

TITLE 2

CLASSIFICATION, ADMINISTRATION

AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 City Council
- 2.16 Mayor
- 2.20 City Hall and Officials
- 2.24 Recorder/Treasurer
- 2.28 Department of Public Safety
- 2.32 Personnel Policies
- 2.36 Advertising and Promotion Commission
- 2.40 City Attorney
- 2.44 Cafeteria Plan for Employees

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city The city of Fairfield Bay, Arkansas, shall operate as a city of the second class under the laws of the state of Arkansas.

STATE LAW REFERENCE - See A.C.A. 14-37-105, 14-37-103.

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- | | |
|---------|-----------------|
| 2.08.01 | Ward boundaries |
| 2.08.02 | Areas excluded |

2.08.01 Ward boundaries The ward boundary lines of the city are hereby revised and described as follows:

Ward 1: Shall consist of all property within the city limits west of Ward 2 and north of Ward 3.

Ward 2: Shall consist of all the area within the city limits of Fairfield Bay, Arkansas, both in Van Buren County and Cleburne County east of the following line:

Beginning at the U.S. Corps of Engineers white line and the southwest corner of Lot 10 of Hamilton Hills Point Estates proceed northwest along the lot line to the northwest corner of Lot 10 and continue to the center line of Mallard Drive; thence along the center line of Mallard Drive in a westerly direction to the intersection with the center line of Dave Creek Parkway; thence northerly and westerly along the center line of Dave Creek Parkway to the intersection with the center line of Glenwood Lane; thence northeasterly along the center line of Glenwood Lane until it intersects with the center line of Burnt Rock Falls Road; thence north and east along the center line of Burnt Rock Falls Road until its intersects with the center line of Old Loggers Trail; thence northeasterly along the center line of Old Loggers Trail until it intersects with the center line of Pine Knot Road; thence northeasterly along the center line of Pine Knot Road until it intersects with the center line between the two lanes of Woodlawn Drive; thence north along the center line of Woodlawn Drive until the intersection of Woodlawn Drive and Haverhill Road; thence northerly along the center line of Haverhill Road to the intersection of the center line of Haverhill Road and the center line of Crossover Road; thence westerly along the center line of Crossover Road to the intersection of the center line of Crossover Road and the center line of Dave Creek parkway; thence northerly along the center line of Dave Creek parkway to the intersection of the center line of Dave Creek parkway and the center line of Arkansas Highway 16; thence northerly along the center line of Ashbrook Road to the intersection of the center line of Ashbrook Road and the south boundary of Northwood Hill, Block One; thence easterly along the south boundary of Northwood Hills, Block One to the southeast corner of Northwood Hills, Block One; thence northerly along the east boundary of Northwood Hills, Block One to the northeast corner of Northwood Hills, Block One; thence westerly along the north line of Northwood Hills, Block One to a point at the southeast corner of Northwood Hills, Block One, said point is at the north line of Lot 129 Northwood Hills, Block One; thence northerly along the east line of Northwood Hills, Block One passing the east line of Lots 68 through 87 of Northwood Hills, Block One, to the northeast corner of Northwood Hills Block One; thence

westerly along the north line of Northwood Hills, Block One and Block Two to a point at the center line of Haddock Drive; thence north along the center line of Haddock Drive to a point at the northeast corner of Northwood Hills, Block Two; said point is also the intersection of the center line of Haddock Drive and the center line of Ledgerock Lane.

Ward 3: Shall consist of all the area within the city limits and generally south and west of the following line:

Beginning at a point which is the NW corner of that tract of the city of Fairfield Bay, Arkansas, which is west of Arkansas Highway 330, proceed in an easterly direction along the north line of said tract, to the center line of Highway 330; thence south on the center line of 330 to the intersection of the center line of 330 and the center line of Beaver Road; thence east along the center line of Beaver Road continuing past Westwood Road until it intersects with the center line of West Cliff Drive; thence northerly and easterly along the center line of West Cliff Drive until it intersects with the centerline of Dave Creek Parkway; thence southerly along the center line Dave Creek parkway until it intersects with the center line mariner Drive; thence southwesterly along the center line of Mariner Drive until it intersects with the center line of Sky King Drive; thence southeasterly along the center line of Sky King Drive until it intersects with the center line of Zenith Drive; thence southerly along the center line of Zenith Drive until it intersects with the center line of Dave Creek parkway; thence southerly and easterly along the center line of Dave Creek parkway until it intersects with the center line of Glenwood Lane, which point of intersection is on the boundary line separating Wards 1, 2 and 3; thence continue southerly and easterly along the line separating Ward 2 and Ward 3, which line continues along the center line of Dave Creek Parkway until the intersection with the center line of Mallard Drive; thence continuing easterly and southerly along the center line of Mallard Drive to the northwest corner of Lot 10 of Hamilton Hills Point Estates; thence southeasterly along said lot line until it intersects with the U.S. Corps of Engineers white line. (Ord. No. 02-4, Sec. 1.)

2.08.02 Areas excluded The following described unincorporated areas, surrounded by the city limits and the white line of the U.S. Corps of Engineers impounding Greers Ferry Lake are hereby excluded from any redistricting of wards of the city of Fairfield Bay, Arkansas:

Area 1. East 330 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Sec. 20, Twp. 11 N., Range 12 West, Van Buren County, Arkansas.

Area 2. (above the white line of the U.S. Corps of Engineers) West 957 Feet of the Northwest $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West, Van Buren County, Arkansas, containing 29 acres more or less. All of Lots 18, 19 and 20 of an unrecorded plat of the former Elcamino property, includes all of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West previously excluded on the legal description of the city of Fairfield Bay upon incorporation dated May, 1993. Area 2 is 30.5 acres more or less.

Area 3. All lots and parcels contained by Sugar Loaf Acres Unit 3, dated January 2, 1963, and recorded in Book 75, page 163 of Van Buren County, Arkansas records, said subdivision is located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and a part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West, Van Buren County, Arkansas.

All lots and parcels included on the plat of Lewis Sugar Loaf Subdivision which subdivision is located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Sec. 21, Twp 11, N, Range 12 West, Van Buren County, Arkansas.

The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West, Van Buren County, Arkansas. Area 3 consists of 41 acres more or less.

Area 4. (above the white line of the U.S. Corps of Engineers) Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Sec. 16, Twp 11 N, Range 12 West, Van Buren County, Arkansas containing 40 acres more or less.

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Sec. 15, Twp 11 N, Range 12 West, Van Buren County, Arkansas, containing 40 acres more or less.

All lots and parcels included on Sugar Loaf Acres Unit 1 and Sugar Loaf Acres Unit 2, said subdivision are located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Sec. 16, Twp 11 N, Range 12 West and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Sec. 15, Twp 11 N, Range 12 West and the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Sec. 22, Twp 11 N, Range 12 West, all in Van Buren County, Arkansas. Area 4 consists of 81 acres more or less.

