year annual books.

REVENUE BONDS

The City issues revenue bonds to provide funds for the acquisition and construction of capital assets and other purposes. The total amount of revenue bonds issued in prior years was \$1,000,000 with no additional obligations issued on or after the date of the City's financial statements generally are stated in 20-year annual books.

STATE LOANS

The City has received state loans from the State of California for the acquisition and construction of capital assets and other purposes. The total amount of state loans received in prior years was \$1,000,000 with no additional obligations issued on or after the date of the City's financial statements generally are stated in 20-year annual books.

**CITY OF PETAL
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2007**

NOTE 7. LONG-TERM LIABILITIES (cont.)

GENERAL OBLIGATION BONDS

The City issues general bonds to provide funds for the acquisition and construction of capital assets and other purposes. The total amount of general obligation bonds issued in prior years was \$1,700,000 with no additional obligations issued on or after the date of the City's financial statements generally are stated in 20-year annual books.

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EXHIBIT "C"

Approved Authority of
Certified Public Accountants

King CPA, PLLC
206 Hwy 42 P.O. Box 1182
Petal, MS 39465
Telephone 601-544-9795 Fax 601-544-9793

MEMBERSHIP LIST - 2008

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN ASSESSMENT OF FINANCIAL STATEMENT PREPARATION BY THE COMPANY WITH CERTAIN CONTROL DEFICIENCIES

Honorable Members, Members of the Board of Aldermen and City Clerk
City of Petal, Mississippi

We have audited the internal control over financial reporting and the compliance with certain provisions of the Uniform Accounting Standards for the City of Petal for the year ended September 30, 2008, which is the same period as the period covered by the financial statements, with reference to the Internal Control Report dated September 30, 2008. The internal control over financial reporting is a process designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States. The internal control over financial reporting does not include controls over the collection of revenues, the disbursement of funds, and the recording of transactions. The internal control over financial reporting does not include controls over the preparation of the financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

In our opinion, the internal control over financial reporting and the compliance with certain provisions of the Uniform Accounting Standards for the City of Petal for the year ended September 30, 2008, were not effective in all material aspects. The deficiencies we identified are described below. The deficiencies we identified are described below. The deficiencies we identified are described below.

1. The City of Petal has not established a formal process for the approval of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

2. The City of Petal has not established a formal process for the approval of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

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4. The City of Petal has not established a formal process for the approval of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

REPORTS ON COMPLIANCE AND INTERNAL CONTROL

31

Approved Authority of
Certified Public Accountants

King CPA, PLLC
206 Hwy 42 P.O. Box 1182
Petal, MS 39465
Telephone 601-544-9795 Fax 601-544-9793

MEMBERSHIP LIST - 2008

REPORT ON COMPLIANCE WITH STATE LAWS AND REGULATIONS

Honorable Members, Members of the Board of Aldermen and City Clerk
City of Petal, Mississippi

We have audited the compliance with state laws and regulations for the City of Petal for the year ended September 30, 2008, which is the same period as the period covered by the financial statements, with reference to the Internal Control Report dated September 30, 2008. The compliance with state laws and regulations is a process designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States. The compliance with state laws and regulations does not include controls over the collection of revenues, the disbursement of funds, and the recording of transactions. The compliance with state laws and regulations does not include controls over the preparation of the financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

In our opinion, the compliance with state laws and regulations for the City of Petal for the year ended September 30, 2008, was not effective in all material aspects. The deficiencies we identified are described below. The deficiencies we identified are described below. The deficiencies we identified are described below.

1. The City of Petal has not established a formal process for the approval of financial statements for external purposes in accordance with the accounting principles generally accepted in the United States.

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REPORT ON COMPLIANCE WITH STATE LAWS AND REGULATIONS

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CITY OF PETAL, MISSISSIPPI
SCHEDULE OF DEBTY BONDS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Presented below is Section 21-173 of Mississippi Code

Unless otherwise specified by law, before entering upon the duties of their respective offices, the members of the Board of Aldermen, the Mayor, and the City Clerk shall give bonds, with sufficient surety, to the people, conditioned and approved as herein provided, and the amount of the bonds shall be determined by the Board of Aldermen for the year immediately preceding the expiration of the term of office of the Mayor, City Clerk, and the members of the Board of Aldermen, and the amount of the bonds shall be determined by the Board of Aldermen for the year immediately preceding the expiration of the term of office of the Mayor, City Clerk, and the members of the Board of Aldermen.

