



MARYLAND

**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**DECEMBER 21, 2015  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

- 1:30 p.m.     **CLOSED SESSION** - as permitted under the Annotated Code of Maryland §10- 508(a)(14)
- 1:45 p.m.     WORK SESSION**
- 1:45 p.m.     Body Camera Policy and Resolution – Barbara Duncan
- 2:00 p.m.     Budget Amendment – Fire Department Building Account – Chief Hoppes
- 2:30 p.m.     Employee Handbook Change - Education Reimbursement Policy and Resolution – Tom Stevenson
- 2:45 p.m.     PEG Channel Improvements – Creig Twilley/Council discussion
- 3:15 p.m.     Council Board and Commission Assignments – Council discussion
- 3:30 p.m.     Council discussion and approval of 2016 Meeting Dates & Times
- 4:00 p.m.     Council tablets/laptops – Council discussion
- 4:15 p.m.     Adjournment
- 4:15 p.m.     SPECIAL MEETING (separate agenda)**

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

**41.3.8 IN-CAR AUDIO OR VIDEO RECORDING SYSTEMS& BODY WORN CAMERAS (WEARABLE VIDEO RECORDERS)**

**A. POLICY:**

The Salisbury Police Department has developed a policy for the utilization of In-Car Mobile Digital Audio/Video Recording System **and body worn camera (wearable video recorder) systems to insure an accurate and unbiased documentation of the interaction in law enforcement related incidents. Body worn cameras (wearable video recorders)** and in-car cameras will be used to assist Department personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

To maximize effectiveness of the camera systems and maintain integrity of evidence related documentation, all personnel assigned the use of these devices will adhere to the procedures outlined within this written directive.

These systems will be used for documenting and collecting audio and video evidence to be used in criminal proceedings, civil litigation, officer safety and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein to maximize the effectiveness of the in-car recording system **and the body worn camera (wearable video recorder) system** in an effort to maintain the integrity of evidence and related documentation.

**B. PURPOSE:**

The purpose of this policy is to provide officers of the Salisbury Police Department with guidelines for use, management, storage, and retrieval of the audio-visual media recording systems (**Body worn cameras-wearable video recorders** and the in car camera system). The purpose of this written directive is to institute guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body worn cameras (wearable video recorders) as well as in car cameras.

**C. CIVIL LIABILITY:**

Law Enforcement by its very nature is frequently put into the position of potential liability through the necessity of defending civil lawsuits. The agencies involved in these lawsuits expend large sums of money to defend or settle these claims. The use of the in-car digital audio/video recording system will better enable the agency to defend against frivolous and unfounded claims.

#### **D. CRIMINAL PROSECUTION:**

The use of the in-car digital audio/video recorder system **and Body worn cameras (wearable video recorders)** will affect criminal prosecutions similar to the way it affects civil liability in that it will reduce costs both in prosecution and the time an officer spends in court. The audio/video documentation of traffic infractions, as they occur and/or the statements of individuals at the time of interviews are valuable pieces of evidence. In addition, audio/video evidence is very useful because it can depict the scene and environment accurately.

#### **E. PUBLIC RELATIONS:**

Successful law enforcement agencies recognize the value of maintaining good relations with the public they serve. It would be reassuring for citizens to know that an agency is proud of the performance of the police officers serving them and routinely records their performance. The agency's demonstrated confidence in its police officers will enhance a positive image for the Department. While the intent of the recordings is to provide an accurate record of an incident, it will be viewed as a tool to provide protection for officers and citizens alike. When a controversial incident occurs, a review of the recording may clarify the actions and thereby justify or dispel the allegations that were made.

#### **F. TRAINING:**

Another important function of the in-car audio/video recording system **and Body worn cameras (wearable video recorders)** is for verification of officer performance. This may be utilized as a tool to illustrate inappropriate behavior or reinforce appropriate behavior, thus improving interpersonal skills and officer safety. By reviewing an incident the officer can identify potential problem areas in his or her tactics and demeanor and make adjustments. The IT Department will be responsible for ensuring that employees are properly trained on how to use the in-car audio/video **and the Body worn cameras (wearable video recorders)**.

#### **G. LEGAL GUIDELINES:**

An important aspect of the recording systems is the legal challenge that will be faced when introduced as evidence. Once an attorney, defendant or plaintiff realizes it is difficult, if not impossible to refute picture/sound evidence, they may attempt to attack the integrity of the technology in an effort to have the evidence disallowed.