Area 5. (above the white line of U.S. Corps of Engineers) North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Sec. 22, Twp 11 N, Range 12 West, Van Buren County, Arkansas. Area 5 consists of 30 acres more or less.

Area 6. Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Sec. 15, Twp 11 N, Range 12 West, Van Buren County, Arkansas. Area 6 consist of 40 acres more or less.

Area 7. Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Sec. 14, Twp 11 N, Range 12 West, Cleburne County, Arkansas. Area 7 consists of 40 acres more or less.

Area 8. South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, all in Sec. 03, Twp 11 N, Range 12 West, Van Buren County, Arkansas. Area 8 consists of 120 acres more or less.

Area 9. Part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Sec. 04, Twp 11 N, Range 12 West, Van Buren county, Arkansas, more particularly described as follows: Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Sec. 04, Twp 11 N, Range 12 West, Van Buren County, Arkansas, thence south 00 degrees, 02 minutes, 40

seconds east 507.14 feet to a point, thence south 89 degrees, 57 minutes, 20 seconds west 390.0 feet to a point, thence north 00 degrees, 02 minutes, 40 seconds, west 577.60 feet to a point, thence north 89 degrees, 57 minutes, 20 seconds, east 390.00 feet to a point, thence south 00 degrees, 02 minutes, 40 seconds east 70.46 feet to the point of beginning. Area 9 consists of 5.15 acres more or less.

Area 10. Part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Sec. 04, Twp 11 N, Range 12 West, Van Buren County, Arkansas, more particularly described as follows: commencing at the southeast corner of the said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and run north 575 feet to a point, thence west 60 feet to the west right of way of a county road, the point of beginning of the parcel herein described, thence west 210 feet to a point, thence north 210 feet to a point, thence east 210 feet to a point, thence south along and with said county road 210 feet to the point of beginning. Area 10 consists of 1 acre more or less.

Area 11. Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Sec. 03, Twp 11 N, Range 12 West, Van Buren county, Arkansas.

The Southwest $\frac{1}{4}$, the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, all in Sec. 34, Twp 12 N, Range 12 West, Van Buren County, Arkansas.

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Sec. 33, Twp 12 N, Range 12 West, Van Buren County, Arkansas. Area 11 consists of 380 acres more or less.

Area 12. Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ all in Sec. 33, Twp. 12 N, Range 12 West, Van Buren County, Arkansas. Area 12 is 15 acres more or less.

Area 13. (above the white line of U.S. Corps of Engineers) All of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and all of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ described as commencing at the southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Sec. 20, Twp 11 N, Range 12 West, Van Buren County, Arkansas, thence north 01 degrees, 11 minutes, 37 seconds east 723.51 feet to a point, thence north 01 degrees, 11 minutes 37 seconds east 50.03 feet to the point of beginning on the road right of way line, thence north 49 degrees, 04 minutes, 25 seconds west 72.61 feet to a point, thence north 31 degrees, 07 minutes, 33 seconds west 192.06 feet to a point, thence north 53 degrees 40 minutes 21 seconds west 529.57 feet to a point, thence east along the north line of the said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ to the northeast corner of the said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, thence south along the east line of the said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ to the point of beginning, all in Sec. 20, Twp 11 N, Range 12 West, Van Buren County, Arkansas. Area 13 consists of 44 acres more or less.

Area 14. (above the white line of U.S. Corps of Engineers) Part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Sec. 21, Twp 11 N, Range 12 West, Van Buren County, Arkansas, more particularly described as beginning at the southwest corner of Lot 53, Hamilton Hills, block 4,

Fairfield Bay, Arkansas, thence south 82 degrees, 48 minutes east 417.42 Feet to a point at the rear middle corner of Lot 50 of said Hamilton Hills, Block 4, thence south 52 degrees, 12 minutes west 590.32 feet to a point, thence north 07 degrees, 12 minutes east 417.42 feet to the point of beginning. Area 14 is 3.4 acres more or less.

Area 15. Lots 23, 27, 35 and 38, Enchanted Peninsula, Van Buren County, Arkansas. (Ord. No. 02-4, Sec. 2.)

CHAPTER 2.12

CITY COUNCIL

Sections:

- 2.12.01 Regular Council meetings
- 2.12.02 Special Council meetings called by Mayor
- 2.12.03 Special Council meetings called by Council
- 2.12.04 Business at special meeting
- 2.12.05 Notice to news media of meetings
- 2.12.06 Presiding officer
- 2.12.07 Conduct
- 2.12.08 Record of proceedings
- 2.12.09 Publication
- 2.12.10 Writing required
- 2.12.11 Procedure
- 2.12.12 Readings
- 2.12.13 Suspension of rules

2.12.01 Regular Council meetings Beginning in the month of January, 1994, and effective from and after the passage of this ordinance, the regular meeting dates of the City Council of the city of Fairfield Bay, Arkansas, shall be on the second Monday of each month at City Hall at 7:00 p.m. The regular meeting date and time may be changed from time to time by resolution, after giving proper notice and complying with applicable law. (Ord. No. 93-1, Sec. 1.)

2.12.02 Special Council meetings called by Mayor The Mayor shall have power, when in his judgment it shall be for the interest of the city, to call a meeting of the City Council. Such meetings shall be called by the Mayor fixing the time of the meeting and issuing or causing to be issued a summons directed to the Recorder/Treasurer commanding him or her to summon each alderman to attend such meeting in which summons the object of the meeting shall be stated in general terms. (Ord. No. 93-1, Sec. 2.)

2.12.03 Special Council meetings called by Council Whenever three (3) aldermen shall sign a notice to the other members of the City Council of a special meeting of the Council, stating therein the object of such meeting, such special meeting shall be held at the time designated in the call, such notice shall be served by the Recorder/Treasurer. (Ord. No. 93-1, Sec. 3.)

2.12.04 Business at special meeting At any special meeting no other business shall be transacted except that for which the meeting was called. (Ord. No. 93-1, Sec. 4.)

2.12.05 Notice to news media of meetings In the event of a special meeting, or a change of regular meeting time, the Mayor or aldermen calling the meeting shall in accordance with the Freedom of Information Act and other applicable law notify the representatives of the newspapers, radio stations and television stations, if any, located in or serving this city and county and which have requested to be so notified of such meetings, of the time, place and date at least two(2) hours before such a meeting takes place in order that the public shall have representatives at the meeting. (Ord. No. 93-1, Sec. 5.)

2.12.06 Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any by-law, ordinance, resolution or order or motion, the Mayor may vote. In the absence of the Mayor, the Recorder/Treasurer shall preside over the Council. (Ord. No. 93-1, Sec. 6.)