Name	Position	Amount
Carl Scott	Mayor	\$10,000
Dorel Cherry	Scott Municipal Insurance	\$100,000
Kyle Frazier	Scott Municipal Insurance	\$100,000
James Moore	Scott Municipal Insurance	\$100,000
Steve Strangle	Scott Municipal Insurance	\$100,000
Lynn Warner	Scott Municipal Insurance	\$100,000
Ann Lubbe	City Clerk	1250.00
Lee Strickland	Police Chief	1250.00
Strickland Bond	Variance	1250.00

REPORT ON COMPLIANCE AND INTERNAL CONTROL

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REPORT ON COMPLIANCE AND INTERNAL CONTROL

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REPORT ON COMPLIANCE AND INTERNAL CONTROL

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CITY OF PETAL
MINUTE BOOK 29

EXHIBIT "C"

CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-1

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

FOR THE YEAR ENDED SEPTEMBER 30, 2007

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CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-5

The City's procedures and system of record keeping and financial reporting does not provide adequate controls necessary to properly monitor and report on the status of property acquired through purchase as required by State Law.

Recommendation:
We recommend the City determine if additional audit trailer procedures is required to properly monitor and report on the status of property acquired through purchase as required by State Law.

Response:
Management will consider the recommendation and implement the necessary improvements.

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CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-2

The City's monitoring and review policies and procedures concerning the reporting of transactions and adjudication of city assets. These policies and procedures are the responsibility of the Mayor, Board of Admen and City Auditor.

Recommendation:
We recommend the City review its current monitoring policies and procedures and implement necessary procedures with all departments to ensure proper reporting of transactions and adjudication of city assets. This also includes ensuring adjudication of employee debts in carrying out their assigned responsibilities.

Response:
Management will improve the policy and procedure for all areas of accounting and record keeping. Employee training and review procedures will be conducted in certain areas. Additional monitoring and review procedures will be implemented over certain areas.

Exhibit 2007-3

The procedures concerning funds used to ensure proper accounting and reporting of Good assets are not sufficient to accomplish reporting and reviewing requirements.

Recommendation:
We recommend the City review and update the current procedures over the use of funds and ensure proper reporting and reviewing of Good assets over their subsidiary records.

Response:
Management will implement procedures to verify reconcile the subsidiary records and ensure proper reporting and reviewing of Good assets. Periodic physical inventories will be conducted and reconciled to the subsidiary records. Subsidiary records will be updated and reconciled to the physical inventories with proper recording in the City's fiscal assets.

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CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-3

The City's monitoring and collection of auxiliary services (rental, license, court and other services) are sufficient to ensure the timely reporting of city revenues and to maintain the appropriate workload of revenues.

Recommendation:
We recommend the City update current procedures over auxiliary services to reduce the level of uncollected revenue. This includes printing monthly statements and follow-up procedures will be reviewed and implemented for past due and uncollected revenue. Delinquent accounts will be reviewed and follow-up procedures will be reviewed and implemented to ensure proper reporting and reviewing of revenues.

Response:
Management will determine and implement necessary procedures for all areas. Current files will be maintained in current location with complete documentation.

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CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-4

The City's system of record management needs to be updated with specific actions identified by audit and State.

Recommendation:
City determine if additional audit trailer equipment is required to make the needed improvements in the record management system and to implement these improvements within one year.

Response:
Management will determine and implement necessary procedures for all areas. Current files will be maintained in current location with complete documentation.

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CITY OF PETAL
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2007

Section 2: Financial Statement Findings

Exhibit 2007-5

The City's monitoring and collection of auxiliary services (rental, license, court and other services) are sufficient to ensure the timely reporting of city revenues and to maintain the appropriate workload of revenues.

Recommendation:
We recommend the City update current procedures over auxiliary services to reduce the level of uncollected revenue. This includes printing monthly statements and follow-up procedures will be reviewed and implemented for past due and uncollected revenue. Delinquent accounts will be reviewed and follow-up procedures will be reviewed and implemented to ensure proper reporting and reviewing of revenues.

Response:
Management will determine and implement necessary procedures for all areas. Current files will be maintained in current location with complete documentation.

58

CHANCERY COURT

TENTH CHANCERY COURT DISTRICT OF MISSISSIPPI
(Forrest, Lamar, Marion, Pearl River & Perry Counties)

GLORIA G. MOORER
Court Administrator
P.O. Box 872
Hattiesburg, MS 39403-0872
(601) 544-2836
Fax (601) 544-2839

EUGENE L. FAIR, JR.
Chancellor - Place 4
P.O. Box 872
Hattiesburg, MS 39403-0872
(601) 544-2836

LISA M. LADNER
Court Reporter
P.O. Box 872
Hattiesburg, MS 39403-0872
(601) 544-2836
Fax (601) 544-2839

