

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

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CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city The city of Mountain Home, Arkansas, shall operate as a city of the first class under the laws of the state of Arkansas.

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

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01 Map of city

2.08.01 Map of city

- A. The boundaries and limits of the city of Mountain Home, Arkansas, and of the various wards shall be:

Ward 1

Beginning at the northeast corner (where U.S. Highway 62 East and the most northeasterly city limit line meet); then go southwest on said highway to First Street, then go east on First Street to Cardinal Drive, then go south on Cardinal Drive to East 4th Street, then go west on East 4th Street to Justin Street, on Sixth Street to Foster Street, then go south on Foster Street to East Seventh Street, then go east on East Seventh Street to Bryant Street, then go south on Bryant Street to State Highway 5 South, then go east on said highway to the city limit line on north side of the highway, then follow the meandering city limit line in a northerly direction back to the point of beginning.

POPULATION 2,243

Ward 2

All of the city limits of the city of Mountain Home, Arkansas, lying north of State Highway 5 North and lying north of U.S. Highway 62 East.

POPULATION 2,337

Ward 3

Beginning at the northwest corner (where State Highway 5 North and the city limit line meet); then go southeast along said highway to 1st Street, then continue east on 1st Street to Cardinal Drive, then go south on Cardinal Drive to East 4th Street, then go west on East 4th Street to Justis Street, then go south on Justis Street to Sixth Street, then go west on Sixth Street to College Street, then go south on College Street to the city limit line, then follow the meandering city limit line back to the point of beginning.

POPULATION 2,202

Ward 4

Beginning at the southwest corner (where State Highway 201 South, also known as College Street, meets the city limit line); then go north on said highway to Sixth Street, then go east on Sixth Street to Foster Street, then go south on Foster Street to East Seventh Street, then go south on Bryant Street to State Highway 5 South, then running southeast on said highway to the city limit line, then following the meandering city limit line (which occasionally touches State Highway 5 South) to the most southern city limit line, then go west following the meandering city limit line back to the point of beginning.

POPULATION 2,245

(Ord. No. 92-014, Sec. 1)

- B. The Council recognizes it is in the best interest of the residents of the city of Mountain Home, Arkansas, that the above change be made so as to provide equal voting wards. (Ord. No. 92-014, Sec. 2)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

- | | |
|---------|------------------------------|
| 2.12.01 | Contract |
| 2.12.02 | Withholding taxes from wages |
| 2.12.03 | City to match withholding |

2.12.01 Contract. The Mayor and City Clerk of the city of Mountain Home, Arkansas, are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the Federal Social Security Act.

2.12.02 Withholding taxes from wages. Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.12.03 City to match withholding.

There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal. The Police Chief, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the City Court with the exception of confiscated liquor.

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Police Chief will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Mountain Home, Arkansas, once each week for three (3) consecutive weeks setting forth in the notice the time for the sale, which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Police Chief shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.16.03 Proceeds of sale to owner.

The Police Chief shall deposit the receipts from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Police Chief or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.16.04 Proceeds remaining after six months All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

CHAPTER 2.20

CITY COUNCIL

Sections:

- 2.20.01 Council meetings - regular
- 2.20.02 Council meetings - special
- 2.20.03 Freedom of information procedure
- 2.20.04 Order of business
- 2.20.05 Terms
- 2.20.06 Health insurance coverage

2.20.01 Council meetings - regular All regular meetings of the Council shall be held at the Municipal Building on the first and third Thursday of each month.

2.20.02 Council meetings - special

- A. The Mayor or any three (3) members of the City Council of the city of Mountain Home, Arkansas, may call special meetings upon at least two (2) hours' notice. (Ord. No. 472, Sec. 1)
- B. Such notice shall include the time, date and place of the special meeting. The notice shall also include the general purpose of the meeting; however, this does not preclude the City Council from acting on or considering other matters which may appropriately come before the body at such special meeting. (Ord. No. 472, Sec. 2)
- C. Notice of a special meeting given at any regular or special meeting of the City Council shall constitute due notice to the members present. The City Clerk shall be responsible for giving timely notice to absent members, as well as giving public notice, containing the information specified in Section B. (Ord. No. 472, Sec. 3)

- D. Notice of a special meeting of the City Council called by the Mayor at other than a meeting of the City Council shall be accomplished by the Mayor notifying the City Clerk, in writing if time permits, who shall be responsible for notifying each City Council member individually, in writing if time permits, and giving due public notice. (Ord. No. 472, Sec. 4)
- E. Notice of a special meeting of the City Council that is called by at least three (3) members of the City Council shall be accomplished by all three (3) Council members notifying the City Clerk, in writing if time permits. In addition to the information specified in Section B, the notice shall also include the name of each Council member calling the meeting. The City Clerk shall be responsible for notifying the Mayor and each member of the City Council individually, not including the three (3) Council members calling the special meeting, in writing if time permits, and giving due public notice. (Ord. No. 472, Sec. 5)
- F. In order to protect the rights and interests of all city officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum two (2) hours' notice should therefore be resorted to only under extreme and unusual circumstances. (Ord. No. 472, Sec. 6)

2.20.03 Freedom of information procedure All meetings of the City Council of the city of Mountain Home, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Baxter County, Arkansas, which have requested to be notified, at least two (2) hours before the special meeting takes place.

2.20.04 Order of business

- A. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.
 - 1. Call to order
 - 2. Roll call
 - 3. Reading of minutes of the previous meeting
 - 4. Reports of boards and standing committees
 - 5. Reports of special committees
 - 6. Unfinished business
 - 7. New business
 - 8. Announcements
 - 9. Adjournment

2.20.05 Terms The city of Mountain Home, Arkansas, is a city of the first class with fewer than 50,000 persons and currently elects two (2) Alderman from each of the four (4) city wards, and all Alderman serving a two (2) year term.

Pursuant to the terms and conditions of A.C.A. 14-43-312, the City Council shall refer to the voters at the next General Election to be held November 6, 2012, the issue of whether or not the terms of Alderman should be four (4) years, rather than the two (2) year terms currently served by Alderman. If approved by the voters, the election of Alderman to the term of four (4) years would take place at the General Election of 2014. At such election, the Alderman representing position one from each ward would be elected to a four (4) year term and the Alderman representing position Two (2) from each ward would be elected to an initial two (2) year term and, thereafter, will be elected to four (4) year terms, resulting in staggered terms with one Alderman being elected to a four (4) year term from each ward every two (2) years.

Said ballot is to be delivered by the City Clerk to the Baxter County Election Commission upon approval of this ordinance by a two-thirds vote of the City Council. (Ord. No. 2012-5, Sec. 1-3.)

2.20.06 Health insurance coverage Group hospitalization insurance shall be offered to Councilmembers under the following criteria:

- A. Coverage must be offered to all Councilmembers with at least one (1) month of service.
- B. Enrollment will be optional
- C. Councilmembers shall pay in advance the entire monthly premium for coverage.
- D. Premiums will be paid directly to the city through the Treasurer's office (payroll deductions will not be done).