2.12.07 Conduct Any person who shall disrupt or interfere with a meeting of the Council or creates a disturbance in such meeting, may be charged with such offense, and if convicted, shall be punished in accordance with the laws of the state. (Ord. No. 93-1, Sec. 7.)

2.12.08 Record of proceedings The Recorder/Treasurer shall keep a journal of its proceedings in the same manner as other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 93-1, Sec. 8.)

2.12.09 Publication When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Recorder/Treasurer shall furnish a copy to a newspaper of general circulation in the city for publication. (Ord. No. 93-1, Sec. 9.)

2.12.10 Writing required No amendment or resolution shall be offered except in writing and the question shall first be put on the last amendment offered, and in filling blanks, the question shall always be taken on the longest time, largest and highest number first proposed. (Ord. No. 93-1, Sec. 10.)

2.12.11 Procedure The *Procedural Rules for Municipal Officials* booklet published by the Arkansas Municipal League, three (3) copies of which are on file in the Recorder/Treasurer's office, are hereby adopted as the rules to be followed in the conducting of meetings of the governing body. (Ord. No. 93-1, Sec. 11.)

2.12.12 Readings All resolutions must be read, seconded and stated by the chair before they shall be subject to debate. (Ord. No. 93-1, Sec. 12.)

2.12.13 Suspension of rules No rules contained in this ordinance or the *Procedural Rules for Municipal Officials* adopted by reference hereby shall be suspended except by 2/3 consent of all the members of the Council, or as may be provided by law. (Ord. No. 93-1, Sec. 13.)

CHAPTER 2.16

MAYOR

Sections:

2.16.01	Office created
2.16.02	Election
2.16.03	Duties
2.16.04	Appointment of officers
2.16.05	Salary

2.16.01 Office created. The office of Mayor is hereby created for the city of Fairfield Bay, Arkansas.

2.16.02 Election. On the Tuesday following the first Monday in November and every four (4) years thereafter, the qualified voters of the city of Fairfield Bay, Arkansas, shall elect a Mayor for four (4) years.

2.16.03 Duties. As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Fairfield Bay, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance. A.C.A. 14-43-504

2.16.04 Appointment of officers. The Mayor shall appoint, with the approval of the City Council of the city of Fairfield Bay, Arkansas, all officers of the city whose election or appointment is not provided for by state statute or city ordinance. A.C.A. 14-42-110

2.16.05 Salary

- A. Effective January 1, 2005, the salaries of the Mayor and Recorder/Treasurer shall be the amounts as adopted as a part of the annual budget for the city of Fairfield

Bay as may be amended from time to time. Such salaries may be increased during a term of office but may not be decreased. A schedule of current salaries will be kept on file with the Recorder/Treasurer and available for public inspection.

- B. Effective January 1, 2005, all other city personnel salaries/wages shall be fixed by the Mayor and presented to the City Council for approval as part of the annual budget which may be amended from time to time. A schedule of current salaries will be kept on file with the Recorder/Treasurer and available for public inspection. (Ord. No. 2004-10, Sec. 1.)

CHAPTER 2.20

CITY HALL AND OFFICIALS

Sections:

- 2.20.01 Office hours
- 2.20.02 Business with the city
- 2.20.03 Salaries
- 2.20.04 City property
- 2.20.05 Compensation for Aldermen

2.20.01 Office hours The Fairfield Bay city office shall be open from 10:00 a.m. until 2:00 p.m. Monday through Friday of each week, except, for state holidays. (Ord. No. 96-46, Sec. 1.)

2.20.02 Business with the city This ordinance shall in no way limit the city officials by restricting the hours needed by them to complete their work, but is intended to provide a definite time when the public and residents can arrange to take care of any of their business with the city. (Ord. No. 96-46, Sec. 2.)

2.20.03 Salaries Effective January 1, 2005, all city personnel salaries/wages shall be fixed by the Mayor and presented to the City Council for approval as part of the annual budget which may be amended from time to time. A schedule of current salaries will be kept on file with the Recorder/Treasurer and available for public inspection. (Ord. No. 2004-10, Sec. 1.)

2.20.04 City property

- A. The city department head or supervisor shall be required to get a signed receipt listing all such property from any person provided with, or furnished any type of

property. The receipt shall be filed in the city office with the Recorder/Treasurer.

- B. In the event of death, termination or resignation and the agent, servant, employee or officer has wages, accrued sick time, vacation, paid leave of absence, or any other sums due him or her from the city, the city office shall notify said individual in writing of the amount owed and simultaneously request said individual to return any and all property supplied or furnished by the city.
- C. If the individual has lost, misplaced or otherwise disposed of said property the city will be paid in full by the individual, his executor or administrator. In the event of depreciable property the city shall receive the depreciated value.
- D. The city may withhold from wages, accrued sick time, vacation, paid leave of absence, or other sums held by the city, the value of the property not returned at the time of death, termination or resignation. (Ord. No. 2004-7, Secs. 1-4.)

2.20.05 Compensation for Aldermen Be it ordained by the Fairfield Bay City Council that an Alderman will be paid One Hundred Fifty Dollars (\$150.00) per month effective May 12, 2009. (Ord. No. 2009-2, Sec. 1.)

CHAPTER 2.24

RECORDER/TREASURER

Sections:

- 2.24.01 Offices combined
- 2.24.02 Compensation
- 2.24.03 Duties

2.24.01 Offices combined It is in the best interest of the city of Fairfield Bay that the office of City Recorder and City Treasurer be combined effective 12:01 a.m., January 1, 1999. (Ord. No. 98-60, Sec. 1.)

2.24.02 Compensation Effective January 1, 2005, the salaries of the Mayor and Recorder/Treasurer shall be the amounts as adopted as a part of the annual budget for the city of Fairfield Bay as may be amended from time to time. Such salaries may be increased during a term of office but may not be decreased. A schedule of current salaries will be kept on file with the Recorder/Treasurer and available for public inspection. (Ord. No. 2004-10, Sec. 1.)

2.24.03 Duties The duties and responsibilities of the Recorder/Treasurer shall be as hereinafter listed, but shall not be limited to those hereinafter enumerated, nor shall the order of listing indicate the importance of each.