**All recording media, images, and audio are property of the Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this written directive without the expressed written consent of the Chief of Police.**

**Under no circumstances shall any member of the Department make a personal copy of any recorded event without prior written permission of the Chief of Police.**

Defense attorneys will examine the officers' ability to erase or alter portions of the recordings. The in-car audio/video and the **Body worn cameras (wearable video recorders)** systems utilized by this Department contains special data that is displayed on the video track and is embedded into video recording itself to show that it has not been altered. At a minimum, this includes the date and time. The set-up menu for the in-car audio/video recording system will be locked and secured, thereby not allowing officers access to change the time, date, ID, etc.

1. Courts and Judicial Proceedings, Section 10-402, of the Annotated Code of Maryland, makes it unlawful, with some exceptions, for any person to intercept, endeavor to intercept, disclose, endeavor to disclose, use, or endeavor to use any *audio* communication unless all parties to the communication have given prior consent to having the *audio* recording made.
2. Therefore, officers will not utilize the in-car digital audio/video recorder system **or the Body worn cameras (wearable video recorders)** to make *audio* recordings unless consent is obtained or the audio recording is made pursuant to the exception contained in Section II C of this General Order. Courts and Judicial Proceedings, Section 10-402, does not restrict or place consent requirements on *video* recordings made without audio.
  - a) The following is an exception to Courts and Judicial Proceedings, Section 10-402, and allows officers to utilize the in-car digital audio/video recorder system to make both *video* and *audio* recordings without the consent of the parties to the conversation.

An officer may make an *audio* recording if all of the following apply:

- i. The officer initially detained a vehicle for a traffic violation.
- ii. The officer is a party to the conversation.

- iii. The officer has been identified as a law enforcement official to the parties of the conversation prior to the beginning of the conversation.
- iv. The officer informs all parties at the beginning of the conversation that an audio recording is being made.
- v. The audio recording is being made as part of a videotape recording.

**H. BASIC COMPONENTS OF THE IN-CAR MOBILE AUDIO/VIDEO RECORDING SYSTEM:**

- 1. Camera(s)
- 2. Control Interface through MDT
- 3. Storage Medium
- 4. Wireless Microphone, worn by the officer
- 5. Server

**I. OBJECTIVES OF THE IN-CAR MOBILE AUDIO/VIDEO RECORDING SYSTEM AND THE BODY WORN CAMERAS (WEARABLE VIDEO RECORDERS):**

- 1. The component of the in-car video camera system **and Body worn cameras (wearable video recorders)** will be used to:
  - a) Enhance officer safety
  - b) Accurately capture statements and events during the course of an incident.
  - c) Enhance officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
  - d) Vividly replay those incidents for prosecutors and courts thereby increasing rates of convictions for violations of the law.
  - e) Clearly identify suspects and their vehicles.
  - f) Record critical incidents, circumstances for investigations, review purposes.
  - g) Capture audio and video information for current and future investigations.
  - h) Provide **documented** training tool for self-critique and field training officer evaluation.

**J. GENERAL PROCEDURE(*In-Car Audio/Video*):**

1. It shall be the responsibility of the Salisbury Police Department **I.T. Department** to ensure that the in-car audio/video recording system is properly installed according to the manufacture's recommendations. The in-car system shall automatically activate when emergency equipment (lights) are activated, the wireless transmitter is operating, or when the vehicle speed reaches a pre-set range. The system may also be activated manually by the officer from the control panel affixed to the interior of the vehicle. Placement and operation of system components within the vehicle shall be based on officer safety requirements. All officers **and supervisors** who are assigned use of the in-car camera system shall successfully complete the department's approved course of instruction prior to being deployed with systems in operational settings. The IT division will be responsible for receiving and approving the department's course of instruction, through the company supplying the in-car mobile audio/video recording system.

**K. OFFICER'S RESPONSIBILITIES:**

1. Inspection and general maintenance of the in-car audio/video recorder system installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle and the equipment will be used within the manufacturer's guidelines and departmental policy. **Inspection and general maintenance of the body worn camera (wearable video recorder) shall be the responsibility of the officer assigned to the device and the equipment will be used within the manufacturer's guidelines and departmental policy.**
2. Prior to beginning each shift, the assigned officer shall log into the in-car recorder system with an assigned password for use during the officer's tour of duty. This officer shall perform an inspection to ensure that the in-car recorder is performing in accordance with the manufacturer's recommendations covering the following matters:
  - a) Remote Audio Transmitter functional:
    - i. Adequate power source
    - ii. Connection to the recording equipment
    - iii. Remote activation of system via transmitter
  - b) Camera Lens:
    - i. Windshield and camera lens free of debris
    - ii. Camera facing intended direction

- c) Recording mechanism capturing both audio and video information:
  - i. System plays back both audio and video
  - ii. The date, time, and digital counter shall be operational on the recorder display.
  