In accordance with the provisions of the group plan, if a Councilmember declines coverage at the initial offer (current members) or, after his/her first thirty (30) days of service with the city (newly elected members), he/she will not be eligible to enroll for coverage until the Open Enrollment period (November) for which coverage would become effective January 1st of the following year. (Ord. No. 2012-3, Secs. 1-2.)

CHAPTER 2.24

MAYOR

Sections:

2.24.01	Office created
2.24.02	Election
2.24.03	Duties
2.24.04	Appointment of officers
2.24.05	Salary
2.24.06	Public hearings
2.24.07	Maintenance and operation of vehicle

2.24.01 Office created The office of Mayor is hereby created for the city of Mountain Home, Arkansas.

2.24.02 Election On the Tuesday following the first Monday in November 1978 and every four (4) years thereafter, the qualified voters of the city of Mountain Home, Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties As chief executive of the city of Mountain Home, Arkansas, the Mayor shall preside over all meetings of the City Council of the city of Mountain Home, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council of the city of Mountain Home, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary The rate of pay of the Mayor shall be determined by ordinance of the City Council of the city of Mountain Home, Arkansas, from time to time in a manner that will comply with the Arkansas Constitution.

2.24.06 Public hearing Where a public hearing is required by law or is appropriate to determine policy, the Mayor of the city of Mountain Home, Arkansas, shall have the authority to set such public hearing to be held at a regularly scheduled Council Meeting. The notice of the public hearing shall be published as required by law at the direction of the Mayor. (Ord. No. 824, Sec. 1)

2.24.07 Maintenance and operation of vehicle The following guidelines will be followed, effective January 1, 1999, for the efficient operation of the Mayor's vehicle:

- A. It will be the obligation of the Mayor to annually budget for the cost and expenses, necessary for the operation of the vehicle.
- B. It will be the obligation of the Mayor to insure that the vehicle is maintained properly, licensed, insured, and serviced according to the manufactures requirements, all at the expense of the city. Adequate records and receipts shall be obtained and submitted to the city for payment.
- C. Liability insurance for the Mayor's vehicle will be obtained by the city, according to the automobile insurance guidelines of the state of Arkansas, and the vehicle will be utilized for official business only.
- D. The Mayor's vehicle will not be utilized as an emergency vehicle, and will not be utilized by any other department of the city.
- E. The Mayor, by virtue of Arkansas state statute, has the same police powers as the Chief of Police, and subject to call out for certain emergency situations within the city. Therefore, the Mayor should retain an after-hour custody of the vehicle, should it become necessary to conduct city business.
- F. The Mayor's vehicle will not utilized by the Mayor for annual vacation or personal leave.
- G. The Mayor's vehicle shall be considered as a part of the city's vehicle fleet and should the Mayor option to waive his/her vehicle benefit, the City Council shall, by majority vote, reassign the vehicle to another department within the city government, without financial compensation to the Mayor for the waiver. (Ord. No. 97-17.)

CHAPTER 2.28

CITY CLERK AND CITY TREASURER

Sections:

- 2.28.01 Offices separate
- 2.28.02 City Clerk job description
- 2.28.03 Duties
- 2.28.04 Re-election
- 2.28.05 Cost of living
- 2.28.06 Administrative Clerk
- 2.28.07 Effective

2.28.01 Offices separate

- A. The office of City Clerk is hereby created for the city of Mountain Home, Arkansas.
- B. As of January 1, 1987, the office of City Clerk will be a separate office. The City Council of the city of Mountain Home, Arkansas, shall appoint an individual to assume the duties of City Treasurer on January 1, 1987. (Ord. No. 838, Sec. 1)

2.28.02 City Clerk job description

City Clerk: Elected (4-year term/takes the oath of office with other City Officials).

Salary: Salary is determined by the City Council - \$28,000.00 per year, plus benefits provided to fulltime employees of the city of Mountain Home.

Hours: The Clerk's office is open 8:00 a.m. to 4:30: p.m. or City Hall business hours.

Description: The City Council sets the hours of the office and can, at its discretion and with the agreement of the City Clerk, add to or remove any non-statutory duties. (Ord. No. 2010-23, Sec. 1.)

2.28.03 Duties The City Clerk works in conjunction with the City Council and the Mayor. The City Clerk shall give the bond and perform the duties prescribed by law. The City Clerk shall have the custody of all the laws and ordinances of the City and shall keep a regular and correct journal of the proceedings of the City Council. Duties also include the following list:

- A. Serves as secretary to the City Council and keeps an accurate record of all proceedings.
- B. Publishes meeting agendas.
- C. Releases media notices of public hearings, regular and special meetings of the Council and its committees.
- D. Prepares minutes of all meetings of the Council and its committees.
- E. Administrator of and responsible for compliance with the Americans with Disabilities Act.
- F. Publishes ordinances as necessary.
- G. Handles Arkansas Municipal League conference reservations/accommodation for city officials.
- H. Legal custodian of records and documents pertaining to the business of the Council.

- I. Researches, answers questions regarding, and provides copies of city ordinances for the public and city officials.
- J. File marks documents as required.
- K. Works with Building Inspection Department/Planning Commission regarding zoning and annexations.
- L. Works with City Attorney to prepare ordinances and resolutions.
- M. Works with the Arkansas Municipal League to codify ordinances for updating city code books.
- N. Direct oversight of internet media.
- O. Responsible for placing ordinances on the city website.
- P. Prepares Volunteer Community of the Year Award report.
- Q. Grant research and writing as required by the Mayor.
- R. Responsible for notifying public officials of the requirement to file a written statement of financial interest for each calendar year pursuant to A.C.A. 21-08-701. Distributes and collects forms for filing by January 31st of each year to avoid sanctions against a public servant. (Ord. No. 2014-7, Sec. 1)

2.28.04 Re-election A city official who is re-elected to the office which he/she is currently serving shall maintain the salary in effect at the time of re-election and compensation shall continue in the new term as provided herein. (Ord. No. 2014-7, Sec. 2.)

2.28.05 Cost of living This ordinance contemplates that as long as the city budget allows (within the discretion of a majority of the Council), elected officials shall receive the annual Cost of Living Adjustment. (Ord. No. 2014-7, Sec. 3.)

2.28.06 Administrative Clerk The position of Administrative Clerk shall be eliminated effective December 31, 2010. (Ord. No. 2010-23, Sec. 4.)

2.28.07 Effective This ordinance shall be effective January 1, 2011. (Ord. No. 2010-23, Sec. 5.)

CHAPTER 2.32

CITY ATTORNEY

Sections:

- 2.32.01 Election
- 2.32.02 Duties

2.32.01 Election The City Attorney of the city of Mountain Home, Arkansas, shall be elected at the November 1990 General Election and every four (4) years thereafter to a four (4) year term commencing the following January 1.