- A. Maintain records of ordinances and resolutions passed by the City Council and proclamations issued by the Mayor.
- B. Prepare, file and distribute city correspondence generated by the Mayor and other city officials.
- C. Prepare and publish an agenda from material furnished for Council meetings.
- D. Take accurate and complete minutes of Council meetings to be presented for approval at the next meeting.
- E. Assist in preparation of ordinances and resolutions which are to be presented for the consideration of the Mayor and Council.
- F. Notify news media as required by the Arkansas Freedom of Information Act.
- G. Answer telephone, take messages, respond to public inquiries with tact and enthusiasm, address financial and budget matters at public meetings or Council meetings.
- H. Issue city permits and licenses, collect fees therefore, and write appropriate receipts and account for the funds.
- I. Maintain city personnel records and meet security and privacy requirements of the law.
- J. Maintain and be responsible for all city records.
- K. Operate the city computer system with accuracy and dispatch to enable the safe, preservation or storage of data contained therein in a form capable of regeneration in case of catastrophic computer failure, or other casualty. (Ord. No. 96-47, Sec. 2.)
- L. Receive all moneys on behalf of the city.
- M. Issue and sign all checks to pay all obligations of the city, including payrolls.
- N. Establish and maintain all financial transaction documentation to meet State Audit requirements and requirements of the City Council.
- O. Provide monthly, quarterly, semi-annual, and annual financial reports as required by state statute and City Council.
- P. Prepare city budgets in cooperation with Mayor and City Council requirements.

- Q. Perform such other duties as may be required by state law or the City Council. (Ord. No. 96-48, Sec. 2.)

CHAPTER 2.28

DEPARTMENT OF PUBLIC SAFETY

Sections:

- 2.28.01 Creation
- 2.28.02 Duties and responsibilities
- 2.28.03 Holidays for police officers
- 2.28.04 Compensation for holidays
- 2.28.05 Hourly paid officers
- 2.28.06 Police Special Equipment Fund

2.28.01 Creation Pursuant to Title 14, Chapter 42, Subchapter 4 of The Arkansas Code of 1987 Annotated, as amended, a Department of Public Safety is hereby created for the city of Fairfield Bay, Arkansas. (Ord. No. 94-7, Sec. 1.)

2.28.02 Duties and responsibilities The Department of Public Safety shall perform the functions of and have all the rights, responsibilities and duties of a Police Department and a Fire Department.

- A. The Department of Public Safety shall enforce all city ordinances and state and federal laws within the boundaries of the city of Fairfield Bay and shall generally conduct all the business of an Emergency Medical Service or an Ambulance Service per Resolution 96-003, paragraph six (6), and seven (7), and exhibit “B” of the agreement attachment. (Ord. No. 2008-3, Sec. 1.)
- B. The Department of Public Safety shall also enforce all applicable fire codes, suppress all fires within the boundaries of the city of Fairfield Bay and shall generally conduct all the business of a city Fire Department. The Chief of the Police Department shall also respond to all emergency medical calls within the boundaries of the city of Fairfield Bay. (Ord. No. 2008-3, Sec. 2.)

- C. The Department of Public Safety is hereby designated as the department primarily responsible for the collection of fines assessed in the District Courts of this state, and shall be responsible for such collections and any accounting for such funds as required by the District Court, and by any other applicable Arkansas law. (Ord. No. 2013-4, Sec. 1.)

2.28.03 Holidays for police officers The following legal holidays for which they shall be compensated are established for all salaried employees of the Department of Public Safety:

New Year's Day
Memorial Day
Fourth of July
Labor Day
Thanksgiving
Friday following Thanksgiving
Christmas Eve Day
Christmas
(Ord. No. 94-11, Sec. 1.)

2.28.04 Compensation for holidays Compensation of salaried employees for holidays is included in their base salary. In the event a salaried employee is required to work on a designated holiday, he shall be given comparable time off, which shall be scheduled for the future, within the same fiscal year. The Director of Department of Public Safety shall, upon request, fix and schedule the comparable time off after giving consideration to the employee's request and the needs of the city. (Ord. No. 94-11, Sec. 2.)

2.28.05 Full-time hourly paid employees

- A. All full-time hourly paid employees shall receive as pay for the designated holidays, eight (8) hours at their regular straight time hourly rate. Pay received for holidays not worked shall not be considered in determining the compensation rate for overtime pay for hours worked in excess of 40 hours per week.
- B. Full-time employees who are regularly scheduled to work and actually work on a designated holiday shall have the option of:
 - 1. the pay provided in paragraph A above; or
 - 2. alternatively, may receive compensatory time off at a later date within the same fiscal year; and, in addition to one of the options provided in this paragraph, shall receive pay for the hours worked on the holiday, including any overtime pay resulting from working in excess of 40 hours per week.

- C. Full-time hourly paid employees who are not regularly scheduled but who are required to work on one of the designated holidays, will be deemed to have worked overtime on that holiday and will be paid their regular overtime rate for hours worked on the holiday, regardless of the number of hours they work during that particular work week; in addition to 8 hours at their regular straight time hourly rate, as provided in paragraph A above.
- D. Except as provided in paragraph C above, overtime pay at one and one-half (1 ½) times the regular hourly rate shall be paid, only if the total hours worked, for which compensation is paid, exceeds 40 hours per week. (Ord. No. 94-11, Sec. 3.)

2.28.06 Police Special Equipment Fund

- A. There is hereby established a separate Police Special Equipment Fund on the books of the city of Fairfield Bay, effective on January 1, 2014.
- B. Any court of competent jurisdiction is authorized to assess the fees provided in A.C.A. 14-52-110 and 21-6-307 on behalf of the city of Fairfield Bay.
- C. All revenues authorized by the courts and collected by the city of Fairfield Bay pursuant to A.C.A. 14-52-110 or 21-6-307, together with any donations shall be deposited into the fund and held separately in an interest bearing account in an Arkansas financial institution insured by the FDIC (or its equivalent).
- D. From time to time, as the need arises, the city of Fairfield Bay may appropriate principal and interest in the Fund, or any part thereof, for the purchase, replacement, repair or improvement of police equipment, uniforms, vehicles or supplies, in accordance with the Arkansas Code as authorized herein. (Ord. No. 2013-9, Secs. 1-4.)

CHAPTER 2.32

PERSONNEL POLICIES

Sections:

2.32.01	Personnel Policy Handbook
2.32.02	General employee benefits
2.32.03	Matters affecting the status of employees
2.32.04	Standards of conduct
2.32.05	Miscellaneous information
2.32.06	Internet and e-mail use

2.32.01 Personnel Policy Handbook. The following personnel policies shall apply to all employees of the city of Fairfield Bay.

- A. Equal Opportunity Employer. The city of Fairfield Bay, Arkansas, is committed to providing equal employment opportunities without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.
- B. At-Will Employer. The city of Fairfield Bay, Arkansas, is an at-will employer. This means that the city of Fairfield Bay or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.
- C. Job Posting And Advertising.
1. Application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms are available in the office of the city.
 2. In the event of a job opening, the position or positions open will be announced and posted in a newspaper of general circulation at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to city departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might recruit applicants. Recruitment resources

will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

3. Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the Mayor shall make the final decision with respect to hiring new employees and promoting existing employees.