- d) Malfunctions or damage of any kind to the in-car recording equipment **or the body worn camera (wearable video recorder)** shall be reported to the on-duty supervisor prior to placing the unit into service. A vehicle with an inoperative audio/video system will not be used without the express permission of a commanding officer. If the vehicle is placed in service without an operating in-car recorder, a notation will be made on the officer's daily car inspection sheet. A copy of this report will be immediately forwarded to the Operations Commander. Include on the vehicle report information the suspected cause(s) of equipment failure, if known, and any recommendations for corrective action.
  
- e) Prior to contacting any person in an enforcement capacity, officers are to activate the in-car audio/video system **or the body worn camera (wearable video recorder)**. All officers assigned to the in-car recorder will be in uniform. During any initial contact, officers shall advise the person that a sound recording is being made. That advisement or statement must be included in the recording. (e.g., "You are being audio/visually recorded"). Officers who are assisting another officer or providing backup may use their in-car audio/video equipment or **their body worn camera (wearable video recorder)** to record an incident or contact from another perspective. When an assisting officer is also recording, they should, if practical, inform the primary officer of camera activation.
  
- f) Other Officers interviewing suspects on video camera shall adhere to constitutional requirements. Subjects must be informed that they are being recorded. An officer is not required to inform a person they are being recorded if the person is being recorded under exigent circumstances.
  
- g) Police personnel may review original audio/video data once they have been submitted for storage on the server upon written request to the IT Division. Officers may review audio/video data if it has not been removed from the in-car audio/video recording system.

**L. MANDATORY RECORDING:**

1. Officers will use a function feature of the in-car recorder **and body worn camera (wearable video recorder)** to designate the recording as evidence so that it may be copied to portable media for evidence storage. The following recordings will be considered evidence in criminal cases:
  - a) Traffic stops(to include, but not limited to) traffic violations, stranded motorist assistance, investigative stops, all suspected DUI stops, and /or other arrests
  - b) Code II and III priority responses
  - c) Vehicle pursuits
  - d) All transports of prisoners and civilians
  - e) Crimes in progress
  - f) Non-traffic related arrests or investigative stops (when feasible),
  - g) Vehicle searches and inventories
  - h) Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.

**M. OPERATIONAL PROTOCOLS:**

1. Unless directed otherwise by a supervisor, an officer operating a police vehicle equipped with an in-car recorder will have the system turned on at all times when the vehicle engine is running. The officer shall also wear the provided wireless microphone activated in the “on” position during those situations as listed above under mandatory recordation. The officer may use discretion regarding recording other types of officer/citizen contact.
2. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of the event.
3. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with the in-car recorder.
4. Officers shall not erase, alter, reuse, modify, or tamper with the in-car recorder and **body worn camera (wearable video recorder)** recorded data. Only personnel designated by the Chief of Police may erase and reissue recordings and may only do so pursuant to the provisions of this policy.
5. When the in-car recorder **or the body worn camera (wearable video recorder)** is activated to document an event, it shall not be deactivated until the event has been concluded.

6. The video/audio recording of any other activity will be at the discretion of the officer. Officers should attempt to keep the video camera positioned in such a manner as to capture the event in its entirety. Officers are encouraged to provide verbal narration when audio recordings are made.
7. Officers may, at their discretion, with or without the consent of involved parties, make only video recordings at any time when the officer feels the recording may have prosecutorial or investigative merit. Examples of such uses include, but are not limited to, suspicious situations, disorderly conduct, and crime and traffic scenes.
8. Officers will begin any field interview or other citizen contact with the audio turned off. The audio will only be turned on if circumstances exist that will allow the officer to ask and obtain consent from all parties to the conversation without creating a safety hazard to the officer or any other person at the scene.
9. Whenever a video/audio recording is made of a crime or incident and a written report is generated, a note of recording, or multiple records if more than one officer recorded the event, will be included in the narrative portion of the report.
10. Officers will not use the Mobile Video Recording System **or the body worn camera (wearable video recorder)** to covertly record other police personnel.
11. The department recognizes that it may not always be practical to activate the Mobile Video Recording System **or the body worn camera (wearable video recorder)** equipment. Officers will not allow the operation of the Mobile Video Recording System **or the body worn camera (wearable video recorder)** to interfere with their own personal safety, the personal safety of others, or the safe operation of the police vehicle.

**N. SQUAD COMMANDER'S RESPONSIBILITIES:**

1. When an incident arises that requires the immediate retrieval of the recorded data, to include, but not limited to (serious crime scenes, departmental shootings, departmental accidents), a supervisor will contact the IT Division supervisor.

