

- **The next Committee Meeting date will be discussed at tonight's meeting.**
- **Agenda Packet will be available on the Friday before the meeting.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF CRIMINAL JUSTICE BUILDING
Tuesday, January 24th, 2023**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Mike Lawson

1. Call to Order – Mayor Doug Sprouse

2. Roll Call – Denise Pearce, City Clerk/Treasurer

3. Recognition of a Quorum.

4. Comments from Citizens

The Council will hear brief comments from citizens present at the meeting during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.

5. Approval of Minutes – **Tuesday, January 10, 2023. Pgs. 182-193**

6. Procedural Motions

A. Entertain Motion to read all Ordinances and Resolutions by title only.

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **8A-8C, 12A, 13, and 14.*** (Motion must be approved by two-thirds (2/3) of the council members).

7. **Springdale Chamber Report**— Presented by Bill Rogers, Springdale Chamber of Commerce.

8. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat

pertaining thereto by rezoning (R23-02) certain lands located at 1094 Nichols Road from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. Pgs. 1-3

B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-03) certain lands located at 4500 S. 48th Street from General Commercial District (C-2) and Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. Pgs. 4-7

C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-04) certain lands located at the east end of Member's Lane, west of Interstate 49 from Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. Pgs. 8-10

D. **A Resolution** approving a Conditional Use (C23-03) for Harbor Church of NWA at 986 Elmwood Street as set forth in Ordinance No. 4030. Pgs. 11-12

E. **A Resolution** approving a waiver (W23-01) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Reliable Poultry in connection with L23-07, a Large-Scale Development. Pgs. 13-14

F. **A Resolution** approving a waiver (W23-02) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Calderon Landscaping in connection with L23-07, a Large-Scale Development. Pgs. 15-16

G. **A Resolution** approving a waiver (W23-03) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Flying the Coop Hangar Expansion in connection with N22-29, a Non-Large-Scale Development. Pgs. 17-18

H. **A Resolution** approving a waiver (W23-04) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to LionHeart Enterprises, LLC in connection with 613 Black Oak Avenue, a single-family dwelling. Pgs. 19-20

9. Finance Committee by Chairwoman Amelia Williams

A. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Springdale Masonic Lodge NO. 316 is defendant (Project No. 18BPS10, Tract 3). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 21-27

B. **A Resolution** authorizing the Mayor and City Clerk to purchase stream and wetland mitigation credits from Watershed Conservation Resource Center and Streamworks Mitigation Services, LLC, respectively, in compliance with Army Corp of Engineers permit for detention pond project at Springdale airport. Forwarded from Committee with recommendation for approval. Presented by Ben Peters, Engineering Director. Pgs. 28-32

10. Health, Sanitation, and Property Maintenance by Chairman Jeff Watson

A. **A Resolution** authorizing the execution of a Professional Services Agreement to procure a solid waste contract and other purposes. Forwarded from Committee with recommendation for approval. Presented by Colby Fulfer, Chief of Staff. Pg. 33

11. Police and Fire Committee by Chairman Brian Powell

A. **A Resolution** accepting a grant from the Justice Assistance Grant (JAG) Program, authorizing the mayor to sign the grant agreement, and appropriating funds. Forwarded from Committee with recommendation for approval. Presented by Frank Gamble, Chief of Police. Pgs. 34-48

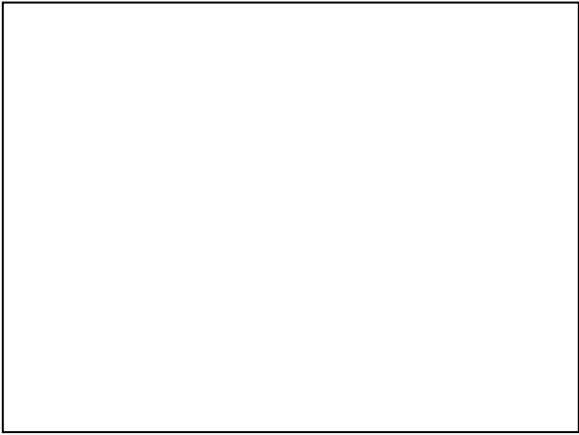
12. Personnel Committee by Chairman Mark Fougrousse

A. **An Ordinance** developing, implementing, and maintaining a Catastrophic Leave Bank Program for eligible employees of the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-42-123; and declaring an emergency. Forwarded from Committee with recommendation for approval. Presented by Gina Lewis, Human Resources Director. Pgs. 49-51

B. **A Resolution** adopting the revised Personnel Manual for the City of Springdale, Arkansas. Forwarded from Committee with

recommendation for approval. Presented by Gina Lewis, Human Resources Director. Pgs. 52-159

13. **An Ordinance** authorizing the City Clerk to file a lien for the razing and removal of a structure within the City of Springdale, Arkansas, located at 983 W. Sunset Avenue, Springdale, Arkansas; and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 160-166
14. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 167-181
15. **A Discussion** a date for the 1st Committee Meeting in February.
16. Comments from Council Members.
17. Comments from City Attorney.
18. Comments from Mayor
19. Adjournment.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R23-02) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of January 3, 2023 for hearing the matter of a petition of Daniel and Heather Douglas requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2).

Layman's Description: 1094 Nichols Road

Legal Description: A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MEMRIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARATICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S89°19'15" E 219.74 FEET ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT TO THE TRUE POINT OF BEGINNING AND FROM WHICH A SEET ½" REFERENCE IRON BEARS N00°35'30" W 30.00 FEET; THENCE S89°19'15" E 135.73 FEET ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT TO A POINT FROM WHICH A SET ½" REFERENCE IRON BEARS N00°57'47" W 30.00 FEET; THENCE LEAVING THE SOUTH LINE OF SAID 40 ACRE TRACT N00° 57'47" E 175.36 FEET TO A SET ½" IRON REBAR; THENCE S89°43'45" E 20.00 FEET TO AN EXISTING FENCE CORNER; THENCE N00°57'47" E 413.03 FEET TO A SET ½" IRON REBAR; THENCE N86°52'50"W172.03 FEET TO AN EXISTING IRON; THENCE S00°35'30" E 596.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.15 ACRES, MORE OR LESS. THE ABOVE DESCRIBED

2.15 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF NICHOLS ROAD ALONG THE ENTIRE SOUTHO BOUNDARY AND A FIVE (5) FOOT WIDE WATER AND GAS EASEMENT ALONG THE WEST BOUNDARY

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted on or Prior to: 12/22/2022
Public Hearing Sign Posted By Planning Department Staff
S Public Hearing Sign Location

Planning Commission Meeting
January 3, 2023

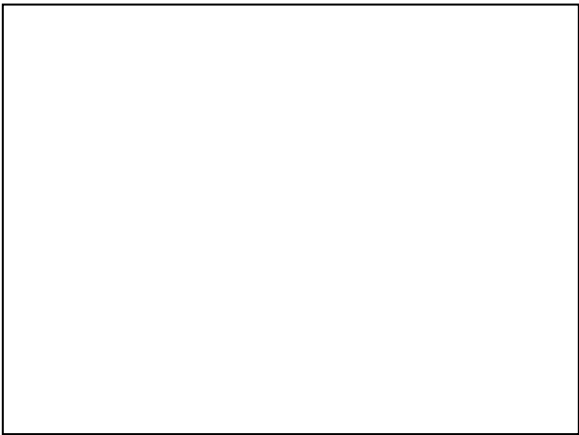
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PROJECT: R23-02
APPLICANT: Daniel and Heather Douglas
REQUEST: Rezone from A-1 to SF-2



SPRINGDALE
WE'RE MAKING IT HAPPEN



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R23-03) CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) AND THOROUGHFARE COMMERCIAL DISTRICT (C-5) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-24) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of January 3, 2023 for hearing the matter of a petition of Mill Creek Manor, LLC requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) and Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24).

Layman's Description: 4500 S. 48th Street

Legal Description:
PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, SAID POINT BEING A FOUND 1/2" REBAR; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, N87°18'10"W A DISTANCE OF 1059.62 FEET TO THE POINT OF BEGINNING LOCATED IN S. 48TH STREET; THENCE LEAVING SAID NORTH LINE, S23°13'44"E A DISTANCE OF 17.51 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 269.20 FEET, AN ARC LENGTH OF 33.22 FEET AND A CHORD BEARING & DISTANCE OF S19°24'07"E - 33.20 FEET; THENCE S15°52'00"E A DISTANCE OF 385.76 FEET; THENCE S74°58'10"W A DISTANCE OF 908.61 FEET; THENCE

S15°02'07"E A DISTANCE OF 660.21 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG SAID SOUTH LINE, N87°20'27"W A DISTANCE OF 641.39 FEET TO THE EASTERLY RIGHT OF WAY LINE OF

INTERSTATE 49, SAID POINT BEING A FOUND IRON PIN WITH CAP "FOX PLS 1144"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FIVE CALLS, N07°05'17"W A DISTANCE OF 24.95 FEET TO A FOUND 2" AHTD MONUMENT; THENCE N10°43'51"W A DISTANCE OF 263.18 FEET TO A FOUND 2" AHTD MONUMENT; THENCE N10°39'30"W A DISTANCE OF 417.99 FEET TO A FOUND 2" AHTD MONUMENT; THENCE N10°40'08"W A DISTANCE OF 243.53 FEET TO A FOUND 2" AHTD MONUMENT; THENCE N18°35'46"W A DISTANCE OF 422.42 TO A FOUND 2" AHTD MONUMENT LOCATED ON THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID NORTH LINE, S87°18'59"E A DISTANCE OF 1,534.43' FEET TO THE POINT OF BEGINNING. CONTAINING 30.02 ACRES - 1,307,563 SQ.FT., MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) and Thoroughfare Commercial District (C-5) to High Density Multi-family Residential District (MF-24) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) and Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

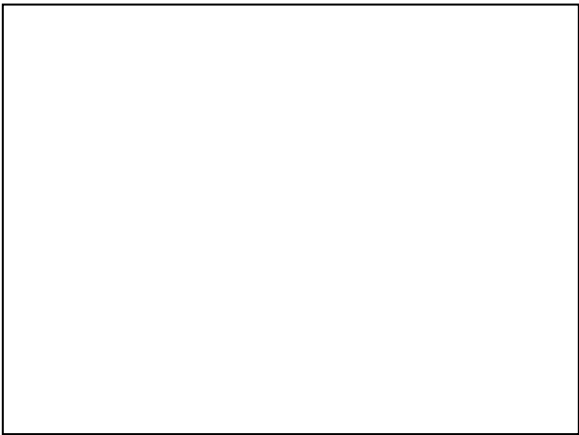
APPROVED AS TO FORM:

Ernest Cate, City Attorney

 Public Hearing Sign Location



SPRINGDALE
WE'RE MAKING IT HAPPEN



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R23-04) CERTAIN LANDS FROM THOROUGHFARE COMMERCIAL DISTRICT (C-5) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-24) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of January 3, 2023 for hearing the matter of a petition of Sam's Real Estate Business Trust requesting that the following described tract of real estate to be zoned from Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24).

Layman's Description: East end of Member's Lane, west of Interstate 49

Legal Description: PART OF LOT ONE (1), BLOCK FOUR (4) OF SAM'S CLUB ADDITION TO THE CITY OF SPRINGDALE AS SHOWN ON PLAT FILE 24-338 FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 4, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 49, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N0°32'20"E A DISTANCE OF 351.21 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N87°27'05"W A DISTANCE OF 457.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°27'05"W A DISTANCE OF 181.35 FEET; THENCE N02°41'12"E A DISTANCE OF 377.69 FEET; THENCE S86°43'41"E A DISTANCE OF 177.42 FEET; THENCE S02°05'12"W A DISTANCE OF 375.46 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Thoroughfare Commercial District (C-5) to High Density Multi-family Residential District (MF-24) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Thoroughfare Commercial District (C-5) to High Density Multi-Family Residential District (MF-24).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

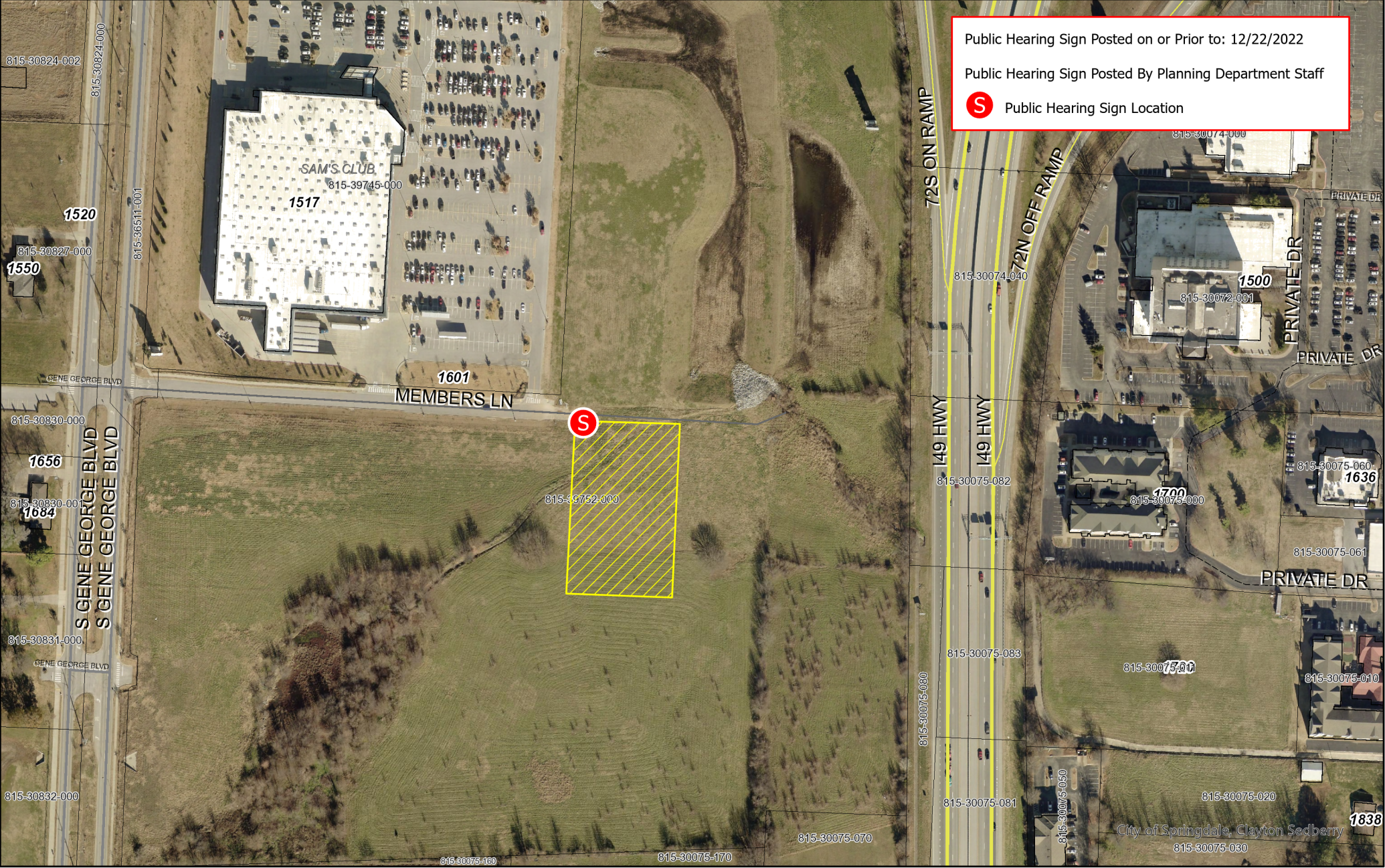
ATTEST:

Denise Pearce, City Clerk

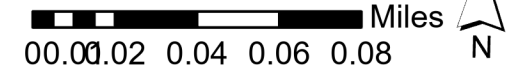
APPROVED AS TO FORM:

Ernest Cate, City Attorney

Public Hearing Sign Posted on or Prior to: 12/22/2022
Public Hearing Sign Posted By Planning Department Staff
 Public Hearing Sign Location



Planning Commission Meeting
January 3, 2023



PROJECT: R23-04
APPLICANT: Sam's Real Estate Business Trust
REQUEST: Rezone from C-5 to MF-24



RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE
(C23-03) FOR THE HARBOR CHURCH OF NWA AT 986
ELMWOOD STREET AS SET FORTH IN ORDINANCE NO.
4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on January 3, 2023, on a request by The Harbor Church of NWA for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) nays recommends that a Conditional Use be granted to with the following conditions – Must observe the noise Ordinance and Fire Prevention Code Vol II.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to The Harbor Church of NWA with the following conditions- Must observe the noise Ordinance and Fire Prevention Code Vol II.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

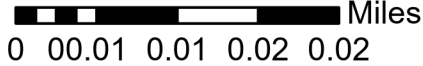
APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted on or Prior to: 12/22/2022
Public Hearing Sign Posted By Planning Department Staff
S Public Hearing Sign Location

Planning Commission Meeting
January 3, 2023



PROJECT: C23-03
APPLICANT: Harbor Church of NWA
REQUEST: Conditional Use for Unit 42
(Church/Synagogue) in a C-2 Zoning



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-01) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO RELIABLE POULTRY IN CONNECTION WITH L23-07 A LARGE-SCALE DEVELOPMENT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-07 a Large-Scale Development for Reliable Poultry and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Monitor Road and Master Street Plan right-of-way dedication including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-07, a Large-Scale Development for Reliable Poultry.

Option 2: Denies a waiver of street improvements to Monitor Road and Master Street Plan right-of-way dedication including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-07, a Large-Scale Development for Reliable Poultry.

Option 3: Approves payment in lieu of improvements to Monitor Road and Master Street Plan right-of-way in connection with L23-07, a Large-Scale Development for Reliable Poultry with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Monitor Road and Master Street Plan right-of-way dedication including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L23-07, a Large-Scale Development for Reliable Poultry.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

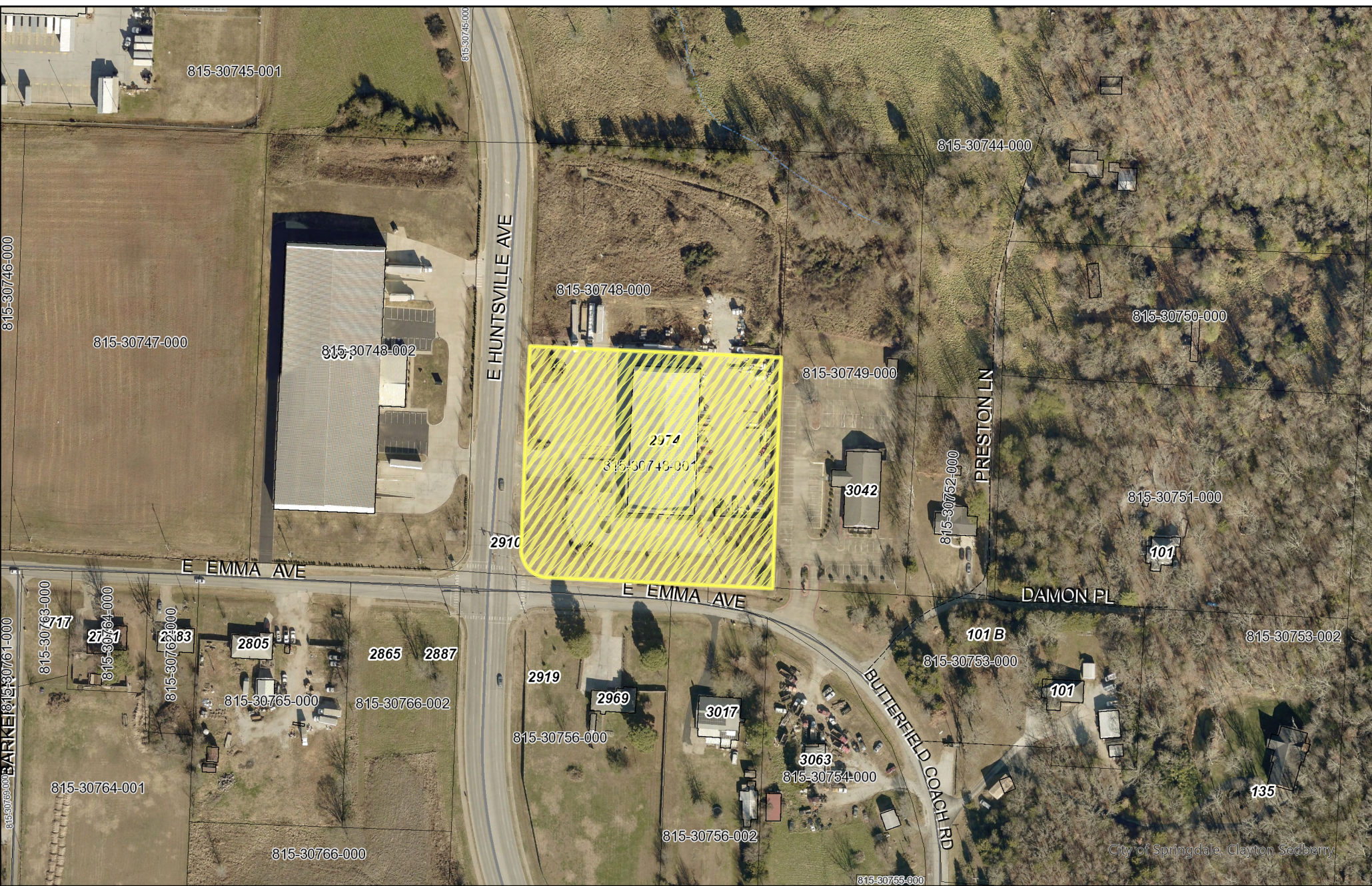
Doug Sprouse, Mayor

ATTEST:

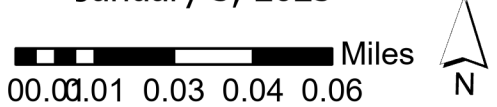
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Planning Commission Meeting
January 3, 2023



PROJECT: W23-01
APPLICANT: JWT Properties, LLC
(Reliable Poultry Parking Expansion)
REQUEST: Waiver of Street Improvements
and ROW Dedication on Monitor Rd



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-02) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO CALDERON LANDSCAPING IN CONNECTION WITH L22-60, A LARGE-SCALE DEVELOPMENT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-60 a Large-Scale Development for Calderon Landscaping and the Planning Commission recommends approval of the waiver request with donation of right-of-way.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to 2946 Arkansas Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-60, a Large-Scale Development for Calderon Landscaping.

Option 2: Denies a waiver of street improvements to 2946 Arkansas Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-60, a Large-Scale Development for Calderon Landscaping.

Option 3: Approves payment in lieu of improvements to 2946 Arkansas Highway 112 in connection with L22-60, a Large-Scale Development for Calderon Landscaping with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to 2946 Arkansas Highway 112 including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-60, a Large-Scale Development for Calderon Landscaping.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Planning Commission Meeting
January 3, 2023

0.01010.020.030.04 Miles



PROJECT: W23-02
APPLICANT: Calderon Landscaping,
Saul and Deris Calderon
REQUEST: Waiver of Street Improvements to AR HWY 112



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-03) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO FLYING THE COOP HANGAR EXPANSION IN CONNECTION WITH N22-29 A NON-LARGE-SCALE DEVELOPMENT

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with N22-29, a Non-Large-Scale Development for Flying the Coop Hangar Expansion and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Old Missouri Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with N22-29 a Non- Large-Scale Development for Flying the Coop Hangar Expansion.

Option 2: Denies a waiver of street improvements to Old Missouri Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with N22-29 a Non-Large-Scale Development for Flying the Coop Hangar Expansion.

Option 3: Approves payment in lieu of improvements to Old Missouri Road in connection with N22-29, a Non-Large-Scale Development for Flying the Coop Hangar Expansion with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Old Missouri Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with N22-29, a Non-Large-Scale Development for Flying The Coop Hangar Expansion.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Planning Commission Meeting
January 3, 2023

0 00.01 0.02 0.03 0.04 Miles



PROJECT: W23-03
APPLICANT: Flying the Coop Hangar Expansion
REQUEST: Waiver of Sidewalk
Requirements along AR Hwy 265



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-04) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO LIONHEART ENTERPRISES, LLC IN CONNECTION WITH 613 BLACK OAK AVENUE, A SINGLE FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with 613 Black Oak Avenue a single family dwelling for LionHeart Enterprises, LLC and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Black Oak Avenue including drainage improvements related thereto, sidewalks in connection with 613 Black Oak Avenue, a single family dwelling.

Option 2: Denies a waiver of street improvements to Black Oak Avenue including drainage improvements related thereto, sidewalks in connection with 613 Black Oak Avenue, a single family dwelling.

Option 3: Approves payment in lieu of improvements to Black Oak Avenue in connection with 613 Black Oak Avenue, a single family dwelling with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Black Oak Avenue including drainage improvements related thereto, sidewalks to be built in connection with 613 Black Oak Avenue.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

815-29460-000

815-29445-000

BLACK OAK AVE

815-29478-000

815-29479-001

603

815-29479-002

815-29479-000

605

815-29477-000

815-29476-000

4001

City of Springdale, Clayton Sedberry

Planning Commission Meeting
January 3, 2023

0 0 0 0.01 0.01 0.01 Miles



PROJECT: W23-04

APPLICANT: LionHeart Enterprises, LLC

REQUEST: Waiver of Sidewalk Requirements



SPRINGDALE
WE'RE MAKING IT HAPPEN

Page 20

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
SPRINGDALE MASONIC LODGE NO. 316 IS
DEFENDANT (PROJECT NO. 18BPS10, TRACT 3).**

WHEREAS, the City of Springdale has filed a lawsuit (Case No. 72CV-20-983) against Springdale Masonic Lodge No. 316 to condemn property owned by the Lodge for the Spring Street Improvement Project (Project No. 18BPS10, Tract 3);

WHEREAS, the City of Springdale's revised estimate of just compensation is \$500,000.00 for the taking of the property needed for the Project;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$530,000.00 to acquire the lands needed for the project, said amount being based on the unique nature of the property and the City has had rent-free use of the property since early 2020;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$30,000.00 to acquire the property needed from the property owner, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Masonic Lodge condemnation lawsuit for the total sum of \$530,000.00, with the additional funds to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

APPRAISAL REPORT

ON

316 SPRING STREET
SPRINGDALE, AR 72764

FOR

CITY OF SPRINGDALE
ERNEST CATE
CITY ATTORNEY
201 SPRING STREET
SPRINGDALE, AR 72764

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 322
FAYETTEVILLE, ARKANSAS

FILE NO.
6249-2

AS OF

APRIL 6, 2020
(REVISED)

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

3739 N. Steele Blvd., Suite 322, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz

Tom Reed, MAI • Katie Hampton • Shannon Mueller • E. P. Scruggs III
• Blake Hopper • Ann Julian

January 4, 2023

City of Springdale Attn:
Ernest Cate
City Attorney
201 Spring Street
Springdale, AR 72764

RE: *Appraisal Report on 316 Spring Street, Springdale, AR: 8,395 square foot (SF) of improvements situated on 21,810 SF (0.50AC) of land.*

Dear Mr. Cate:

In compliance with your request and for the purpose of estimating the retrospective market value of the above captioned property, I hereby certify that I have examined the subject property and made a survey of the matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised, and my fee was not contingent upon the value estimate reported.

The following real property appraisal report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report is presented under the Appraisal Report Option. This report represents a Revised Report.