2.32.02 Duties It shall be the duty of the City Attorney of the city of Mountain Home, Arkansas, to prosecute all cases in the District Court for violation of the city ordinances and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

CHAPTER 2.36

FIRE DEPARTMENT

Sections:

2.36.01	Creation and personnel
2.36.02	Appointment and removal of Fire Chief
2.36.03	Duties of Fire Chief
2.36.04	Compensation for volunteer firefighters
2.36.05	Registration of volunteer firefighters
2.36.06	LOPFI

2.36.01 Creation and personnel The Mountain Home Fire Department is hereby created and shall consist of the following personnel: One (1) Fire Chief and any number of volunteer firefighters as the Fire Chief shall determine as necessary from time to time.

2.36.02 Appointment and removal of Fire Chief The Fire Chief shall be appointed by the Mayor unless appointment is disapproved by a two-thirds (2/3) vote of the Council membership. Such Fire Chief shall be subject to removal by the Mayor unless removal is overruled by the City Council of the city of Mountain Home, Arkansas, by a two-thirds (2/3) vote of the Council membership.

2.36.03 Duties of Fire Chief The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operations of the department. He shall make periodic reports to the City Council of the city of Mountain Home, Arkansas.

2.36.04 Compensation for volunteer firefighters The volunteer firefighters shall be paid for such services as they render based upon the number of calls answered.

2.36.05 Registration of volunteer firefighters All volunteer firefighters shall be registered with the Fire Chief and their names, addresses and phone numbers shall be posted in the fire department and also on file with the City Clerk. Such lists shall be kept up to date by the Fire Chief.

2.36.06 LOPFI

- A. The City Council recognizes that the Arkansas Local Police and Fire Retirement System (LOPFI) is the administrator of the Mountain Home Fire Pension Fund. Therefore, the Chief Administrative Officer is hereby authorized to provide LOPFI an approved copy of this ordinance approving this benefit change for the Mountain Home Fire Pension Fund.
- B. The City Council authorizes the extension of the DROP participation from five (5) years to ten (10) years for the Mountain Home Fire Pension Fund. The monthly amount credited to DROP shall remain 100% of the member's calculated benefit. The ten (10) year DROP is available to all participants of the fire pension fund. (Ord. No. 2010-14, Secs. 1-2.)

CHAPTER 2.40**POLICE DEPARTMENT**Sections:

2.40.01	Established
2.40.02	Duties of Police Chief
2.40.03	Collection of Fines

2.40.01 Established. The city of Mountain Home, Arkansas, hereby establishes a Police Department which shall be known as the "Mountain Home Police Department" and the duties thereof shall be to maintain police protection and police services within the city of Mountain Home, Arkansas.

STATE LAW REFERENCE - See A.C.A. 14-52-101, 14-52-104

2.40.02 Duties of Police Chief The Police Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

2.40.03 Collection of Fines That the Mountain Home Police Department shall be designated as the agency and/or department primarily responsible for collection of fines assessed by the Mountain Home District Court. (Ord. No. 2014-16, Sec. 1)

CHAPTER 2.44

DISTRICT COURT

Sections:

2.44.01	District Court established
2.44.02	Qualifications and powers of District Judge
2.44.03	Court cost fee for Public Defender
2.44.04	Retirement Fund fees
2.44.05	Incarceration fee
2.44.06	Fees for intoxication tests
2.44.07	Administration fee
2.44.08	Probation costs

2.44.01 District Court established The District Court of the city of Mountain Home, Arkansas, is hereby established for the city of Mountain Home, Arkansas.

2.44.02 Qualifications and powers of District Judge The District Judge shall possess the same qualifications and have the same powers, jurisdiction, functions and duties as is provided by state law for other district judges.

2.44.03 Court cost fee for Public Defender

- A. The city of Mountain Home, Arkansas, does establish a fee of Five Dollars (\$5.00) to be taxed as a court cost in each matter, civil or criminal, filed in the District Court of Baxter County, Arkansas, beginning August 15, 1991, except no additional fee shall be taxed in any action filed in the Small Claims Division of said District Court. (Ord. No. 91-24, Sec. 1)
- B. That said fees so taxed shall be paid into a separate fund to be known as the "Baxter County Public Defender Fund" to be used for the sole purpose of paying reasonable and necessary costs incurred in the defense of indigent persons accused of criminal offenses. (Ord. No. 91-24, Sec. 2)
- C. It is further provided that expenditures from said fund may be made for legal fees, including Public Defender salaries and office expenses, investigative expenses and such other reasonable and necessary costs as may be incurred in the proper and adequate representation of indigent persons so accused; that expenditures from said fund shall be consistent with and in accordance with the funding of the Public Defender System in Baxter County, as established by the general budget of

the Public Defender's office, which shall be set by the Baxter County Quorum Court after considering the recommendations of the Baxter County Public Defender Committee. (Ord. No. 91-24, Sec. 3)

2.44.04 Retirement Fund fees Under authority of A. C. A. 22-919(a), 24-8-303, and 16-17-111, there is hereby levied and shall be collected from each defendant in small claims cases and District Court cases upon the plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt the sum of Twenty Cents (20¢) for small claims cases and the sum of One Dollar (\$1.00) for District Court cases. Said funds shall be used only for the District Judge and Clerks Retirement Fund. (Ord. No. 90-1, Sec. 1)

2.44.05 Incarceration fee

- A. Under the authority of Act 860 of 1983, there is hereby levied and shall be collected from said defendants upon plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt in misdemeanors or traffic violations in the District Court of Mountain Home, Arkansas, the sum of Five Dollars (\$5.00).

The monies collected by the levy of this court cost shall be deposited into the District Court Account until monthly settlement is made for court costs and money collected by this levy shall then be deposited into a bank account known as the "Criminal Justice Fund of the city of Mountain Home, Arkansas" and such monies shall be used for reimbursing the county for expenses incurred in incarceration of city prisoners. (Ord. No. 730, Secs. 1-2)

- B. Under the authority of Arkansas ACA 16-17-129 there is hereby levied an additional Five Dollar (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Mountain Home, Arkansas. (Ord. No. 2000-23, Sec. 1.)
- C. Under the authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollars (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Mountain Home, Arkansas, bringing the total of said fee to Ten Dollars (\$10.00).

The monies collected by the levy of this fine shall be deposited in the "Mountain Home District Court Account" until monthly settlement is made for court costs and fines. At this time monies collected by the levy of this fine shall be deposited in the "Criminal Justice Account of the city of Mountain Home, Arkansas."

All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Mountain Home prisoners in the Baxter County Jail. Said fee is subject to increase in accordance with the above referenced statute upon Council approval. (Ord. No. 2009-14, Secs. 1-3.)