**O. OPERATIONS DIVISION COMMANDER'S RESPONSIBILITIES:**

1. Technical support personnel as designated by the Chief of Police will be primarily responsible to maintain data that has been downloaded to the server.

2. The Operations Commander, once informed, or otherwise becomes aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
3. The Operations Division Commander, or his designee shall conduct a **semi-annual documented** review of randomly selected officer assigned vehicles equipped with in-car recorders and assigned officers **body worn cameras (wearable video recorder)** in order to:
  - a) Assess officer performance
  - b) Assure proper functioning of in-car recorder equipment
  - c) Determine if in-car recorder or **the body worn camera (wearable video recorder)** equipment is being operated properly
  - d) Identify recordings that may be appropriate for training
4. Minor infractions that are not criminal in nature, discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of department policies or procedures.

#### **P. IT DIVISION RESPONSIBILITIES**

1. The IT Division will be responsible for ordering, issuing, retrieving, maintaining storage, cleaning of necessary components, ensuring that data is being downloaded correctly, duplication of recorded media upon written request **and training for users and supervisors.**
2. **The I.T. Division shall produce a weekly audit report of in-car camera footage. This report shall be a random selection of police vehicle cameras. The audit report will be submitted to the Administrative Commander on a weekly basis. The audit report will be used to measure training needs and overall usage of the equipment.**

#### **Q. RETENTION OF RECORDED MEDIA:**

1. Retention of Non-evidentiary Digital Video/Audio Recordings
  - a) Retained on the digital video server for a **120 day** period.

- b) If, during the **120 day** retention period a copy of the recordings are needed, officers will make a written request via the chain of command to technical support personnel.
  - c) After the audio/video data has progressed through the **120 day** retention period, the data will be erased from the server.
  - d) Some recordings may be retained to be utilized for training purposes and for an indefinite period of time at the direction of the Chief of Police.
2. Evidentiary Digital Audio/Video Recordings will be book-marked by the employee who is using the audio/video recorder. The recordings will then be copied to a separate storage medium by the IT department. Recording to a separate storage medium will be completed after written request has been made to the IT department **through a “Help Desk” Ticket** and will become the responsibility of the requesting employee for proper submission into property.
3. The following recordings will be considered evidentiary in nature
- a) Recordings that are associated to any pending criminal or civil court action
  - b) Recordings that are associated with an ongoing investigation
  - c) Recordings that involve a complaint against any police department personnel
  - d) Anytime an officer is injured in the performance of duty
  - e) Any use of force situation that would require reporting on an SPD-126
  - f) At the discretion of the Chief of Police, or his designee
  - g) Any recording or event that the employee, through his/her training and experience; believes should be recorded and retained.
  - h) Any Salisbury Police departmental accidents.

**R. EVIDENCE REQUEST AND SUBMITTAL OF (DIGITAL AUDIO/VIDEO RECORDINGS):**

- 1. Videos needed for evidence in court must be requested immediately upon notification that the video is required for court or no later than 30 days in advance of the scheduled court date. This request shall be submitted to the IT department through the “Help Desk” for proper preparation for court.
- 2. All copies of digital audio/video recordings will be completed by SPD technical support.
- 3. If digital in-car video **or body worn camera (wearable video recorder) videos** to be used for criminal prosecution, a copy of the video will be made. This video will be copied onto a storage medium at the request of the investigating officer by SPD technical personnel.
- 4. These storage mediums will be marked with the appropriate SPD case number; SPD property record completed and will be submitted into property as evidence by the requesting employee.

5. When department in-house reports are prepared on an incident that was recorded, the officer will note in the text of the report that the in-car video or **the body worn camera (wearable video recorder)** camera system was utilized.

**S. RELEASE OF COPIES OF (DIGITAL AUDIO/VIDEO RECORDINGS):**

1. A Public Information Act request form must be submitted before a copy request will be considered by the Salisbury Police Department.
2. Video disc copies will be made available to defense attorneys while the original evidentiary copy will remain in evidence unless a court order is issued to release the original disc.
3. Copies requested by law enforcement agencies, authorized prosecuting agents, or judicial entities shall be provided without cost.
4. Release of evidentiary copies to other individuals or companies will require the written approval of the Chief of Police. The requesting entity must pay copying fee directly to the records section during normal business hours. The current City of Salisbury copying rate will apply.
5. No employee of the Salisbury Police Department will maintain a personal copy of any recorded media whether or not the media is of evidentiary value.