Based on an analysis of relevant data, and contingent on the Assumptions and Limiting Conditions which follow and appear in the Addenda Section of this report, it is my opinion the retrospective market value of the fee simple estate of the subject property, as of April 6, 2020 was as follows:

FIVE HUNDRED THOUSAND DOLLARS
(\$500,000)

The preceding value reflects terms equivalent to cash to the owner(s) and represent that for real property only.

The following Extraordinary Assumptions are utilized in this report:

1. Subject site size & gross building area is approximately as indicated;
2. Subject is a legal, nonconforming use;
3. Subject and adjacent properties are in compliance with all applicable EPA regulations.

If any, or all of the Extraordinary Assumptions prove to be untrue, the preceding value estimate could be influenced.

The reader is referred to additional Assumption and Limiting Conditions presented in the Addenda Section of this report.

The estimated exposure time for the subject property is one± year or less. This was determined from an analysis of market conditions and comparable sales.



Shannon Mueller, CG2302
REED & ASSOCIATES, INC.



APPRAISAL OF REAL PROPERTY

**Springdale Masonic Lodge # 316
City of Springdale-Municipal Campus Project-Tract 2
316/416 Spring Street
Springdale, AR**

FILE #

20-0015

BY

**The Real Estate Consultants
118 N. East Ave.
Fayetteville, AR 72701**

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**THE
REAL ESTATE
CONSULTANTS**

• REALTORS • APPRAISERS • CONSULTANTS •

118 N. East Ave.
P.O. Box 747
Fayetteville, AR 72702
Phone (479) 442-0762

March 24, 2020

Joseph Paul Smith, PA
Springdale Masonic Lodge # 316
109 Spring Street #10
Springdale, AR 72764

RE: Appraisal Services - City of Springdale-Municipal Campus Project-Tract 2
Springdale Masonic Lodge # 316
316/416 Spring Street
Springdale, AR

Dear Mr. Smith;

In compliance with your request and to determine the market value of the fee simple interest as referenced to a possible condemnation by the City of Springdale of the above captioned property, we hereby certify we have personally inspected the property and made a survey of matters pertinent to the developing an opinion of its value. We further certify we have no interest present or contemplated in the property under appraisal, and the fee was not contingent upon the value estimate reported. We inspected the subject property on *March 6, 2020*.

This appraisal and report is the collective work of two appraisers, Larry Kennedy and Mark Risk. Both appraisers inspected the property on the above referenced date and both appraisers have signed this report. Both appraisers identified the problem and searched for information concerning the subject in the form of market sales (land and improved) and other factors pertaining to the proper reporting of the rendered value. Furthermore, both appraisers reconciled the approaches utilized and agreed on the value rendered. In addition, the written report or communication of the rendered value was the responsibility of Larry Kennedy. The above inclusion of two signatures is required under USPAP rules 8-3 and 2-2 (a) (vii).

The client for this report is Joseph Paul Smith the attorney of record for the Masonic Lodge #316. The intended users of this report are Mr. Smith and those appropriate members of the Masonic Lodge # 316 charged with the responsibility of the sale of the subject property. No other users are implied or noted. Any other party who relies upon any information in this report, without the preparer's written permission does so at their own risk.

As of January 1, 2014 the Summary Appraisal Report, Self Contained Appraisal Report and Restrictive Use Report have been retired by USPAP reference USPAP 2014-2015. The correct designation is now "Appraisal Report" or "Restrictive Appraisal Report". The key to determining the appropriate report is based on the intended users and the familiarity of the user in relationship to the subject property. That is a Restrictive Appraisal Report indicates the client is the only intended user and the client has a familiarity with the subject property. Conversely, the Appraisal Report may have more intended users than the client and the familiarity of the intended users is not as comprehensive as is required in the Restrictive Appraisal Report. In addition, in the Restricted

Appraisal Report it must be reported that the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without additional information in the appraiser's work file.

USPAP indicates under Standards 2 the appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading. Standards Rule 2 addresses the content and level of information required in a report that communicates the results of a real property appraisal. This does not dictate the form, format or style of the report. These are functions of the needs of intended users. In this particular report the appraiser has elected to communicate the report as an Appraisal Report.

This appraisal is based upon information gathered by both appraisers from the public records, and other reliable sources, and upon an inspection of the subject property and neighborhood. In developing the appraisal approaches used, data was also collected from the Real Estate Consultants' office files and a personal inspection.

This appraisal and report is prepared in conformance with the requirements of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA); the Interagency Appraisal and Evaluation Guidelines; and the Uniform Standards of Professional Practice (USPAP). The purpose of the appraisal is to estimate market value as defined by the Board of Governors of the Federal Reserve System, in accordance with Title XI of FIRREA (1989). The intended use of this report is to aid the client in determining the proper value for the sale of the subject due to the contemplated condemnation.

Furthermore, it is appropriate under USPAP guidelines to notify the client of a previous assignment concerning the subject property completed by the appraiser. In accordance with these guidelines we affirm we have not performed services as appraisers regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

In addition, there are "Extraordinary Assumptions" used in this report as well as "Hypothetical Conditions" established in this report. They may be found in the section "Assumptions and Limiting Conditions".

Based upon our inspection of the subject property and the investigation and analysis carried out in this report, it is our considered opinion the market value of the fee simple interest of the subject property as of March 6, 2020, the date of inspection, and subject to the assumptions and limiting conditions set forth in the body of this report is as follows:

SIX HUNDERED AND FIVE THOUSAND DOLLARS

(\$605,000)

Respectfully submitted,



Larry D. Kennedy
State Certified General
CG # 1806



Mark Risk
State Certified General
CG # 0202

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE STREAM AND WETLAND MITIGATION CREDITS FROM WATERSHED CONSERVATION RESOURCE CENTER AND STREAMWORKS MITIGATION SERVICES, LLC, RESPECTIVELY, IN COMPLIANCE WITH ARMY CORP OF ENGINEERS PERMIT FOR DETENTION POND PROJECT AT SPRINGDALE AIRPORT

WHEREAS, The City of Springdale desires to construct a detention pond in the northwest corner of Springdale Airport property; and

WHEREAS, a permit is required from the Army Corp of Engineers because the proposed pond impacts waters of the United States;

WHEREAS, the proffered permit requires the purchase of stream and wetland mitigation credits to offset the impact to the waters of the United States:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. The Mayor and City Clerk are authorized to execute purchase contracts with Watershed Conservation Resource Center for 3599 stream credits at \$15.50 per credit for a total of \$55,784.50 to be paid out of the general fund.

Section 2. The Mayor and City Clerk are authorized to execute a purchase contract with Streamworks Mitigation Services, LLC for 2.77 wetland credits at \$20,000 per credit for a total of \$55,400 to be paid out of the general fund.

PASSED AND APPROVED this 24th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

PURCHASE AND SALE AGREEMENT FOR WETLAND MITIGATION CREDITS

THIS Sales Agreement (hereinafter "**Agreement**") entered into this the 9th day of January, 2023 by and between Streamworks Mitigation Services, LLC (hereinafter "**Streamworks**" and sometimes referred to as "**Seller**"), whose address is P.O. Box 23612, Little Rock, AR 72221 and who is the sole owner of the Illinois River Mitigation Bank (hereinafter "**IRMB**"), and City of Springdale (hereinafter "**Buyer**").

WHEREAS, Seller is the sponsor of and operates the Illinois River Mitigation Bank in Washington County, Arkansas (the "**Bank**"), established pursuant to the Mitigation Banking Instrument (the "**MBI**") developed for the Bank and approved on February 12, 2015 by the U.S. Army Corps of Engineers (the "**Corps**") and other federal and state member agencies of the Interagency Review Team ("**IRT**"). Purchaser desires to buy from Seller wetland mitigation credits to meet the compensatory mitigation requirements of Purchaser's Corps Permit Application Number SWL-2021-00187-1 (the "**Permit**"), pursuant to Clean Water Act Section 404, and Seller agrees to sell such wetland mitigation credits to Purchaser, under the terms and conditions set out in this Agreement.

WHEREAS, the verification of the acceptability of the use of the credits purchased by Buyer herein from the Illinois River Mitigation Bank for Washington County, Arkansas, is the sole responsibility of the Buyer;

WHEREAS, as part of the completion of the permit application associated with the above activity, the referenced permitting agency(ies) will impose wetland mitigation requirements; and

WHEREAS, Seller has indicated to the Buyer that this transaction is for wetland credits and the Buyer has identified the type, methodology, basin location and amount of the needed credits and agrees that it is the sole responsibility of the Buyer to verify that the agency(ies) will accept the credits specified herein for the Buyer's wetland impacts.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings herein it is agreed:

1. **AGREEMENT TO SELL:** Streamworks hereby agrees to sell and Buyer agrees to buy 2.77 wetland mitigation credits ("**Credits**").

2. **PURCHASE PRICE:** The purchase price of the 2.77 Credits shall be \$20,000.00 per credit for a total of \$55,400.00 (the "**Purchase Price**") to be paid by Buyer upon the execution of this Agreement.

3. **PAYMENT OF PURCHASE PRICE:** Buyer shall pay to Streamworks the entire Purchase Price upon execution of this Agreement. Payment shall be made to Streamworks Mitigation Services, LLC, and delivered, along with this Agreement, executed by Buyer, to Streamworks Mitigation Services, LLC, Owner, Illinois River Mitigation Bank, P.O. Box 23612, Little Rock, AR 72221. Receipt by Seller of the executed Agreement and full Purchase Price shall constitute an agreement between the parties. Streamworks will not reserve credits prior to

the receipt of this executed Agreement and payment of the entire Purchase Price and reserves the right to terminate without penalty any implied obligation until such receipt. Both parties acknowledge that no agreement exists until this Agreement is executed and the entire Purchase Price is received by Streamworks.

4. **SCHEDULE OF DELIVERABLES:** Within ten (10) working days from the payment of the total Purchase Price (funds must clear Streamworks' deposit account), Seller shall provide a purchase confirmation letter to the Buyer if requested by Buyer. When Buyer receives the applicable agency permit, the Buyer shall within 5 days provide a copy of the permit to the Seller and request that the Seller proceed with the necessary credit ledger modification. If the Buyer does not provide the applicable permit and request to the Seller within a period of one (1) year from the execution date of this agreement, the Seller's responsibilities under this agreement for that particular agency's ledger modification shall be deemed fulfilled.

After receipt of the executed Agreement, full payment of the Purchase Price and applicable permit copy from the Buyer, the Seller shall notify the Corps of the ledger modifications for IRMB. Buyer will cooperate and provide any information needed by Seller regarding Buyer's project and permits. If the Seller is unable to effectuate the ledger modification because of improperly determined credit types, amounts, applicable basin coverage or methodology, the Buyer will be solely responsible for paying any costs associated with any additional credits needed to the extent they are available from the Seller at the time of that determination. In no case shall credits paid for or amounts paid under this Agreement be refunded.

5. **WARRANTY:** Seller warrants that it is a mitigation bank with stream and wetland mitigation credits recognized in its permitted service area by the IRT and has mitigation credits to sell.

The BUYER warrants and acknowledges that it has the sole responsibility to verify the acceptability of the Credits for its use with the subject regulatory agency. The signatory for the Buyer also represents and warrants that it is authorized to sign on behalf of the Buyer and has obtained all necessary approval to do so.

Buyer acknowledges and agrees that it does not have and shall not hereafter have any rights to any monies generated by or related to the Bank (whether the surface or the subsurface of the Bank); or any rights of ownership, use, or otherwise in the Bank.

The parties hereby agree that conclusive evidence of the Credits being released shall be an update of the Illinois River Mitigation Bank's ledger with the Corps for which the Buyer provides a permit copy having credit purchase requirements consistent with the credit purchase specifications here.

6. **LIMITATION OF LIABILITY:** Buyer agrees that the maximum liability incurred by Seller for any claim by the Buyer shall be the Purchase Price paid.

7. **NOTICES:** Any notice required hereunder shall be given in writing and shall be sent by registered or certified mail, return receipt requested, to the parties hereto at the following addresses :

SELLER:
Streamworks Mitigation Services, LLC
P.O. Box 23612
Little Rock, AR 72221

BUYER:
City of Springdale
201 Spring Street
Springdale, AR 72764

8. **ATTORNEYS' FEES/VENUE:** If any suit or action shall be instituted to enforce or to interpret this Agreement, the prevailing party shall be entitled to recover from the losing party all costs and reasonable attorneys' fees expended, as part of such suit, action or appeal and venue of any such action shall be in Pulaski County, Arkansas.

IN WITNESS THEREOF, the parties execute this Agreement to be effective upon the date set out above.

Streamworks Mitigations Services, LLC

Jody Duke, Managing Member

City of Springdale

(Name and Title)

(Signature)

**WATERSHED CONSERVATION**

RESOURCE CENTER

380 W. Rock Street, Fayetteville, AR 72701

Invoice

Date	Invoice #
1/12/2023	2756

Bill To
City of Springdale Engineering Dept 128 Spring Street Springdale, AR 72764 Attn: Katie Hollingshead, P.E., CFM

WCRC Accounts Receivable
380 W. Rock Street
Fayetteville, AR 72701
Attn: Lori Linn
Phone: (479) 444-1916

Phone #	Fax #	E-mail
(479) 444-1916	(928) 396-2546	llinn@watershedconservation.org

Due Date
2/24/2023

Item	Description	Quantity	Amount
Illinois/Osage Mitigati...	Streambank Mitigation credits purchased from Osage Creek Mitigation Bank in the Illinois River Watershed, operated by the Watershed Conservation Resource Center (SWL-2013-00331) Stream Mitigation Credits: 3,599@\$15.50/credit The project is located in Springdale, Arkansas Credits are purchased to service U.S. Army corps of Engineers Nationwide Permit/File Number: SWL-2021-00187-1 This Transaction will be entered into USACE RIBITS system upon receipt of payment from the permittee.	3,599	55,784.50
Net due in 30 days, please make checks payable to: Watershed Conservation Resource Center		Total	\$55,784.50

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES AGREEMENT TO PROCURE
A SOLID WASTE CONTRACT AND OTHER PURPOSES**

WHEREAS, the City of Springdale is in need of proposals for a new solid waste contract; and

WHEREAS, to receive competitive and accurate proposals, a request for proposal should be done in a timely manner for solid waste companies to prepare for submittals; and

WHEREAS, a proposal has been submitted to the City of Springdale for identifying solid waste needs, securing the best value for collection services, creating a recommended priority list and other purposes; and

WHEREAS, the entity to secure the solid waste contract with the City of Springdale will reimburse the city for the amount of this agreement; and

WHEREAS, the price not to exceed amount for professional services to procure a solid waste RFP shall be \$45,500.00.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS**, that

The Mayor and City Clerk are hereby authorized to enter into a professional services agreement with Solid Waste Specialists for procuring a solid waste contract to be paid for out of the general fund.

PASSED AND APPROVED this ____ day of January 24, 2023

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A GRANT FROM THE JUSTICE
ASSISTANCE GRANT (JAG) PROGRAM, AUTHORIZING THE
MAYOR TO SIGN THE GRANT AGREEMENT, &
APPROPRIATING FUNDS.**

WHEREAS, the Springdale Police Department was awarded a JAG grant in the amount of \$30,753.00, and

WHEREAS, the Springdale Police Department is in need of equipment that is eligible to be purchased with the grant funds, and

WHEREAS, it is beneficial for the general public and our law enforcement officers to have a rotary/forward lift, patrol shields and speed enforcement radar

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: That the Mayor is hereby authorized to accept and sign the grant agreement for a Justice Assistance grant in the amount of \$30,753.00.

Section 2: The City of Springdale appropriates \$30,753.00 for equipment to be purchased from the Police Department equipment fund.

PASSED AND APPROVED this 24th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



CITY of SPRINGDALE

POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

MEMORANDUM

FROM: Chief Frank Gamble
TO: Colby Fulfer and Mayor Doug Sprouse
DATE: 01/03/2023
RE: Acceptance of 2022 JAG Grant

In 2022 the Springdale Police Department, Fayetteville Police Department and the Washington County Sheriff's Office received a joint grant from JAG. We received notice that our funding was approved on December 14th, 2022. We request that the City Council approve the acceptance of our funding. The total JAG funding for Springdale is \$30,753. We would like to seek the council's approval to purchase a rotary/forward lift, 3 patrol shields, and speed enforcement radar. The total for all of these items is \$31,356. The \$403 difference between the grant and the total will be paid for out the PD equipment account. SPD is not seeking any additional funding from the council for these items.

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Gamble".

Chief of Police Frank Gamble
Springdale Police Department



DEPARTMENT FUNDING REQUEST

Department: Springdale Police Department		Date: 12-28-22	
Point of Contact: Frank Gamble		Amount Requested: \$ 30,753	
Brief Description of Funding Request: Rotary/forward lift(quotes), 3 patrol shields(NASPO contract), and speed enforcement trailer. Asking council to accept JAG funding to make purchases.			
IS IT BUDGETED?			
YES ☐		NO ☒	
If YES, No Action Needed		If NO:	
		Date to be Presented to Committee: 01 / 17 / 20 23	
☐ \$35,000+	Requires Bid	☐ \$0 - \$5,000	No Action
Waive Bidding ☐ Buy Board ☐ Sole Source		☒ \$5,000 - \$35,000 Requires 3 Quotes	
		☐ \$35,000+	Requires Bid
		Waive Bidding	
		☒ Buy Board	☐ Sole Source

Signature: _____

2022 Arkansas LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2022 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

(2) Direct allocations are listed alphabetically below the shaded, disparate groupings.

(3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
AR	BENTON COUNTY	County	\$12,459	
AR	ROGERS CITY	Municipal	\$25,382	\$37,841
AR	CRAIGHEAD COUNTY	County	*	
AR	JONESBORO CITY	Municipal	\$43,840	\$43,840
AR	CRAWFORD County	County	*	
AR	VAN BUREN City	Municipal	\$10,469	\$10,469
AR	CRITTENDEN COUNTY	County	\$11,096	
AR	WEST MEMPHIS CITY	Municipal	\$43,076	\$54,172
AR	FAULKNER COUNTY	County	\$10,006	
AR	CONWAY CITY	Municipal	\$28,954	\$38,960
AR	GREENE COUNTY	County	*	
AR	PARAGOULD CITY	Municipal	\$26,228	\$26,228
AR	JEFFERSON COUNTY	County	*	
AR	PINE BLUFF CITY	Municipal	\$56,408	\$56,408
AR	MILLER COUNTY	County	*	
AR	TEXARKANA CITY	Municipal	\$18,185	\$18,185
AR	MISSISSIPPI COUNTY	County	*	
AR	BLYTHEVILLE City	Municipal	\$10,878	
AR	OSCEOLA CITY	Municipal	\$14,341	\$25,219
AR	PHILLIPS COUNTY	County	*	
AR	HELENA-WEST HELENA CITY	Municipal	\$14,422	\$14,422
AR	POPE COUNTY	County	*	

2022 Arkansas LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2022 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

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State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
AR	RUSSELLVILLE CITY	Municipal	\$10,851	\$10,851
AR	PULASKI COUNTY	County	\$38,905	
AR	LITTLE ROCK CITY	Municipal	\$261,212	\$300,117
AR	SEBASTIAN COUNTY	County	*	
AR	FORT SMITH CITY	Municipal	\$71,621	\$71,621
AR	ST FRANCIS County	County	*	
AR	FORREST CITY City	Municipal	\$13,223	\$13,223
AR	UNION COUNTY	County	*	
AR	EL DORADO CITY	Municipal	\$18,676	\$18,676
AR	WASHINGTON COUNTY	County	\$14,804	
AR	FAYETTEVILLE CITY	Municipal	\$38,769	
AR	SPRINGDALE City	Municipal	\$30,753	\$84,326
AR	BENTON CITY	Municipal	\$16,740	
AR	BENTONVILLE City	County	\$11,451	
AR	BOONE COUNTY	County	\$16,822	
AR	CLEBURNE COUNTY	County	\$11,451	
AR	GARLAND COUNTY	County	\$25,846	
AR	HOT SPRINGS CITY	Municipal	\$19,684	
AR	INDEPENDENCE COUNTY	County	\$15,077	
AR	JACKSONVILLE CITY	Municipal	\$25,437	
AR	MARION CITY	Municipal	\$11,042	
AR	NORTH LITTLE ROCK CITY	Municipal	\$46,539	
AR	SALINE COUNTY	County	\$15,268	
AR	SEARCY CITY	Municipal	\$15,731	
AR	SHERWOOD CITY	Municipal	\$15,786	
AR	WHITE COUNTY	County	\$17,040	

2022 Arkansas LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2022 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

(2) Direct allocations are listed alphabetically below the shaded, disparate groupings.

(3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
	Local total		\$1,088,472	

THE STATE OF ARKANSAS

COUNTY OF WASHINGTON

Know All Ye By These Presents:

**RECONCILIATION OF DISPARATE CERTIFICATION
BETWEEN THE CITIES OF FAYETTEVILLE AND SPRINGDALE,
ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS**

2022 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 15th of July, 2022, by and between the Cities of Fayetteville and Springdale, Arkansas, and Washington County, Arkansas, **witnesseth:**

WHEREAS, this agreement reconciles the disparate certification of the 2022 Justice Assistance Grant as declared by the director of Bureau of Justice Assistance for the geographic area known as Washington County; and,

WHEREAS, each party, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each party finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing parties for the services or function under this Agreement; and,

WHEREAS, the grant application in the amount of \$84,326 will be submitted by the City of Fayetteville and agrees to provide the City of Springdale with \$30,753, Washington County the amount of \$14,804, and the balance of \$38,769 to the City of Fayetteville from this JAG Award; and,

WHEREAS, the parties hereto believe it in their best interests to reallocate the JAG funds.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1.

The City of Fayetteville agrees to pay the City of Springdale \$30,753, Washington County \$14,804, and the balance of \$38,769 to the City of Fayetteville from these JAG funds.

Section 2.

The City of Springdale agrees to use \$30,753 to purchase an equipment lift, patrol shields, and a speed enforcement radar on or before September 30, 2025.

Washington County agrees to use \$14,804 to purchase body worn cameras and accessories for deputies on or before September 30, 2025.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against the City of Fayetteville, the City of Springdale, or Washington County.

Section 4.

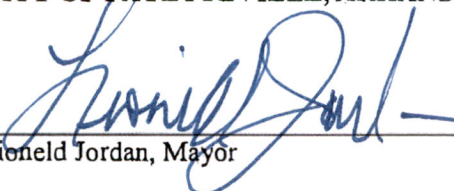
Each party to this Agreement shall be responsible for its own actions in providing services under this Agreement, shall adhere to the attached sub-recipient grant monitoring policy, and shall not incur any civil liability that may arise from the furnishing of services by the other parties.

Section 5.

The parties to this Agreement do not intend for any third party to obtain any rights by virtue of this Agreement. By entering into this Agreement, the parties do not intend to create any obligations, either express or implied, to any party not a signatory to this Agreement.

CITY OF FAYETTEVILLE, ARKANSAS

ATTEST:

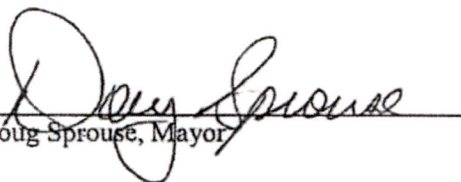

Lioneld Jordan, Mayor

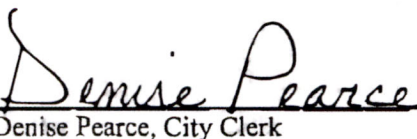

Kara Paxton, City Clerk Treasurer



CITY OF SPRINGDALE, ARKANSAS

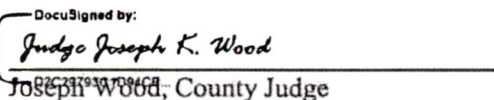
ATTEST:

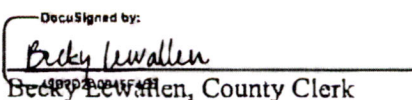

Doug Sprouse, Mayor


Denise Pearce, City Clerk

WASHINGTON COUNTY, ARKANSAS

ATTEST:

DocuSigned by:

Joseph Wood, County Judge

DocuSigned by:

Becky Lewallen, County Clerk

2022 JAG Request

Item	Quantity	Cost	Tax	Shipping	Total
Rotary/Forward Lift 10,000 pound capacity	1	\$6,940.00	\$677.00	\$0.00	\$7,617.00
Purchase an equipment lift to assist with patrol vehicle and equipment repairs.					
Patrol Shields	3	\$6,295.00	\$55.00	\$620.00	\$20,910.00
Purchase shields to protect Officers and civilians in an active shooter event.					
Speed Enforcement Radar	1	\$2,395.00	\$234.00	\$0.00	\$2,629.00
Purchase a moving radar to traffic officers with enforcement of traffic related issues.					
Grand Total					\$31,156.00
JAG amount					\$30,753.00
* Any cost over the grant amount will be paid out of the PD equipment fund(6002).				Difference	\$403.00

Chief Frank Gamble



Equipment Proposal



Date: 12/29/2022 Store: 4052
Customer: CITY OF SPRING (PD) Account #: 524787
Address: 201 SPRING STREET
City: SPRINGDALE State: AR Zip: 72764

Qty	Part #	Description	Unit Price	Total
1	I10N500BBL-17	FWD 10,000LB 2POST LIFT	\$ 6437.50	\$ 6437.50
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			Subtotal	\$ 6437.50
			Freight	\$ 0
			Tax	\$ 627.66
			Misc.	\$
			Total	\$ 7065.16

Expected Delivery Date: WE HAVE THESE IN STOCK AT THIS TIME.

Comments: WIRING NOT INCLUDED

Pricing & Installation Information

Prices good for 30 days
Freight included? ☒ Yes ☐ No Training? ☒ Yes ☐ No
Installation? ☒ Yes ☐ No Installation cost estimate: _____

*Prices do not include electrical hookups due to electrical codes and liabilities.

Financial Information

_____ Cash ☒ 30 Days net 10th Dating _____ 60 _____ 90

*Financing with Note Account or Lease must have approval from:

Accounts Receivable – Little Rock, AR

Note Acct. _____ Months \$ _____ Down Payment \$ _____ Monthly Payment
Lease _____ Months \$ _____ Down Payment \$ _____ Monthly Payment

Proposal by: STEVE DELANCEY Phone #: 479-751-4515
District Manager: GREG WEWERS

5/22/2019

ARKANSAS AUTOMOTIVE EQUIPMENT, INC

A.E.S. & I. INC.