- D. Under the authority of A.C.A. 16-17-129, there is hereby levied an additional Ten Dollars (\$10.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Mountain Home, Arkansas, bringing the total of said fee to Twenty Dollars (\$20.00).

The monies collected by the levy of this fine shall be deposited in the “Mountain Home District Court Account” until monthly settlement is made for court costs and fines. At this time monies collected by the levy of this fine shall be deposited in the “Criminal Justice Account of the city of Mountain Home, Arkansas.”

All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Mountain Home prisoners in the Baxter County Jail. Said fee is subject to increase in accordance with the above referenced statute upon Council approval. (Ord. No. 2010-12, Secs. 1-2.)

2.44.06 Fees for intoxication tests

- A. Under the authority of Act 175 of 1951, there is hereby levied and shall be collected from each defendant upon the plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt for the offenses of Driving While Intoxicated and/or Public Intoxication, the sums of Five Dollars (\$5.00) and One Dollar (\$1.00), respectively. The said funds shall be used only for the operation and maintenance of the breathalyzer. (Ord. No. 88-4, Sec. 1)
- B. The Mayor and City Council designate Thirty Dollars (\$30.00) from each and every fine levied in the Baxter County District Court against a defendant upon conviction for the offense of Driving While Intoxicated, A.C.A. 5-65-103, Possession of controlled Substance, A.C.A. 5-64-401, Drug paraphernalia, A.C.A. 5-64-403, Possessing Instrument of Crime, A.C.A. 5-73-102, and subsequently paid to the City Treasurer by the District Court, shall be designated for use by the Police Department for the purposes of maintaining and implementing educational programs concerning alcohol abuse, and for the purpose of implementing programs or purchasing equipment to be used toward preventing or reducing the number of driving while intoxicated offenses committed in the city, as well as the enforcement of the Driving While Intoxicated and Drug statutes. (Ord. No. 2006-11, Sec. 1.)

- C. Upon receipt of said fines by the City Treasurer, it is the intent of the Mayor and City Council that the portion of the fine money identified and designated in (B) for use by the Police Department shall be routinely added to the Police Department's budget in a line item designated "DWI & Drug Enforcement Fund." (Ord. No. 2006-11, Sec. 2.)
- D. Ending budget year balances shall be carried forward to the next budget year. (Ord. No. 2006-11, Sec. 3.)

2.44.07 Administration fee Under authority of Act 860 of 1983, there is hereby levied and shall be collected from each defendant upon plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt for misdemeanors or traffic violations in the District Court of Mountain Home, Arkansas, the sum of Three Dollars (\$3.00). The said funds shall only be used for the administration of justice. (Ord. No. 729, Sec. 1)

2.44.08 Probation costs.

- A. Initial fee An initial Twenty-Five Dollar (\$25.00) fee will be charged by the Probation Officer at the beginning of the probationary period which includes the first month's administrative costs. (Ord. No. 95-26, Sec. 1)
- B. Monthly fee From and after the effective date of this section, an administrative cost of Fifteen Dollars (\$15.00) per month shall be imposed on each probationer who is placed on probation by Mountain Home District Court. (Ord. No. 95-26, Sec. 2)
- C. Collection and deposit The amounts levied under subsections 1 and 2 of this section will be collected by the Mountain Home District Court Probation Officer and remitted to the City Treasurer. Administrative costs collected by the Probation Officer shall be deposited in the City General Fund and reported under a specific revenue category of District Court Probation Administrative Costs. (Ord. No. 95-26, Sec. 3)
- D. Separate and distinct cost The administrative cost hereby established shall be a separate and distinct court cost associated with the expense of the Probation Department and shall be levied as an additional Fifteen Dollars (\$15.00) per month for all individuals placed on supervised probation.(Ord. No. 95-26, Sec.4)
- E. Waiver of cost The initial fee and Fifteen Dollar (\$15.00) monthly administrative cost herein established may be waived by the Probation Officer in conjunction with a court approved policy in those instances where severe financial hardship exists. (Ord. No. 95-26, Sec. 5)

CHAPTER 2.48

PERSONNEL POLICIES

Sections:

- | | |
|---------|----------------------------|
| 2.48.01 | Adopted |
| 2.48.02 | Previous policies repealed |
| 2.48.03 | Amendments |

2.48.01 Adopted The current version of the Personnel Policy handbook is hereby replaced by the attached “Exhibit A” and shall remain in full force and effect unless specifically changed by ordinance. (Ord. No. 2020-23, Sec. 1.)

2.48.02 Previous policies repealed All previous Personnel Policies are hereby repealed. (Ord. No. 2006-16, Sec. 2.)

2.48.03 Amendments

Disciplinary and Termination Procedures

Under Section V. Standards of Conduct of the Personnel Policy Handbook, the entire section under Disciplinary and Termination Procedures shall be deleted and replaced with the attached, identified as Exhibit A. (Ord. No. 2007-32, Sec. 1.)

Chapter II, Section II, page 9, under “Sick Leave.”

Add the following paragraph: “An employee who has no accrued time (sick leave, vacation leave, and/or personal leave) may receive donated sick time from another employee. The employee who wishes to donate sick leave to another employee must submit a Sick Leave Donation Provider Form to his/her director for approval. The amount of sick leave donated may not exceed the number of hours needed by the receiving employee. Hours needed shall be determined by the receiving employee’s director.” (Ord. No. 2010-5, Sec. 1.)

Chapter II, Section II, page 10, under “Immediate Family.”

Add the following: “grandchildren” and **add** the following sentence: “Under special circumstances, the department director may grant a funeral leave exception to the Immediate Family requirement for bereavement leave. A Funeral Leave Exception form will be submitted by the director to administration.” (Ord. No. 2010-5, Sec. 2.)

Chapter II, Section III, page 13, under “Overtime – Full-Time Hourly Employees”

Delete the following from the first sentence: “with the exception of holiday time (see Holiday Pay).” (Ord. No. 2010-5, Sec. 3.)

Chapter II, Section III, page 13, under “Overtime – Full-Time Hourly Employees”

Delete the following sentence: “(Ord. 2010-05) Compensatory time may not exceed a maximum of one hundred twenty (120) hours.”; and, **add** the following sentence: **“Compensatory time may not exceed a maximum of one hundred sixty (160) hours.”** (Ord. No. 2018-7, Sec. 1)

Chapter II, Section II, page 9, under “Holiday Pay”

Change the first bullet to read: “Holiday pay will only be considered in overtime calculations if the designated holiday day falls on the employee’s regularly scheduled workday (police and fire personnel are exempt.”; and, **delete** the third bullet. (Ord. No. 2010-5, Sec. 5.)