D. Post Offer Pre-Employment Physicals.

1. Post offer pre-employment physicals may be required for any applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the Mayor. These medical files shall be maintained in the physician's office with a summary report provided to the Mayor whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the Mayor. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to passing such examination.
2. Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Mayor to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.

- E. Fitness For Duty Exam. Employees who become incapacitated due to mental or physical disabilities from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Mayor shall take such action as is necessary for the good of the city.

- F. Omnibus Transportation Employee Testing Act of 1991 It is the city's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow up testing. The city of Fairfield Bay will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of Fairfield Bay the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.
- G. Other Drug and Alcohol Testing Employees other than those with a CDL are subject to testing for the use of alcohol and illegal substances as outlined in the city's policy on this subject. All employees must obtain from the city of Fairfield Bay the city's written substance abuse policy. Employees are required to read this material and sign a statement acknowledging that they have received a copy of the city's substance abuse policy.

2.32.02 General employee benefits.

A. Vacations

Police Department.

1. The head or Chief of the Police Department shall arrange that each full-time employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay based on an 8 hour day.. (A.C.A. 14-52-106). See 2.32.02 B for accrual rate.
2. It is the specific duty of the Police Chief to see that employees of the Police Department actively take all of their vacation time before the end of the calendar year, or shortly thereafter, not later than Jan. 31 of the following year.

B. Vacation Accrual Rate (full-time employees)

1. Vacation time is granted to all regular full-time employees who have completed one (1) full year of service.

Communication Officer's & Police Officer's Vacation Schedule

Less than 5 years	80 hours per year
Five (5) but less than 10 years	120 hours per year
Over 20 years	160 hours per year
Police Officer's vacation schedule	120 hours per year

2. Vacations earned will be pro-rated to a calendar year basis after the first anniversary date of hire. Once changed, vacation must be taken within the year earned.
3. Every effort will be made to grant vacations at the times requested. However, vacations cannot interfere with the efficient operation of the department. Vacation requests should normally be approved one month in advance.

C. Holidays

1. Regular full-time employees will be given eight (8) paid holidays each calendar year.

The City Council has adopted the following Holiday Schedule:

January 1	New Year's Day
May (last Monday)	Memorial Day
July 4	Independence Day
September – 1 st Monday	Labor Day
November – 4 th Thursday	Thanksgiving Day
November – 4 th Friday	after Thanksgiving Day
December 24	Christmas Eve
December 25	Christmas Day

2. Holidays falling on Saturday will be observed on Friday. Holidays falling on Sunday will be observed on Monday.
3. Any employee scheduled to work on a holiday will be compensated at their regular rate of pay and arrangements will be made for the employee to take off another day as a holiday.

D. Sick Leave

1. Sick leave is granted to all regular full-time employees who have completed one (1) full year of service.

Communication Officer's Schedule 72 hours per year
(Ord. No. 2006-5, Sec. 1.)

Police Officer's Schedule 160 hours per year

2. Sick leave will be pro-rated to a calendar year basis after the first anniversary date-of-hire. If unused, sick leave will accumulate to a maximum of 240 hours. Time off may be charged against accumulated sick leave only for such days that an employee is scheduled to work. No such sick leave as provided in this section will be charged against any employee during any period of illness or injury for days which the employee is not scheduled to work. If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any employee has unused accumulated sick leave, he or she will be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death in an amount no greater than set forth above, unless otherwise provided by ordinance. (Ord. No. 2012-6, Sec. 1.)
3. For all eligible employees, sick leave may be used for the purpose of visiting doctors, dentists, or other practitioners in their offices. This time may also be used for tending to a serious illness suffered by a member of your immediate family should the illness require your personal time and attention. For the purpose of this section, immediate family includes spouse, child, parent or sibling living in your home. If another person can attend to the needs of an ill family member, you are expected to fulfill your duties as an employee of the Fairfield Bay Police Department.
4. The Fairfield Bay Police Department may request "proof of illness" and may also use a city-appointed physician to examine the employee.
5. If you are required to take a disability leave of absence, any accrued sick leave will be paid at the time the leave commences. Should the leave extend beyond 240 hours, sick leave will not continue to accrue.
6. This sick leave policy does not apply if sick leave is needed as a result of a self-inflicted injury, illegal substance abuse, alcohol abuse or illness or injury incurred while in the act of committing a felony.
7. In the event of an illness or injury covered by Workers' Compensation, this sick leave policy will not apply, but will defer to state statutes.

E. Funeral or Bereavement Leave

1. Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.

2. Immediate Family shall include mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives.
3. Travel time may be granted upon prior approval of the Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary.
4. The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

F. Maternity Leave. Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee, will be granted for maternity use after which leave without pay must be used.

G. Uniformed Services

1. Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. 4301 et seq., and in A.C.A. 21-4-102. It is the city's policy to honor and comply with the provisions of those statutes.
2. In addition, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. (A.C.A. 21-4-102).

H. Family Medical Leave

1. The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Eligible city employees may take up to twelve (12) weeks of unpaid leave for the following reasons:
 - a. The birth and care of the employee's child;
 - b. The placement of a child into an employee's family by adoption or by foster-care arrangement;

- c. The care of an immediate family member (spouse, child or parent) who has a serious health condition; and
 - d. The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job.
 - e. Cities with fewer than 50 employees are technically "covered employers" under the Act. However, their employees are not eligible for family medical leave. The only practical result is that even cities with fewer than 50 employees must post an FMLA notice explaining eligibility under the Act. There is a potential \$100.00 fine for failing to post the notice. This makes little sense, but it is the way Congress wrote – and the Department of Labor interprets – the law.
2. The Federal Act requires that the city maintain the employee's health coverage under any group plan during the time the employee is on FMLA leave. To be eligible for the FMLA benefits employees must:
- a. Be employed by the city for at least one year;
 - b. Have worked 1250 hours over the previous twelve (12) months preceding the leave request.
 - c. An employee on a sick leave or family care leave of absence (must of may choose to) use all accrued personal and vacation days while on leave. The city should decide whether it will require the use of accrued leave as indicated. If it does not so require, the employee has the option of doing so.
3. City employees are required to provide advance leave notice in writing, to the employee's supervisor (at least 30 days) when leave is foreseeable (such as childbirth, adoption or planned medical treatment, or as early as possible if the leave taken is not foreseeable 30 days in advance). The city requires written medical certification that the leave is needed due to the employee's own serious health condition or that of family member. Depending on each individual situation, the city may require a fitness for duty report to return to work.
4. The city understands that upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits and other employment terms. Furthermore, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Additional information and forms may be obtained from the Recorder/Treasurer

- I. Court Duty Leave. Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the Mayor a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

- J. Miscellaneous Leave. The attendance of employees at seminars and training programs is considered part of their continuing professional development. Attendance at these meetings must be pre-approved by Mayor. In the event employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals etc. pursuant to its regular expense policy.