800-289-2121

2912 WEST 2ND AVE
PINE BLUFF, AR 71601**Quotation**

DATE	QUOTE NO.
7/5/2022	2022388

NAME/ ADDRESS:
CITY OF SPRINGDALE POLICE DEPT 201 SPRING STREET SPRINGDALE, AR 72762 JEFF BOHANNON

SHIP TO:
CITY OF SPRINGDALE POLICE DEPT 201 SPRING STREET SPRINGDALE, AR 72762 JEFF BOHANNON

P.O. NO.	TERMS	REP	CONTACT
	NET / D.U.R.	WDH	

ITEM #	DESCRIPTION	QTY	UNIT COST	TOTAL
F10N400MBL-...	FORWARD 10,000 LB 2 POST LIFT SALES TAX	1	7,295.00 9.75%	7,295.00T 711.26
WE APPRECIATE YOUR BUSINESS!!			Total	\$8,006.26

606 Lockwood Lane
Franklin, Tn 37064

Date 7/6/2022

City of Springdale Police Dept
201 Spring Street
Springdale, Ar 72762
Att Jeff BoHannon

City of Springdale Police Dept
201 Spring Street
Springdale, Ar 72762
Att Jeff BoHannon

	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	F10N400MBL	10 K 2 Post Lift	7,405.00	7,405.00
1	Sales Tax	9.75%	721.98	721.98
		Total		8,126.98

Four Winds Technology Inc.
 PO Box 10987
 Conway, AR 72034 US
 5014705226
 kennedyda@conwaycorp.net



Estimate

ADDRESS

Ross Patton
 Springdale Police Dept
 201 Spring Street
 Springdale, AR 72764

SHIP TO

Springdale Police Dept
 SWAT
 201 Spring Street
 Springdale, AR 72764

ESTIMATE

1443

DATE

07/05/2022

ACTIVITY	QTY	RATE	AMOUNT
United Shield:United Shield Lightweight 24 x 36 Level III+ Shield with Viewport 24x36 Lightweight level III+ Rifle grade shield with viewport - 27.34 lb Includes POLICE logo -	1	5,995.00	5,995.00T
United Shield:United Shield Standard LED Shield Light United Shield Standard LED Shield Light - Single light 600 Lumens- 3 functions: Moderate on, Continuous on, and Turbo Strobe - Includes handle pressure pad	1	300.00	300.00T
Shipping shipping/handling	1	55.00	55.00T

SUBTOTAL 6,350.00

TAX (0.0975) 619.13

TOTAL \$6,969.13

Accepted By

Accepted Date

The United Shield Level III+ lightweight ballistic shield is a mobile high protection shield which provides multi strike protection from standard level III rounds (7.62x51 Nato Ball) as well as the 7.62x39 123gr AK47 and Multiple 5.56x45 rounds. The shield is curved and is constructed using a proprietary UHMWPE to achieve industry leading weight. These new lightweight shields are offered in several different shapes and sizes to fit the end users needs and comes standard with our horizontal handle. Other handles are available to be put on this shield, including our ERT special Handle. Standard lightweight level III+ shields are offered with or without Viewport

Addition of a LED light is available.



Armor Solution

United Shield uses proprietary, market leading polyethylene (UHMWPE) meeting the NIJ 0108.01 testing standards.

Performance

For the Standard Level III+ shield

Multi hit Capability

NIJ III+ performance – 7.62x51 Nato Ball (M80)
 - 7.62x39 123 gr AK47 MSC
 - 5.56x45 55gr M193
 - 5.56x45 62gr Federal Bonded (LE223T3)

Sizes and Weights

	Without Viewport	With Viewport
RRS – 30” x 21”	15.43 lbs.	23.01 lbs.
20” x 34”	16.32 lbs.	23.90 lbs.
24” x 36”	19.76 lbs.	27.34 lbs.

Accessories

Shield can be ordered with: Police Decal, viewport and LED shield Lights

Colors

Standard Color is a black wrap, but shield can be supplied in other painted colors or other finishes available, including our hydro graphic transfer for multi-cam, ACU or other patterns.

Warranty and Quality Assurance

United Shield offers five year warranty on ballistic performance. United Shield manufactures in accordance with ISO9001 & ISO14001 quality standard.



ORDINANCE NO. _____

**AN ORDINANCE DEVELOPING, IMPLEMENTING, AND
MAINTAINING A CATASTROPHIC LEAVE BANK PROGRAM
FOR ELIGIBLE EMPLOYEES OF THE CITY OF SPRINGDALE,
ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-42-123; AND
DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ark. Code Ann. §14-42-123, the City of Springdale, Arkansas, is authorized to develop, implement, and maintain a catastrophic leave program, for the use and benefit of eligible employees of the City of Springdale;

WHEREAS, the City wishes to utilize the provisions of Ark. Code Ann. §14-42-123 to implement a catastrophic leave bank program whereby catastrophic leave with pay may be granted to a municipal employee if the municipal employee is unable to perform his or her duties due to a catastrophic illness and is, or is reasonably expected to be, on leave without pay as a result of the need for catastrophic leave; and

WHEREAS, the provisions of the Catastrophic Leave Bank (CLB) program provide an additional source of leave benefits for all eligible participating employees; use of CLB days may be used after a member of the CLB program has exhausted all of his/her accumulated vacation and sick leave and any compensatory time; CLB days may only be used for catastrophic illness and with the approval of the CLB Board; and shall be included as Appendix B of the Employee Personnel Manual for the City of Springdale, Arkansas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that pursuant to Ark. Code Ann. §14-42-123, the City of Springdale, Arkansas, hereby creates the Catastrophic Leave Bank (CLB) program, to be included as Appendix B of the Employee Personnel Manual for the City of Springdale, Arkansas, as follows:

Catastrophic Leave Bank Program

- A. **Purpose**: The purpose of the Catastrophic Leave Bank (CLB) program is to provide an additional source of leave benefits for all eligible participating employees who have exhausted all of his/her accumulated sick leave and any compensatory time. CLB days may only be used for catastrophic illness and with the approval of the CLB Board. The CLB year shall be January through December. CLB days will accumulate in the bank from year to year.
- B. **Participation**: Participation in the CLB Program is on a voluntary basis. Donations of sick leave to the CLB will not prevent employees who are eligible for the Sick Leave Bonus at the time of donation from receiving the Sick Leave Bonus.
- C. **Eligibility**: A City employee is eligible for catastrophic leave under this section if the employee:
 - (1) Is employed on a regular full-time basis who regularly works a minimum of thirty (30) hours per week;
 - (2) Has been employed by the City in the immediately preceding twelve (12) months and during that time regularly worked a minimum of thirty (30) hour per week.
 - (3) Has exhausted all available leave time including sick, vacation and compensatory time;
 - (4) Has provided an acceptable medical certificate from a physician supporting the continuing absence that includes without limitation an approximate date of return.

- (5) Has not been disciplined or counseled for an abuse of leave during the immediately preceding twelve (12) months.

Catastrophic leave is not available to a City employee if the employee has applied for catastrophic leave as a result of an illness or injury that is covered by workers' compensation benefits under applicable law.

- D. Enrollment: Eligible employees may enroll in the CLB by completing an Enrollment and Contribution Authorization Form available in Human Resources. Open enrollment shall be November 1st through November 30th of each calendar year, with membership effective the following January 1st. To participate in the CLB Program employees must irrevocably donate in one-hour increments a minimum of one (1) working day which is considered eight (8) hours or twenty-four (24) hours for firefighters.

In the event that a new employee may become eligible for membership outside of the November enrollment period, he/she may complete the Enrollment and Contribution Authorization Form within 30 days that he/she becomes eligible.

Membership must be renewed annually and does not carry forward from year to year.

- E. Catastrophic Leave Bank Board: All requests for CLB leave will be reviewed by the CLB Board. The CLB Board shall consist of five (5) members: one (1) member shall be from the Human Resources Office and four (4) members shall be appointed by the Mayor. The CLB Board shall elect a secretary from its members. Approval of a request for catastrophic leave shall require a majority vote of the CLB Board members.

The CLB Board shall:

- Only approve requests which will keep the CLB in a positive balance;
- Solicit additional contributions from the CLB from its members in the event the total number of available days in the CLB is less than fifty (50);
- Ensure the proper administration of the CLB;
- Ensure that no leave contributed to the CLB is restored or returned to the contributing employee;
- Ensure unused catastrophic leave granted to an employee is credited back to the CLB;
- Ensure that participation is from the enrollment date and that participation cannot be made retroactive under any circumstances; and
- Ensure that all decisions of the CLR Program do not discriminate on the basis of a protective category as defined in the City's EEO Policy.

- F. Process:

- The Employee requesting CLB shall complete a Catastrophic Leave Bank Request Form and submit the form to the Human Resources Office.
- The CLB days may only be used upon exhaustion of a member's accumulated sick leave and any compensatory time and vacation time, and with the intention of returning to work following sick leave.

- Any grant of CLB shall run concurrently with leave taken pursuant to the Family and Medical Leave Act of 1993.
- Sick leave grants made from the CLB shall be in one-hour increments and no more than ten (10) consecutive working days or less than one (1) eight (8) hour working day for the individual applicant (24-hour shift for firefighters). In the event an employee needs more than ten (10) working days, the Employee will be required to submit a new Catastrophic Leave Request Form.
- No applicant shall be eligible for more than three (3) grants per calendar year (30 days per calendar year).
- Employees will not accrue leave while receiving benefits from the CLB Program. Upon return to work the employees leave accrual will resume.
- The Employee shall provide an acceptable medical certificate from a physician supporting the continuing absence is on file and includes without limitation an approximate date of return. The City may require an employee to receive more than one (1) physician opinion.
- Upon receipt of the request for leave, the Human Resources Director will verify employee's eligibility.
- The CLB Board shall consider the request and will vote to either approve or deny the request. Human Resources will notify the applicant of the CLB Board's decision.
- The decision of the CLB Board is final.

PASSED AND APPROVED this ____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE REVISED PERSONNEL
MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS.**

WHEREAS, the City has, over the last several months, undertaken a comprehensive review and revision of the Personnel and Procedures Manual for the City of Springdale, Arkansas, as the version adopted on October 8, 1996, via Resolution No. 40-96, and as subsequently amended from time to time over the years, has become outdated and in need of being updated to ensure that all provisions are in accordance with current state and federal employment laws and regulations;

WHEREAS, the final draft of the document entitled "City of Springdale Personnel Manual" (hereinafter referred to as "the Manual") consisting of six (6) parts ending on Page 71 thereof, and containing Appendixes "A" through "E", is attached hereto as Exhibit "A" and made a part hereof as though set out herein word for word; and

WHEREAS, the City Council of the City of Springdale, Arkansas, finds that the Manual should be adopted by the City Council for the City of Springdale, Arkansas, as its official personnel manual.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that:

Section 1: That the "City of Springdale Personnel Manual", which is attached hereto as Exhibit "A" and made a part hereof, is hereby approved and adopted as the official personnel manual of the City of Springdale, Arkansas, and said Manual shall remain in full force and effect unless amended or repealed;

Section 2: This Manual is intended to supersede the Personnel and Procedures Manual adopted by Resolution No. 40-96, and as subsequently amended thereafter, and any personnel policy or procedure of the City of Springdale in conflict with the attached Manual are hereby repealed, but nothing in this Resolution should be interpreted to amend or repeal the current rules and regulations of the Springdale Civil Service Commission, or the Department Manual for the Springdale Police Department (approved and adopted by the City Council by Resolution No. 49-20).

PASSED AND APPROVED, this _____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

City of Springdale



SPRINGDALETM
WE'RE MAKING IT HAPPEN

Personnel Manual



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PART 1.

GENERAL POLICY PROVISIONS

CITY OF SPRINGDALE PERSONNEL MANUAL

PART 1. GENERAL POLICY PROVISIONS

1.1 Mission

The mission of the City of Springdale is to provide quality services for the betterment of the health, safety, welfare, prosperity, comfort, and convenience of all persons in the City of Springdale, Arkansas. Each employee contributes to this mission by providing services for the benefit and advantage of individuals and businesses within Springdale.

The accomplishment of the mission and the quality of services provided by the City is dependent upon employee initiative and responsibility. The City seeks to attract and retain the most highly qualified and competent employees. The policies and procedures set forth in this manual clarify the values of the City in directing its employees and govern employees as they serve the Springdale community.

1.2 Mayor/Council Form of Government

The City of Springdale is organized as a Mayor/Council form of government. This form most closely parallels the federal government with an elected legislature and a separately elected chief executive.

The City Council is the City's legislative body and consists of eight (8) council members serving four (4) year terms. The Council determines programs, services and their priorities, and approves the City budget. The elected Mayor is designated as the head of the City government and is responsible for implementing policy and managing City operations.

1.3 Scope of Policies

The policies contained in this manual apply to all employees of the City of Springdale, Arkansas, unless they are specifically exempted within a particular policy. This manual shall be referred to as the "Personnel Manual" or "Manual." No policies contained in this manual should be interpreted to be in conflict with Arkansas law. To the extent that any law of Arkansas provides additional or different benefits or rights to civil service employees, the provisions of these policies shall be deemed to include those statements of law.

In the event of a direct conflict between any of the City's policies and any Civil Service Commission rule or policy, or federal or state law that applies to employees of the City, the terms and conditions of Civil Service Commission rule, policy, or federal or state law shall prevail. However, no policies contained in this manual should be read to take away the City's right to provide a greater benefit to its employees, so long as the policy is not in direct conflict with federal or state law.

If any department adopts a policy which is approved by the City Council, and is more restrictive than a particular policy set out herein, then the most restrictive policy shall apply to members of that department. However, no department shall adopt a policy or procedure that conflicts with any policy contained in this Manual without first obtaining approval from the City Council.

In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

1.4 Policies Do Not Constitute a Contract

The City of Springdale specifically reserves the right to repeal, modify, or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee, nor to limit the power of the Mayor or Council to repeal or modify these policies and/or rules.

1.5 Policies are Severable

If any policy or rule contained in this manual is held invalid by a court of law or by subsequent legislative action, such holding shall in no way effect the validity of the remaining policies or rules contained in this manual, and such remaining policies and/or rules shall remain in full force and effect.

1.6 Americans with Disabilities Act (ADA) Policy

The City of Springdale abides by the requirements of federal and state law governing employment of individuals with disabilities, including the Americans with Disabilities Act and the Arkansas Civil Rights Act. Qualified individuals with disabilities may be entitled to an accommodation in the application and employment process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation shall notify their Department Head or the Director of Human Resources.

PART 2.

GENERAL EMPLOYMENT POLICIES

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2.1 Equal Opportunity Employer

It is the policy of the City of Springdale, Arkansas, to ensure equal employment opportunity for all applicants and employees. All employment decisions are based on equal employment opportunity, regardless of race, color, religion, sex, national origin, age, disability, genetic information, political status, marital status, status as a veteran or member of the military or national guard, or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution or other applicable federal, state, and local laws. The City's commitment extends to all employment related decisions, including job opportunities, hiring, transfers, reassignments, promotions, pay, separations and benefits.

2.2 At-Will Employer

The City of Springdale is an at-will employer subject to state law governing civil service employees in the Police and Fire Departments. Employment with the City of Springdale is voluntarily entered into, and employees are free to resign from their position with the City at will, at any time, with or without cause. Similarly, the City of Springdale may terminate the employment relationship at will, at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and the employee.

NO POLICIES, PROCEDURES, COMMENTS, OR WRITINGS MADE HERIN OR DURING THE EMPLOYMENT PROCESS SHALL BE CONSTRUED IN ANY WAY TO WAIVE THIS AT-WILL PROVISION.

2.3 Job Descriptions

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include the following: a job summary, including supervision exercised by the employee; supervision received by the employee; pre-qualification requirements for employment in the position; specific job duties and responsibilities; necessary special knowledge, skills and abilities required by the position; tools and equipment used; physical demands; and work environment. Job descriptions are reviewed periodically and may be revised when duties of the position are changed. A new job description will be prepared for each new position. New job descriptions and revisions to existing job descriptions shall be prepared by the Department Head, in consultation with the Human Resources Department and Mayor.

2.4 Nepotism

The employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

No employee of the City of Springdale may supervise or be supervised by an immediate family member, either directly or indirectly or occupy a position in the same line of authority in which an employee can initiate or participate in decisions involving a direct benefit to the relative. If such a relationship is established after employment, the affected employees must immediately report the change to their supervisor and may seek a transfer or reassignment subject to approval by the City. If a decision by the affected employee is not made within 30 calendar days, management will make the employment action without the input from the affected employees. No exceptions to this policy will be made without consent of the Mayor or the Mayor's designee.

In situations where a conflict or the potential for conflict of interest may arise between immediate family members, even in the absence of a supervisory relationship, the Mayor or the Mayor's designee may take an employment action, including but not limited to reassignment or termination, regarding the affected employees so as to avoid such a conflict or potential for conflict.

For the purposes of this particular policy, immediate family shall include: spouse, significant other, children, parents, brothers, sisters, grandparents, grandchildren, plus the various combinations of half, step, in-law and adoptive relationships that can be derived from those previously named relatives. Immediate family shall also include aunts, uncles, nephews, nieces and first cousins.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.5 Hiring Process for Non-Civil Service Positions

The Department Head will administer and coordinate the hiring process with the assistance of the Human Resources Department for all position vacancies within that department. For filling positions that are temporary full-time or temporary part-time, the Department Head may hire from the applications on file in the department from the previous three months, or may hire from temporary employment sources, such as temporary employment agencies. All applications turned into the Department Head will be kept on file for three months.

The following procedures should be adhered to by all departments in filling regular full-time and/or regular part-time position vacancies, including internships. Department Heads may be hired at the discretion of the Mayor.

(A) Recruitment

1. The affected department shall formulate the job announcement with the Human Resources Department. For positions for which employees are needed immediately, the Department Head, with the prior approval of the Human Resources Department and the Mayor's office, may waive the job announcement and hire from the existing applications that have been submitted to the department in the previous three months.

2. A determination will be made whether to accept in-house candidate applications only, or whether outside candidates will be considered for employment also.
3. Following this determination, the job announcement will be distributed by the Human Resources Department to all City departments for posting for a minimum of ten (10) working days. In those cases where outside candidates will be considered, the announcement will be published at least ten (10) working days before the cut-off date for accepting applications. The City may use sources such as trade publications, professional journals, internet job boards, social media, and/or a newspaper with area or state-wide circulation if it is believed necessary in order to attract qualified applicants.
4. Applicants may be disqualified for consideration for employment when the applicant, in the discretion of the City:
 - a. Does not possess the qualifications to perform the essential functions of the job with or without a reasonable accommodation;
 - b. Has demonstrated an unsatisfactory employment record or personnel record as evidenced by information contained on the application form or by the results of a reference check;
 - c. Has made false statements of any material facts or practiced deception in their application;
 - d. Has submitted an incomplete application;
 - e. Has an unsuccessful background check;
 - f. Is not within the legal age limits prescribed by law. (Non-civil service applicants must be at least 18 year of age in order to be eligible for employment. Certain seasonal and/or part-time positions in the Parks & Recreation Department may hire a qualified applicant less than 18 years of age based on the needs of the department; e.g. Lifeguards.)

(B) Testing

1. Examinations may be developed by the Department Head for certain positions based on the position's responsibilities, the qualifications required, and resources available.
2. The examination may consist of interviews/application review, a structured questionnaire, practical tests, or written tests. In all cases, the testing will be job related, and designed to determine the candidate's knowledge, skills, and abilities for the position.
3. The examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with the test development.
4. The testing process will be administered by the Department Head or their designee, after consultation with the Human Resources Department.

5. The Department Head shall consult with Human Resources to ensure that all testing is based on bona fide occupational qualifications. Human Resources will consult with the City Attorney when questions arise regarding test questions or procedures. The Department Head will consult with Human Resources to determine what, if any, reasonable accommodations may be appropriate in the test procedures to assure that persons with disabilities can be tested in an appropriate manner.

(C) Interview Process

1. The Department Head should coordinate the interview process, including the scheduling of candidates, development of interview questions, etc. The Department Head should also decide if a panel should be selected to conduct the interview.
2. If an interview panel is selected, it will be selected and confirmed by the Department Head, with input from Human Resources. Generally, no more than three individuals will serve on the interview panel. The composition of the interview panel should generally consist of personnel who have expertise with the technical elements of the position. Careful selection will be made of panel members to ensure objectivity and job knowledge. Relatives or personal friends of the applicants will be excluded from serving on the panel. In the event the position is that of Department Head, then the Mayor, with the assistance of the Human Resources Department, shall coordinate the interview process, including selection of panel members, scheduling candidates, development of interview questions, etc. Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.
3. The Department Head of the department in which the position vacancy exists (the Mayor in vacancies involving Department Head openings) shall be responsible for the development of interview questions and standards for measurement of candidate responses. Interview questions should be reviewed by Human Resources prior to the interview.
4. Inquiries as to birth date and proof of age are not permitted unless it is a bona fide requirement of the job.
5. Inquiries as to an applicant's ability to read, write, or speak foreign languages are permitted only when such inquiries are based on job requirements.
6. Inquiries about whether an applicant has certain specified sensory, mental, or physical disabilities or health problems are NOT permitted. The interviewer may ask the applicant if they are able to perform the essential functions of the job as outlined in the job description, with or without a reasonable accommodation.
7. The Department Head (or Mayor in the event of Department Head openings) will conduct the interview or assemble the panel. The job description will be reviewed prior to the interview by the Department Head or interview panel. If an interview panel is used, copies of the applications of final candidates should

also be provided to each panel member and the panel members will meet with the Department Head (of Mayor, if applicable) prior to the interview for an orientation.

8. If an interview panel is selected, each rater will score the candidates independently.
9. If an interview panel is selected, following the interview, it shall attempt to reach consensus and report the interview results and recommendations to the Department Head (or Mayor, if applicable). If consensus cannot be reached, the final candidates, including their strengths and weaknesses, will be reported to the hiring authority.

(D) Reference Check

1. A reference check will be conducted before any offer of employment is made. The reference check may include verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information. The Human Resources Department or the Department Head or their designee should conduct the reference check before a decision is made on an employment offer.
2. A background check must be conducted for all full-time and part-time positions prior to offer of employment. The scope of the background check may vary depending upon the position applied for.
3. A recommendation for hire will be forwarded to the appointing authority for final approval.

(E) Applicant Notification

1. After references are verified and a final decision reached, the candidate will be notified of their selection, and an employment offer made, with the request that the offer be accepted or rejected within a set number of days.
2. If the first offer is rejected, it will be decided whether to hire another candidate or to re-open the position.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.6 Hiring Process for Civil Service Positions

The Springdale Civil Service Commission has adopted their Rules and Regulations setting forth the hiring process for Civil Service positions in accordance with Arkansas law. A copy of these Rules and Regulations can be obtained from the Mayor's office, the Police Chief, the Fire Chief, Human Resources Department, or City Clerk's office.

2.7 Types of Employment and Eligibility for Benefits

The types of City employment are:

1. **Regular Full-Time Employee:** An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 40 hours or more per week.
2. **Regular Part-Time Employee:** An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 30 hours or less per week.
3. **Temporary Full-Time Employee:** An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule which, on a weekly basis, would total no less than 40 hours.
4. **Temporary Part-Time Employee:** An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule of 30 hours or more per week.

Entitlement to employee benefits shall be as follows:

- Regular full-time employees are eligible to all employee benefits provided by the City for the position held.
- Regular part-time employees are not eligible for vacation leave or sick leave. Regular part-time employees are eligible for health insurance benefits if such employee regularly works a shift schedule of 30 hours or more per week.
- Temporary full-time and temporary part-time employees are not eligible for any benefits.
- Benefits in any pension plan shall be governed by the applicable laws and provisions of the pension plan.
- Please contact the Human Resources Department for additional information on benefits.

2.8 Physical Agility Test (Civil Service Employees)

The Springdale Police Department and the Springdale Fire Department may require a physical agility test, which will directly relate to the requirements of the job as set out in the job descriptions of police officer and firefighter. Such a physical agility test shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. Information about the physical agility test can be obtained from the Department Head.

2.9 Post-Job Offer Pre-Employment Physicals/Tests

Post job offer pre-employment physicals shall be required for all civil service positions within the City of Springdale, Arkansas, and for certain other positions designated by the Mayor. Any time a pre-employment physical is required, such examination 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 a licensed healthcare provider selected by the Mayor or the Mayor's designee.

In addition to post-job offer pre-employment physicals, certain civil service positions require a post-job offer psychological examination, and this examination shall be given any time it is required by federal or state law. In addition, certain other positions within the City of Springdale require a post-job offer drug test, and the positions requiring such an examination and the policy concerning the drug test are more particularly set out hereafter in this manual.

2.10 Fitness for Duty

When a health or safety problem arises, the City, in its discretion, may require that an employee submit to a fitness for duty evaluation so that the City may evaluate an employee's ability to safely and competently perform their duties and to determine: 1) whether an employee is fit to resume their job duties; 2) whether the employee is a direct threat to self or others; and 3) whether the employee needs specific reasonable accommodation.

Records of medical or fitness for duty evaluations will be treated as confidential and be kept separate from existing department and personnel files; this information can be shared only on a "need to know" basis.

2.11 Employee in Process/Orientation

All new regular full-time and regular part-time employees of the City will be scheduled to meet with the Department Head or the Department Head's designee on their first day of work for general orientation. The Department Head should provide the following information to the new employee, including:

- a. Work standards and regulations;
- b. Hours of work, timekeeping information, or reports required, leave requests;
- c. Duties of the position and a copy of the job description;
- d. Safety rules and procedures, location of safety or protective equipment;
- e. Tour of the work area, including location of equipment, supplies, etc.;
- f. Introduction to co-workers;
- g. Schedule for lunch and breaks;
- h. When and whom to report absence from work; and
- i. Who is responsible for performance planning and review.

Each eligible employee will also be provided with information on employee benefits and City policies. Before performing job functions, employees will be required to complete a form acknowledging that they have read and understand the City's Personnel Manual, and have read the procedures, rules and regulations of the department in which they are employed.

Temporary employees of the City will be scheduled to meet with the Department Head or Department Head's designee to discuss the duties of the position, safety rules, procedures, location of safety or protective equipment, and any other information the Department Head deems necessary to enable the temporary employee to perform the duties of the job.

Each new employee, will also make contact with the Human Resources Department, who will provide information on employee benefits and payroll procedures.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.12 Work Periods

The following are deemed work periods of City employees:

1. **24 Hour Shift Firefighters:** The work period for any 24hour shift firefighter (a line-duty firefighter, regardless of rank) shall be 24 days. This work period starts at 12:00 a.m. on Sunday and ends 24 days later at 11:59 p.m.
2. **Non-24 Hour Shift Firefighters:** Non-24 hour shift are those firefighters who are assigned to positions where the firefighters, regardless of rank, regularly work five consecutive days on with two days off. These positions include Battalion Chief/Fire Marshal, Battalion Chief/Training Officer and any other non-exempt Firefighter assigned to these roles. The work period for these employees shall be seven days. The work period starts at 12:00 a.m. on Sunday and ends at 11:59 p.m. on the following Saturday.
3. **Police Officers and Building Security:** The work period for all sworn police officers and building security officers is 14 days beginning at 12:00 a.m. on Sunday, and ends at 11:59 p.m. 14 days later.
4. **All Other City Employees:** All other City employees not named in paragraphs 1, 2, or 3 shall be on a seven (7) day work period, beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.

Limitations: This policy shall not apply to executive, professional, administrative, and all other employees who are exempt from FLSA.

2.13 Change of Address

It is important that employees notify the Human Resources Department of any changes to their home address, telephone number and marital or family status (legal marital status change, change in number of dependents, etc.) In addition to this policy, the employees of the Police Department, Fire Department, and other departments providing emergency services, such as the Public Works road crew, are subject to their own department's rules and regulations governing the notification of the Department Head on change of address and/or phone numbers.

2.14 Performance Evaluations

It is the Department Head's responsibility to ensure fair and consistent documentation of performance issues and achievements.

Civil Service Employees: The procedures for performance evaluations are set forth in the Civil Service Rules and Regulations.

For Non-Civil Service Employees: Documented, quarterly performance meetings are recommended between the employee and their supervisor or Department Head. At a minimum, supervisors or Department Heads should schedule performance meetings annually. All performance meetings should be documented on the City of Springdale Performance Documentation Form, which can be obtained from the Human Resources Department. The Performance Documentation Form should not be used in lieu of disciplinary forms when progressive discipline is warranted.

Supervisors should not wait to address performance issues or concerns with an employee until the annual performance meeting. Performance issues or concerns should be address, as needed, on an ongoing basis with input from the Department Head, Director of Human Resources, and/or the Mayor.