Chapter II, Section II, page 8, under “Scheduling Vacation Leave”

Delete the first paragraph and delete the word “later” in the first sentence of the second paragraph. **Insert** the following paragraph: “Directors will coordinate their department’s vacation schedule. Conflicting date requests will be granted on the basis of seniority. Seniority “bumping” of another employee whose vacation days are already scheduled and approved by the director may be allowed only up to February 1.” (Ord. No. 2010-5, Sec. 6.)

Chapter II, Section II, page 9, under “Sick Leave”

Delete the second sentence in the paragraph Regular Full-Time Employees: “Although sick leave will accrue from date of hire, leave cannot be taken until after the employee’s six (6) month anniversary date.”; and, **add** the following paragraph: “All employees will begin accruing sick leave from the date of hire. Sick leave cannot be taken by any employee until after the employee’s six (6) month anniversary date.” (Ord. No. 2010-5, Sec. 7.)

Chapter II, Section II, page 9, under “Sick Leave” in the paragraphs pertaining to Law Enforcement Personnel and Firefighters

Delete the following from the first sentence: “beginning one (1) year after date of hire.” (Ord. No. 2010-5, Sec. 8.)

Chapter II, Section II, page 9, under “Sick Leave” in the paragraph pertaining to Law Enforcement Personnel:

The third sentence shall read: “Law enforcement officers shall receive payment of unused sick leave not to exceed ninety (90) days or seven hundred twenty (720) hours at regular rate of pay in effect at the time of death, retirement (A.C.A. 14-52-107) or termination of service with the city.”; and in the paragraph pertaining to firefighters the third sentence shall read: “Firefighters shall receive payment of unused sick leave not to exceed seven hundred twenty (720) hours at the regular rate of pay in effect at the time of death, retirement (A.C.A. 14-53-108) or termination of service with the city.” (Ord. No. 2010-5, Sec. 9.)

Chapter II, Section II, page 9, under “Sick Leave”

Add the paragraph: “All 12-hour shift Police Dispatcher employees earn up to one hundred forty-four (144) hours of sick leave per year earned at the rate of twelve (12) hours per month. Police Dispatchers leaving the service of the city after at least one (1) year continuous employment will be reimbursed for unused sick leave at regular rate of pay for each day of unused sick leave to a maximum of sixty (60) days or seven hundred twenty (720) hours. (Ord. No. 2010-5, Sec. 10.)

Chapter II, Section II, page 8, under “Holiday Pay”

Add “12-hour shift Police Dispatchers” to the first sentence in the first paragraph; **add** “Police Dispatchers” to the second and third sentences in the first paragraph; and, **add** “Police Dispatchers” to the second sentence in the second paragraph. (Ord. No. 2010-5, Sec. 11.)

Chapter II; Section III; under “Time Records and Pay Periods”: the following sentence in the first paragraph shall be **deleted**:

“Pay Periods for all employees are biweekly, beginning on Thursday and closing on the second following Wednesday.” (Ord. No. 2014-17, Sec. 2)

The following shall be added to paragraph 1 of Chapter II; Section III:

“Pay Periods for all employees are biweekly, beginning with the employee’s shift Monday and closing at the end of the employee’s shift on Sunday. On whatever day a shift begins and extends past midnight, all of the time worked for that shift shall be recorded on the day the employee began the shift. For example: An employee’s shift begins at 6:00pm Sunday and ends at 6:00am Monday. The entire 12 hours worked for that employee’s shift shall be recorded on Sunday on the timesheet.” (Ord. No. 2014-17, Sec. 2)

The **transition** pay period will take effect and shall begin on Thursday, September 25, 2014 and end Sunday, October 5, 2014. Monday, Tuesday and Wednesday, October 6th, 7th and 8th shall be paid in the next pay period’s payday of October 23rd. The transition pay period and subsequent pay periods pertaining to the change authorized in this ordinance are noted on the attached “**Exhibit A**” calendars. (Ord. No. 2014-17, Sec. 3)

During the transition period for changing the pay cycles, the normal calculation for overtime shall be suspended for the dates of September 25th through September 28th and shall be calculated on a **daily basis for these dates only**. Beginning with the new pay period of September 29th, overtime calculations shall be calculated on a 40 hour weekly basis in accordance with the personnel policy handbook. (Ord. No. 2014-17, Sec. 4)

Because the transition from one pay cycle to another pay cycle will cause a delay in the payment of a portion of the employee's normal wages, a **one-time cash out of accrued leave** shall be allowed for those employees who are unable to wait for the delay in the payment of said wages. The employee shall be allowed to cash out accruals up to the amount that would be needed to make the employee's normal base pay. Because Funeral Leave is granted and not accrued, Funeral Leave shall not be included in this option. Donation of accrued leave from one employee to another shall not be permitted for this option. (Ord. No. 2014-17, Sec. 5)

The **Longevity Pay Plan** of the Job Classification and Compensation Plan is hereby amended as follows:

“For 1-5 years the percentage is ½%” shall be deleted from page 5 under Longevity Pay Plan. Employees shall not receive longevity pay for years 1-5 of service.

This amendment shall apply to all employee hired after May 21st, 2015.

That all other provisions of the Job Classification and Compensation Plan of the City of Mountain Home shall remain in full force and effect unless specifically changed by the provisions of this Ordinance. (Ord. No. 2016-4, Sec. 2)

“Meter Maintenance” shall be moved from grade 4 to grade 6 in the position classification table as noted on attached “exhibit A” (Ord. No. 2020-27, Sec. 1)

- The classification of “Warehouse Supervisor – Water/Sewer” shall be added to Table 4 Position Classifications in Grade 14 as noted on attached “Exhibit A”. (Ord. No. 2016-4, Sec. 1)

CHAPTER 2.52

POLICY FOR A DRUG-FREE WORKPLACE

Sections:

2.52.01	Purpose of policy
2.52.02	Policy statement
2.52.03	Safety and security-sensitive positions defined
2.52.04	Drug-free awareness program; education and training
2.52.05	Prohibited substances; legal drugs; unauthorized items
2.52.06	Use of alcohol and drugs; prohibited conduct
2.52.07	When drug and alcohol testing may be required of all employees
2.52.08	Employees holding safety and security-sensitive positions
2.52.09	Disciplinary action
2.52.10	Employment status pending receipt of test results

2.52.01 Purpose of policy The city of Mountain Home has a vital interest in providing for the safety and well-being of all employees and the public and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol free workplace.

The city and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the city has adopted the following Drug-Free workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation.

2.52.02 Policy statement

- A. All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the

employee's system is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on city property, in city vehicles, during breaks or at lunch.

- B. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

2.52.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
1. Law enforcement officers who carry firearms and jailers.
 2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
 3. Fire department employees who directly participate in fire-fighting activities.
 4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
 5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
 6. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.