**T. DISCOVERY:**

1. Copies of audio/video recordings requested for discovery shall be made available to the prosecutor's office and for the prosecutor to allow viewing by the defendant/defense attorney. Copies will not be furnished to the defendant/defense attorney without the approval of the prosecuting attorney and a commander designated by the Chief of Police or his designee.
2. In civil cases or infractions where the prosecutor is not involved, the plaintiff, defendant, and/or their attorneys are entitled to discovery. The plaintiff, defendant, and/or their attorneys need to state, in writing, that the audio/video tape is necessary for litigation purposes and submit their request for the audio/video tape to the City Attorney's office.

**U. PUBLIC DISCLOSURE:**

1. No in-car or **body worn camera (wearable video recorder)** recordings shall be released for any commercial purpose to include but not limited to television, radio, newspaper, or other media sources without the expressed permission of the Chief of Police or designee.

2. Requests for copies of audio/video recordings shall be made in writing to the Salisbury Police Department and will be forwarded to the City Attorney's office. The incident, date, time, and case number should be included in the request. If releasable, only the portion of the audio/video recording related to the request shall be duplicated by the Chief's designee.

## **WEARABLE VIDEO RECORDER (BODY WORN CAMERAS): SPECIFICALLY**

### **1. EQUIPMENT**

- a) Department issued body worn cameras (wearable video recorders) are intended for official department use only and are not to be used for frivolous or personal activities.
  - i. Intentional misuse or abuse of the units will result in disciplinary action.
- b) Sworn personnel shall use only those body worn cameras (wearable video recorders) issued and approved by the Department.
  - ii. The wearing of personal video recorders is not authorized.

### **2. RESPONSIBILITY**

- a) Supervisors may assign body worn cameras (wearable video recorders) to individual officers as deemed appropriate.
- b) Officer Responsibility
  - i. Prior to beginning a shift, officers shall ensure its readiness by conducting an operational inspection.
  - ii. Officers will be responsible for the body worn camera (wearable video recorder).
    - 1) Any problems preventing the use of the unit during the shift will be reported to the immediate supervisor.
    - 2) Problems that cannot be remedied will be reported to the IT Division by way of the "Help Desk" and a help desk ticket will be generated.

- c) **Officers will activate the unit to record during each citizen encounter related to a call for service, enforcement action, traffic stop, search warrant execution and/or police service. The officer will advise the citizen(s) that they are being audio and visually recorded.**
  - i. Tactical activities such as, building searches, searches for suspects, and building checks at alarms will be recorded.
- d) Officers will advise any person in a building or residence that they are being recorded.
  - ii. Individuals being recorded must provide consent
  - iii. If consent is not given the recording will cease.
- e) Officers will **download the video from the** body worn camera (wearable video recorder) at the end of their shift.
  - i. **Flag or bookmark any video related to a criminal or traffic case, or that may be useful to the Department for training purposes.**
- f) Prior to court, arrest videos will be placed into Salisbury Police Department evidence and will remain as a part of the case file until destroyed in accordance with the guidelines set forth by the State of Maryland and the Salisbury Police Departments records retention policy.
- g) Supervisor Responsibility
  - i. It is incumbent on supervisors to ensure officers utilize body worn cameras (wearable video recorders) according to written directive guidelines.
  - ii. If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the supervisor will notify the appropriate division commander, who will notify the internal affairs commander that the video is flagged for indefinite retention.

### **3. LEGISLATION AND REFERENCES**

- a) Maryland Code, Courts and Judicial Proceedings, Title 10. Evidence, Subtitle 4. Wiretapping and Electronic Surveillance, Section 10-402, Subsection C (4) (i) Maryland Code, Courts and Judicial Proceedings, Title 10. Evidence, Subtitle 4A. Stored Wire and Electronic Communications and Transactional Records Access, Subsection 10-4A-05

**(New Policy – May – 2015)**



*From the Office  
of the  
Fire Chief*

**Date:** 24 November 2015

**To:** Tom Stevenson, City Administrator

 **From:** Richard A. Hoppes, Chief of the Department

**Subject:** Budget Amendment – Buildings Account

This memorandum serves as a formal request to fund a budget amendment to close a funding gap that has occurred pursuant to unanticipated budget expenses. The reasons for the funding gap are due to unanticipated expenses to maintain our physical facilities. The following is a list of unanticipated expenses so far this year that represent 60% of the total authorized budget for maintaining the physical facilities:

- Repairs to Fire Facilities HVAC = \$ 29,858.34
  - Repairs to Fire Station 1 Parking Lot (Sink Holes) = \$ 5071.00
- Total shortfall = **\$ 34,929.34**

The total FY15 budget for the FD Buildings Account – 24035-534301 is \$ 58,300.00. The decision to fund these unanticipated expenses was made due to the critical nature of the repairs were such that either deferring them would affect the working environment for our members or that prevented further damage to apparatus or worsening of an existing problem. The decision was made with the hope that other items could be deferred to get through the remainder of the fiscal year but this has not been successful due to ongoing routine expenses. With unanticipated expenses totaling almost half of the total budget, and given that the fiscal year is not yet half over, an amendment must be completed to finish the year.