Performance is considered when deciding if an employee receives a step increase under the City's compensation plan (as hereafter set out in this manual). However, performance meetings and documentation are also used to assist the employee in performing their responsibilities and for making any necessary corrections to improve efficiency of the employee's performance, thereby increasing the efficiency of the department. Department Heads and supervisors evaluate temporary employees as deemed necessary. All performance documentation shall become part of the employee's personnel file.

The Chief of Staff, in consultation with the Mayor, will conduct performance check-in meetings with Department Heads.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.15 Travel Expenses

The City of Springdale allows travel expenses for City employees who are required to travel to transact official City business and when attending professional meetings, conferences and training sessions which promote the overall job knowledge of the individual.

Employees who travel in their own personal vehicles on City business will be paid at the same rate the federal government pays to its employees. If, in connection with the travel, the employee is required to stay overnight, then the City shall also pay for necessary motel/hotel expenses. In the event the Department Head authorizes a City owned vehicle to be used by the employee for travel, all expenses of providing the transportation, such as gas and maintenance on the City owned vehicle, shall be paid by the City.

When travel is required, the City shall also pay for the employee's meals, including tips, on a per diem rate for each day, and the per diem rate is to be determined by the

Internal Revenue Service (IRS) guidelines for the area in which the employee is traveling. The Finance Director shall be responsible for updating the per diem guidelines on an annual basis, maintaining a list of geographic areas.

In the event the employee is required to travel, the City will not pay for any entertainment expenses, such as the rental of movies, attendance to non- seminar or non-job related activities, or for alcoholic beverages.

2.16 Equipment

It shall be the responsibility of the individual employee to properly maintain their equipment. Any problems with equipment shall be reported to the supervisor and Department Head.

For the mutual convenience of the employees and the City of Springdale, the employee may be assigned City owned equipment, such as vehicles, lockers, desks, cabinets, and briefcases. The employee is hereby advised that the retention of any personal items in such equipment is at the employee's own risk, and neither the City nor the employee's supervisor will be responsible for any losses; however, any City provided equipment is subject to entry, search, and inspection by the employee's superiors, without further notice to the employee. Any privately owned property contained in such equipment (including the contents of clothes or sealed items/containers) may also be opened and examined without further notice to or the permission of the employee. This includes any City provided equipment that is protected by a personally owned lock that the employee provides. Therefore, employees have NO expectation of privacy when using City provided equipment.

2.17 Transfers (Non-Civil Service Employees)

A transfer occurs when an employee is moved from one non-civil service position to another non-civil service position within the City. An employee may be transferred temporarily or permanently due to the staffing needs of the City.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.18 Re-Employment

Any former regular employee who resigned from the City in good standing is eligible for re-employment. Persons interested in re-employment should file a completed City of Springdale application with the Human Resources Department. The individual will then proceed through the regular hiring procedures with other applicants as described in the Hiring Process Policy.

If re-hired, the employee will be considered a new employee in all respects. (Subject to certain benefit restrictions).

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human

Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.19 Work Hours

(A) Working Hours for City Employees

The typical work-day for employees of the City is eight hours per day. The work hours for each department will be set by the Department Head, with the approval of the Mayor. Any long-term changes to the work hours must also be approved by the Mayor in advance.

In accordance with state and federal law, the City of Springdale tracks working time in 15-minute intervals *for all non-exempt employees*. In doing so, the City rounds the employee's time to the nearest quarter hour. To illustrate, if an employee reports to work at 8:08 a.m. rather than at the expected 8:00 a.m. starting time, the employee will be compensated for work commencing at 8:15 a.m. However, if the same employee reports to work at 8:07 a.m., the employee will be compensated for work as if they had commenced work at 8:00 a.m. **The provisions of this policy in no way alleviate an employee's obligation to comply with the absenteeism and tardiness requirements set forth further in this section.**

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. All breaks, including lunch breaks, shall be arranged by the employee at the discretion of their supervisor.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Head with the concurrence of the Mayor.

(B) Flexible Work Schedule Policy

The City of Springdale is committed to helping employees face the demands of juggling work, family, and personal obligations by offering possible flexible work arrangements. These arrangements provide employees with increased flexibility with their work schedule while allowing the City of Springdale to maintain a progressive and productive work environment.

All City of Springdale employees will be considered for alternative work scheduling on a case-by-case basis in situations where creative work schedules have been shown to accomplish both work and personal goals, to provide coverage for individual department operations, and to serve the City of Springdale as a whole with increased productivity at no expense to service to the public and quality output.

Several alternative work schedule options may be available to employees:

- Flextime, in which an employee works 8 hours per workday with flexibility in an employee's set scheduled starting and ending times.

- Compressed workweeks in which an employee works 10 hours per workday, reducing the workweek to four days a week.
- Compressed workweeks in which an employee works 9 hour workdays four days per week, and 4 hours one day per week.
- Job-sharing in which two part-time employees are assigned to the same job, equivalent to one full-time employee. This option must ensure the continuity of the work being done at the same workstation, with two individuals working as a team to accomplish one full-time position's duties.

The Department Head should have fair and consistent practices when authorizing a flexible work schedule and is responsible for identifying if any of the aforementioned staffing options are workable within the department. This may include determining if the entire department or an entire shift must convert to one or more of the above alternative scheduling options. To determine whether an employee's request for an individual alternative work schedule is appropriate, the Department Head must assess the impact and the outcome in terms of production, quality, and absenteeism, and if one or a combination of the above arrangements is in the best interests of the department, the City, and the employee. The Department Head may deny any request for a flexible schedule if it is determined that a schedule outside of the regular working hours is not in the best interest of the department or the City.

Upon approval of a flexible work schedule, a six-month trial period will apply to assess the impact and effectiveness of the arrangement. This trial period may be shortened at the discretion of the City. After successful completion of the trial period, the work arrangement will be reviewed at least annually to ensure continued success. The arrangement may be canceled for any reason by management. An employee wishing to change or cancel an alternative work arrangement must obtain written approval from their Department Head.

Flexible work arrangements are not appropriate for all employees, or positions, and are not a universal employee benefit. In order for a flexible work schedule to be approved, the employee must have a satisfactory attendance record, meet all performance expectations in their current role, and consistently demonstrate the ability to complete tasks and assignments on a timely basis. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing disruption to performance and/or service to the public.

Under no circumstances can an employee alter their own work schedule without prior, written authorization of their Department Head.

(C) Work from Home Policy

Employees are only permitted to work from home with prior permission from their supervisor. Work from home requests must be made via the Work from Home Authorization Form provided by the Human Resources Department. This form must be submitted to IT by the Human Resources for approval and processing of remote access.

IT will not grant remote access without authorization from the Department Head and the Director of Human Resources, or designee.

Authorizing hourly, non-exempt staff to work at home is discouraged. Before granting permission for short-term work at home arrangements, supervisors should know the specific work to be performed and the projected amount of time expected. If an hourly, non-exempt employee is permitted to work from home, the supervisor must authorize that work in advance, be able to justify that the work can be appropriately performed at home, have a method to confirm that work has been performed, and have a method of tracking the actual number of hours worked at home. If the work at home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state law then the supervisor should consult the overtime policy before granting permission.

Sending or responding to work related texts and emails during the employee's off hours is considered working from home. Hourly non-exempt staff must have prior approval from their supervisor to send or respond to work related texts or emails and must report this as time worked.

Working at home is not designed to be a substitute for dependent care. The focus of work-from-home activities must remain on job performance and meeting City work-related needs.

Employees must be available by phone, text, and/or email during work-from- home hours. The City will not pay or reimburse work-related voice and data communication charges.

Except in rare instances, the City does not provide tools or equipment for the employee to work from home. When the employee uses their own tools or equipment, such as computer hardware/software or phone, the employee is responsible for maintenance and repair of the equipment; the City will not reimburse the employee. The employee's supervisor has the final determination regarding any City materials taken home. These materials should be kept in the designated work area and not be made accessible to others. Office supplies (pens, paper, etc.) will be provided by the City as needed and as determined by the employee's supervisor; out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's supervisor. The employee is required to take reasonable care of all City materials and supplies, to keep them secure, and to use them in accordance with operating instructions and IT policy. City supplies and materials are expected to be returned when the work-at- home period is complete.

Department Heads should have consistent practices when authorizing staff to work at home. **Under no circumstances are employees permitted to work at home without prior permission from their supervisor.** Any attempt to do so, with or without reporting such time, will result in disciplinary action in accordance with the City's Disciplinary Action Policy.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.20 Promotions (Non-Civil Service Employees)

The City attempts to fill all vacant positions with qualified City employees before advertising to the general public, following a policy of upward mobility whenever possible. In instances where an employee from the department with the promotable vacancy has the qualifications, knowledge, skills, and abilities to perform the job, the Department Head, with prior authorization from the Mayor, may forgo the recruitment process. The position then vacated by the promoting employee will be subject to the recruitment process listed in section 2.5 of this policy.

Employees are encouraged to apply for any vacancy for which they may qualify in accordance with the administrative policy on hiring process (Policy No. 2.5). Generally, employees are expected to serve in their current position for at least a year before being considered for a promotional transfer. Selection of an employee for a promotion, (or internal transfer) is based on their past work record, education, knowledge of the job duties, as well as time in service. In cases where only one employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Mayor's office.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.21 Employment Separation Process

The Department Head should immediately notify the Human Resources Department of the employee's separation date, via a memo or email. The employee will be paid for all time worked. **The official date of separation will be the last day the employee reports for work. Vacation time will be paid out and is not subject for use once notice is given. Any exceptions to this will require prior, written approval from the Mayor or their designee.**

Benefits continue through the employee's last date of employment with the City, except for healthcare benefits, these benefits will continue through the last day of the month in which the employee terminates. Employees should contact the Human Resources Department for more information regarding continuation of employee benefits under separation.

EXIT INTERVIEW: Upon notification of resignation, Human Resources will reach out to the employee to schedule an exit interview prior to the last day of employment.

Types of employment separation:

- A. **Employee Service Retirement:** Voluntary termination after having satisfied the age and length of employment requirements of the applicable retirement system of which the employee is a member.
- B. **Disability Retirement:** Voluntary termination necessitated by an injury or illness which renders the employee incapable of performing their usual job. The termination must be supported by a memo/letter from the employee to the Department Head advising of the disability ruling, date of termination, supporting documentation and a ruling by the appropriate retirement board approving the disability retirement.
- C. **Employee Initiated Resignation:** Voluntary termination for any reason other than retirement. To resign in good standing, an employee must provide a written resignation to their immediate supervisor at least 14 calendar days (4 weeks- notice in the case of Department Heads) prior to the effective date of resignation. The resignation letter should include the reason for leaving, as well as the proposed effective date. The resigning employee must remain available for work during the notice period, but the City may elect to accept the resignation effective immediately.
- D. **Layoff and Furlough:** Termination of an employee by the City for lack of work, lack of funds, or other changes that have taken place affecting the job. Civil service employees are governed by the Civil Service Rules and Regulations in regard to layoff and recall.

Furlough may be used in lieu of Layoff/Termination. Furlough is defined as a reduction in hours, days, weeks or months. Employees may use accrued leave during times of furlough, but otherwise, will be considered unpaid leave while the employee is not working.

- E. **Discharge/Termination of Employment by the City:** This separation of employment is when the employment relationship is terminated by the City with or without cause.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

2.22 Inclement Weather and Other Emergency Situations

For purposes of this policy, Inclement Weather is defined as severe weather, such as snow, ice, flooding, or tornadic conditions that create hazardous road conditions, dangerous travel, or cause severe property damage that limits the employee's ability to come to work.

The City's policy is to remain open during inclement weather, except under the most extreme conditions. In such event, the Mayor will generally recommend closure for traffic safety considerations. However, certain "essential service" employees must remain at work, or report to work for their regularly scheduled shifts, even under these

circumstances. For purposes of this policy, "essential service" employees are declared to be all sworn police officers, all sworn firefighters, building security officers, dispatchers, and emergency road crew employees in the Public Works Department. The Mayor may also designate any other City employees as "essential service" employees, as needed in the event of an emergency situation.

If the Mayor determines that City offices should be closed during normal operating hours because of extreme weather conditions, the Mayor or designee should notify Department Heads to let all non-essential service employees go home. The time of closure of City offices will also be announced. In the event the Mayor decides that such extreme conditions exist and that City offices should be closed for a full day, the Mayor or designee will notify media outlets in the area for announcement. The Mayor or designee shall also notify Department Heads, if possible, of such decision.

Those non-essential service employees affected by a closure will receive their regular base pay for the duration of the closure or any part thereof at the discretion of the Mayor. Those employees who are on approved leave when City offices are closed under this policy will still be charged with the appropriate approved leave.

If the City is not closed due to inclement weather and an employee is unable to get to work due to the weather conditions listed in this policy, the City may allow non-essential employees to use Inclement Weather Leave. The City will allow up to two, eight hour days per year for Inclement Weather Leave. Inclement Weather Leave may only be used with the approval of the Department Head or supervisor and conditions must meet the above definitions. If conditions are such to prevent the employee from coming to work and they have already used their allotted Inclement Weather Leave, time off may be charged to vacation, or taken as time off without pay. Employees who leave work early or are late to work due to abnormal weather conditions when the City has not been closed may charge their time off in a similar manner with the approval of the Department Head. Additional Inclement Weather days must have the approval of the Mayor, and may only be granted in extreme situations.

Other Emergency Situations, for purposes of this policy, are defined as National or State disasters, pandemics, or any other emergency situation declared by the Mayor and will be handled according to state and federal guidelines. "Essential service" employees must remain at work, or report to work for their regularly scheduled shifts if required. Those non-essential employees affected by a closure will receive their regular base pay for the duration of the closure or any part thereof, at the discretion of the Mayor. If City offices remain open and non-essential employees are not able to make it to work due to an emergency situation, the Department Head will consult with the Mayor, Chief of Staff, and Director of Human Resources.

PART 3.

EMPLOYEE CONDUCT POLICIES

PART 3. EMPLOYEE CONDUCT POLICIES

3.1 Employee Code of Ethics

Every employee has an obligation to faithfully discharge the duties of their position. Each employee of the City of Springdale is engaged in the conduct of public business and must uphold the public trust inherent in the position held.

The use of public trust for private gain is contrary to the ethics of good government. Business dealings should be free from any hidden personal or financial interest. In the event any City employee has a financial interest or holds any management position in a business or organization that has any financial dealings with the City, or is proposing any financial dealings with the City (not including payment of license or permit fees required in the normal course of business), such employee shall disclose this relationship in writing both to the Department Head of the employee's department and to the Mayor.

Each employee has an obligation to support and carry out the policies, procedures, and programs of the City Council, as administered by the Mayor. All employees should remember to follow the chain of command. Actions must not knowingly be taken that are detrimental to the interests of the City, or that are inconsistent with the policies or lawful orders of the City Council or Mayor.

3.2 Conduct Towards the Public

Employees of the City of Springdale 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 their appearance, actions, and statements are in essence with those of the City.

In dealing with the public, each employee must attempt to make their conduct one which inspires respect for both themselves and the City, and further, one which generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of their duties will be courteous. However, an employee should treat the public as they would like to be treated, with courtesy, patience, respect, and understanding. This attitude or approach to public service cannot be overemphasized.

When an employee is not certain of the correct response to an inquiry from the public, they 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.

3.3 Attire/Grooming Policy

Objective

The City of Springdale strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that

effort, the City requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, Department Heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

Procedures

All City staff members are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance is an ongoing requirement of employment with the City of Springdale.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

Any staff member who does not meet the attire or grooming policy standards set by their department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

Specific Requirements

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing appropriate office attire for office staff, and uniforms or protective clothing depending on the nature of the job. Hair must also be a natural human hair color.

At the discretion of the Department Head, in special circumstances, such as during unusually hot or cold weather, or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing, or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted.

Uniforms and protective clothing may be required for certain positions and will be provided to employees by the department. Uniforms or a uniform allowance will be provided to personnel of certain departments as authorized by the Mayor. Personnel who are provided uniforms or a uniform allowance should wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

If a non-civil service employee is required to wear a logoed uniform shirt and specific type of work pant, the City will reimburse for both the shirt and pant. Items considered "every day wear: such as jeans or khakis, will not be reimbursed by the City. Boots required by the City, with the exception of steel toed boots, will be reimbursed through payroll as a taxable benefit to the employee per the current tax law. All shoes and clothing purchased by the City of Springdale, with the exception of articles taxed to the

employee, must be returned upon separation from the City. Each department should maintain a written uniform policy approved by the Mayor.

(A) Reasonable Accommodation of Religious Beliefs

The City of Springdale recognized the importance of individually held religious beliefs to persons within its workforce. The City will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the Human Resources Department.

(B) Tattoos and Piercings

The City of Springdale permits employees to wear jewelry or to display tattoos at the workplace within the following guidelines. Factors that management will consider to determine whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:

- a. Personal safety of self or others, damage to company property;
- b. Productivity, or performance and customer expectations; and
- c. Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature and may not be in violation of the City's Unlawful Harassment Policy.

If management determines an employee's jewelry or tattoos may present such a conflict, the employee will be instructed to take appropriate actions such as removal of excess or offensive jewelry, or covering of tattoos.

(C) Casual or Dress-Down Days

Departments that adopt casual or dress-down days must use the following guidelines to define appropriate casual attire.

<u>Appropriate</u>	<u>Inappropriate</u>
Slacks	
• Khakis or corduroys • Jeans (must be clean and free of rips, tears, and fraying; may not be excessively tight or revealing) • Capris • Leggings, if covered by a dress or long top	• Sweatpants, uncovered leggings, exercise wear • Low-rise pants or jeans • Shorts (with the exception of recreational staff or staff who work outside in hot weather)

<u>Appropriate</u>	<u>Inappropriate</u>
Shirts/Dresses	
• Polo collar knit or golf shirts • Button shirts • City logo wear • Turtlenecks • Blazers or sport coats • Jackets or sweaters	• Tank tops or exercise clothing • Crop tops, spaghetti straps, clothing showing midriffs, low cut tops, short skirts/dresses (no more than 2 inches above the top of the knee) • T-shirts with writing other than City Logo Team shirts, or non- profits for event days

(D) Addressing Workplace Attire and Hygiene Problems

If a staff member comes to work in inappropriate dress (as determined by this policy and the supervisor/Department Head) the staff member will be required to go home, change into conforming attire or properly groom, and return to work. If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.4 Unlawful Harassment

The City of Springdale expressly prohibits any form of unlawful employee discrimination or harassment based on race, color, religion, sex, national origin, age, disability, genetic information, political status, marital status, status as a veteran or member of the military or national guard ("protected category"). **DISCRIMINATION AND/OR HARASSMENT BASED UPON A PROTECTED CATEGORY WILL NOT BE TOLERATED.**

Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection or detriment, because of a protected category. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or when submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or when such conduct has the purpose of effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Harassment may include any of the following:

- Verbal abuse or ridicule;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist, or other derogatory materials;
- Discriminating against any employee in work assignments or job related training because of one of the above-referenced basis;
- Intimate physical conduct;
- Making offensive sexual, racial or other derogatory innuendos;
- Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

It is every employee's responsibility to ensure that their conduct does not include or imply harassment or discrimination in any form. If, however, harassment or suspected harassment or discrimination has or is taking place, the following will apply:

1. An employee should report the offending conduct to their immediate supervisor, or another supervisor within their department, or the Department Head, or the Mayor. If, for some reason, the employee does not feel comfortable making the complaint to any one of these persons, then the complaint may be filed with the Director of Human Resources. These alternatives are given so the employee can speak with the person that they are most comfortable with in making the report. This complaint should be made in writing and should be made immediately or within 3 working days of the suspected offending conduct or incident. However, neither lack of a written statement or a delay in reporting will be reason for not investigating allegations of harassment. Any time a supervisor is notified of a harassment or discrimination complaint, the supervisor shall immediately notify the Department Head. (If the complaint is against the Department Head, the Director of Human Resources or the Mayor shall be notified first.)
2. When the Department Head is notified of a harassment complaint as set out in the previous paragraph, they, with the assistance of Human Resources, shall ensure that the matter is fully investigated. The Mayor and Director of Human Resources will immediately be notified of the nature of the allegation, and will be kept informed concerning the investigation and the results thereof. In the event the complaint is against the Department Head, the Mayor's office will designate who is to conduct the investigation.
3. Upon the complaint being fully investigated, a determination of the facts and an appropriate response will be made on a case by case basis.

The City of Springdale will not tolerate harassment, discrimination or any unlawful or job related retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment or discrimination. Further, failure to cooperate with an investigation will constitute a violation of this policy. A failure of a supervisor to report instances of harassment or discrimination, even if no formal complaint is made, will be the basis for disciplinary action. Any employee violating any provision contained in this policy shall be subject to disciplinary action, up to and including termination.

All complaints and investigations will be treated in a confidential manner to the fullest extent possible. However, the City of Springdale cannot guarantee the confidentiality of complaints under this policy to the extent that it prevents the City from conducting a thorough investigation or taking appropriate action.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.5 Guidelines for Appropriate Conduct

It shall be the duty of employees of the City of Springdale to maintain high standards of cooperation, efficiency, and integrity in their work with the City. If an employee's conduct falls below standard, they may be subject to disciplinary action.

The following are examples of conduct for which disciplinary action may be taken:

(A) Misconduct

Misconduct may include, but is not limited to:

1. Violation of the laws of the United States or the State of Arkansas or ordinances of the City;
2. Conduct that discredits the City or affects the employee's ability to perform effectively, such as the commission of an act or acts offending to public morals or decency;
3. The commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected;
4. Violation of the policies of the City, including the policies contained in this manual and Executive Orders, or failure to properly observe the rules and regulations of the City, department, or division;
5. Violation of the Use of Tobacco Policy or Violation of the Drug Free Workplace Policy;
6. A poor driving record in situations where driving is a required job duty;
7. Reprehensible or indecent language or conduct bringing discredit upon the City or department.
8. Using official authority to influence or coerce any political action;
9. Dishonesty in word or conduct;
10. Dissemination of confidential information to unauthorized persons or organizations;

11. Unauthorized use or abuse of City vehicles, equipment, or property;
12. Habitual neglect of personal appearance and hygiene while on duty;
13. Insubordination;
14. The violation of any City policy, procedure, rule or regulation or the violation of any policy, procedure, rule or regulation of the employee's department.
15. Employees shall not engage in conduct unbecoming an employee of the City or their department. Conduct unbecoming is any conduct which adversely affects the morale, operations, or efficiency of the City or any department within the City or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the City, the department or the employee. Conduct unbecoming also includes any conduct which brings the City, the department or employee in disrepute or brings discredit upon the employee, department or City.

(B) Incompetency

Incompetency may include, but it not limited to:

1. Failure to maintain an acceptable score on a performance evaluation, or failure to show substantial improvement after being told corrections in performance are necessary;
2. Inability to perform the essential functions of the position, with or without reasonable accommodation;
3. Failure to perform duty. The following shall be grounds for the charge of failure in performance of duties:
 - a. Failure to perform those duties required by law;
 - b. Neglect or refusal to perform a duty or responsibility;
 - c. Conduct subversive of good order and discipline of the department where employed;
 - d. Failure to be courteous or cooperative with the public or fellow employees;
 - e. Unexplained absence or habitual tardiness;

(C) Anti-Bullying

The City of Springdale will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

1. The City of Springdale defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. Such behavior violates the City of Springdale's standards of conduct/employment policies which clearly state that all employees will be treated with dignity and respect. It is abusive conduct that includes:
 - a. Threatening, humiliating or intimidating behaviors;

- b. Work interference/sabotage that prevents work from getting done;
 - c. Verbal abuse;
2. The City of Springdale considers the following types of behavior examples of bullying:
- a. **Verbal bullying:** Slandering, ridiculing or maligning a person or their family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusing and offensive remarks;
 - b. **Electronic bullying:** Slandering, ridiculing or maligning a person or their family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks via text, email, social media, or any other electronic means of communication;
 - c. **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat to physical assault, damage to a person's work area or property;
 - d. **Gesture bullying:** Non-verbal gestures that can convey threatening messages;
 - e. **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities;

Individuals who feel that they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the City of Springdale to take appropriate action.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.6 Absenteeism and Tardiness

The City of Springdale expects all of its employees to be at work on time 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 services from the City. Should an employee be unable to report to work on time because of illness or a personal emergency, that employee should give "proper notice" to their supervisor. Unexcused absences and tardiness could result in disciplinary action. "Proper notice" is defined by the City to be notice in advance of the time an employee should report for work and no later than one hour thereafter if absence notice is impossible.

Tardiness occurs when an employee fails to report to work at the specified starting time. Three (3) tardy occurrences within a three (3) month period of time will prompt counseling with the supervisor to determine a plan or steps the employee will take to improve their record. Repeated tardiness after the counseling is considered a pattern of tardiness and

may subject the employee to disciplinary action up to and including termination.

For absenteeism and tardiness involving inclement weather, see the Inclement Weather Policy (Policy No. 2.22)

Advanced notice of an anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence. Tardiness must be made up during the pay period in which it occurs.

Notification by another employee, friend, or relative is not considered proper notification except in an emergency situation where the employee is physically unable to make the notification.

Daily attendance records will be maintained by each department, including date and time of absence and reason for absence. Attendance is a consideration in determining promotions, transfers, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

An absence of an employee from duty, including any absence of one day, or part thereof, that is not authorized in advance by the Department Head or the employee's supervisor, should be deemed as an absence without approved leave. Such absence shall be without pay.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.7 Conduct With the Media

With the exception of routine events and basic information that is readily available to the public, all requests for interviews or information from the media are to be routed to the respective Department Head or the employee designated by the Department Head to act as a department spokesperson. The Department Head or designated spokesperson (or any other designated alternates) shall be the only persons authorized to speak on behalf of their departments.

The Department Head or designee shall supply any information to the media which is subject to disclosure under the Freedom of Information Act (FOIA). Any time the media or other party requests records or other information from the City, the Department Head or designee, if unsure whether or not the record/information is subject to disclosure under the FOIA, shall immediately refer the request to the City Attorney's office, which shall confer with the Department Head or designee on the action to be taken. The Mayor's office shall also be notified.

3.8 Outside Employment or Moonlighting (Non-civil Service Employees)

Holding a second job while working at the City of Springdale is permissible, however, employment with the City must be primary and any secondary employment shall not

conflict with City work. If an employee is considering additional employment, they should discuss the additional employment with their Department Head and receive prior approval (if the Department Head is the involved employee, the Department Head should discuss the matter with the Mayor and receive prior approval).

If as an employee of the City, an employee participates in additional employment, it must not interfere with the proper and effective performance of their job with the City. In addition, City uniforms shall not be worn during outside employment, unless approved by the Department Head. 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 which in any way violates these policies.

Employees shall not work at any outside employment on the same calendar day that they failed to report for duty for their City job due to illness or injury. Any exception to this must be approved by the Department Head or the Mayor.