CITY OF PETAL
MINUTE BOOK 29

JAMES H. DUKES JR.
JAMES H. DUKES JR.
R. CHRISTOPHER WOOD

THE LAW OFFICE OF
DUKES, DUKES & WOOD
220 WEST PINE STREET, P.O. BOX 2058
HATTIESBURG, MISSISSIPPI 39403-2058

440

TERRY MARTIN
LEGAL ASSISTANT
TELEPHONE
601-544-4141
FAX
601-544-4428

NOTICE OF COURT SETTING

COUNTY: FORREST COUNTY CAUSE NO: 18-2007-0605-G-F
PLAINTIFF: CITY OF PETAL, A MUNICIPAL CORPORATION
DEFENDANT: BARRONTOWN UTILITY ASSOCIATION
TO: S. Beth Windham
P.O. Drawer 750
Hattiesburg, MS 39403
James K. Dukes
P.O. 2055
Hattiesburg, MS 39403

THE ABOVE CAUSE HAS BEEN SET FOR: Trial
ON: Wednesday, April 15, 2009 at 9:00 A.M. 1st on the docket
to be heard in Forrest County, Hattiesburg, MS
before Chancellor Eugene L. Fair

If you do not agree with the above setting, please notify this office within (5) five days after the receipt of this notice. If we do not hear from you within that time, the Court will consider this a firm setting.

Continuances: When a case has been set for Trial and a continuance is requested, a Motion for Continuance stating the reason for continuance and signed by the movant party and their attorney must be filed and properly noticed to counsel opposite for hearing.

Certificate

I the undersigned, do hereby certify that I have this day mailed, postage prepaid, this notice of court setting to the above named attorney(s) at the address stated.

DATE: January 26, 2009


GLORIA MOORER
COURT ADMINISTRATOR

EXHIBIT "D"

Thomas W. Tyner, Esq.
ALTMAN, TYNER, et al
P.O. Drawer 750
Hattiesburg MS 39403 (0750)

Re City of Petal: Barrontown Utility Association/Springfield Road

Dear Tom

In furtherance of our conversations regarding the settlement and compromise of the above-referenced matter, please be advised that I have been authorized to make the following offer of compromise and settlement

1. Barrontown Utility Association, Inc. agrees to abandon the three inch water line on the West side of Springfield Road, and agrees to connect all of its water customers on Springfield Road to the six inch waterline on the East side of Springfield Road.
2. Barrontown Utility Association, Inc. would pay the cost involved in the disconnection of the customer's from the three inch line on the West side of Springfield Road and would pay the cost of connecting the customers to the six inch line on the East side of Springfield Road.
3. The City of Petal will grant to Barrontown Utility Association, Inc. any temporary and permanent easements which will be necessary to abandon the three inch line on the West side of Springfield Road, and to connect the customers to the six inch waterline on the East. This will confirm our conversation of the East side of Springfield Road.
4. The City of Petal will grant to Barrontown Utility Association, Inc. easements for all of the areas located within the annexed City of Petal areas serviced by Barrontown Utilities for the maintenance and upkeep of the waterlines situated therein.
5. The City of Petal agrees to dismiss the complaint and amended complaint filed herein, without prejudice.

I would hope that we could have at least an understanding that the City of Petal would not seek to assess fees upon Barrontown Utility Association which are not being likewise assessed to other utility associations operating within the City of Petal or the annexed areas thereof.

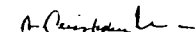
Thomas W. Tyner, Esq.
January 29, 2009
Page 2

Barrontown Utility Association is in the process of publishing a list of its customers and I will provide same by separate letter. Barrontown Utility Association, Inc. is desirous of proceeding with waterline work without delay and if Sunrise Road is in fact going to be resurfaced, please advise if it may be possible that the necessity of boring under Sunrise Road could be avoided.

I look forward to hearing from you regarding these matters at your earliest convenience.

With kindest regards, I remain

Sincerely,


R. Christopher Wood

RCW:ge

CITY OF PETAL
MINUTE BOOK 29

ORDINANCE 2005 (6-1)

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE 2005(6)
OF THE CITY OF PETAL, MISSISSIPPI FOR TREE PRESERVATION
REGULATIONS, PROVIDING TREE PROTECTION AND EXEMPTIONS

WHEREFORE, the foregoing Ordinance was duly passed, adopted and approved on this the 3rd
day of February, A.D., 2009.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Petal, Mississippi:

EXHIBIT "E"

CARL L SCOTT
MAYOR

SECTION 1: Section 4-2 Exemption of Ordinance Number 2005(6) as originally adopted on

(SEAL)

November 15, 2005 is hereby amended to read as follows, to wit:

SECTION 4: Tree Protection and Exemption

ATTEST:

Section 4-2: Exemption

The provisions of this Ordinance shall not apply to any land recognized by the City upon
which bona fide agricultural uses or commercial nursery or tree farm, are being
conducted, as herein after defined:

JEAN ISHEE
CITY CLERK

d) Property zoned R-1 of less than two (2) contiguous acres, R-1 residential parcels
greater than two (2) acres are not exempt.