It is very unfortunate to have to come to you at such an early stage in the fiscal year with a budget amendment but circumstances have made it necessary to do so. The unanticipated expenses for the HVAC repairs were impossible to foresee. Therefore this request for a budget amendment of \$ 35,000.00 to be placed into the FD FY16 budget account # 24035-534301 (Buildings).

Thank you in advance for your time and consideration on this request. I look forward to working with you to complete this most important business and ask that you contact me if you have need for further information a 410-548-3120 X 103 or at

H:\Codes, Ordinances, & Legislation\Resolutions and Ordinances\Budget Amendment\_Building Acct.\_FY16\Budget Amendment Memo\_Buildings Acct.\_FY16.doc

**This is a Department Specific Communication Intended for Internal Use Only  
Unauthorized Use is Strictly Prohibited**

[rhoppes@ci.salisbury.md.us](mailto:rhoppes@ci.salisbury.md.us) . Unless you or the Mayor have additional questions, please advance the cover memorandum and resolution of support to the City Council for approval.

Attachment: Budget Amendment Ordinance - Building Account - FY16

cc: File



# City of Salisbury



MARYLAND



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JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

BILL GARRETT  
DIRECTOR OF INFORMATION  
TECHNOLOGY

TO: Tom Stevenson, City Administrator  
FROM: Bill Garrett, Director of Information Technology  
DATE: October 7, 2015  
RE: Tuition Reimbursement Program

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Mayor Ireton has expressed interest in offering an incentive program to reimburse 75% of tuition costs for an employee who successfully completes a job-related course for college credit at an accredited institution of their choice. This program consists of adding the attached section 0411 to Chapter 4 (Employee Benefits) of the City of Salisbury Employee Handbook denoting the requirements, approved courses and programs, reimbursement level, employee responsibilities, procedures and more.

The attached ordinance secures funding of \$10,000 for this incentive, which should allow for just over 97 credit hours for in-county tuition at Wor-Wic Community College (\$102 per credit hour), or just over 35 credit hours for in-state tuition at Salisbury University (\$276 per credit hour). As explained in the proposed Chapter 4 section 0411, any school is acceptable as long as it is a regionally accredited university of college.

In August, we conducted a poll of City employees, asking three questions; whether the employee would attend university if the City reimbursed for successful completion of courses, whether they would attend on-line, or whether they would attend on-campus. Of the 100 employees responded to the poll, 84% said they very likely or definitely would attend university to achieve their degree with this program. 77% of respondents said they would very likely or

definitely consider on-line learning, and 79% said they would very likely of definitely consider on-campus learning. The results are in the chart below:

Q1) How likely would you be to take college courses to achieve a degree if the City of Salisbury reimbursed you for successful completion of classes?

<b>Answer Choice</b>	<b>Response %</b>	<b>Number of Responses</b>
Definitely Would	61%	61
Very Likely	23%	23
Somewhat Likely	10%	10
Not Likely	3%	3
Would Not	3%	3
	<b>TOTAL</b>	<b>100</b>

Q2) How likely would you be to take online (distance-learning) courses at a local or other regionally accredited university if the City offered some kind of tuition reimbursement?

<b>Answer Choice</b>	<b>Response %</b>	<b>Number of Responses</b>
Definitely Would	56%	56
Very Likely	21%	21
Somewhat Likely	14%	14
Not Likely	4%	4
Would Not	5%	5
	<b>TOTAL</b>	<b>100</b>

Q3) How likely would it be for you to take in-person (on campus) courses at Wor-Wic, SU, Wilmington or local universities if the City offered some kind of tuition reimbursement?

<b>Answer Choice</b>	<b>Response %</b>	<b>Number of Responses</b>
Definitely Would	49%	49
Very Likely	30%	30
Somewhat Likely	14%	14
Not Likely	3%	3
Would Not	4%	4
	<b>TOTAL</b>	<b>100</b>

Following this initial survey, the City held a 3-day education fair that saw representatives from Wor-Wic Community College, Salisbury University, Wilmington University and UMES meet with employees at the Government Office Building, City Yard, Police Department and Fire Department. The representatives of each school gave the following numbers of persons showing strong interest in their programs:

- Wor-Wic – 12 Requests for Information
- S.U. – 19 Requests for Information
- Wilmington – 25 Requests for Information
- U.M.E.S. – 9 Requests for Information

Since the education fair was only 3-4 hours at each location with relatively short notice, the numbers paired with the online poll's positive outlook is encouraging. It is my belief that if the City offered this type of tuition reimbursement program for staff, it would be received favorably and have a beneficial outcome for the City in terms of morale, efficiency of workers and hopefully educational innovation.