- B. A security sensitive position includes:
1. Any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
 2. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

2.52.04 Drug-free awareness program; education and training The city will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The city will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The city's Drug-Free Awareness Program will inform employees about:

- A. the dangers of drug and alcohol abuse in the workplace;
- B. the city's policy of maintaining a drug and alcohol free workplace;
- C. the availability of drug and alcohol treatment, counseling and rehabilitation programs;
- D. the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As a part of the Drug-Free Awareness Program, the city shall provide educational materials that explain the city's policies and procedures. Employees shall be provided with information concerning the effect of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

2.52.05 Prohibited substances; legal drugs; unauthorized items

Prohibited Substances Alcoholic beverages and rugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S. C. 812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, A.C.A. 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.

Legal Drugs The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

Unauthorized Items Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

2.52.06 Use of alcohol and drugs; prohibited conduct All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- B. Employees shall not consume alcohol while on duty.
- C. Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol test.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties. In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee’s next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety or security sensitive functions.

2.52.07 When drug and alcohol testing may be required of all employees Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.
- B. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination.
- C. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- D. When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- E. When any prohibited drug or alcoholic beverage, is found in an employee's possession.
- F. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

2.52.08 Employees holding safety and security-sensitive positions Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- A. When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Step to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League.

2.52.09 Disciplinary action

- A. Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:
 - 1. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
 - 2. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
 - 3. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on city property, in city vehicles, during breaks or at lunch.
 - 4. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.

5. Refusal to cooperate in a search.
6. Having an alcohol concentration of .04% or greater in any authorized alcohol test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the city reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

2.52.10 Employment status pending receipt of test results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

CHAPTER 2.56

HOUSING AUTHORITY

Sections:

2.56.01 Authorized

2.56.01 Authorized. Northwest Regional Housing Authority is hereby authorized to exercise its powers within the territorial boundaries of the city of Mountain Home, Arkansas. (Ord. No. 87-010)

CHAPTER 2.60

PUBLIC FACILITIES BOARD

Sections:

2.60.01	Authorized
2.60.02	Creation
2.60.03	Membership
2.60.04	Powers
2.60.05	Officers
2.60.06	Meetings
2.60.07	Removal of members
2.60.08	Severability

2.60.01 Authorized. The City Council of the city of Mountain Home, Arkansas, finds that the city is authorized by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) to create a Public Facilities Board, and it is in the best interest of the city and its citizens and residents to do so. (Ord. No. 95-001, Section 1)

2.60.02 Creation.

- A. In accordance with and pursuant to the authority conferred by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) there is hereby created and established a Public Facilities Board (hereinafter referred to as the “Board”) with the authority provided in the Act (A.C.A. §§ 14-137-101 - 123), as set forth in Section 2.56.01. (Ord. No. 95-001, Section 2)
- B. The name of the board shall be the “city of Mountain Home, Arkansas Public Facilities Board.” (Ord. No. 95-001, Section 3)

2.60.03 Membership.

- A. The initial members of the Public Facilities Board shall be appointed by the Mayor as soon as practicable after the adoption of this chapter with the members being approved by a majority vote of the City Council. (Ord. No. 95-001, Section 4)
- B. Notwithstanding the limitation on the terms of members hereby appointed to the Public Facilities Board, each such member and each member hereafter elected to

fill vacancies shall serve until his or her successor is elected and qualified. A member of the Board shall be eligible to succeed himself or herself. The members of the Board must be residents of the city of Mountain Home, and as soon as practicable after their appointment, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 4)

2.60.04 Powers.

- A. That the Public Facilities Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any and all facilities authorized by the Act (A.C.A. §§ 14-137-101 - 123) or any interest in such facilities, including, without limitation, leasehold interests and mortgages on such facilities as shall be determined by the Board to be necessary to effect the purposes of this chapter. The Board is specifically given all of the authority which may be granted to public facilities boards pursuant to the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 5)

- B. That the Public Facilities Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created. Such revenue bonds shall be obligations only of the Public Facilities Board and shall not constitute an indebtedness for which the faith and credit of the city of Mountain Home or any of its revenues are pledged, and the principal of and interest on the bonds may be payable from and secured by a pledge of revenues derived from the public facilities project acquired, constructed, reconstructed, equipped, extended, or improved, in whole or in part, with the proceeds of the bonds, together with such other collateral as may properly be pledged under the Act (A.C.A. §§ 14-137-101 - 123) and as the Board in its discretion may determine. The aggregate principal amount of any revenue bond issued pursuant to the authority granted by this section and by the Act (A.C.A. §§ 14-137-101 - 123) shall be determined by the Board in its discretion; provided, however, each issuance of such revenue bonds shall be approved by resolution of the City Council of the city of Mountain Home. (Ord. No. 95-001, Section 6)

- C. The Public Facilities Board shall have all of the powers provided in the Act (A.C.A §§ 14-137-101 - 123), subject to the provisions of this chapter, and shall carry out its duties in accordance with the Act (A.C.A. §§ 14-137-101 - 123), including specifically, but without limitation, the filing of the annual report of the City Council of the city of Mountain Home as required by Section 14-137-123 of the Act. (Ord. No. 95-001, Section 7)

2.60.05 Officers

- A. As soon as practicable after the members of the Public Facilities Board are appointed, they shall meet and organize by electing one of their number as a chairman, one as a vice-chairman, one as a secretary, and one as a treasurer, and such officer shall be elected annually for terms of one year thereafter in like manner. (Ord. No. 95-1, Section 8)
- B. The duties of secretary and treasurer may be performed by the same member. (Ord No. 95-1, Section 8)
- C. The Board may, at its option, designate an executive director who shall not be a member of the Board and who shall serve at the pleasure of the Board with such compensation as shall be fixed by the Board, from time to time. (Ord. No. 95-1, Section 8)
- D. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their duties. (Ord. No. 95-1, Section 8)

2.60.06 Meetings That the Public Facilities Board shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its by-laws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by a resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board. The secretary shall keep a record of the proceedings of the Board and shall be the custodian of its books, documents and papers and of the minute book or journal of the Board and its official seal if any shall be adopted. The secretary may cause copies of all minutes and other records and documents of the Board to be made and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 95-1, Section 9)

2.69.07 Removal That any member of the Public Facilities Board may be removed from misfeasance, malfeasance or willful neglect of duty, by the Mayor of the city of Mountain Home, after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.

2.60.08 Severability If any provision of this chapter shall for any reason be held illegal or invalid, the invalidity of such provision shall not affect the validity of the remaining provisions of this chapter.

CHAPTER 2.64

MONEY ACCUMULATION PENSION PLAN AND TRUST

Sections:

2.64.01 Plan Administrative Committee

2.64.01 Plan Administrative Committee The Plan Administrative Committee of the Plan is hereby appointed to serve as the Board of Trustees of the Plan and the provisions of the Plan regarding resignation, removal, and appointment of vacancies regarding the Plan Administrative committee shall also govern the Board of Trustees. (Ord. No. 2002-25, Sec. 1.)