SECTION 2: All Ordinances in conflict herewith, be, and are hereby repealed.

PUBLISH 1 TIME : MARCH 5, 2009

SECTION 3. That this Ordinance shall take effect, and be in force (30) days from and after its
passage.

The above and foregoing ordinance, having been reduced to writing, the same was read and
voted upon, section by section, and then as a whole:

Those present and voting "YEA" and in favor of the passage, adoption, and approval of Sections

1, 2, and 3 of the foregoing Ordinance:

Alderman David Clayton
Alderman Kay Fairley
Alderman James Moore
Alderman Steve Stringer
Alderman Liesa Weaver

Those present and voting "NAY" and in favor of the passage, adoption and approval of Sections

1, 2, and 3 of the foregoing Ordinance:

None

Those present and voting "YEA" and in favor of the passage, adoption and approval of the

foregoing Ordinance as a whole:

Alderman David Clayton
Alderman Kay Fairley
Alderman James Moore
Alderman Steve Stringer
Alderman Liesa Weaver

Those present and voting "NAY" and in favor of the passage, adoption and approval of the

foregoing Ordinance as a whole:

None

EXHIBIT "F"

**CITY OF PETAL
MISSISSIPPI
*PROCLAMATION***

WHEREAS, in 1872 Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, trees are a valuable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our City increase property in values, enhance the economic vitality of business areas and beautify our community, and

WHEREAS, trees, wherever they are planted are a source of joy and spiritual renewal, and

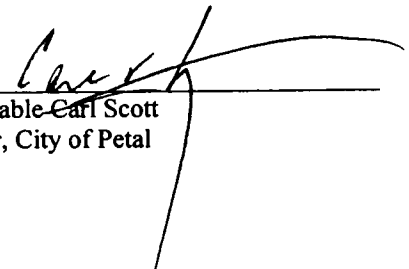
WHEREAS, Petal desires to continue its tree planting ways,

WHEREAS, the organization provides awards and scholarships to students based on their expression of patriotism through art, speech and volunteerism,

NOW, THEREFORE, the Board of Aldermen and I, Carl Scott, Mayor of the City of Petal, Mississippi, do hereby proclaim February 13th, 2009 as

ARBOR DAY

in the City of Petal, and urge all citizens to support efforts to protect our trees and woodlands and to support our City's Urban Forestry Program.



Honorable Carl Scott
Mayor, City of Petal

The American Traffic Safety Services Association

This is to certify that

Larry Carraway

has demonstrated a thorough knowledge of the standards, guidelines and practices of traffic control in highway construction and maintenance work areas and has completed all the requirements of the American Traffic Safety Certification Program to the satisfaction of the Certification Board; is this date awarded the designation of:

Flagger Instructor Trainer

and is fully entitled to all the rights and privileges associated with this designation. This certificate will remain in effect until the expiration date noted herein unless otherwise revoked by action of the Certification Board.

Issue Date: 01/22/2009
 Expiration Date: 01/09/2013
 Certification #: 00238900



Deanna M. Clark
 Training & Products Dept. Director
Ron A. Mudge
 Executive Director

ATSSA IN U.S.A.

The American Traffic Safety Services Association

Hereby recognizes that

Larry Carraway

has attended the **Traffic Control Technician Grant Training Course**

January 05, 2009
 Date
 Hattiesburg, MS
 Location



Deanna M. Clark
 Training & Products Dept. Director
Ron A. Mudge
 Executive Director

ATSSA IN U.S.A.

The American Traffic Safety Services Association

Hereby recognizes that

Larry Carraway

has attended the **Flagger Instructor Training Grant Training Course**

January 08, 2009
 Date
 Hattiesburg, MS
 Location



Deanna M. Clark
 Training & Products Dept. Director
Ron A. Mudge
 Executive Director

ATSSA IN U.S.A.

ATSSA IN U.S.A.

COPY OF PET
 WHITE BOOK
 EXHIBIT "G"

The American Traffic Safety Services Association

Hereby recognizes that

Larry Carraway

has attended the **Traffic Control Supervisor Grant Training Course**

January 07, 2008
 Date
 Hattiesburg, MS
 Location



Deanna M. Clark
 Training & Products Dept. Director
Ron A. Mudge
 Executive Director

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