# City of Salisbury



MARYLAND



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JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

BILL GARRETT  
DIRECTOR OF INFORMATION  
TECHNOLOGY

TO: Tom Stevenson, City Administrator  
FROM: Bill Garrett, Director of Information Technology  
DATE: November 30, 2015  
RE: Tuition Reimbursement Program

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As requested by Council President Heath and Vice President Mitchell after the first discussion at the Work Session on October 19, 2015, the following changes were made to the policy:

- Lines 25-30: Submissions must be made to department heads by January 1<sup>st</sup> of each calendar year so that funding can be incorporated into the next fiscal year's budget process.
- Lines 46-51: Changed the wording so that the department head has more leeway to approve a course that might not directly correspond to an employee's job duties, but may reflect a future job within the City government.
- Lines 103-105: Added the requirement for an employee to repay the City for any tuition reimbursements made within one year of their voluntarily resigning.

The requested funding for FY2016 has been removed from this item. If this policy is approved, each department must find funding within their own budget if they wish to approve any classes for their employees during the current fiscal year. Any FY17 funding can be planned for during the budgeting process which will begin soon.

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**City of Salisbury**  
**Employee Handbook Addition**

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**DRAFT DOCUMENT – NOT YET REVIEWED BY LEGAL**

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**0411 College Tuition Reimbursement Program**

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**Chapter: 4 – Employee Benefits Section: 0411 (New)**

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**Dates: Revised November 17, 2015**

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**Purpose:** A College Tuition Reimbursement Program is designed to provide an opportunity for employees to obtain education in order to increase their competence in their present jobs and to prepare for future advancements within the City.

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**Policy:**

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**I. Core Requirements**

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**A. Eligibility will be based upon the following guidelines being met;**

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1. Available budgeted funds in the Human Resources Tuition fund in the then current fiscal year. Funds will be encumbered for approved requests in the order they are received from each Department.
2. Approval from the Department Head.
3. Employee will not be in a probationary period and will be rated as “Satisfactory” or better during their most recent employee performance review.

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**B. Employees must submit a letter of interest in attending educational classes to their supervisor by ~~July 1~~ January 1<sup>st</sup> of each calendar year. The letter should include name of the institution, name of courses, a description of how this class would directly improve their job performance, and all associated costs. This provides the Department Head with sufficient time to incorporate approved tuition requests into their next FY budgets. This information will be used to determine budget availability.**

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**C. The City will reimburse for pre-approved tuition expenses. Tuition reimbursement will be provided up to a fiscal year maximum of four classes per fiscal year per eligible employee.**

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**II. Approved Programs & Courses**

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**A. Tuition reimbursement is available for credit granting associate, bachelor, or graduate degree programs at any regionally accredited university ~~and or~~ college.**

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## 220-02 College Education Program

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- B. Personal interest courses that are not job related and second degrees are programs not supported under this Tuition Reimbursement Policy.
  - C. Courses must directly relate to job duties currently performed by the employee, or duties which could be performed in the future by the employee at a position within City government at the approval of the Department Head. Courses that will not directly relate to the employee's current or potential job performance within the City government are not supported under this Tuition Reimbursement Policy.
- 51 III. Non-Credit Courses
- A. A preparatory, non-credit, or remedial class will not be covered under the tuition reimbursement program.
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- 55 IV. Reimbursement Level
- A. Tuition reimbursement will be provided up to an annual maximum of four courses per fiscal year. Expenses such as textbooks and lab fees are not eligible for reimbursement.
  - B. The annual maximum is based on the fiscal year, July through June.
  - C. Reimbursement will be credited to the fiscal year in which the class was completed. For example, if a class is completed in June but the reimbursement is not paid until July the reimbursement is considered part of the prior fiscal year annual maximum allowable amount.
  - D. Reimbursement will be paid at 75 percent as long as you receive a grade of 3.0 or above.
  - E. Grants, scholarships, or other funds which the employee does not have to repay must be disclosed when applying for Tuition Reimbursement. The City's payments will be coordinated with these programs so the employee does not receive more than 100% reimbursement for the tuition.
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- 71 V. Employee Responsibility
- A. Pre-Approval
    - 1. You must have your course pre-approved by the Department Head in order to be eligible for reimbursement. Any tuition reimbursement request submitted after the requested class has started will be denied.
    - 2. To have your class pre-approved, send a completed Training/Travel Request Form to your immediate supervisor, containing all required information. You will be notified whether your request has been approved or denied. The Tuition Reimbursement Request will be returned to your attention for you to re-submit when applying for your reimbursement.
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## 220-02 College Education Program