NOTE: *The Police and Fire Department have adopted more restrictive departmental policies/regulations regarding outside employment of personnel.*

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.9 Political Activity

City employees are encouraged to exercise their right to vote and, if necessary, reasonable time will be granted for this purpose. However, to ensure impartiality and non-partisan service, certain actions which constitute inappropriate political activity will not be allowed. These include:

1. No employee shall participate in partisan politics during working hours. "It shall be unlawful for any public servant as defined in Ark. Code Ann. § 21-8-402 to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office." (Ark. Code Ann. §7-1- 103(2)(A)).
2. Use of City property or facilities (cars, stationary, telephone, offices, etc.) for campaigning is prohibited.
3. "It shall be unlawful for any public servant as defined in Ark. Code Ann. § 21-8-402 to use any office or room furnished at public expense to distribute any letters, circulars or other campaign materials unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation. It shall further be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds. (Ark. Code Ann. §7-1-103(3)).
4. "It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any cars, trucks, tractors, or other vehicles belonging to the State of Arkansas or any municipality, county, or school district in the State." (Ark. Code Ann. §7-1-103(6))

5. No employee shall display political banners, posters or signs on City property during work hours.
6. Any employee who becomes a candidate for a city, county, district, state or national office may be granted a leave of absence without pay during the time they actively campaign. The employee may also take earned vacation time for this purpose.

3.10 Use of Tobacco

Each Department Head or supervisor may establish tobacco use policies for their departmental employees, so long as they do not conflict with state law, City policy or order of the Mayor. Tobacco products of any kind, including e-cigarettes, are prohibited in any City owned building, vehicle, or within view of the public.

Smoking, or the use of any tobacco product, is not allowed inside any city-owned facility or vehicle pursuant to the Arkansas Clean Indoor Air Act of 2006. Any employee violating this policy is subject to disciplinary action up to and including termination. No employee shall discriminate or retaliate in any manner against a person for making a complaint under the Arkansas Clean Indoor Air Act of 2006.

No additional breaks beyond those allowed under department policy may be taken for the purpose of using tobacco products. Employees may smoke, or use tobacco products outside, away from building entrances and out of view of the public during breaks. Smoking is prohibited in all City parks.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination, as allowed by federal, state and local law.

3.11 Drug-Free Workplace

(A) Purpose of Policy

The City 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 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. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

See Appendix A for the policy on Drug and Alcohol Testing for Employees Required to have a Commercial Driver's License.

(B) 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 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 unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, or during breaks.
- 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.
- c. The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

(C) 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 where the operation of a motor vehicle is not incidental to the employee's occupation. For the purposes of this section, a "motor vehicle" is defined as every vehicle which is self-propelled and every vehicle which is propelled by electric motor obtained from overhead trolley wires but not operated upon rails.
 3. Fire department employees and volunteer firefighters 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 nurse assistants.

5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans, aircraft, and the like.
6. Lifeguards, emergency medical technicians, emergency services dispatchers, and rescue workers.
7. Operators of heavy equipment, including front-end loaders, trucks, and riding lawn mowers, or other similar equipment, where the equipment is used around individuals, alongside the public right of way, or on public roads including Employees of the Springdale Public Works Department in the positions of Maintenance Worker II, Landscape Maintenance Worker II, as well as their supervisors and the Public Works Department Superintendent.
8. Non-civil service employees who have been hired with the Springdale Police Department as 911 dispatchers, or who otherwise have emergency dispatch responsibilities; employees hired as Evidence Technicians, who in part, are responsible for maintaining custody of drugs seized by sworn employees; employees hired as Building Security Officers, who in part, book in, fingerprint, transport, and release prisoners, search and seize illegal contraband, and sometimes handle evidence; employees hired as Records Specialists, or who otherwise have the responsibilities of maintaining confidential criminal justice information (CJI); Traffic Accident Investigators, who in part, handle code violations and are responsible for accident investigations and traffic control as needed.

b. A security sensitive position includes:

1. any police officer, jailer, 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. Law enforcement officers 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.
3. Employees having access to information concerning financial and confidential documents or data (e.g., medical, personnel or personally identifying information of individuals; bidding information; financial account information and access; security records of public water systems and municipally owned utilities; security records of the City and its operating systems and processes, including its electronic systems and processes) that, if revealed, misappropriated or mismanaged, could compromise, hinder, prejudice or other result in injury to the City. These positions include employees employed in the Information Systems Department, Human Resources Department, Mayor's office, and the City Clerk's office due to their control, access or management of security to sensitive information.

(D) Prohibited Substances/Legal Drugs/Unauthorized Items

- a. Prohibited Substances. Alcoholic beverages and drugs 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 USC § 812, and the regulations promulgated thereunder, as defined in the Uniform Controlled Substances Act, Ark. Code Ann. § 5-64-201 et seq., or as defined by federal and state law), 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.
- b. The abuse, overmedication, inappropriate consumption, or mistreatment of prescription drugs approved by the employee’s physician is considered to be the abuse of “drugs” as stated in this policy.
- c. 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 their physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully. Employees shall notify their immediate supervisor when required to use prescription medication which they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.
- d. Medical Marijuana. Any employee who is about to become or who is a current user of medical marijuana and whose job is classified as safety sensitive or security sensitive position for purposes of this policy by the City must disclose their upcoming or current use immediately to Human Resources. The employee need not disclose the reason why they were issued a medical marijuana certification or anything about their underlying health condition, unless required for other reasons. The employee must provide their current medical marijuana certification card to Human Resources in order that a copy be made for the employee’s medical file. If a new certification card is issued, the employee must provide it as well. Current users of medical marijuana will normally be excluded from safety sensitive jobs. If feasible, the City will attempt to accommodate employees in safety sensitive roles who are about to become or who are current users of medical marijuana. If an accommodation is not feasible, employees may be terminated, although they will be considered eligible for rehire.
- e. 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.

(E) 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 and alcohol tests.
- 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 their normal job duties.
- f. Employees shall not abuse, knowingly overmedicate, inappropriately consume, or otherwise mistreat any prescription drugs approved by the employee's physician.
- g. Employees shall not possess, smoke, or otherwise use medical marijuana while on City premises (including when in the field), in a City vehicle, or during work hours, regardless of whether they possess a medical marijuana card.
- h. 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 not performing safety or security sensitive functions.

(F) 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.
- b. Return to duty testing after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.
- c. 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. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- d. 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.

- e. 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.
- f. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.
- g. When any prohibited drug or alcoholic beverage is found in an employee's possession.
- h. 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 cancelled due to a collection, chain of custody or other procedural problem.

(G) When Drug and Alcohol Testing May Be Required of 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.
- c. As part of any regular physical examination required of an employee by their respective department.
- d. As a condition of application to any specialized drug enforcement unit.
- e. As part of any promotional process to a safety or security sensitive position.

(H) Disciplinary Action Regarding Drug and Alcohol Testing

- 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 they have 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, or during breaks.
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, or during breaks.
4. Any criminal drug statute conviction and/or failure to notify the City of such conviction within five days.
5. Refusal to cooperate in a search.
6. Having an alcohol concentration of 0.04% or greater in any authorized alcohol test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test. Except, employees authorized to use medical marijuana under the Arkansas Medical Marijuana Amendment are not subject to discipline solely because of a positive test for marijuana. Employees who are currently using medical marijuana may not work in safety or security sensitive positions.

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.

(I) 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.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.12 Disciplinary Action

It shall be the policy of the City to administer discipline fairly, reasonably, and impartially. All written disciplinary actions must be authorized beforehand by the Director of Human

Resources and the Department Head. Human Resources will review the proposed disciplinary action for legal compliance, policy compliance, and consistency with other disciplinary actions in the City pertaining to similar issues. The Department Head will review the proposed disciplinary action from the standpoint of management and maintaining fairness. All disciplinary actions involving suspensions without pay, administrative leave, or termination require concurrence of the Department Head, the Director of Human Resources, and the Mayor prior to discipline being administered unless immediate removal from the job site is deemed necessary by the Department Head as outlined in this policy. Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service. The nature and severity of the offense and the employee's prior record shall be considered.

It is the responsibility of each supervisor and Department Head to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

The City may skip any of the following steps depending on the severity of the action. The use of progressive discipline does not modify the employment at-will relationship between the City and employee. Either party may end the employment relationship at any time without cause or notice. Serious areas of poor performance or conduct, like those shown in our Rules of Conduct, will likely result in suspension or termination without the use of any progressive steps of discipline.

Types of disciplinary action may include:

- Verbal Warning – Verbal warnings should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The verbal warning should be given in private. Supervisors should inform the employee that the supervisor is issuing a verbal warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action. A notation that a verbal warning was given should be placed in the employee's personnel file and acknowledged in writing by the employee.
- Written Warning/Reprimand – This notice may be issued if the infraction is severe enough to warrant a written reprimand in the employee's personnel file or in the event the employee continues to disregard a verbal warning. Written warning/reprimand notices should be issued within ten (10) days after the occurrence or discovery of the violation claimed by the supervisor.

The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee. A copy of the written reprimand/warning is to be provided to the employee at the time of the discussion of the discipline. The employee shall sign the written warning and acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgement, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

- Suspension Without Pay – This form of discipline involves the removal of an employee from their job without pay for a specific period of time which shall not exceed 30 days. Suspension without pay is administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, a suspension is often given after the employee has received a warning.
- Administrative Leave – At the discretion of the Department Head, Director of Human Resources and/or Mayor, an employee of the City may be placed on administrative leave with or without pay pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform their duties, and when a substantial period of time will be required to complete an investigation. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense. If the charges are unfounded, the employee will be returned to duty.
- Demotion – Demotion is placing the employee in a position of less responsibility and less pay. Demotion may be used when the employee is unable or unwilling to perform the responsibilities of that position or as a result of a severe infraction of policies or for repeated violations. Demotion is not to be used as a substitute for discharge, when discharge is warranted.
- Discharge/Termination of Employment – This is the most severe disciplinary penalty of all and should be reserved for the most serious offenses or when previous corrective or disciplinary actions have failed. Immediate removal of an employee from the job site pending review as to discharge/termination of employment may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or as may otherwise be determined by the Department Head.

The appropriate forms to document disciplinary action may be obtained through the Human Resources Department. Any time disciplinary action is taken, the original copy of the disciplinary action is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee. All forms and documentation regarding disciplinary action should be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

Disciplinary actions for civil service employees are covered by Springdale Civil Service Rules and Regulations, Chapter 8, Sections 2-8.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.13 Whistleblower Policy

The City strives to conduct its business with the utmost integrity and in compliance with all applicable federal, state, and local law. Accordingly, employees are encouraged to bring to the attention of the City any improper actions of City officials and employees in accordance

with the Arkansas Whistle-Blower Act, Ark. Code Ann. § 21-1-603, et seq.

Employees shall report: 1) the existence of waste of public funds, property, or manpower administered or controlled by a public employer; and 2) a violation or suspected violation of a law, rule, or regulation adopted under state law or a political subdivision of the state.

The employee must submit their concerns and related information ("complaint") to any supervisor within their department. In the event that the complaint concerns the supervisor, the complaint shall be submitted to the Department Head. In the event that the complaint concerns the Department Head, the complaint shall be submitted to the Mayor. In the event that the complaint concerns the Mayor, the complaint shall be submitted to the City Council.

The City will not retaliate against any employee who makes a report under this policy or in accordance with the Arkansas Whistle-Blower Act.

3.14 Cell Phone/Communication Systems/Solicitation and Bulletin Boards

Various "communications" systems may be utilized by or provided for the employees of the City of Springdale and include:

1. Telephones, cellular phones and facsimiles;
2. Electronic mail (email) systems;
3. Voice and video recorders and players;
4. Radio and paging systems;
5. Bulletin boards and other places where documents, paper mail and messages are posted or stored.

Employees waive their right to privacy in anything created, stored, sent, or received on the City's computer or telecommunications system. The City reserves the right to inspect any data, emails, social media content, files, settings, or any other aspect of access made by a City-owned computer or related system and will do so on an as-needed basis as determined by the Department Head and Human Resources.

Employees understand that any information created, stored, sent, or received on the City's computer or telecommunication system may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business-related or personal to the employee. Therefore, any such information may be accessed and/or inspected at any time by any member of the public unless it is exempted by law from disclosure.

Ordinarily, employees should not access communications intended solely for another employee or person unless requested to do so by the intended recipient or directed to do so by a management representative.

Communication systems must never be used:

1. To threaten or intimidate another person;
2. To send or receive images that contain nudity, or to send or receive images or words of a prurient or sexually suggestive nature, even if the other party has consented to or requested such material;

3. To send jokes or comments that tend to disparage a person or group because of race, color, religion, sex, national origin, age, disability, genetic information, political status, marital status, status as a veteran or member of the military or national guard, or any classification or activity protected by the equal protection clause or other provision of the United States or Arkansas Constitution or other applicable federal, state, and local laws.

Photographs should not be taken in the workplace with the purpose to harass, annoy, or alarm; or that serves no legitimate workplace interest; or is done under circumstances likely to create a hostile work environment, in the opinion of the Human Resources Director, Mayor, and City Attorney. Doing so could result in disciplinary action up to, and including, termination of employment.

Classified, confidential, sensitive, proprietary or private information or data must not be disseminated to unauthorized persons or organizations. Doing such may result in disciplinary action.

Employees with personal privacy concerns should be aware that there may be consequences to using privately owned electronic communications equipment (including privately owned cell phones) for work related purposes. If an employee uses privately owned equipment for work related purposes, such as work related text messages or emails, the records of the privately owned equipment might be subject to disclosure to the public by the Arkansas Freedom of Information Act. Employees are therefore encouraged to use city-owned communications equipment and city-owned software (such as city email) when communicating for job related purposes.

In an effort to ensure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.

The City of Springdale recognizes that employees may have interests in events and organizations outside the workplace. Employees may only solicit or distribute literature/information concerning these activities during non-working time in non-work areas. (Non-working time includes lunch periods or any other periods in which the employees are not on paid duty.) Please use good judgement when approaching co-workers with offers/opportunities.

Personal notices or postings may not be placed on any departmental bulletin boards; these designated bulletin boards are strictly for City business use only. The Department Head or designee is responsible for monitoring and posting items to these boards.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

3.15 Workplace Violence Policy

It is the City's policy to promote a safe environment for its employees. The City is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. Such behavior can include verbal or written statements, including social media, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

In furtherance of this policy, employees have a duty to warn their supervisor(s) if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, former employees, customers, or visitors.

Employees shall not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If this type of behavior is observed by any employee, it shall be reported immediately to a supervisor within the department or to the Mayor's office. Any City supervisor who received such a report shall notify the Department Head immediately, and the Department Head shall ensure that the incident is properly investigated. Threats or assaults that require immediate attention by law enforcement shall be reported first to the Police Department.

Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. The City of Springdale prohibits any form of retaliation against any employee for making a report under this policy.

All communications with the press and other news media about a workplace violence incident will be handled by the Mayor's office in coordination with the City Attorney's office.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

PART 4.

EMPLOYEE COMPENSATION

PART 4. EMPLOYEE COMPENSATION

4.1 Compensation

The City of Springdale assigns each regular full-time position a class title and a pay grade. The City of Springdale's current compensation schedules are contained as Appendix C to this Personnel Policy Manual. Compensation is determined by the employee pay grade, as well as the employee's step on the Compensation Plan. When the City's compensation plan is changed, the amended compensation schedules shall become Appendix C and placed in the Personnel Manual.

4.2 Compensation Plan

Human Resources shall be responsible for the continuance, maintenance, and administration of the City's compensation plan. The Human Resources Department may initiate a bi-annual review, to be conducted by a third party administrator, prior to the budget process, and such review will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost of living factors, budgetary considerations, and other related factors. On the basis of this information, the Mayor's office may recommend to the City Council changes to keep the plan current, uniform, and equitable. Recommendations are usually submitted to the City Council during the consideration of the annual budget, but recommendations can be made at any time.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.3 Date of Hire/Anniversary Date

Definitions:

- **Date of Hire** – The effective date of the individual's employment with the City;
- **Anniversary Date** – The date the employee began their full time employment with the City.

An employee reinstated to the same position or a position in the same class following a layoff or furlough from the City will have their anniversary period extended by the same length of time as the duration of the layoff or furlough.

There will be no change in the employee's anniversary date in the instance of reallocation of an employee's position to a new classification title when there have been no recent, abrupt, and/or significant changes in assigned tasks and responsibilities.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for

the effective, efficient, and equitable day-to-day operations of the City.

4.4 Pay Increases Based on Performance

Pay increases (step increases) on the City's compensation plan are to be awarded on the basis of performance as determined by the Department Head. **In no case shall pay increases be considered automatic.**

Increases will be considered each year for all personnel going from Steps 1 to 2, 2 to 3, 3 to 4, 4 to 5, etc. All increases are based strictly on job performance. Any such increase will be effective on the date set by the City Council. Each Department Head will be responsible for determining levels of performance for their personnel who meet the performance requirements for an increase. It is expected that Department Heads will design performance standards for any given grade in a manner that will ensure that standards increase as tenure increases.

Naturally, all increases set out in this policy, as well as all other compensation policies of the City, are contingent on sufficient funds being available to meet all of the City's obligations. However, using the plan, the Department Heads will be able to determine compensation needs at the beginning of their budget process, which should enable them to accurately determine needed appropriations for each fiscal year.

Department Heads have a grade and step on the City's pay plan. The Mayor shall recommend any increase, decrease, bonus, or take no action on a Department Head's compensation each year.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.5 Step Increases Authorized by the Mayor

The Department Head, upon approval of the Mayor, is authorized to move an employee up to three steps greater without the approval of the City Council, provided that sufficient monies have been budgeted in that employee's department. This step is in addition to the step increase that the employee is entitled to as set out in the previous policy (4.4)

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.6 Grade Increases Authorized by the Mayor

The Mayor is authorized to move an employee's position up or down without approval of the City Council provided that sufficient monies have been budgeted in that department.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.7 Cost of Living Increases

The City Council may, if the funds are available, choose to grant cost of living increases to City employees. When those increases are granted, they will not be dependent on the criteria set out for a step increase, but will be granted to all personnel without restriction. If the compensation plan is changed to reflect the cost of living increases, a resolution will be passed by the City Council reflecting the amended compensation plan, and the current compensation plan shall be contained as Appendix C to this Policy Manual. Usually, cost of living increases are considered by the City Council during the budget process.

4.8 Compensatory Time/Overtime (Non-Exempt Employees)

The purpose of this subsection is to establish policy guidelines for the recording, utilization, and auditing of overtime and compensatory time performed by employees of the City.

This policy shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA) pertaining to the minimum rate of compensation for employment in excess of an established work period.

Under the provisions of the FLSA and the AMWA, compensatory time may be as agreed upon by the employer and the individual employee at the request of the employee, but may not be imposed by the employer in lieu of overtime pay upon any non-exempt employee who has not so requested such compensating time off.

The City will compensate overtime at the rate of one and one-half the regular rate of pay for hours worked in excess of the number of hours allowed per work week or work period as designated by the policy. Overtime will be permitted only with prior approval prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime may result in disciplinary action.

Compensation for overtime may be made in the form of compensatory leave time to the employee. Upon request of the employee, the City may grant compensatory time off in lieu of overtime at its discretion at the rate of one and one-half hour for each overtime hour. The City is not obligated by statute to grant all employees requests for compensatory time off instead of overtime pay.

Employees who are allowed to take compensatory time off in lieu of overtime must do so before receiving their next merit increase, promotion or any other compensation increase. If the compensatory time is not taken by the time the employee receives the merit increase, or by the time the employee receives a promotion, the City shall pay the employee for all overtime owed. Further, no merit increase or promotion shall be effective until the employee is paid for all compensatory time. Employees who are granted compensatory time are therefore encouraged to take the compensatory time off before receiving a merit increase, promotion or any other compensation increase.

Compensatory leave should be scheduled in the same manner required for vacation days. By signing the acknowledgement enclosed in this handbook, the employee and City agree that compensatory time may be given in lieu of overtime payments. In addition, it is understood that the City may substitute monetary payment at the rate of time and one-half for any outstanding compensatory leave time.

No civilian employee may accumulate more than 240 hours and no uniformed employee may accumulate more than 480 hours of compensatory time at any given time during the calendar year. Hours in excess of the specified maximum shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at the rate equal to the employee's then-prevailing rate of pay.

Department Heads are the authorized authority for the approval of overtime requests. It shall be the responsibility of the Department Head to determine whether overtime or compensatory time be granted to the employee when compensatory time is requested in lieu of overtime.

Department Heads shall ensure that all hours (clock-in/clock-out), overtime, and compensatory time, earned and used is recorded on the timekeeping system as it occurs.

Department Heads will exercise extreme discretion in the utilization of overtime within their departments.

Non-exempt employees are subject to the FLSA and AMWA overtime requirements and therefore are subject to the overtime policies set forth in this handbook. Exempt employees are not subject to the FLSA overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment, and by the criteria set forth in the rules and regulations of the FLSA. Exempt employees shall not be eligible for overtime or compensatory time for hours worked in excess of the regular work week.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.9 Holiday Pay for Authorized Personnel

All sworn police officers and firefighters, as well as dispatchers, building security officers, and other personnel as approved by the Mayor, shall be compensated for legal holidays established by the City of Springdale, and this compensation, will be paid in one lump sum on December 15th. The holiday pay shall be computed on the base pay of the eligible employees in effect as of December 15th; the hourly rate will be determined: 1) for 40 hour work week employees using 2,080 standard hours; and 2) for 24-hour shift firefighters using 2,920 standard hours. The hourly rate will then be multiplied by 96 hours (12 days) to determine holiday compensation. Holiday pay is defined for purposes of this section as pay for an eight (8) hour day, regardless of the length of a shift typically worked by the employee. Reference: Ark. Code Ann. §14-52- 105 and Ark Code Ann. §14-53-106.

For employees eligible for holiday pay that are hired or terminated during the year, holiday pay will be pro-rated based upon the holidays which were within the time period of employment.

4.10 Additional Compensation for Certain Employees

Police officers who have attained any certificate, except the Basic Certificate, under the Arkansas Commission on Law Enforcement Standards (ALET), and firefighters who have a current Hazardous Materials Technician certification or any three pre-approved special rescue certifications, may receive additional compensation each month for each certificate earned above the "Basic Certificate". Said compensation amount shall be set by the City Council. Other employees, as approved by the City Council, may also receive additional compensation each month for approved certificates. Sworn police officers, sworn firefighters, and dispatchers shall receive longevity pay as approved by the City Council.

Animal control officers, employees of the Information Technology Department, employees of the Public Works Signalization Division, Building Services, and designated employees of the Police Department shall receive additional compensation of \$15.00 per day when required to be "On-Call" after normal work hours. The designated employees of the Police Department entitled to "On-Call" compensation shall be: 1) Criminal Investigation Division Sergeant; 2) Criminal Investigation Division Detective; 3) In-house Narcotics Detective; 4) Drug Enforcement Agency Detective; and 5) 4th Judicial Drug Task Force Detective.

If a non-civil service employee (previously listed in this section) is called out between the hours of 10:00 p.m. and 6:00 a.m. to assist in a Fire Department or Police Department emergency, they will receive additional compensation for providing services during the emergency situation in an amount set by the annual budget.

All additional pay set out in this policy will be paid on a bi-weekly basis.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.11 Overtime Compensation under FLSA

The work periods applicable to all employees of the City of Springdale are set out in Section 2.12, and the compensation for the work periods shall be as follows:

1. **24 Hour Shift Firefighters:** Such non-exempt employees shall receive 1.5 times their regular rate of pay for each hour worked in excess of 160 hours per 24 day work period.
2. **Non-24 Hour Shift Firefighters:** Such non-exempt employees shall receive 1.5 times their regular rate of pay for each hour worked in excess of 40 hours per 7 day work period.

3. **Police Officers and Building Security:** Police Officers and Building Security Officers shall be compensated at the rate of 1.5 times their regular rate of pay for each hour worked in excess of 80 hours per 14 day work period.
4. **All Other Non-Exempt City Employees:** Other non-exempt employees of the City, not listed in No. 1, 2 and 3, shall be on a 40 hour work week and shall be compensated at the rate of 1.5 times the regular rate of pay for any hour worked in excess of 40 hours per work week.

Those employees listed under categories number 1, 2 and 3 are compensated pursuant to the 207-k exemption of the Fair Labor Standards Act applicable to law enforcement and firefighting personnel. However, Chief, Assistant Chief and Captains in the Police Department and Chief, Assistant Chief in the Fire Department are exempt from all overtime compensation under the FLSA and the AMWA.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.12 Additional Overtime Compensation for Police Officers and Firefighters

In the event a sworn, full-time firefighter of the Springdale Fire Department, except Chief or Assistant Chief(s), is required by the department to work for any authorized reason while off-duty, including having to attend off-duty training or having to respond to an authorized emergency, such firefighter shall be compensated for all such time at the rate of 1.5 times their regular rate of pay regardless of the amount of hours the firefighter has worked during the pay period.

In the event a sworn, full-time police officer of the Springdale Police Department, except Chief, Assistant Chief, or Captain(s) is required by the department to work for any authorized reason while off-duty, including having to attend off-duty training or having to testify in court, or having to respond to an authorized emergency, such police officer shall be compensated for all such time at the rate of 1.5 times their regular rate of pay regardless of the amount of hours the police officer has worked during the pay period.

In the event any firefighter or police officer desires to take compensation time instead of pay, then Policy 4.8 applies, but whether or not such employee will be allowed to take compensation time instead of pay is to be determined by the Department Head (pursuant to Policy 4.8).

4.13 Sick Leave Bonus

For purposes of this policy, the following definitions shall apply:

Eligible Employee - An eligible employee, for purposes of this policy, is an employee who has attained their maximum accrual of sick leave (90 days) on the last day of the last pay period in November, and has missed five days or less in the year as defined herein.

Year – A year, for purposes of this policy, shall run from the beginning of the first pay period in December of the current year to the end of the last pay period in November of the following year.

Day – A day, for purposes of compensation under this policy, shall be eight hours of pay, regardless of the department in which the employee works. Forty hours of pay is the maximum amount any employee can be paid for a sick leave bonus. A day, for purposes of computing missed time (sick leave), is also eight hours, except for 24-hour shift firefighters. For computing time missed (sick leave) for 24-hour shift firefighters under this policy, one 24-hour shift equals one day and five 24-hour shifts (120 hours) equals five days.

Calculation – An eligible employee shall be paid a sick leave bonus for the year at the rate of one-fourth of the employee's regular rate of pay per day for each day of sick leave in the year that the employee would have earned had they not reached the maximum accrual of sick time.

The sick leave bonus shall be paid on December 15th, unless that day falls on a weekend and then it will be paid on the Friday before the 15th.

The first year under this amended policy shall begin on November 19, 2023 and end on November 16, 2024, with any compensation due under the amended policy to be paid on December 13, 2024.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.14 Transfers (Non-Civil Service Employees)

The compensation offered to an employee who transfers from one non-civil service position in one department to a non-civil service position in another department should be consistent with the compensation requirements of the new position. The Department Head, after consultation with the Mayor and Director of Human Resources, shall decide the step and grade to be paid to the transferred employee, pursuant to the considerations set out herein. Transfer does not change a person's date of hire.