- K. Employee Health Benefits. The city of Fairfield Bay provides a group health plan for all its full-time employees through the Arkansas Municipal League and will continue to do so as long as the city itself is eligible. Detailed information on the policy and coverage should be given to the employee when the employee is hired. Additional information may be obtained from the Mayor's office.
 - 1. Occupational Injuries. All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required in order for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the department bulletin boards.

 - 2. Accidental Injury. If any full-time employee is involved in an accident (not job connected) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

2.32.03 Matters affecting the status of employees.

- A. Attendance. Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Mayor and Council. All departments shall keep daily attendance records of all employees which shall be reported to the Mayor on the form and on the date specified by the Mayor and Council.

Suggestions to Municipal Officials: It is important to remember that any employment action, be it positive or negative, be thoroughly documented. It is suggested that any and all disciplinary actions be in writing and placed in chronological order within the personnel file. As a suggestion as to how to organize a personnel file, the Municipal League has produced a Model Personnel File Folder and the League suggests that all employee' files be maintained in the same way, by the same person, under the same conditions.

B. Work Hours.

1. Except for police officers, work hours for all employees shall be forty (40) hours per week which begin each Friday at 7:00 p.m. Work hours for police shall be in accordance with state statutes and departmental regulations.
2. The city reserves the right to adjust and change hours of work, days of work and schedules in order to fulfill its responsibility to the citizens of the city of Fairfield Bay. In the event of an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable.
3. Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

C. Overtime Pay.

1. Overtime will be paid for hours worked in excess of forty hours per week. The rate of pay for overtime shall be one and one-half (1 ½) the employee's normal hourly rate.
2. Upon the direction or approval of the Mayor, compensation for overtime may be made in the form of compensatory leave to the employee. The overtime record of the Mayor shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken within the calendar year earned and should be scheduled in the same manner required for vacation days.

D. Vacancies and Promotions.

1. It is the intent of the city of Fairfield Bay to hire and promote the most qualified applicant for all vacant positions. To give the employees of the city of Fairfield Bay an opportunity to apply for job vacancies,

announcements of job openings will be posted on employee bulletin boards.

2. In accordance with E.E.O.C. (Equal Employment Opportunity Commission) guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.
3. The final decision regarding promotions shall be made by the Mayor upon recommendation of the Supervisor.

E. Training. The city of Fairfield Bay is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the city for various jobs, each employee has the responsibility of ascertaining for himself that he has sufficient training to enable him to perform his job. In the event that the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training will be paid by the city.

F. Performance Evaluations.

1. To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary.
2. Consistent with this goal, an employee's performance will be evaluated by the supervisors on an on-going basis. Final evaluations are normally done annually.
3. All written performance reviews will be based on the employee's overall performance in relation to the employee's job responsibilities and will also take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.
4. It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

G. Job Safety.

1. Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method.
2. Unsafe conduct is misconduct. The following safety rules should always be observed:
 - a. Follow all departmental safety rules;
 - b. Use all mechanical safeguards on or for employee equipment;
 - c. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head;
 - d. Immediately report any unsafe or potentially unsafe working condition or equipment;
 - e. Immediately report any and every accident to the supervisor or department head.

H. Refusal To Work. A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the city of Fairfield Bay.

I. Resignation/Termination.

1. Employees desiring to terminate their employment relationship with the city of Fairfield Bay are urged (but not required) to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments.
2. Employees who plan to retire are urged to provide the city with a minimum of two (2) months notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled to commence in a timely manner.

3. As mentioned elsewhere in this Handbook, all employment relationships with the city of Fairfield Bay are on an at-will basis. Thus, although the city of Fairfield Bay hopes that relationships with employees are rewarding, the city reserves the right to terminate the employment relationship of any employee at any time.

2.32.04 Standards of Conduct.

A. Conduct Towards The Public.

1. Employees of the city of Fairfield Bay shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city.
2. In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the city and further, one which generates the cooperation and approval of the public.
3. Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee must treat the public as he would like to be treated . . . with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.
4. When an employee is uncertain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

B. Uniforms and Personal Appearance.

1. Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Council. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.
2. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is not sure what is appropriate attire, then the employee should check with his supervisor or department head.

C. Unlawful Harassment.

1. The city of Fairfield Bay expressly prohibits its officials or employees from engaging in any form of unlawful employee harassment based on race, religion, color, gender, national origin, age, disability or status as a veteran or special disabled veteran.
2. Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection to his or her detriment, because of race, sex, religion, national origin, age or disability. Harassment may include, but is not limited to, any of the following:
 - a. Verbal abuse or ridicule;
 - b. Interference with an employee's work;
 - c. Displaying or distributing sexually offensive, racist or other derogatory materials;
 - d. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
 - e. Intentional physical contact with either gender specific portions of a person's body or that person's private parts;
 - f. Making offensive sexual, racial or other derogatory innuendoes;
 - g. Demanding favors (sexual or otherwise), explicitly as a condition of employment, promotion, transfer or any other term or condition of employment.
3. It is every employee's and official's responsibility to insure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:
 - a. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command. This complaint should be made in writing.
 - b. Any time an employee has knowledge of harassment he/she shall inform the department head in writing.
 - c. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

4. The city of Fairfield Bay will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

D. Guidelines For Appropriate Conduct.

1. An employee of the city of Fairfield Bay is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and/or the city.
2. Whether an employee is on duty or off duty, his or her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.
3. Types of behavior and conduct that the city considers inappropriate include, but are not limited to the following:
 - a. Falsifying employment or other city records;
 - b. Violating any city non-discrimination and/or harassment policy;
 - c. Soliciting or accepting gratuities from citizens;
 - d. Excessive absenteeism or tardiness;
 - e. Excessive, unnecessary or unauthorized use of city property;
 - f. Reporting to work intoxicated or under the influence of non-prescribed drugs or participating in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
 - g. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
 - h. Fighting or using obscene, abusive or threatening language or gestures;
 - i. Theft of property from co-workers, citizens or the city;
 - j. Unauthorized possession of firearms on city premises or while on city business;
 - k. Disregarding safety or security regulations;
 - l. Insubordination;
 - m. Neglect or carelessness resulting in damage to city property or equipment.

4. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

E. Absenteeism and Tardiness.

1. The city of Fairfield Bay expects all of its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give "proper notice" to his or her supervisor. Unexcused absences and tardiness could result in disciplinary action.
2. A proper notice is defined by the city to be notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.
3. An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by the personnel handbook or by law) that is not authorized in advance by the Department Head or the employee's supervisor should be deemed absence without leave. Such absence shall be without pay.