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- 82 B. Applying for Reimbursement for Your Tuition
- 83 1. After you have completed the class, you must re-submit the pre-approved
- 84 Tuition Reimbursement Request to your Department Head within 60
- 85 days of completing the class. The following information must be
- 86 attached:
- 87 a. Evidence of the grade earned: Official grade report or
- 88 transcript.
- 89 b. A verified statement of the cost of tuition and adequate receipts
- 90 showing payment was made.
- 91
- 92 VI. Termination of Employment
- 93 A. If you are terminated by the City for any reason except business conditions,
- 94 eligibility for reimbursement ends immediately, whether your class is completed
- 95 or not. If a participant is laid off or terminated due to a slow economy, job
- 96 elimination, or other business conditions over which the employee has no control,
- 97 the employee maintains eligibility for reimbursement at the completion of the
- 98 course, as long as the class began prior to the layoff or termination.
- 99 B. If participants quit their employment with the City before the class is completed,
- 100 eligibility ends immediately.
- 101 ~~B-C.~~ If participants quit their employment with the City voluntarily within one year of
- 102 receiving tuition reimbursement, the complete sum of the reimbursement must be
- 103 repaid to the City.
- 104
- 105 VII. Tax Status
- 106 A. The rules of this program are governed by the Internal Revenue Code. As such,
- 107 certain reimbursements may be subject to income taxes. All reimbursements are
- 108 processed through the City's payroll system, regardless of whether they are
- 109 subject to income tax or not. The payment of any taxes due remains the
- 110 responsibility of the employee.
- 111 B. The rules of this program may be modified at any time without notice to keep the
- 112 program in compliance with the Internal Revenue Code.

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**INTER**

**OFFICE**

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# MEMO

## City Clerks Office

**To:** City Council  
**From:** Kim Nichols, City Clerk  
**Subject:** Council Board & Commission Assignments  
**Date:** December 17, 2015

Attached is the list of Boards and Commissions requiring Council representation for Council discussion at the December 21, 2015 Work Session.

## COMMITTEE/COMMISSION APPOINTMENTS

After an election, the City Council selects member to serve on various committees/commissions. This is usually done informally at a work session (first one after sworn into office.)

Gray shaded blocks = No Council Members have expressed interest

Lilac shaded blocks = Two Council Members have expressed interest

Committee/Commission	Council Representative
Airport Commission	OPEN
Bicycle-Pedestrian Advisory Committee	Jack Heath
City Park Committee	Muir Boda
Marina Committee	Muir Boda
PAC14	Laura Mitchell
Planning & Zoning Commission	Jack Heath
Recreation & Parks	April Jackson/James Ireton, Jr.
Salisbury Wicomico Metropolitan Planning Organization (Council President serves)	Jack Heath
Town Gown	Jack Heath
Traffic & Safety Advisory Committee	Muir Boda
Tri-County Council	Laura Mitchell
Wicomico County Library Board	James Ireton, Jr.
Zoo Commission	Laura Mitchell/James Ireton, Jr.

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**INTER**

**OFFICE**

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# MEMO

## City Clerks Office

**To:** City Council  
**From:** Kim Nichols, City Clerk  
**Subject:** Council Meeting Dates  
**Date:** December 17, 2015

Attached is a list of the proposed meeting dates for Council Meetings and Work Sessions for Council discussion and approval.

# City of Salisbury



MARYLAND

## SALISBURY CITY COUNCIL PROPOSED MEETING DATES 2016

### REGULAR MEETINGS – 6:00 P.M. – Council Chambers

January 11	July 11
January 25	July 25
February 8	August 8
February 22	August 22
March 14	September 12
March 28	September 26
April 11	October 10
April 25	October 24
May 9	November 14
May 23	November 28
June 13	December 12
June 27	December 26

### WORK SESSIONS - Council Chambers unless otherwise indicated\*

January 4	July 5 (Tuesday) Room 306
January 19 (Tuesday)	July 18
February 1	August 1
February 16 (Tuesday)	August 15
March 7	September 6 (Tuesday) Room 306
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 7
May 16	November 21
June 6	December 5
June 20	December 19

\*4:30 p.m. – first work session of the month  
1:30 p.m. – second work session of the month