An employee is not considered to have transferred when the employee retires and then takes another job in a department within the City.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.15 Reclassification

When a new position is requested by a Department Head or the duties of an old position are substantially changed, the Department Head should submit a written recommendation to the Mayor's office and Human Resources, including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.). The request will be reviewed by the Mayor and Human Resources, and if such request is justified, the budget impact will be determined. If it is a new position, not previously budgeted for, then any recommendation on the position will be presented to the Finance/Personnel Committee by the Mayor for their approval. If it is a new position, not previously budgeted for, then any recommendation on the position will be presented to the Finance/Personnel Committee by the Mayor for their approval. If this is a current, budgeted position that is being substantially changed, the Mayor is authorized to make step increases or decreases, or grade increases or decreases based on the reclassification, provided there is sufficient money in the department's budget to cover the change.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.16 Working out of Classification as Department Head

In the event there is a vacancy in the Department Head position of any department within the City, and it is necessary to appoint an interim Department Head until an appointment can be made, the Mayor shall have the authority to appoint an interim Department Head from within the City service (usually from within the same department). During the time that such employee is in the interim assignment of Department Head, the Mayor shall be authorized to pay the employee for the temporary duties being performed in the Department Head position. This policy is not applicable to situations in which a Department Head is on vacation, or other short time period of leave, but is only applicable to a situation in which the Department Head position is vacant for an extended period of time where a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities for the position that will last in excess of 30 days. The Mayor should usually authorize the working out of compensation pay for the acting Department Head prior to the assumption of the higher classification responsibilities, when possible. In the event the Mayor approves a temporary higher pay for the employee working in the interim position as Department Head, the Mayor shall decide on the step within the higher pay grade. Such determination shall be made by the Mayor based upon the skills, knowledge, abilities and experience of the employee appointed to fulfill the duties and responsibilities of the vacant Department Head position.

When the interim assignment is completed, the employee's compensation will be readjusted to the employee's level, except that any additional compensation that the employee would have received if the employee had remained in that position (such as a step increase) will be added to the employee's compensation. The employee's date of hire and the anniversary date will remain unchanged throughout the assignment to the interim position.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

4.17 Garnishment

The City follows federal and state law with respect to wage garnishment. The employee will be notified through the Payroll Administrator that a garnishment has been received. A copy of the garnishment shall be provided to the employee upon request, if the employee has not already received a copy of such garnishment. Any Department Head or other employee receiving a garnishment through the mail shall immediately forward such garnishment to the Payroll Administrator.

4.18 Payroll Deductions

The City follows federal and state law with respect to deductions from an employee's paycheck, which include 1) federal income tax withholding; 2) state income tax withholding; 3) social security (except firefighters); 4) retirement contributions (electing and/or eligible employees only); 5) Medicare; 6) and deductions authorized by law, such as garnishments. Additional deductions which are optional and may be requested by the employee include: 1) payment to Credit Union(s); and 2) payment for health insurance premiums under the City of Springdale's health insurance benefit program. (Required if the employee elects to have insurance coverage through the City plan).

With each paycheck, the City employee receives a statement of earnings and deductions which itemizes the various deductions made, as well as appropriate cumulative totals. It is the employee's responsibility to maintain current payroll deduction information with the Payroll Administrator. Employees wishing to add or change their payroll deductions should contact the Payroll Administrator.

Deductions from Compensation (Exempt Employees) – The City does not make deductions from compensation in violation of federal or state law. Under the Fair Labor Standards Act (FLSA), exempt employees must receive a predetermined amount of compensation each pay period, and only certain deductions are permitted. If an exempt employee believes that the City has made inadvertent deductions from their compensation, the following should apply:

1. The employee should report the alleged deduction to Human Resources.
2. Each complaint will be investigated, and a determination concerning the deduction will be made.
3. If the City determines that the deduction was not permitted, the employee will be promptly reimbursed.

The City will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

4.19 Pay Periods

Employees will be paid bi-weekly, every other Friday. If a pay day falls on a holiday, the day of pay shall be the last working day proceeding the normal pay day. Checks are distributed by the Payroll Administrator to each department by noon on pay day.

Employees receive, with each paycheck, a statement of earnings and an itemized statement of all deductions.

4.20 Preparation of Payroll

All employees shall submit time worked by pay period to their supervisor and/or Department Head for approval. Such time should be broken down by hours type (regular, holiday, sick leave, compensatory time, vacation, and leave without pay.) Overtime hours worked should be designated between paid and compensatory time. Time worked shall be forwarded by the Department Head or designated employee, to the Payroll Administrator for payroll processing.

Changes in rate, position and status shall be supported by a payroll change form and indicate a recommendation by the Department Head, and approval of by Mayor and Director of Human Resources. No compensation change shall be implemented without written approval of the Mayor, or the Mayor's designee, (approval should be on the City's payroll change form).

Falsification of time records for payroll purposes is reason for discipline of the employee.

Employees may direct inquiries concerning payroll matters to the Payroll Administrator, City Clerk's Office, 201 N. Spring Street, Springdale, Arkansas 72764.

4.21 Bilingual Incentive Pay

(A) Purpose

The purpose of this policy is to provide guidelines governing language pay incentive for employees of the City of Springdale whose job requires them to have contact with the public where the use of bilingual skills are necessary to successfully serve the public and perform assigned tasks.

(B) Policy

Bilingual speaking language skills are an essential element to establishing good service and providing meaningful access to, or an understanding of important rights, obligations and services, which are available to community members.

(C) Responsibility

The Department Head shall be responsible for identifying positions and or persons within their department that may qualify for bilingual pay incentive. Department Heads may decline an employee's request for bilingual incentive compensation if it is not job related for the position.

(D) Procedure

Incentive pay for demonstrated skills (via assessment from a third party administrator/company) will be considered on a case by case basis for those employees who meet the criteria. Full-time employees who are deemed qualified by their Department Head will receive incentive pay as determined by the City Council.

1. To be eligible, the employee must meet the following criteria:
 - a. The employee must have skills in a foreign language.
 - b. The language skill must be beneficial in the performance of the position duties and have a positive impact on their department's delivery of services.
 - c. The employee's position must be one where the public contact is frequent enough to benefit from a non-English language skill;
 - d. The normal work assignment of the eligible employee is such that they are reasonably available to others who need assistance to translate from English to another language when requested to do so.
 - e. The employee must be able to communicate proficiently in English.
2. Eligible employees should notify their Department Head in writing of their desire to receive the language incentive pay. The Department Head will notify Human Resources, who will initiate the assessment process.
3. The Department Head will be responsible for preparing and submitting all necessary payroll notice change forms to the Finance Department, as well as for payment of the assessment.
4. If an employee receiving bilingual incentive pay is re-assigned to a position where such skill will not be used or the functions of the position do not meet the qualifying criteria, the incentive pay will be discontinued by the Department Head.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

PART 5.

EMPLOYEE BENEFIT/LEAVE POLICIES

PART 5. EMPLOYEE BENEFIT/LEAVE POLICIES

5.1 Employee Health Benefits

The City of Springdale provides a group health plan for all regular employees who work an average of 30 hours or more per week. The City pays the majority portion of the health plan. Detailed information of the policy and coverage is provided to each employee when the employee is hired. Subject to the terms of the health plan provider, employees who retire from City employment may be eligible to continue coverage under the City's health plan. Additional information may be obtained from the Human Resources Department.

5.2 Continuance of Medical Coverage (COBRA)

COBRA provides that employees and their dependents are eligible to continue their health insurance coverage when a "qualifying event" happens, which include: 1) termination of employment or the reduction of hours of employment; 2) the death of the employee; 3) divorce or legal separation; and 4) when a dependent child stops being eligible for coverage under an employee's health insurance 5) employee's entitlement to Medicare.

If a covered employee, spouse, or former spouse or eligible dependent elect to continue group medical coverage the person electing continued coverage will be responsible for paying the entire cost (both employer and employee share). This cost will be subject to periodic rate changes. Employees who are eligible for the City's health insurance plan will be provided a written notice describing COBRA rights. Please contact the Human Resources Department for additional information.

5.3 Credit Union

The City of Springdale participates in a credit union. The City will allow any employee participating in a credit union to deduct an amount of money designated by the employee to be paid directly to a credit union. Information on joining a credit union can be obtained from the Payroll Administrator in the City Clerk's office or from the Human Resources Department.

5.4 Retirement Plans

The City of Springdale maintains contributory retirement plans for eligible non-civil service employees. Enrollment and participation is mandatory on the part of the eligible employee. Both the employee and the City will make regular funding contributions pursuant to the plan. Participation in the City's retirement plan is subject to the terms, conditions, and eligibility requirements set forth in the plan and trust documents.

The City of Springdale also maintains a deferred compensation plan(s) for eligible employees. Enrollment and participation is voluntary on the part of an eligible employee. Participation in the City's deferred compensation plan(s) is subject to the terms, conditions, and eligibility requirements set forth in the plan and trust documents. The City does not make required or voluntary contributions to the deferred compensation plan(s) on behalf of any employee.

Civil service employees hired after January 1, 1983 are required to participate in the State of Arkansas Local Police and Fire Retirement (LOPFI).

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.5 Paid Holidays

The City of Springdale establishes the following as legal holidays:

Holiday	Date
New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
George Washington's Birthday or President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
The day after Thanksgiving Day	
Christmas Eve	December 24 th
Christmas Day	December 25 th
Employee's Birthday	

An employee's birthday can be taken any time during the calendar year. In the first year of employment, the employee may only use the birthday holiday if it falls after their date of hire.

The Mayor is empowered to proclaim other holidays. When a holiday occurs on a Saturday, it will be observed on the preceding work day. When a holiday occurs on a Sunday, it will be observed on the next work day.

For non-civil service employees who are required to work on a legal holiday (with exception to the birthday holiday), such employee shall receive another day off in lieu of the holiday in which the employee worked, but such holiday must be taken within one calendar year. Non-civil service employees shall only work on holidays when authorized by the Department Head.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.6 Workers' Compensation

All employees of the City of Springdale are covered under the Arkansas State Workers'

Compensation law. Any employee incurring an “on the job” injury should immediately notify their supervisor and Human Resources, who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning worker’s compensation have been posted on the department bulletin boards. Financing for this program is funded by the City.

Hours lost due to a work related injury or an occupational illness should be reported to payroll as "disability" and such hours shall be charged as injury leave, subject to the time limit provisions of Policy 5.7. If, however, it is determined that the injury is not a work related injury or an occupational illness, such hours lost shall be charged against the employee's accrued sick leave or other compensated leave time available. The employee will be compensated as authorized by the provisions of Policy 5.7. All employees are required to notify the Department Head, who is required to notify the Payroll Administrator as soon as temporary total disability benefits are being received by an employee.

5.7 Injury Leave

In the event an employee is unable to work due to a work-incurred injury or illness compensable under the Arkansas Workers' Compensation Act, the City will continue to pay the employee 100% of their regular pay for up to seven (7) calendar days following the date injury, provided a medical certificate is furnished to the City certifying the employee is unable to perform their assigned duties.

If the need for leave extends beyond this seven (7) calendar day period, and if workers' compensation benefits will commence and the City will pay the employee the difference between their workers' compensation benefit and 85% of their regular pay for a period of up to, but not exceeding, three (3) months from the date of injury. At this time, should the employee still be unable to return to work, the City will pay the employee the difference between their workers' compensation benefit and 75% of their regular pay for an additional three (3) months.

In the event the need for leave extends beyond six (6) months, the Mayor may extend the injury leave pay supplement for two (2), three-month periods, provided the attending physician indicates in their report that they expect the employee to recover sufficiently to perform their regular duties. If benefits are extended, the City will pay the employee the difference between their worker’s compensation benefit and 75% of their regular pay. In no event will injury leave with pay, including any prescribed "light" duty assignment, exceed twelve (12) months from the date of injury for the initial injury, a re- injury or a related injury.

The City reserves the right to assign the employee to "light" duty as prescribed by the employee's physician. Employees assigned to light duty will receive compensation at their regular rate of pay.

5.8 Vacation Leave

(A) General

On all vacations, any employee of the City of Springdale should obtain permission from their Department Head at least two weeks in advance of being absent for vacation time or with less notice if approved by the Department Head.

(B) Police Department Civil Service Employees

The Chief of the Police Department shall arrange that each full-time civil service employee shall be granted an annual vacation of not less than 15 working days with full pay. (A.C.A. §14-52-106)

All full-time civil service employees of the Police Department shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service, until the employee has completed 10 years of service, at which time vacation will be governed by the vacation accrual rate contained in Policy 5.8(E).

(C) Fire Department Civil Service Employees

The Chief of the Fire Department shall arrange that each full-time civil service employee shall be granted an annual vacation of not less than 15 working days with full pay. (A.C.A. §14-53-107)

All full-time civil service employees of the Fire Department shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service, until the employee has completed 10 years of service, at which time vacation will be governed by the vacation accrual rate contained in policy 5.8(E).

Under this policy, for 24-hour shift firefighters, 15 working days shall be seven 24 hour shifts. By way of example, if a 24-hour shift firefighter is entitled to 15 days of vacation, then such 24-hour shift firefighter shall receive seven shifts as vacation.

(D) Non-Civil Service Employees

Full-time, non-civil service employees in all departments of the City shall accumulate 10 working days per year for the first year of employment with the City. This accumulates at the rate of .833 days per month. Accrual of vacation time starts on the date of regular, full-time employment.

After the completion of one (1) year of full-time service with the City of Springdale, non-civil service employees shall accumulate vacation time at the rate of one and one-fourth (1 1/4) working days for each month of working service (15 working days per year) , until the employee has completed 10 years of service, at which time vacation will be governed by the vacation accrual rate contained in policy 5.8(E).

(E) All Employees of the City of Springdale Who Have Completed 10 Years of Full-Time Working Service

On the 10th year anniversary of regular full-time City employment, the City employee's vacation will begin to accrue at the rate of 4 working weeks per year (20 working days per year). However, as previously set out in this policy, for 24- hour shift firefighters, 4 weeks shall mean ten 24 hour shifts.

After the City employee has completed regular full-time employment of 20 years, the employee shall receive 5 working weeks of vacation per year (25 working days per year), which will begin to accrue at the start of the employee's 20th year of

regular full-time City employment. For 24-hour shift firefighters, the 5 weeks shall mean twelve 24 hour shifts.

(F) Accrued Vacation Time

Any regular full-time employee of the City of Springdale may carry over 30 working days of vacation. In addition, any regular full-time employee may carry over one year's accrued vacation at the rate accrued for the prior year. Accumulated unused vacation time in excess of the carryover limit will be forfeited on the employee's anniversary date. For 24-hour shift firefighters, 30 working days is equivalent to fifteen 24 hour shifts. However, 30 working days (or fifteen 24 hour shifts, in the case of 24-hour shift firefighters) is the maximum amount for which an employee may be paid upon leaving City employment. Any employee who retires upon 20 years of service shall be paid for all accrued vacation (which shall not exceed 30 days plus one year's accrued vacation). Vacation time accrues from the anniversary date.

(G) Retirement

If an employee retires meeting the retirement criteria outlined in this policy, and is re-hired with no more than a 30 day break in service, the employee will accrue 15 days of vacation in their first year of re-employment and 20 days in their second year of re-employment.

For purposes of this policy, retires or retirement means the non-civil service employee is leaving employment with the City of Springdale, and:

1. The employee has completed 10 years of full-time service with the City and has attained the age of 62; or
2. The employee has completed 20 years of full-time service with the City.

For purposes of this policy, retirement means the civil service employee is leaving their full-time position with the City of Springdale, and:

1. The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
2. The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension.
3. The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement).

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.9 Sick Leave

(A) Police Department Civil Service Employees

Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of 20 working days per year beginning upon the date of employment. If unused,

sick leave shall accumulate to a maximum of 90 days.

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.

If, upon retirement or death, whichever occurs first, any law enforcement officer has any unused accumulated sick leave, they or their beneficiary shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death, but payment for unused sick leave in the case of a law enforcement officer upon retirement or death, shall not exceed 60 days' salary.

For purposes of this policy, retirement means the law enforcement officer is leaving their full-time position with the City of Springdale, Arkansas and:

1. The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
2. The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension; or
3. The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement).

Reference: A.C.A. §14-52-107

(B) Fire Department Civil Service Employees

Firefighters shall accumulate sick leave at the rate of 20 working days per year, beginning on the date of employment. If unused, sick leave shall accumulate to a maximum of 90 days.

Time off may be charged against accumulated sick leave only for such days that a firefighter is scheduled to work. No sick leave, as provided in this section, shall be charged against any firefighter during any period of sickness, illness, or injury for any days which the firefighter is not scheduled to work.

If upon retirement or death, whichever occurs first, any firefighter has any unused accumulated sick leave, they or their beneficiary shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death, but payment for unused sick leave in the case of a firefighter upon retirement or death shall not exceed three months' salary.

For purposes of this policy, retirement means the firefighter is leaving their full-time position with the City of Springdale, Arkansas, and:

1. The employee is fully vested in a work related pension plan and has attained the age of 62 years; or
2. The employee is fully vested in a work related pension plan governed by Arkansas law and has met requirements for a full pension; or
3. The employee is retiring under a disability under LOPFI or any retirement system governed by Arkansas law (also called medical retirement).

(C) Non-Civil Service Employees

The City of Springdale recognizes that the inability to work because of illness or injury may cause economic hardships. For this reason, the City of Springdale provides paid sick leave to regular full-time employees. Eligible employees accrue 20 working days per year.

Any sick leave days accumulated, which are not used in any calendar year may be carried over as accumulated sick leave days up to a maximum of 90 work days. Non-civil service employees, upon retirement or death, whichever occurs first, shall be paid a maximum of 60 days for unused accumulated sick leave.

For purposes of this policy, retirement means the employee is leaving their position with the City of Springdale, Arkansas, and:

1. The employee has completed 10 years of full-time service to the City in a non-civil service position and has attained the age of 62 years; or
2. The employee has completed at least 20 years of full-time service to the City in a non-civil service position; or

Employees who are assigned to a full-time position, but due to budget restraints work less than 40 hours per week, will have their applicable sick leave accrual rate adjusted to equate to the percentage of the pay period they actually worked.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

(D) Utilization of Sick Leave

Sick leave may be used for the reasons:

1. Personal illness or physical incapacity.
2. Quarantine of an employee by a physician or health officer.
3. Illness in the immediate family (spouse, child, parent, or sibling) which would require the employee to take care of the family member(s).
4. Medical, dental, and optical visits for employees or for dependent family members of the employee.

Any other reason not set out in 1 through 4 must be approved by the Mayor.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for their absence to the employee's supervisor or someone acting on behalf of the employee's supervisor before the time the employee is expected to report for work, if possible.

Employees who are absent for more than 3 consecutive days due to an unconfirmed

illness may be required by the supervisor or Department Head to submit a physician's statement. A Department Head may also require the employee to submit a physician's statement when the employee has taken more than a total of 6 calendar days of sick leave during any calendar year.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in one-quarter hour (15 minute) intervals. An employee who uses all of their accrued sick leave days and is still off for sick leave, shall thereafter be placed on a leave without pay status, after all paid benefits are exhausted. It is the responsibility of the employee's supervisor to send any employee home who reports for work while sick, and because of such sickness cannot adequately perform their job. It is also the responsibility of the supervisor to send an employee home during any work day in which the employee becomes sick and is unable to adequately perform their job responsibilities.

(E) Catastrophic Leave Bank

The Catastrophic Leave Bank (CLB) program provides an additional source of leave benefits for all eligible participating employees. Use of CLB days may be used after a member of the CLB program has exhausted all of their accumulated vacation and sick leave and any compensatory time. CLB days may only be used for catastrophic illness and with the approval of the CLB Board.

See appendix B for details.

5.10 Family Medical Leave Act (FMLA)

As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

(A) Covered Family and Medical Reasons

An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12 month period for one or more of the following reasons:

1. The birth and care of an employee's child;
2. The placement and care of a child into an employee's family for adoption or foster care;
3. The inability of the employee to work because of a serious health condition which is an illness, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
 - b. A period of incapacity or more than three consecutive, full calendar days, and any subsequent treatment or incapacity relating to the same condition that also involves:
 - i. Treatment two or more times by a health care provider within 30 days of the first day of incapacity;
 - ii. Treatment by a health care provider on at least one occasion with

- results in a regimen of continuing treatment under the supervision of the health care provider; or
- iii. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition which requires periodic visits (at least twice a year), continues over an extended period of time and may cause episodic rather than a continuing period of incapacity; or
 - iv. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
4. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
 5. Due to a non-medical activity ("qualifying exigency") that is directly related to a covered family member's (limited to spouse, son/daughter, or parent of the employee) active duty or call to active duty in the National Guard or Reserves, in support of a contingency operation. Under terms of the statute, qualifying exigency leave does not extend to family members in the regular armed forces. Leave due to qualifying exigencies may be taken on an intermittent basis. Qualifying exigencies include:
 - Military events and related activities
 - Childcare and school activities
 - Financial and legal arrangements
 - Counseling
 - Rest and recuperation
 - Post-deployment activities
 - Short notice deployment (7 days or less)
 6. For an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered service member) to care for a covered service member who is a current member of the regular armed forces, National Guard, or Reserves who has incurred an injury or illness in the line of duty while on active duty, provided that such injury or illness renders the service member medically unfit to perform the duties of their office, grade, rank, or rating. This leave may be up to 26 work weeks of unpaid leave during a single 12 month period, with the 12 month period measured on the date the employee commences the caregiver leave and ending 12 months thereafter.

(B) Employee Eligibility

An employee shall be entitled to family and medical leave when they meet the following criteria:

1. The employee has worked for at least 12 months for the City. The 12 months need not have been consecutive.
2. The employee has to have worked for the employer for at least 1,250 hours over the 12 months before the leave would begin.

In addition, the employee must work at a location where at least 50 employees are employed by the employer within 75 miles. An employee returning from fulfilling their National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining

whether the employee worked the 1,250 hours of service.

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent. If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

(C) Calculation of Leave

Eligible employees can use up to 12 weeks of leave during any 12 month period. The City will use a rolling 12 month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken 5 weeks of leave in the past 12 months, they could take an additional 7 weeks under this policy.

Employees must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

(D) Maintenance of Benefits

An employee shall be entitled to maintain group health insurance coverage on the same basis as if they had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments.

This payment shall be made either in person or by mail to the City Clerk's office by the first day of each month. The City will continue to maintain insurance on the employee until the leave time has ended, regardless of whether the employee pays their share, but the City will deduct from compensation owed to the employee any amounts of the insurance the City paid that the employee was to pay.

If an employee unequivocally informs the City that they do not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period. For purposes of this section, an employee who returns to work from FMLA leave for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have a returned to work status.

An employee on FMLA leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. The use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless

the employee otherwise notifies the Human Resources Department prior to the end of the FMLA leave.

(E) Job Restoration

An employee who utilizes family or medical leave under this policy will be restored to the same job, pay, benefits and other employment terms. The City may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

(F) Use of Paid and Unpaid Leave

FMLA will run concurrently with accrued paid leave. However, an employee may not use paid leave during any FMLA leave when the employee is receiving wage replacement through a worker's compensation program.

If an employee uses leave because of their own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid sick, paid vacation leave when eligible, and accrued compensatory time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the birth of a child will use may use all accrued leave, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation, or accrued compensable time, and then will be eligible for unpaid leave for the remainder of the 12 weeks. Sick leave may only be used in accordance with the City of Springdale Sick Leave policy as outlined in Policy 5.9(D).

(G) Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent use of the 12 weeks of family or medical leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's Department Head.

Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on pre-planned or pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider.

In some cases, the City may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

(H) Procedure for Requesting Leave

All employees requesting leave under this policy must complete the Family and Medical leave form provided by the FMLA administrator. Employees should contact Human Resources to request FMLA.

When an employee plans to take leave under this policy, the employee must give the City a 30 day notice. If it is not possible to give a 30 day notice, the employee must give as much notice as possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

Employees must provide sufficient information for the City to reasonably determine whether the leave may qualify for FMLA and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

In circumstances where FMLA leave is sought for an employee's own serious health condition, or that of a family member, the employee may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when FMLA is taken for the birth or adoption of a child, leave may be taken intermittently or on a reduced work schedule. However, this may only be done with prior permission and approval. If intermittent or reduced leave status is requested, the City may in its sole discretion temporarily transfer the employee to another position, with equivalent pay and benefits, if another position would be better accommodating of that intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, the employee should schedule the treatment in a manner that does not unduly disrupt the City's operations.

(I) Procedure for Notice and Certification of Serious Health Condition

A medical certification completed by a qualified health care provider stating the need for FMLA leave for medical reasons is required. A certification form may be obtained from the FMLA administrator. When the leave is foreseeable and at least 30-days' notice has been provided, the employee must provide the certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested certification within 15 calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide certification within these 15 calendar days must provide a reasonable explanation for the delay along with the certification.

(J) Release to Return to Work

The City may request a qualified health care provider's release for the employee to return to work from a medical leave, which is taken for the employee's own serious health condition.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.11 Military Leave and Re-Employment of Veterans

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 Reemployments Rights Act of 1994 (USERRA), 38 USC §4301 et seq., and in Ark Code Ann § 21-4-102. It is the City's policy to honor and comply with the provisions of those statutes.

USERRA prohibits the discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

Any employee serving as a member of any military Reserve or National Guard unit for the United States will be granted fifteen (15) working days of leave each year, plus travel time, to participate in annual training exercises or other duties performed in an official duty status. A copy of the employee's orders should be presented to the employee's supervisor as early as possible so adequate preparation can be made for the employee's absence. The leave will be granted without loss of vacation time. (Ark. Code Ann. §21-4-212)

An employee who is drafted or called to active duty in the armed forces of the United States or who volunteers for military service shall be placed on extended military leave without pay. (Ark. Code Ann. §21-4-212)

Employees called to duty in emergency situations by the Governor or the President shall be granted leave with pay not to exceed thirty (30) working days after which leave without pay will be granted. This leave shall be granted in addition to regular vacation time. A copy of the employee's orders should be presented to the employee's supervisor. (Ark. Code Ann. §21-4-212)

5.12 Jury/Court Duty Leave

Any regular full-time or part-time employee who is required to serve on a jury shall be allowed authorized leave with pay, and shall also be allowed to keep jury fees paid by the Court. An employee who receives notice of jury duty shall notify their supervisor

immediately in order that arrangements may be made to cover the position. The City reserves the right to request an employee who is called for jury duty to be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

Any regular full-time or part-time employee who, as a result of official City of Springdale duties, is required to appear before a court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. An employee who receives notice of witness service shall notify their supervisor immediately in order that arrangements may be made to cover the position. If the employee receives a witness fee for appearing, then the employee has the choice of keeping the witness fee and taking the leave as authorized herein (which would require the taking of compensatory time or other authorized paid leave), or turning the witness fee in to the City Clerk's office and taking the time as authorized leave pursuant to this policy.

Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation or other authorized time owed to the employee, such as compensatory time.

Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact their supervisor and to report to work as instructed.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.13 Funeral and Bereavement Leave

Funeral leave with pay shall be granted to all regular full-time and regular part-time City employees in cases of death in the immediate family only. Regular full-time employees are eligible to be paid up to a maximum of 24 working hours and regular part-time employees are eligible to be paid a maximum of 12 working hours.

Immediate family for purposes of this policy 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.

Travel time may be granted upon prior approval of the Department Head in addition to the 24 hours where travel time of more than eight hours is necessary.

The Department Head may grant funeral leave of not more than one calendar day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family. Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation,

interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

5.14 Leave of Absence Without Pay (Other than Military Leave)

Request for leave of absence without pay shall be in writing on a personnel action form and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request should normally be submitted by the employee to the affected Department Head. The Department Head shall recommend to the Mayor's office whether the request should be granted, modified or denied. After reviewing the request and after consultation with the Department Head, the Mayor's office shall then make a decision as to leave without pay based upon the best interest of the City, giving due considerations to the reasons given by the employee. The Mayor's office may grant a regular full-time employee leave of absence without pay not to exceed 90 calendar days.

Sick leave, holiday, vacation benefits or any other fringe benefit shall not accrue while the employee is on leave of absence without pay.