CHAPTER 2.68

JOB CLASSIFICATION AND COMPENSATION PLAN

Sections:

2.68.01 Plan amended to include Grade 39
 2.68.02 Plan amended to include Police Department position
 2.68.03 Plan amended to include Fire Department Wage Scale
 2.68.04 Plan amended to include the Organizational Structure
 2.68.05 Plan amended designating salaries; adding engineer position
 2.68.06 Plan amended to include new position and seasonal employees
 2.68.07 Plan amended changing position of engineer; adding draftsman
 2.68.08 Plan amended changing grade of Administrative Assistant
 2.68.09 Plan amended changing classifications

2.68.01 Plan amended to include Grade 39 The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include Grade 39 which shall include the Street Superintendent, Water and Sewer Superintendent, Police Chief and Fire Chief. The inclusion of the department heads within has been determined by the following criteria:

- A. Level of responsibility during city emergency – public health, safety and welfare
- B. Number of employees supervised
- C. Responsibility of high cost equipment
- D. Size of budget responsibility
- E. On-call schedule (24 hours/day – 365 day/year)

- F. Level of public contact (public relations)
- G. Job specific years of experience

The Job Classification and Compensation Plan shall be policy of the city of Mountain Home to use the above stated criteria to determine present or future placement in Grade 39. (Ord. No. 2001-4, Secs. 1-2.)

2.68.02 Plan amended to include Police Department position The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include a corporal position in Grade 11 of the Police Department. The newly created position will require a sergeant to be moved to a Class 12 and a lieutenant will be moved to a Class 13. These changes have been determined by the following:

- A. Increased supervision needs to address liability issues.
- B. Increased supervision needs to address personnel issues.
- C. Increased level of responsibility for high cost equipment.
(Ord. No. 2002-9, Sec. 1.)

2.68.03 Plan amended to include Fire Department Wage Scale

- A. The Job Classification and Compensation Plan is hereby amended to include the Fire Department Wage Scale 2002, “Example A.”
- B. Increase the maximum pay of the current Wage Scale 2002, Grade 2-6 by \$1.00 in two additional steps and increase Grade 7 by \$.50 in one step.
- C. Position classification Table II shall be created for Seasonal/Part-time positions. However, those positions listed shall follow the current year “Wage Scale” as it applies to the specific Seasonal/Part-time Grades. (Ord. No. 2002-27, Secs. 1-3.)
- D. The Wage Scale shall be updated January 1st, 2019 in accordance with the **Minimum Wage Initiative** passed on the November 6, 2018 ballot updating the State’s minimum wage statute incrementally on the following schedule:
 - January 1, 2019 – \$ 9.25 per hour
 - January 1, 2020 – \$10.00 per hour
 - January 1, 2021 – \$11.00 per hour

(Ord. No. 2018-19, Sec. 1)

The Wage Scale shall be adjusted in Grades 1 and 2 in the full-time scale and Grades 1, 2, and 3 in the part-time scale as noted on attached “Exhibit A” and “Exhibit B”. (Ord. No. 2018-19, Sec. 1)

Also, in accordance with the Arkansas State minimum wage incremental increases, the Wage Scale shall be adjusted again before the effective dates of January 1, 2020 and January 1, 2021. (Ord. No. 2018-19, Sec. 2)

2.68.04 Plan amended to include the Organizational Structure The Job Classification and Compensation Plan of the city of Mountain Home, dated July 1996, is hereby amended to include the Organizational Structure. Changes reflected in “Exhibit A” attached hereto dated February 6, 2003, and as follows:

- A. The six senior positions shall be directors rather than superintendents.
- B. Director Parks Services will be classified as Grade 39.
- C. Director of Youth Center will be changed to Manager of Youth Center.
- D. Director of Administration will be a newly created position classified as Grade 39.
- E. Other staff and supervisor positions remain unchanged with no reductions in pay. (Ord. No. 2003-5, Sec. 1.)

2.68.05 Plan amended designating salaries; adding engineer position

- A. The Job Classification and Compensation Plan of the city of Mountain Home is hereby amended to include the following change: Grade 37 will be added in the Position Classification Table and the position of Engineer will be placed in this grade. (Ord. No. 2003-37, Sec. 1.)
- B. The Job Classification and Compensation Plan of the city of Mountain Home is hereby amended to change the classification of Engineer from Grade 37 to Grade 39, as a Director, in the Position Classification Table. This change has been determined by the following:
 - 1. In 2003 it was the Council’s desire to eventually merge the Engineer with the Building Inspection Department.
 - 2. Level of responsibility of Engineer to review of all subdivision, building plans and other engineering projects.
 - 3. Communications between the Engineer, Building Inspection Department and all other city departments.

4. The efficiency of the city in providing quality services for the citizens.
(Ord. No. 2004-14, Sec. 1.)

2.68.06 Plan amended to include new position and seasonal employees

- A. The Job Classification and Compensation Plan is hereby amended to include newly created position of Program Coordinator in Grade 10 of the Position Classifications Table 4. (Exhibit A)
- B. The Job Classification and Compensation Plan is hereby amended to include Position Classification Table II and Wage Scale for part-time/seasonal positions. (Exhibit B)
- C. The Position Classification Table 4 shall be used for full-time positions only.
- D. It is in the economic interest of the City of Mountain Home to amend the Job Classification and Compensation Plan as it relates to the following:
- The classification of “Office Manager / Inventory Comptroller” shall be added to Table 4 Position Classifications in Grade 14 as noted on attached “Exhibit A”.
 - The classification of “Inventory Clerk” shall be added to Table 4 Position Classification in Grade 8 as noted on attached “Exhibit A”.

(Ord. No. 2014-3, Sec. 1)

The administration and all departments are hereby directed to adhere to the part-time/seasonal plan and scale in all hiring and employee practices. (Ord. No. 2004-4, Secs. 1-4.)

- E. Adjustments need to be made to the wage scale for the City to be competitive in job market recruiting and hiring as; and,
- To provide for the placement of two newly created positions of Assistant Police Chief and Assistant Fire Chief in the wage scale, the City’s wage scale shall be updated to include Grade 36 as noted on the attached “Exhibit A”. (Ord. No. 2019-24, Sec. 1)

All other provisions of the Job Classification and Compensation Plan of the City of Mountain Home shall remain in full force and effect unless specifically changed by Ordinance. (Ord. No. 2019.24, Sec. 2)

2.68.07 Plan amended changing position of engineer; adding draftsman It is in the economic interest of the city of Mountain Home to amend the Job Classification and Compensation Plan as it relates to the following:

- A. The classification of Engineer will be moved from Grade 39 to Grade 37 in the Position Classification Table.
- B. The position of Engineer will be separated from the Building Inspection Department.
- C. The position of CAD Draftsman will be added in the Position Classification Table as a Grade 14. (Ord. No. 2007-31, Sec. 1.)