F. Inclement Weather.

1. In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if, in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisor "proper notice" if he or she is unable to report for work.

G. Outside Employment or Moonlighting.

1. If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.

2. If as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city or of a type that may be construed by the public to be an official act of the city or in any way violate these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Mayor.
- H. Political Activity. City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for that purpose.
- I. Outside Compensation.
1. No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with approval of the Mayor.
- J. Use of Narcotics, Alcohol and Tobacco.
1. Employees of the city of Fairfield Bay shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.
 2. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.
 3. Each department head or supervisor may establish smoking policies for his or her departmental employees.
- K. Drug-Free Workplace.
1. It is the policy of the city of Fairfield Bay to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent

with the behavior expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Fairfield Bay or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

2. To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, and the city's employee assistance program will be discussed. Employees convicted of controlled substances or related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

L. Disciplinary Action.

1. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in Guidelines For Appropriate Conduct or any other city policies, rules or regulations, the employee will be subject to disciplinary action up to and including dismissal.
2. Disciplinary action may be any of the several forms listed below:
 - a. Warning or Reprimand. A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
 - b. Suspension. Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
 - c. Demotion. A demotion is an action that places the employee in a position of less responsibility and less pay.

- d. Termination. This type of disciplinary action is a removal of an employee from city employment.

2.32.05 Miscellaneous information.

- A. Policy Statement. The city of Fairfield Bay possesses the sole right to operate and manage the affairs of the city.
- B. Severability.
 - 1. Should any of the provisions of these employee policies and procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these employee policies and procedures shall remain in full force and effect.
 - 2. To the extent that any state law provides additional or different benefits or rights to employees, the provisions of these employee policies and procedures shall be deemed to include those statements of law.
- C. Change of Address. If an employee changes his or her home address or telephone number, the employee should notify his or her department head of this change so that personnel files may be kept up to date. This is important in case the city must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head.

2.32.06 Internet and e-mail use

- A. Purpose and scope

This policy covers the management of all electronic mail and Internet systems provided by the city of Fairfield Bay both for internal use and as a service to its members and the general public. The city encourages the use of the Internet (including electronic mail) as an integral part of its overall operations. Use of the Internet is encouraged to:

- 1. Provide an efficient method to exchange information within city offices, between local governmental officials and to the public;
- 2. Provide sources of data to assist city employees in accomplishing their tasks;
- 3. Provide the required familiarity with emerging technologies that is demanded of those with careers in the information technology field and within the public sector generally.

B. Unacceptable use

It is unacceptable for a user to use, submit, publish, display or transmit on the network or on any computer system any information which:

1. Violates or infringes on the rights of any other person, including the right to privacy;
2. Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory or illegal material;
3. Violates the city policy prohibiting sexual or other harassment;
4. Restricts or inhibits other users from using the system or the efficiency of the computer systems;
5. Encourages the use of controlled substances or uses the system for the purpose or criminal intent; or
6. Uses the system for any other illegal, immoral or unethical purpose.

C. Electronic mail (e-mail) and FOIA

E-mail is considered network activity; thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet, and the user should not consider e-mail to be either private or secure. Specifically forbidden in the use of e-mail is:

1. Any activity covered by inappropriate use statements included herein;
2. Sending/forwarding chain letters, virus hoaxes, urban legends, etc.;
3. Use of the "Everyone" or "All Staff" mailing list without authorization by Senior Staff.

Because electronic messages are typically stored in one place and then forwarded to one or more locations, often without the specific knowledge of the originator, they are vulnerable to interception or unintended use. The city will attempt to provide an electronic messaging environment, which provides for data confidentiality and integrity. However, the city cannot be responsible for web-based e-mail systems such as Yahoo, Juno, Hotmail, etc. City employees should always be aware of the risks associated with the use of all e-mail systems.

The electronic files, including e-mail files, of city employees are potentially subject to public inspection and copying under the state **Freedom of Information Act ("FOIA")**, A.C.A. 25-19-101 et seq.

The FOIA defines "public records" to include "data compilations in any form, required by law to be kept or otherwise kept...which constitute a record of the performance or lack of performance of official functions which are or should be

carried out by a public official or employee (or) a government agency..." A.C.A. 25-19-103(1). All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. See A.C.A. 25-19-105.

D. Records retention policies

All relevant records retention policies and statutes must be followed, and it is the responsibility of each city employee to understand which of these pertain to his or her work.

E. Maintaining e-mail

The city does not maintain any e-mail backups. This responsibility lies with the user. If a user chooses to retain e-mail, that user must understand that all retained files and electronic messages are potentially accessible under FOI law. E-mail messages of only transitory value should not be saved. In fact, the failure to routinely delete these messages clogs information systems and strains storage resources.

In order to properly maintain e-mail using Outlook Express, users must transfer any information they wish to retain to "Personal Folders" on their local hard drive. Users should then empty all messages from their Inbox, Sent Mail Folder and Deleted Items Folder. If a user needs assistance with this, he or she should contact appropriate city staff or city computer consultants. Users should also empty their "Recycle Bins" on a regular basis.

F. Privacy of electronic records

A system administrator is any person designated to maintain, manage and provide security for shared multi-user computing resources, including computers, networks and servers. That responsibility is shared between various city employees and consultants.

System administrators shall perform their duties fairly, in cooperation with the user community and outsourced network administrators. They shall adhere to this code and all other pertinent rules and regulations, shall respect the privacy of users to the greatest extent possible, and shall refer disciplinary matters to the appropriate city staff.

Given the nature of the technology, a wide range of information can be easily collected by network personnel using system software. For example, software may be configured to provide aggregate information on the number of users logged in, the number of users accessing certain software, etc.

No information shall be routinely collected that is not required by system administrators or city management in the direct performance of their duties, such as routine backup for system recovery.

Unauthorized access to any information will result in immediate disciplinary action.

G. Regulation/enforcement

The city's department heads (or designees) may gain access to a city employee's e-mail, Internet cache or files without that employee's permission for any reason at any time.

All federal and state laws, as well as city ordinances, regulations and policies, are applicable to the use of computing resources. These include, but are not limited to, the Family Education Rights and Privacy Act of 1974, 20 U.S.C. 1232g; the Electronic Communications Privacy Act of 1986, 18 U.S.C. 2510 et seq.; the Arkansas Freedom of Information Act, A.C.A. 25-19-101 et seq.; and state and federal computer fraud statutes, 18 U.S.C. 1030 and A.C.A. 5-41-101 et seq.

Further, illegal reproduction of software and other intellectual property protected by U.S. copyright laws and by licensing agreements may result in civil and criminal sanctions.

H. Copyrighted material

Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law and should be related to city work. The Federal Copyright Act at 17 U.S.C. 101 et. seq. (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's ideas or writing and passing it on as one's own).