An employee that has been approved for leave of absence without pay may continue their health insurance coverage through the City by paying the full cost to the City in advance for each month or portion thereof which they are absent, subject to limitations set by the insurance carrier.

Upon extenuating circumstances, the Mayor's office may grant an extension of a leave period upon written request by the employee. Such extension shall not exceed an additional 90 days and will be based on departmental, as well as employee considerations. However, additional leave may be considered as a reasonable accommodation in accordance with the Americans with Disabilities Act.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, up to and including termination. The City cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave is sought. When an employee is ready to return from a leave of absence without pay, the City will attempt to reinstate the employee to their former position or to one with similar responsibilities.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

PART 6.

RISK MANAGEMENT/ SAFETY POLICIES

PART 6. RISK MANAGEMENT/SAFETY POLICIES

6.1 Use of City Owned Vehicles

City owned vehicles are sometimes provided to City employees to help such employees better perform their job. City vehicles shall be legally operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver, not the City. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.

City owned vehicles shall only be used for authorized City business, by authorized City employees. However, if approved by the Department Head (or Mayor in the event the Department Head is the employee involved) family members may be transported in the City owned vehicles to drop family members off or pick them up at a location within Springdale, while the employee is enroute to or from work. No City owned vehicles shall be operated outside the City of Springdale, unless approved by the Department Head and Mayor.

Official City logos, markings, and stickers shall not be placed on or removed from any City vehicle without prior authorization from the Mayor. Doing so without authorization may result in disciplinary action up to and including termination of employment.

Exception: This policy does not apply to the Police Department or Fire Department, except the provisions regarding seat belts, which do apply. The Police Department and Fire Department have their own respective policies governing vehicle use.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.2 Accidents in City Owned Vehicles

If, while operating a City owned vehicle or a privately owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, the following action should be taken:

1. REQUEST that parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has released them.
2. All collisions involving City vehicles or persons on duty and actively engaged in City business will be investigated by a law enforcement agency.
3. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of their own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.3 Driver's Licenses

Any employee whose work requires that they drive City vehicles must hold a valid Arkansas Driver's License, unless the employee holds a valid driver's license from another state and obtains an Arkansas Driver's License within the time required by law.

All new employees who will be assigned work entailing the operating of a City vehicle will be required to submit to a Department of Motor Vehicle's driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Any employee performing work which requires the operation of a City vehicle shall notify their immediate supervisor in those cases where their license is expired, suspended or revoked. If an employee fails to report such an instance, they are subject to disciplinary action, up to and including termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a City vehicle shall be subject to termination.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.4 On-the-Job Injury or Illness

Any incident involving an on the job injury or illness of a City employee shall be reported to that employee's supervisor immediately. The supervisor shall ensure that the employee has transportation to receive minor medical care and if it is an emergency, an ambulance shall be called immediately.

The employee shall complete worker's compensation injuries form(s) within two (2) days of the incident in which the employee received the injury. The supervisor should provide additional information as needed. All forms should be submitted to the Human Resources Department within three (3) days of the incident.

Additional reporting information should be recorded as described in the policy on worker's compensation.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.5 Safety and Accident Prevention

The City recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools and other devices.

Administration of the safety program should be the job of the supervisor. They should be constantly on the alert to observe and report unsafe working practices or existing hazardous working conditions with the aim of immediate correction. Each Department Head or supervisor shall make sure that the employee under their supervision is well acquainted with existing safety rules and will see that the rules are uniformly enforced. Safety education of all employees shall be promoted by supervisors adhering to all safety rules.

It is the responsibility of all employees to cooperate in making the safety program work. Employees shall:

1. Be informed of and observe established safety practices.
2. Notify supervisors of any unsafe conditions they discover.
3. Use personal protective equipment such as steel toed shoes, safety vests, safety glasses, and hard hats where required.
4. Not remove guards or other protective devices from machinery and equipment.
5. Not engage in horseplay.
6. Attend any required training or orientation to increase safety awareness.
7. Report all job-related injuries or illnesses to their supervisor(s) promptly.
8. Assist supervisors in their investigation of any accident of which they have knowledge; accident investigation is fact finding, not fault finding.
9. Refrain from smoking in "no smoking" areas.
10. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

If an employee desires to make a safety complaint or suggestion, the employee should do so in writing to the Department Head, who should review such complaint/suggestion, and notify the Human Resources Department thereof.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.6 Safety Equipment

It is the policy of the City of Springdale to make hard hats available to all employees desiring to take advantage of this safety headgear when performing work in the field. At a minimum, hard hats shall be worn as follows:

1. When working in areas where there is a danger of head injury from impact, from falling or flying objects, or from electrical shock and burns.
2. When assigned to structural or bridge work and to any area where overhead or underground work poses a threat.
3. When conditions warrant and/or ordered to do so by a supervisor.

Steel-toed shoes (or toe protectors) shall be used when using a jack hammer.

Safety harnesses shall be used when employees enter a large clean out, storm manhole, sewer manhole, wet well, catch basin or large pipe.

Safety vests shall be worn when employees are in flagging positions, and/or when working in a traveled right-of-way, except this provision pertaining to the right-of-way does not apply to uniformed police officers or firefighters.

Safety glasses shall be worn when grinding, chipping, using air tools, driving back hoe or under conditions which warrant the supervisor to require safety glasses being worn.

All possible precautions must be taken by employees to avoid exposure to injury or illness to themselves or others.

Supervisors are responsible to ensure compliance with the provisions of this policy by all members of their crews, division, or department.

Failure to comply with mandatory requirements for wearing safety apparel and/or using safety equipment will result in disciplinary action, including termination for repetitive or gross violations.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.7 Safety Orientation, Accident Investigation and Reporting

(A) Safety Orientation

All City employees are to receive a safety orientation at the start of employment. The Safety Orientation Form set out in Appendix D, incorporated herein, shall be completed and signed by the supervisor and employee, and returned to the Human Resources Department for inclusion in the employee's personnel file. The Employee Safety Responsibilities Form set out as Appendix E in this manual and incorporated herein, is to be distributed to the employee by the Human Resources Department. The form shall be signed and dated, with a completed copy sent to the Director of Human Resources for inclusion in the employee's personnel file.

Both the Safety Orientation form and the Employee Safety Responsibilities form can be obtained from the Department Head or Human Resources Department.

(B) Accident Reporting

ALL ACCIDENTS, no matter how minor, shall be reported PROMPTLY to the immediate supervisor and to Human Resources for evaluation and/or investigation. During the supervisor's evaluation they must determine the possible consequences that could take place if the situation is not corrected and take appropriate action based upon those findings (i.e. investigate, report, correct, etc.).

(C) Emergency Medical Procedure

The Springdale Fire Department (911) will be called in the case where the employee needs immediate medical attention.

(D) Documentation Process

1. **Minor injuries** – Any time an employee receives a minor injury, up to and including requiring doctor/outpatient care. After the emergency actions following an accident, an investigation of the accident will be conducted by the immediate supervisor and Human Resources. The findings of the investigation shall be documented on the City's incident form and reported. Copies of said report shall be provided to the following:
 - a. Copy to the Mayor;
 - b. Copy to the Director of Human Resources;
 - c. Copy to the Department Head;
 - d. Copy to the Risk Manager for the involved department; and
 - e. Copy to the City Attorney's office.
2. **Major Injuries** – Includes fatality or hospitalization. Any time a fatality occurs, or a person is hospitalized, the Mayor, Director of Human Resources, Department Head and City Attorney are to be notified immediately by the supervisor.
3. **Near Misses** – Includes the likelihood of personal injury or property damage. To the greatest extent possible, all "near-miss" accidents shall be investigated by the Department Head and if a safety problem exists, the Mayor should be notified. These incidents shall also be reported to the Human Resources Department.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

6.8 Risk Manager for Each Department

Each Department Head is responsible for appointing a Risk Manager for their department, and it shall be an employee other than the Department Head. Such Risk Manager will meet with the Department Head on a regular basis to discuss risk management matters. In

addition, at least annually, the Risk Manager of the department, and the Department Head shall meet with the Director of Human Resources and City Attorney to discuss the involved department's risk management program.

Unless otherwise provided by law, the Mayor is authorized, in consultation with the Human Resources Director and City Attorney, to make determinations as to the implementation, interpretation, and enforcement of the provisions contained herein, and is similarly authorized to undertake and implement any amendments to this policy as are necessary for the effective, efficient, and equitable day-to-day operations of the City.

APPENDIX

APPENDIX INDEX

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APPENDIX A

REGULATIONS AND POLICIES ON DRUG AND ALCOHOL TESTING FOR EMPLOYEES REQUIRED TO HAVE A COMMERCIAL DRIVER'S LICENSE IN POSITIONS FOR THE CITY OF SPRINGDALE, ARKANSAS

GENERAL REQUIREMENTS

This policy was developed based on the requirements articulated by the U.S. Department of Transportation (DOT) in Title 49 of the Code of Federal Regulations (CFR) (see 49 C.F.R. § 382.601) and the Arkansas Commercial Driver Alcohol and Drug Testing Act (A.C.A. § 27-23-201 et seq.). Title 49 of the CFR can be found on the DOT's website at <http://www.fmcsa.dot.gov/regulations>.

This policy supersedes any provisions in the City's Personnel Manual regarding the consequences of the possession or use of drugs and alcohol as they pertain to Commercial Motor Vehicle operators.

TRAINING FOR SUPERVISORS

The City shall ensure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech and performance indicators of probably alcohol misuse and use of controlled substances.

IMPLEMENTATION OF POLICY

The Federal Motor Carrier Safety Regulations, specifically Title 49, Code of Federal Regulations, Part 382, established by the U.S. Department of Transportation, Federal Highway Administration, requires the City of Springdale to establish rules and regulations for controlled substances and alcohol use and testing. Implementation of the drug and alcohol testing programs are to begin January 1, 1996. The City Council of the City of Springdale, Arkansas, on December 12, 1995, adopted the rules contained in the above regulations pertaining to certain local government employees and established penalties for violations. In addition, there may be other City of Springdale ordinances and policies regarding drug and alcohol testing.

PERSON(S) DESIGNATED TO ANSWER QUESTIONS

To assist in better understanding the requirements placed on both the employee and employer, the following person(s) will answer questions about the alcohol and drug testing programs for those whose positions require a Commercial Driver's License:

Gina Lewis
Director of Human Resources
(479) 750-8535

If not available,

James Smith
Director of Public Works
(479) 750-8135

If not available,

Arkansas Municipal League Staff Personnel
(501) 374-3484

EMPLOYEES SUBJECT TO ALCOHOL AND DRUG TESTING PURSUANT TO THIS POLICY

The employees who must be tested are those required to have a Commercial Driver's License (CDL).

That is any employee whose position requires driving a commercial motor vehicle:

- With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- With a gross vehicle weight rating of 26,001 or more pounds;
- Designed to transport 16 or more passengers; or
- Of any size that is used to transport hazardous material which requires the vehicle to be placarded under the hazardous materials regulations.

SAFETY SENSITIVE FUNCTIONS

Safety sensitive functions, as defined by the regulations, means any of those on-duty functions set forth in Part 395.2, Para. 1-7, On-Duty Time.

On-Duty time means all time from the time a driver begins to work or is required to be in readiness to work, until the time they are relieved from work and all responsibility for performing work. On-duty time shall include:

- Waiting at a terminal, facility, or other property to drive, unless relieved from duty by the employer;
- Performing pre-trip inspections or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- Driving the motor vehicle;
- In or upon any commercial motor vehicle, except when resting in a sleeper berth;
- Loading or unloading the vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, giving or receiving receipts for the load, or remaining in readiness to operate the motor vehicle;
- All time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

PROHIBITED CONDUCT

A driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions, or perform a safety sensitive function:

- While using alcohol;
- While having an alcohol concentration of 0.04 or greater and shall not return to safety sensitive duty until having an alcohol concentration of 0.02 or less;
- While possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter);
- Within four (4) hours of using alcohol;
- When using any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The employer may require a driver to inform the employer of any therapeutic drug use;
- If tested positive for controlled substances;

A driver shall not:

- Refuse to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements;

Following an accident requiring a post-accident alcohol test, a driver or operator shall not:

- Use alcohol within eight (8) hours after an accident that requires a post-accident alcohol test, or before taking the required post-accident alcohol test, whichever comes first.

No supervisor or Department Head shall permit a driver or operator to perform or continue to perform safety sensitive functions when the supervisor or Department Head has actual knowledge that a driver or operator:

- Is using alcohol;
- Has an alcohol concentration of 0.04 or greater;
- Has used alcohol within four (4) hours;
- Possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter);
- Has tested positive for controlled substances;
- Is using any controlled substance, except when the employee has been instructed by a physician that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle;
- Has refused to submit to alcohol or controlled substance test.

WHEN A DRIVER MUST BE TESTED

The Federal Motor Carrier Safety Regulations are very specific about when a driver must submit for a drug and alcohol test. The drug test will use urine, and the alcohol test will use breath.

The regulations require six (6) tests of commercial motor vehicle drivers, they are:

- Pre-employment
- Random
- Reasonable Suspicion
- Post-Accident
- Return to Duty
- Follow-Up

TESTING PROGRAMS

Before performing a drug or alcohol test, the city will notify the employee that the test is required and of the location and time of the test. All drug and alcohol testing will comply with the procedures set forth in 49 CFR Part 40, which can be found at:

<https://www.transportation.gov/odapc/part40>

Testing will be done while the driver is performing a safety sensitive function, or just before the driver is to perform a safety sensitive function, or immediately available to perform any safety sensitive function, or just after the employee has ceased performing such functions.

A. Pre-Employment Testing

Persons whose positions require a commercial driver's license must be tested for drug use prior to employment or promotion. A negative drug test result must be received before the driver is hired or promoted. All offers of employment and offers for transfer for shall be conditional upon the applicant passing the drug test.

B. Reasonable Suspicion Testing

An employer shall require a driver to submit to an alcohol or controlled substance test, within the time limits set out in the regulations, when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions as defined by Subpart B of 49 CFR Part 382 of the regulations concerning controlled substances or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations leading to reasonable suspicion of use of controlled substances may include indications of the chronic and withdrawal effects of such substances.

Reasonable suspicion means a particularized and objective basis for suspecting the particular employee of engaging in PROHIBITED CONDUCT. For the purpose of this section, PROHIBITED CONDUCT shall include the listing beginning on page A-3 of this document under the topic heading "PROHIBITED CONDUCT".

The supervisor or official making the observations leading to reasonable suspicion controlled substance and alcohol testing must have received the required training in detection of probable alcohol misuse or controlled substance abuse. The Arkansas Municipal League recommends that the City Attorney's office be consulted before testing, when practical. If not practical to consult the appropriate attorney before testing, then they should be notified as soon as practical after testing.

The supervisor or official who determines that reasonable suspicion exists shall not conduct the breath alcohol test on the driver. Testing will be done only by someone trained to operate the EBT (evidential breath testing device) and proficient in the breath testing procedures. This may be a City of Springdale employee, a contract service, or by a local law enforcement officer (but not as a part of roadside or other inspections).

The driver may be directed by the employer to undergo reasonable suspicion testing for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions. The test must be done as soon as possible within the time limits set by the regulations.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The behavior, appearance or other condition of the employee that causes the supervisor or other Springdale official to require the test must be documented in writing and signed by the witness within 24 hours after the behavior is noticed or before the controlled substance tests are released, whichever is earlier.

C. Random Testing

Tests of randomly selected covered employees for alcohol and/or prohibited substances will be administered on a periodic basis. Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the DOT. The current year testing rates can be viewed at <http://www.transportation.gov/odapc/random-testing-rates>. The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each employee will have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period.

An employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. An employee may be randomly tested for prohibited drug use anytime while on duty.

Each employee who is notified of selection for random drug or alcohol testing must immediately proceed to the designated testing site. However, if the employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employee must cease the safety-sensitive function and proceed to the testing site as soon as possible.

D. Post-Accident Testing

As soon as practical following an accident involving a commercial motor vehicle, each employer shall test for alcohol and controlled substances each surviving driver who was performing safety sensitive functions with respect to the vehicle if the accident involved:

- A fatality;
- The driver receives a citation under State or local law for a moving traffic violation arising from the accident.

And the accident involved:

- 1) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- 2) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be towed away from the scene of the accident.

A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of any breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the employer.

A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in their system.

REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROL SUBSTANCES TEST

The Federal Motor Carrier Safety Regulations provide that:

- A driver or operator shall not refuse to submit to a post-accident test, reasonable suspicion test, random selection test, or follow-up test;
- No employer shall permit a driver or operator who refuses to submit to a required test to perform or continue to perform safety sensitive functions.

Under the regulations, actions constituting a refusal to submit to a test are:

- 1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, after being directed to do so. Fail to remain at the testing site until the testing process is complete. However, an employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.

- 2) Fail to attempt to provide a breath or urine specimen. However, an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- 3) In the case of a direct observation or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- 4) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- 5) Fail or decline to take a second test as directed by the collector or the city.
- 6) Fail to undergo a medical evaluation as required by the MRO or the city. However, an employee who does not undergo an evaluation as part of a pre-employment test has not refused to test unless he or she has received a conditional offer of employment.
- 7) Fail to cooperate with any part of the testing process.
- 8) Fail to follow an observer's instructions to raise and lower clothing and turn around during a test conducted by direct observation. Possess or wear a prosthetic or other device used to tamper with the collection process.
- 9) Are reported by the MRO as having an adulterated or substituted test result.
- 10) Admit to the collector or MRO that you adulterated or substituted a specimen.
- 11) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- 12) Fail to remain readily available following an accident.

Consequences of a Refusal to Submit to a Drug Or Alcohol Test

The regulations provide:

No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety sensitive functions. The penalty for refusing to take a mandated test for drugs or alcohol is immediate discharge from employment with the City.

CONSEQUENCES OF A POSITIVE TEST

The regulations require an employer to immediately remove an employee from safety sensitive duties following a positive drug or alcohol test of 0.04 BAC and above.

Alcohol Test Results of 0.04 BAC and Above

A driver who test 0.04 or above will be:

- Immediately removed from safety sensitive functions;

The penalty for a positive alcohol test is immediate discharge from the employment with the City.

If returned to duty by an appeal authority, a driver:

- Shall undergo a return to duty alcohol test and receive a result indicating an alcohol concentration of less than 0.02, before returning to duty;
- Shall be evaluated by a substance abuse professional (SAP) to determine that the driver had properly followed any rehabilitation program prescribed under the regulations;

- Shall be subject to follow-up unannounced alcohol tests for up to 5 years, depending on the evaluation of the substance abuse professional.

A. Alcohol Test Results of Over 0.02 BAC But Less than 0.04 BAC

No driver who is found to have a BAC of 0.02 or greater, but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but less than 24 hours following the test.

B. Drug Tests

A driver who tests positive for drugs shall:

- Be immediately removed from safety sensitive functions;
- Be made aware of resources for solving alcohol and drug problems.

The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge from employment with the City. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the City receives the results of the second test. A negative result from the second drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

If returned to duty by an appeal authority, the driver shall:

- Undergo a return-to-duty drug test with a negative test result;
- Be evaluated by a SAP to determine that the driver has properly followed any rehabilitation program prescribed under the regulations following the initial positive drug screen;
- Be subject to unannounced follow-up drug tests for up to 5 years depending on the evaluation of the SAP.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- 1) Alcohol
- 2) Prescription drugs
- 3) Over-the-counter drugs
- 4) Illegal drugs

Multiple substance abuse is especially dangerous different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely.

People who abuse one substance are at a high risk for development dependence and tolerance for other substances.

More detailed information on drugs that every driver needs to know can be obtained from those designated persons set out on page A-2.

APPENDIX B

CATASTROPHIC LEAVE BANK POLICY

ORDINANCE NO. _____

**AN ORDINANCE DEVELOPING, IMPLEMENTING, AND
MAINTAINING A CATASTROPHIC LEAVE BANK PROGRAM
FOR ELIGIBLE EMPLOYEES OF THE CITY OF SPRINGDALE,
ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-42-123; AND
DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ark. Code Ann. §14-42-123, the City of Springdale, Arkansas, is authorized to develop, implement, and maintain a catastrophic leave program, for the use and benefit of eligible employees of the City of Springdale;

WHEREAS, the City wishes to utilize the provisions of Ark. Code Ann. §14-42-123 to implement a catastrophic leave bank program whereby catastrophic leave with pay may be granted to a municipal employee if the municipal employee is unable to perform his or her duties due to a catastrophic illness and is, or is reasonably expected to be, on leave without pay as a result of the need for catastrophic leave; and

WHEREAS, the provisions of the Catastrophic Leave Bank (CLB) program provide an additional source of leave benefits for all eligible participating employees; use of CLB days may be used after a member of the CLB program has exhausted all of his/her accumulated vacation and sick leave and any compensatory time; CLB days may only be used for catastrophic illness and with the approval of the CLB Board; and shall be included as Appendix B of the Employee Personnel Manual for the City of Springdale, Arkansas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that pursuant to Ark. Code Ann. §14-42-123, the City of Springdale, Arkansas, hereby creates the Catastrophic Leave Bank (CLB) program, to be included as Appendix B of the Employee Personnel Manual for the City of Springdale, Arkansas, as follows:

Catastrophic Leave Bank Program

- A. Purpose: The purpose of the Catastrophic Leave Bank (CLB) program is to provide an additional source of leave benefits for all eligible participating employees who have exhausted all of his/her accumulated sick leave and any compensatory time. CLB days may only be used for catastrophic illness and with the approval of the CLB Board. The CLB year shall be January through December. CLB days will accumulate in the bank from year to year.
- B. Participation: Participation in the CLB Program is on a voluntary basis. Donations of sick leave to the CLB will not prevent

employees who are eligible for the Sick Leave Bonus at the time of donation from receiving the Sick Leave Bonus.

C. Eligibility: A City employee is eligible for catastrophic leave under this section if the employee:

- (1) Is employed on a regular full-time basis who regularly works a minimum of thirty (30) hours per week;
- (2) Has been employed by the City in the immediately preceding twelve (12) months and during that time regularly worked a minimum of thirty (30) hour per week.
- (3) Has exhausted all available leave time including sick, vacation and compensatory time;
- (4) Has provided an acceptable medical certificate from a physician supporting the continuing absence that includes without limitation an approximate date of return.
- (5) Has not been disciplined or counseled for an abuse of leave during the immediately preceding twelve (12) months.

Catastrophic leave is not available to a City employee if the employee has applied for catastrophic leave as a result of an illness or injury that is covered by workers' compensation benefits under applicable law.

D. Enrollment: Eligible employees may enroll in the CLB by completing an Enrollment and Contribution Authorization Form available in Human Resources. Open enrollment shall be November 1st through November 30th of each calendar year, with membership effective the following January 1st. To participate in the CLB Program employees must irrevocably donate in one-hour increments a minimum of one (1) working day which is considered eight (8) hours or twenty-four (24) hours for firefighters.

In the event that a new employee may become eligible for membership outside of the November enrollment period, he/she may complete the Enrollment and Contribution Authorization Form within 30 days that he/she becomes eligible.

Membership must be renewed annually and does not carry forward from year to year.

E. Catastrophic Leave Bank Board: All requests for CLB leave will be reviewed by the CLB Board. The CLB Board shall consist of five (5) members: one (1) member shall be from the Human Resources Office and four (4) members shall be appointed by the Mayor. The CLB Board shall elect a secretary from its members.

Approval of a request for catastrophic leave shall require a majority vote of the CLB Board members.

The CLB Board shall:

- Only approve requests which will keep the CLB in a positive balance;
- Solicit additional contributions from the CLB from its members in the event the total number of available days in the CLB is less than fifty (50);
- Ensure the proper administration of the CLB;
- Ensure that no leave contributed to the CLB is restored or returned to the contributing employee;
- Ensure unused catastrophic leave granted to an employee is credited back to the CLB;
- Ensure that participation is from the enrollment date and that participation cannot be made retroactive under any circumstances; and
- Ensure that all decisions of the CLR Program do not discriminate on the basis of a protective category as defined in the City's EEO Policy.

F. Process:

- The Employee requesting CLB shall complete a Catastrophic Leave Bank Request Form and submit the form to the Human Resources Office.
- The CLB days may only be used upon exhaustion of a member's accumulated sick leave and any compensatory time and vacation time, and with the intention of returning to work following sick leave.
- Any grant of CLB shall run concurrently with leave taken pursuant to the Family and Medical Leave Act of 1993.
- Sick leave grants made from the CLB shall be in one-hour increments and no more than ten (10) consecutive working days or less than one (1) eight (8) hour working day for the individual applicant (24-hour shift for firefighters). In the event an employee needs more than ten (10) working days, the Employee will be required to submit a new Catastrophic Leave Request Form.
- No applicant shall be eligible for more than three (3) grants per calendar year (30 days per calendar year).
- Employees will not accrue leave while receiving benefits from the CLB Program. Upon return to work the employees leave accrual will resume.
- The Employee shall provide an acceptable medical certificate from a physician supporting the continuing

absence is on file and includes without limitation an approximate date of return. The City may require an employee to receive more than one (1) physician opinion.

- Upon receipt of the request for leave, the Human Resources Director will verify employee's eligibility.
- The CLB Board shall consider the request and will vote to either approve or deny the request. Human Resources will notify the applicant of the CLB Board's decision.
- The decision of the CLB Board is final.