2.68.08 Plan amended changing grade of Administrative Assistant The classification of Administrative Assistant to the Mayor shall be deleted from Table 4 Position Classifications in Grade 18 as noted on attached Exhibit A. (Ord. No. 2012-11, Sec. 1.)

2.68.09 Plan amended changing classifications

- A. The classification of Clerk/Receptionist shall be added to Table II Position Classification part-time/seasonal under Grade 2 as noted on Attached Exhibit A.
- B. The classification of Code Enforcement Officer shall be added to Table II Position Classification part-time/seasonal under Grade 5 as noted on attached Exhibit A.
- C. Remove the classification of Parking Authority in Table 4 Position Classifications in Grade 6 as noted on attached Exhibit B. (Ord. No. 2009-12, Sec. 1.)
- D. The classification of Administrative Clerk shall be added to Table 4 Position Classifications in Grade 8 as noted on attached Exhibit A.
- E. The classification of Chief Deputy Court Clerk shall be added to Table 4 Position Classifications in Grade 12 as noted on attached Exhibit A. (Ord. No. 2009-17, Sec. 1.)
- F. The classification of Director of Administration shall be deleted from Table 4 Position Classification in Grade 39 as noted on attached Exhibit A. (Ord. No. 2012-11, Sec. 1.)
- G. The classification of Human Resources Coordinator shall be added to Table 4 Position Classifications in Grade 18 as noted on attached Exhibit A. (Ord. No. 2012-11, Sec. 1.)

- H. The classification of “Laborer – Mountain Home Cemetery” shall be added to Table II Position Classification Part-Time / Seasonal under “Grade 1” as noted on attached “Exhibit A”. (Ord. No. 2017-17, Sec 1)
- I. The position of “Laborer – Mountain Home Cemetery” shall be placed in the City Administration’s organizational structure. (Ord. No. 2017-17, Sec 1)
- J. Wages for the position of “Laborer – Mountain Home Cemetery” shall be paid solely from monies in the Mountain Home Cemetery fund account and no other Cities monies. (Ord. No. 2017-17, Sec. 1)

CHAPTER 2.72

MUNICIPAL EMPLOYEES AND OFFICIALS

DOING BUSINESS WITH THE CITY

Sections:

2.72.01 Authorization

2.72.01 Authorization The City Council of the city of Mountain Home, Arkansas, hereby authorizes the individuals reflected on Exhibit "A" attached hereto to conduct business with the city of Mountain Home, Arkansas, and further defines the extent of authority as that shown on Exhibit "A." (Ord. No. 2012-8, Sec. 1.)

The City Council of the City of Mountain Home, Arkansas hereby authorizes the individuals/companies listed on “Exhibit A” attached hereto to conduct business with the City of Mountain Home, Arkansas; and, further defines the extent of authority as that shown on “Exhibit A”. (Ord. No. 2014-10, Sec. 1)

The City Council of the City of Mountain Home, Arkansas hereby authorizes the individuals/companies listed on “Exhibit A” attached hereto to conduct business with the City of Mountain Home, Arkansas; and, further defines the extent of authority as that shown on “Exhibit A”. (Ord. No. 2017-8, Sec. 8)

The City Council of the City of Mountain Home, Arkansas hereby authorizes the individuals/companies listed on “Exhibit A” attached hereto to conduct business with the City of Mountain Home, Arkansas; and, further defines the extent of authority as that shown on “Exhibit A”. (Ord. No. 2018-11)

The City Council of the City of Mountain Home, Arkansas hereby authorizes the individuals/companies listed on “Exhibit A” attached hereto to conduct business with the City of Mountain Home, Arkansas; and, further defines the extent of authority as that shown on “Exhibit A”. (Ord. No. 2019-19)

The City Council of the City of Mountain Home, Arkansas hereby authorizes the individuals/companies listed on “Exhibit A” attached hereto to conduct business with the City of Mountain Home, Arkansas; and, further defines the extent of authority as that shown on “Exhibit A”. (Ord. No. 2020-19, Sec. 1)

CHAPTER 2.76

STANDING COMMITTEES

Sections:

2.76.01	Committees
2.76.02	Members
2.76.03	Terms
2.76.04	Survey
2.76.05	Serving
2.76.06	Chairpersons
2.76.07	Purpose

2.76.01 Committees The city of Mountain Home hereby designates and formulates the following committees of the city of Mountain Home, Arkansas, to serve as standing committees of the city, to wit:

- A. The Street Committee
- B. The Water and Wastewater Committee
- C. The Parks and Recreation Committee
- D. The Public Safety Committee, and
- E. The Personnel Committee (stand-by)
- F. The Administrative Committee
- F. Short-term Ad Hoc Committees will be appointed as requested.
(Ord. No. 2009-27, Sec. 1.)

2.76.02 Members Each of the standing committees shall consist of a minimum of three (3) Councilmembers, with the Mayor and Department Director serving as ex-officio members of each committee. All standing committees shall meet a minimum of at least once per month and shall report monthly to the Mayor and City Council during a regular Council meeting. The Personnel Committee shall meet only on an “as needed” basis as circumstances may dictate. (Ord. No. 2009-27, Sec. 2.)

2.76.03 Terms Committee membership shall be for a term of two (2) years, with membership being voted upon during the month of January, in the odd numbered year, immediately following the Council members election to the Mountain Home City Council. (Ord. No. 2009-27, Sec. 3.)

2.76.04 Survey The membership of each committee shall be determined by a majority vote of the City Council from a list of City Council members nominated at large for committee membership by the Council. Attached hereto as Exhibit "A" is a City Council Committee Survey, which shall be filled by each Councilmember and turned in to the City Clerk. City Clerk shall include copies of all completed surveys to the City Council for nomination consideration and vote during the month of January at either a regular or special Council meeting called for the purpose of electing committees. All nominations shall, to as full extent as possible, consider the desires and qualifications of Councilmembers on specific committees as stated on Exhibit "A." Should a vacancy occur on any committee, then the newly elected, or appointed, City Council member shall fill the committee member vacancy created by their predecessor. (Ord. No. 2009-27, Sec. 4.)

2.76.05 Serving No Council member shall serve on more than three (3) standing committees at one time. (Ord. No. 2009-27, Sec. 5.)

2.76.06 Chairpersons The determination of chairpersons on the various committees will be by a vote of the members of the committee, which shall occur at the first meeting of their newly elected term. (Ord. No. 2009-27, Sec. 6.)

2.76.07 Purpose The purpose of this ordinance is to further the best interest of the city by promoting structure and continuity of its committees. Also, that the purpose of the committees formed by this ordinance shall be to aid and advise the City Council in making decisions that are in the best interest of the city of Mountain Home. Nothing contained herein shall be construed as abrogating any power and authority held by the City Council and/or Mayor under existing state law. (Ord. No. 2009-27, Sec. 7.)

Pages 52-79 Intentionally left blank