I. Use of city-owned or licensed software

Users may not copy or use city-owned or licensed software for personal reasons or unauthorized business purposes nor may those programs or data leave city premises without specific authorization from city management.

J. Public domain material

Any user may download public domain programs for his/her own city-related use, or may redistribute a public domain program non-commercially but does so with the knowledge that by doing so, he/she also assumes all of the risks regarding the determination of whether or not a program is in the public domain.

K. Computer ethics

As a representative of the city, employees have a responsibility to conduct themselves in an ethical manner. The following information suggests some areas where ethics issues will arise and provides some suggestions on how to deal with those issues:

1. Data obtain inappropriately should not be used.
2. Finding and reporting a system weakness is not a license to take advantage of it.
3. Every user has a responsibility to do good work and to be accountable for that work.
4. Organizations and individuals have rights to privacy.
5. When the confidentiality of information is unclear, it should not be divulged.
6. Electronic mail should be treated as privileged in the same manner as first-class U.S. mail.
7. Use of personal information voluntarily provided, for purposes other than agreed to, is unethical.

L. Etiquette on the Internet

It is essential that users recognize that each network/system has its own set of policies and procedures. Actions, which are routinely allowed on one network/system, may be controlled or even forbidden on other networks. It is the user's responsibility to abide by the policies and procedures of all networks/systems with which they may communicate.

The following links regarding "Netiquette" are helpful in determining appropriate "net" behavior.

1. <http://www.fau.edu/netiquette/net/index/html>
2. http://www.herald.co.uk/local_info/genuki/netiquette.huml
3. <http://www.aatg.org/netiquette.huml>
4. <http://www.albion.com/netiquett/corerules.html>
5. <http://www.albion.com/netiquette/introduction.html>
6. <http://www.redtail.unm.edu/cp/netiquette.html>
7. <http://www.ro.com/members/info/netiquette.html>

M. Violations of this policy

Employee action or inaction contradictory to this policy, in part or in its entirety, may lead to disciplinary action up to and including termination.

CHAPTER 2.36

ADVERTISING AND PROMOTION COMMISSION

Sections:

2.36.01 Duties

2.36.01 Duties Be it ordained by the Fairfield Bay City Council that the Advertising and Promotion Commission or its agents be permitted to:

Section 8.

Assess penalties and interest against taxpayers who fail to timely report or pay the tax. The penalty is equal to five percent (5%) of the unpaid tax amount per month not to exceed a total assessment of thirty-five percent (35%) of the unpaid tax. Simple interest on unpaid taxes shall be assessed at the rate of ten percent (10%) per annum.

Section 9.

Assess unpaid or unreported tax within three (3) years of the date the tax is due.

Section 10.

Provide for judicial relief from proposed assessments in accordance with subsection (A) of this section.

Section 11.

Issue certificate of indebtedness in accordance with subdivision (3) of this section.

Subsection – (d)(1) Within thirty (30) days of the issuance of the notice and demand for payment of a deficiency in tax established by a final determination of the hearing officer, taxpayer may seek judicial relief from the final determination by either:

- A. Paying under protest the amount of the deficiency, plus penalty and interest determined by the Commission to be due, and filing a suit to recover that amount within one (1) year from the date of payment under protest, or
- B.
 - 1. Filing with the Commission a bond in double the amount of the tax deficiency due and by filing suit within thirty (30) days thereafter to stay the effect of the Commission's determination.

2. The bond shall be subject to the condition that the taxpayer shall file suit within thirty (30) days after filing the bond, shall faithfully and diligently prosecute the suit to a final determination, and shall pay any deficiency found by the court to be due and any court costs assessed against him/her.
3. A taxpayer's failure to file suit, diligently prosecute the suit, or pay any tax deficiency and court costs, as required by this subsection, shall result in the forfeiture of the bond in the amount of the assessed court costs.

C.

1. The method provided in this section is the exclusive method for seeking relief from a written decision of the Commission establishing a deficiency in tax. No injunction shall issue to stay proceedings for assessment or collection of this tax.
2. If a taxpayer does not timely and properly pursue his remedies seeking relief from a decision of the Commission and a final assessment is made against the taxpayer, or if the taxpayer fails to pay the deficiency assessed upon notice and demand, then the Commission shall, as soon as practicable therefore, issue to the Circuit Clerk of the county in which the taxpayer's business is located a certificate of indebtedness certifying that the person named therein is indebted to the Commission for the amount of the tax established by the Commission as due. (Ord. No. 2008-1, Sec. 1.)

CHAPTER 2.40

CITY ATTORNEY

Sections:

2.40.01 Appointment

2.40.01 Appointment Be it ordained by the city of Fairfield Bay, Arkansas, that a City Attorney will be appointed by the Fairfield Bay City Council and will serve at the pleasure of the Mayor and City Council. (Ord. No. 2010-1, Sec. 1.)

CHAPTER 2.44

CAFETERIA PLAN FOR EMPLOYEES

Sections:

- 2.44.01 Eligibility as employer
- 2.44.02 Eligibility and participation
- 2.44.03 Excluded employees
- 2.44.04 Contribution
- 2.44.05 Additional conditions

2.44.01 Eligibility as employer The city of Fairfield Bay has had fewer than one hundred (100) employees in each of the preceding two (2) calendar years, and enacts this provision of the Municipal Code so as to meet the requirements of Section 125 (a simple cafeteria plan). (Ord. No. 2013-3, Sec. 1.)

2.44.02 Eligibility and participation Employees with at least 1000 hours of service for the preceding plan year are eligible to participate, and each employee eligible to participate in the plan may select any benefit available under the plan. (Ord. No. 2013-3, Sec. 2.)

2.44.03 Excluded employees

- A. Employees under age twenty-one (21) before the close of the plan year are excluded from coverage.
- B. Employees with less than one (1) year of service with the city as of any day during the plan year may be excluded in the sole discretion of the Mayor. (Ord. No. 2013-3, Sec. 3.)

2.44.04 Contribution The city will make a qualified contribution to provide qualified benefits (health insurance) on behalf of each qualified employee, in an amount determined in the sole discretion of the Mayor, equal to:

- A. A uniform percentage (not less than 2% of the employee's compensation for the plan year; or
- B. An amount which is at least six percent (6%) of the employee's compensation for the plan year, or twice the amount of the salary reduction contributions of each qualified employee, whichever is less. (Ord. No. 2013-3, Sec. 4.)

2.44.05 Additional conditions The Mayor of the city is authorized to impose administrative requirements of any nature or sort that may be required in order to comply with Section 125 of the U.S. Internal Revenue Code, and in order to maintain legal compliance with the enactment of a simple Cafeteria Plan, in accordance with the Internal Revenue Code. (Ord. No. 2013-3, Sec. 5.)