PASSED AND APPROVED this ____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

APPENDIX C

CITY OF SPRINGDALE COMPENSATION
PLAN

CITY OF SPRINGDALE

Non-Uniform

GRADE / STEP TABLE LISTING

Approved by City Council 11/08/2022

Effective Date: 1/1/2023

Grade Level	80% Minimum Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	100% Midpoint Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	120% Maximum Step 17
100	100,918	104,072	107,225	110,380	113,533	116,687	119,840	122,994	126,148	129,302	132,455	135,609	138,762	141,916	145,071	148,224	151,378
99	97,109	100,144	103,178	106,213	109,247	112,282	115,316	118,351	121,386	124,421	127,455	130,489	133,524	136,559	139,594	142,628	145,663
98	93,299	96,214	99,130	102,045	104,961	107,876	110,792	113,707	116,623	119,538	122,454	125,369	128,285	131,200	134,117	137,032	139,948
96	85,680	88,357	91,035	93,712	96,389	99,067	101,744	104,422	107,099	109,777	112,454	115,131	117,808	120,486	123,164	125,841	128,519
95	81,870	84,429	86,987	89,546	92,103	94,662	97,220	99,779	102,337	104,895	107,454	110,012	112,571	115,129	117,688	120,245	122,804
31	78,061	80,500	82,940	85,379	87,818	90,257	92,697	95,136	97,575	100,014	102,454	104,893	107,332	109,771	112,212	114,651	117,090
30	74,251	76,571	78,892	81,212	83,532	85,853	88,173	90,492	92,813	95,133	97,453	99,774	102,094	104,414	106,735	109,055	111,375
29	70,536	72,731	74,925	77,121	79,317	81,512	83,707	85,902	88,098	90,294	92,489	94,685	96,880	99,075	101,270	103,466	105,661
	3.11%	3.02%	2.93%	2.85%	2.77%	2.69%	2.62%	2.56%	2.49%	2.43%	2.37%	2.32%	2.27%	2.22%	2.17%	2.12%	
28	66,631	68,712	70,795	72,877	74,959	77,042	79,124	81,206	83,288	85,370	87,453	89,535	91,617	93,700	95,782	97,863	99,946
27	62,821	64,784	66,747	68,710	70,673	72,637	74,600	76,563	78,526	80,489	82,453	84,416	86,379	88,343	90,306	92,269	94,232
26	59,011	60,856	62,700	64,543	66,388	68,232	70,077	71,920	73,764	75,609	77,453	79,296	81,141	82,985	84,830	86,673	88,517
25	55,202	56,926	58,652	60,377	62,102	63,827	65,553	67,277	69,002	70,727	72,452	74,178	75,902	77,627	79,353	81,077	82,803
24	52,345	53,981	55,616	57,253	58,888	60,524	62,159	63,795	65,432	67,067	68,703	70,338	71,974	73,611	75,246	76,882	78,517
23	50,440	52,016	53,593	55,169	56,745	58,321	59,897	61,474	63,050	64,626	66,202	67,779	69,355	70,931	72,507	74,083	75,660
22	48,535	50,052	51,569	53,086	54,602	56,119	57,635	59,152	60,669	62,186	63,703	65,219	66,735	68,252	69,769	71,286	72,803
21	46,630	48,088	49,544	51,002	52,459	53,916	55,373	56,831	58,287	59,745	61,202	62,659	64,116	65,574	67,030	68,488	69,945
20	44,726	46,124	47,521	48,919	50,316	51,714	53,111	54,509	55,907	57,305	58,703	60,100	61,498	62,895	64,293	65,690	67,088
19	42,821	44,159	45,497	46,835	48,173	49,512	50,849	52,187	53,526	54,863	56,202	57,540	58,878	60,216	61,554	62,892	64,231
18	40,916	42,194	43,473	44,752	46,031	47,309	48,587	49,867	51,145	52,423	53,702	54,980	56,260	57,538	58,816	60,095	61,374
17	39,011	40,230	41,449	42,668	43,887	45,106	46,325	47,544	48,763	49,982	51,202	52,421	53,640	54,859	56,078	57,297	58,516
16	37,106	38,266	39,426	40,585	41,745	42,905	44,064	45,223	46,382	47,542	48,702	49,861	51,021	52,181	53,340	54,500	55,660
15	35,202	36,302	37,401	38,501	39,602	40,702	41,801	42,901	44,002	45,101	46,201	47,301	48,402	49,501	50,601	51,702	52,802
14	33,297	34,338	35,378	36,418	37,458	38,499	39,539	40,580	41,620	42,661	43,701	44,742	45,781	46,822	47,863	48,903	49,944
13	31,392	32,372	33,354	34,334	35,316	36,297	37,278	38,259	39,240	40,221	41,202	42,183	43,163	44,145	45,125	46,107	47,087
12	29,487	30,379	31,270	32,161	33,053	33,945	34,837	35,728	36,620	37,511	38,403	39,294	40,186	41,077	41,969	42,861	43,753
	3.03%	2.93%	2.85%	2.77%	2.70%	2.63%	2.56%	2.50%	2.43%	2.38%	2.32%	2.27%	2.22%	2.17%	2.13%	2.08%	

CITY OF SPRINGDALE

GRADE / STEP TABLE LISTING

UNIFORMED FIRE

2023 Pay Scale

Grade Level	Position Title	Minimum									
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
69	Fire Assistant Chief	81,974	86,526	91,077	95,629	100,181	104,733	109,285	113,837	118,388	122,940
			5.55%	5.26%	5.00%	4.76%	4.54%	4.35%	4.17%	4.00%	3.84%
68	Divison Chief	78,156	82,496	86,835	91,175	95,514	99,855	104,195	108,534	112,874	117,214
			5.55%	5.26%	5.00%	4.76%	4.54%	4.35%	4.16%	4.00%	3.84%
67	Battalion Chief	74,327	78,456	82,585	86,714	90,843	94,972	99,100	103,229	107,359	111,488
			5.56%	5.26%	5.00%	4.76%	4.55%	4.35%	4.17%	4.00%	3.85%
66	Fire Captain Paramedic	63,014	65,857	68,700	71,543	74,386	77,228	80,071	82,914	85,757	88,600
			4.51%	4.32%	4.14%	3.97%	3.82%	3.68%	3.55%	3.43%	3.32%
65	Fire Captain	58,003	61,043	64,083	67,123	70,164	73,205	76,245	79,285	82,325	85,365
			5.24%	4.98%	4.74%	4.53%	4.33%	4.15%	3.99%	3.83%	3.69%
64	FF/PM/Engineer	51,680	54,529	57,377	60,224	63,072	65,920	68,769	71,617	74,464	77,312
			5.51%	5.22%	4.96%	4.73%	4.52%	4.32%	4.14%	3.98%	3.82%
63	FF/Paramedic	50,078	52,702	55,327	57,952	60,577	63,201	65,826	68,451	71,076	73,701
			5.24%	4.98%	4.74%	4.53%	4.33%	4.15%	3.99%	3.83%	3.69%
62	FF/Engineer	43,034	45,290	47,545	49,801	52,057	54,312	56,567	58,823	61,078	63,334
			5.24%	4.98%	4.74%	4.53%	4.33%	4.15%	3.99%	3.83%	3.69%
61	FF/EMT	41,708	43,780	45,853	47,926	49,999	52,071	54,144	56,217	58,289	60,363
			4.97%	4.74%	4.52%	4.33%	4.14%	3.98%	3.83%	3.69%	3.56%

CITY OF SPRINGDALE

GRADE / STEP TABLE LISTING

UNIFORMED POLICE

2023 Pay Scale

Grade Level	Position Title	Minimum									
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
56	Police Assistant Chief	95,813	101,131	106,451	111,773	117,093	122,410	127,734	133,048	138,370	143,697
			5.55%	5.26%	5.00%	4.76%	4.54%	4.35%	4.16%	4.00%	3.85%
55	Police Captain	86,892	91,715	96,539	101,366	106,191	111,012	115,841	120,672	125,499	130,330
			5.55%	5.26%	5.00%	4.76%	4.54%	4.35%	4.17%	4.00%	3.85%
54	Police Lieutenant	81,771	86,309	90,849	95,391	99,932	104,469	109,013	113,548	118,090	122,637
			5.55%	5.26%	5.00%	4.76%	4.54%	4.35%	4.16%	4.00%	3.85%
53	Police Sergeant	69,029	72,646	76,264	79,879	83,497	87,113	90,728	94,348	97,962	101,576
			5.24%	4.98%	4.74%	4.53%	4.33%	4.15%	3.99%	3.83%	3.69%
52	Corporal	59,595	62,718	65,841	68,962	72,086	75,207	78,329	81,454	84,574	87,694
			5.24%	4.98%	4.74%	4.53%	4.33%	4.15%	3.99%	3.83%	3.69%
51	Police Officer	50,745	53,211	55,680	58,147	60,612	63,079	65,546	68,010	70,479	72,946
			4.86%	4.64%	4.43%	4.24%	4.07%	3.91%	3.76%	3.63%	3.50%

APPENDIX "D"
CITY OF SPRINGDALE
SAFETY ORIENTATION FORM

EMPLOYEE'S NAME: _____

POSITION: _____ **DATE HIRED:** _____

Circle One: **New Employee** **Transfer** **Rehire**

Employee & supervisor must initial completed items:

1. Purpose of orientation _____
2. Reporting accidents to supervisor immediately _____
3. Tour of facilities and equipment _____
4. First Aid _____
 - A. Obtaining treatment
 - B. Location of facilities
 - C. Location and names of first aiders
5. Potential hazards on the job _____
 - A. What they are
 - B. How to use equipment safely
 - C. Care and use of personal protective equipment
6. What to do in event of emergencies _____
 - A. Exists location and evacuation routes
 - B. Use of fire fighting equipment (extinguisher, hose)
 - C. Specific procedures (medical, chemical, fire, etc.)
7. Health and Safety policies and procedures (Part VI of City Personnel Manual) _____
8. Personal work habits _____
 - A. Proper lifting techniques
 - B. Horseplay, good housekeeping, no smoking policy
 - C. Safe work procedures
 - D. Proper use of fitness equipment
9. Vehicle safety _____

We have discussed the items checked above. I will consciously try to perform my assigned duties safely.

Employee's signature

Date: _____

Supervisor's signature

Date: _____

APPENDIX "E"

CITY OF SPRINGDALE EMPLOYEE SAFETY RESPONSIBILITIES

As an employee of the City of Springdale, I am responsible to:

1. Observe all City safety and health rules and apply the principles of accident prevention in my day-to-day duties.
2. Report any job-related injury, illness or property damage to my supervisor and seek treatment promptly.
3. Report hazardous conditions (unsafe equipment, floors, material) and unsafe acts to my supervisor, risk manager within my department or department head.
4. Observe all hazard warning and no smoking signs.
5. Keep aisles, walkways and working areas clear of slipping/tripping hazards.
6. Know the location of fire/safety exits and evacuation procedures.
7. Keep all emergency equipment such as fire extinguisher, fire alarms, fire hoses, exit doors, and stairways clear of obstacles.
8. Not report to work under the influence of alcoholic beverages or drugs nor to consume them while on company premises.
9. Refrain from fighting, horseplay, or distracting my fellow workers.
10. Remain in my own work area unless I am authorized otherwise.
11. Observe safe operating procedures for all equipment I am authorized to operate.
12. Follow proper lifting procedures at all times.
13. Ride as a passenger on a vehicle only if it is equipped with a rider's seat.
14. Be alert to see that all guards and other protective devices are in their proper places prior to operating equipment.
15. Not wear frayed, torn or loose clothing, jewelry, or long unrestrained hair near moving machinery or other sources of entanglement, or around electrical equipment.
16. Actively support and participate in the City's efforts to provide a safety and health program.

DISTRIBUTED TO (YOUR NAME): _____

DATE: _____ **BY:** _____

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE EMPLOYEE SAFETY RESPONSIBILITIES FORM, AND THAT MY RESPONSIBILITIES WERE EXPLAINED TO ME.

Employee Signature

Date

EMPLOYEE ACKNOWLEDGMENT
RECEIPT OF PERSONNEL MANUAL

I, _____,

CERTIFY that I have received a copy of the City of Springdale, Arkansas "Personnel Manual," which outlines the general benefits, employment policies and my general responsibilities as a City employee.

I UNDERSTAND the receipt of this Manual constitutes legal notification of the contents and that it is my responsibility to become familiar with and adhere to the policies stated in this Manual.

I UNDERSTAND that the information contained in this Manual is subject to change at any time, should circumstances warrant, and that it is my responsibility to keep informed of these changes and to file updated material, as I receive it, inside the Manual.

I UNDERSTAND that no verbal or written agreements, understandings, representations, or statements made by my department head or supervisor may amend the policies outlined in the Manual, or bind the City to any course action, and that only the City or Mayor may amend these policies.

(Employee Signature)

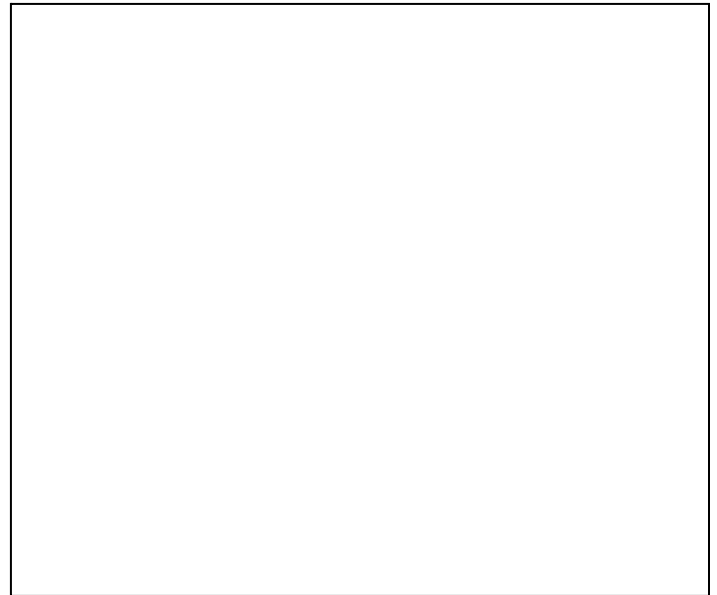
(Employee Name Printed)

(Date)

Witness:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A LIEN FOR THE RAZING AND REMOVAL OF A STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 983 W. SUNSET AVE., SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY



WHEREAS, LJ'S Restaurant, Inc. is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 2, Township 17 North, Range 30 West, beginning at a point 190 feet West and 23.9 feet South of the Northeast corner of said Forty Acre Tract, thence West 162.4 feet, thence South 0 degrees, 21' 01" West, 188.1 feet, thence East 162.4 feet, thence North 0 degrees 21'01" East, 188.1 feet to a point of beginning, containing 0.70 acres more or less, and being part of Lot 11 of the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas. Subject to easements and restrictions of record, if any.

LAYMAN'S DESCRIPTION: 983 West Sunset

PARCEL NO.: 815-23987-000

WHEREAS, on April 12, 2022, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 5699, ordering the owner of 983 W. Sunset Ave. to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and was further ordered to abate the unsightly conditions on the property;

WHEREAS, Ordinance No. 5699 provided that said work was to be commenced within ten (10) days and was to be completed within thirty (30) days from the passage of the ordinance, and that if the work was not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, were directed to cause the aforesaid structure to be razed (demolished) and removed and to abate the unsafe, unsanitary, and unsightly conditions on the property;

WHEREAS, LJ's Restaurant, Inc. after being given proper notice of Ordinance No. 5699, and after being given adequate time to abate the situation on the property, failed to remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and failed to abate the unsightly conditions on the property;

WHEREAS, pursuant to Ordinance No. 5699, the Mayor's authorized representative caused the aforesaid structure to be razed (demolished) and removed, and caused the unsafe, unsanitary, and unsightly conditions on the property to be abated;

WHEREAS, as shown on the attached Exhibits, the City expended the amount of Twenty Thousand Four Hundred Thirty One Dollars (\$20,431.00) to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and to abate the unsightly conditions located thereon;

WHEREAS, Ordinance No. 5699 provides that the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and for the cost of abating said aforementioned conditions, said costs to be determined at a hearing before the City Council; and

WHEREAS, the property owner has been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amount expended by the City in cleaning up this property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-56-203 and Ark. Code Ann. §14-54-904, the City Council certifies \$20,431.00, plus 10.00% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on the above-described property and collected accordingly.

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 10th day of January, 2023.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Red Line Contractors LLC
P.O. Box 600
Springdale, AR 72765
479-419-4100
www.redline.me

Invoice

Date 7/20/2022
Invoice # 42091

Bill To

City of Springdale, AR
201 Spring St.
Springdale, AR 72764

P.O. No. Terms Job

Due on receipt

Description	Qty	Rate	Amount
Demolition 938 W Sunset Ave	1	19,931.00	19,931.00

Transaction #
Date
Account # 101-0963-423-70-35
Project #
Invoice # 42091
Amount \$19,931.00
Description Billings
Rate & removal @ 938 W. Sunset
Approved By Michael A. Allen 9/10/22

Total	\$19,931.00
Payments/Credits	\$0.00
Balance Due	\$19,931.00

Red Line Contractors LLC
P.O. Box 600
Springdale, AR 72765
479-419-4100
www.redline.me

Invoice

Date	Invoice #
6/14/2022	3167

Bill To
City of Springdale, AR 201 Spring St. Springdale, AR 72764

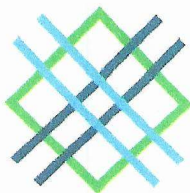
Description	Qty	Rate	Amount	P.O. No.	Terms	Job
				Due on receipt		
Asbestos Survey		500.00	500.00			
Transaction # _____ Date _____ Account # 101-0963-423, 70-35 Project # _____ Invoice # 3167 Amount \$500.00 Description Building Asbestos survey @ 958 W. 1st St. Approved By <u>Michael D. Gunkle</u> 6/14/22						
				Total \$500.00		
				Payments/Credits \$0.00		
				Balance Due \$500.00		

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Garrett Harlan
Deputy City Attorney
gharlan@springdalear.gov



SPRINGDALETM
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764

Phone (479) 750-8173 • Fax (479) 750-4732

www.springdalear.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

September 14, 2022

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
REGULAR MAIL**

LJS Restaurants Inc.
P.O. Box 10656
Fort Smith, AR 72917

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

LJS Restaurants, Inc.
c/o CT Corporation System, Registered Agent
124 W. Capitol Ave., Suite 1900
Little Rock, AR 72201

RE: Property located at 983 W. Sunset, Springdale, Arkansas
Parcel #815-23987-000

Dear Property Owner/Lienholder:

On April 12, 2022, the Springdale City Council passed Ordinance No. 5699. This Ordinance ordered that the unsafe structure located at 983 W. Sunset, Springdale, Arkansas be razed (demolished) and removed and that the unsightly conditions on the property be abated. The Ordinance provided that this be done within thirty (30) days.

The structure on the property was not razed (demolished) and removed within thirty (30) days as required by Ordinance No. 5699. As a result, the City of Springdale caused the structure located at 983 W. Sunset, Springdale, Arkansas to be razed (demolished) and removed, and caused the unsafe, unsanitary and unsightly conditions on the property to be abated. Enclosed is the billing statement showing the City's cost of \$20,431.00 to clean up the property and remove the structure.

This is to notify you that in the event this amount is not paid on or before October 20, 2022, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. § 14-54-904 to determine the amount of the lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 25, 2022 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas.

You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming. I have enclosed a copy of the proposed ordinance that will be presented at that meeting.

I am also forwarding a copy of this letter to you via first class mail as well as to the email address below. If you should have any questions, please let me know,

Sincerely,



Ernest B. Cate
City Attorney

EBC:dp

Enclosures

cc: fpurritano@stnladvisors.com

ENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

LJS Restaurants Inc.
P.O. Box 10656
Fort Smith, AR 72917



9590 9402 7283 2028 6486 06

Article Number (Transfer from service label)

7020 0640 0001 3065 5922

S Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☒ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LJS Restaurants Inc.
c/o CT Corporation System, Registered Agent
124 W. Capitol Ave., Suite 1900
Little Rock, AR 72201



9590 9402 7283 2028 6485 69

2. Article Number (Transfer from service label)

7020 0640 0001 3065 7247

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent
☒ Addressee

B. Received by (Printed Name)

SEP 19 2022

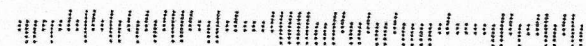
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☒ Signature Confirmation Restricted Delivery

Domestic Return Receipt



OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764



• Sender: Please print your name, address, and ZIP+4® in this box.

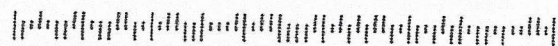
United States
Postal Service

9590 9402 7283 2028 6485 69



USPS TRACKING #

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764



• Sender: Please print your name, address, and ZIP+4® in this box.

United States
Postal Service

9590 9402 7283 2028 6485 06



USPS TRACKING #

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE CITY
CLERK TO FILE A CLEAN-UP LIEN FOR
THE REMOVAL OF OVERGROWN BRUSH
AND DEBRIS ON PROPERTY LOCATED
WITHIN THE CITY OF SPRINGDALE,
ARKANSAS AND DECLARING AN EMERGENCY**

WHEREAS, the following real property
located in Springdale, Washington County,
Arkansas, is owned as set out below:

PROPERTY OWNER: LJs Restaurant

LEGAL DESCRIPTION: Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 2, Township 17 North, Range 30 West, beginning at a point 190 feet West and 23.9 feet South of the Northeast corner of said Forty Acre Tract, thence West 162.4 feet, then South 0 degrees, 21' 01" West, 188.1 feet, thence East 162.4 feet, thence North 0 degrees 21' 01" East, 188.1 feet to a point of beginning, containing 0.70 acres more or less, and being part of Lot 11 of the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas. Subject to easements and restrictions of record, if any.

LAYMAN'S DESCRIPTION: 983 W. Sunset

PARCEL NO.: 815-23987-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$611.07 clean-up costs and \$22.53 administrative costs – 983 W. Sunset (Parcel No. 815-23987-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$633.60, plus 10% for collection – 983 W. Sunset (Parcel No. 815-23987-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 10th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



CITY ABATEMENT-2022 - Friday, July 01, 2022 8:35:11 AM (Ricardo)

User Name	Ricardo
User #	4792634217
Form Started	7/1/2022 8:35:11 AM
Form Submitted	7/1/2022 8:51:25 AM
Property Address	983 w sunset
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data

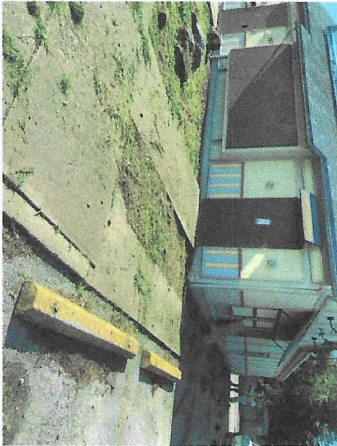


Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, July 01, 2022 8:35:00 AM
Officer on Site-	R. Calderon
Labor Rate Recovery	
Employee	Henry Hernandez
HH Benefit Rate	\$54.84
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	755 Grasshopper,743 Kubota,779 Grasshopper,778 Grasshopper,6021 Service Truck-Landscaping
755 Grasshopper	\$55.00
743 Kubota	\$65.00
779 Grasshopper	\$35.00
778 Grasshopper	\$35.00
6024 4x4 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	3
Temporary Labor Rate Recovery	72.00

Employee labor recovery per hour	54.84
Total Employee Cost	54.84
Equipment Cost per hour	155.00
Total Equipment Cost	155.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	400.16
Items Removed from Property	None
Final Photos	Attached Data
	
Final Photos	Attached Data
	

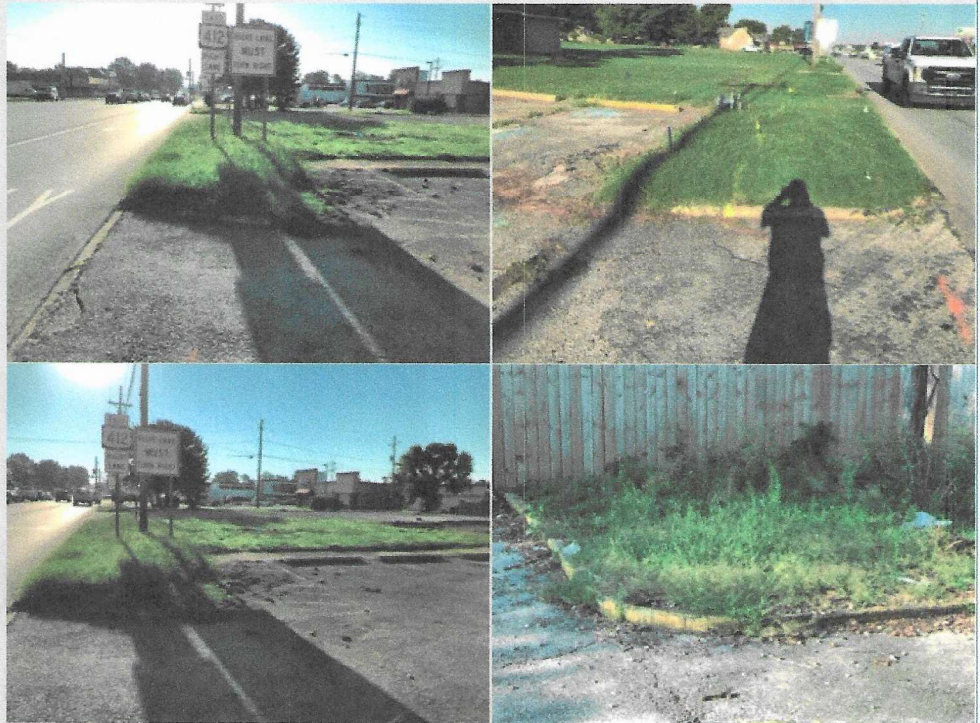
Final Photos

Attached Data



**CITY ABATEMENT-2022 - Friday, August 19, 2022 7:20:22 AM (SHANE PEGRAM)**

User Name SHANE PEGRAM
User # 4798416178
Form Started 8/19/2022 7:20:22 AM
Form Submitted 8/19/2022 7:53:19 AM
Property Address 983 W Sunset
Before Picture Attached Data



Type of Abatement Lien
Date of Abatement Friday, August 19, 2022 8:20:00 AM
Officer on Site- S. Pegram

Labor Rate Recovery

Employee Horatio Jose Mejia
JM Benefit Rate \$13.59

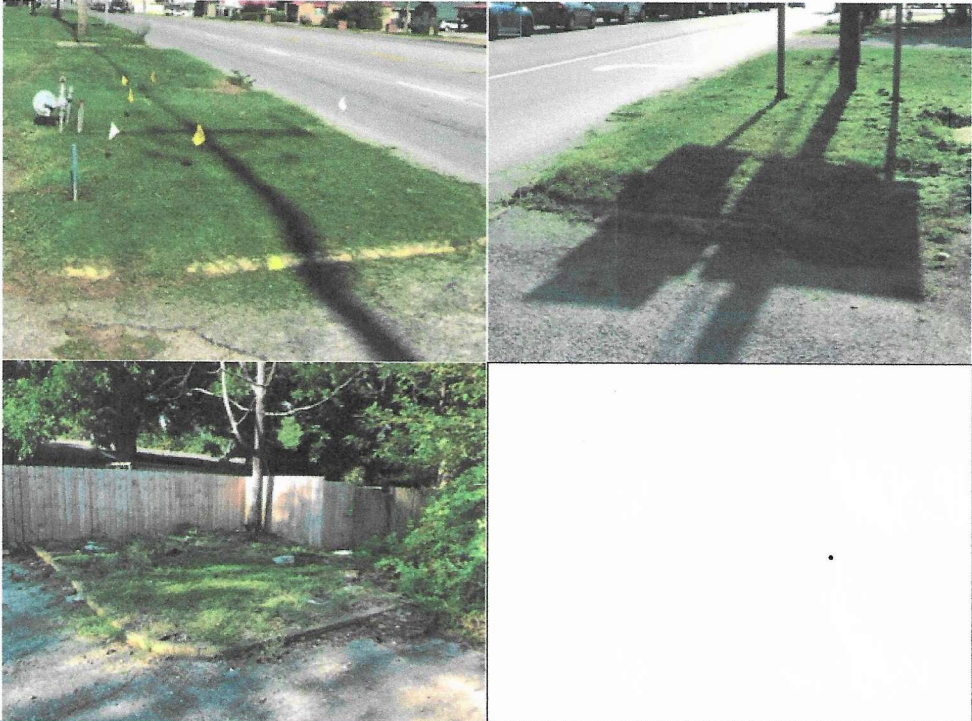
Method of Compliance

- 1 Method of Compliance Mowing
- 2 Method of Compliance Mowing

Equipment Used

Equipment 779 Grasshopper, 780 Tractor, 6014 Flat Bed Dump Truck
779 Grasshopper \$35.00
780 Tractor \$55.00
6014 Flat Bed Dump Truck \$55.00

Time of Abatement in Hours 1

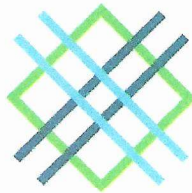
Number of Temporary Laborers	1
Temporary Labor Rate	24.00
Recovery	
Employee labor recovery per hour	13.59
Total Employee Cost	13.59
Equipment Cost per hour	55.00
Total Equipment Cost	55.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	210.91
Items Removed from Property	None
Final Photos	Attached Data
	

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Garrett Harlan
Deputy City Attorney
gharlan@springdalear.gov



SPRINGDALE™
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

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Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

October 19, 2022

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

LJs Restaurant Inc.
4911 Towson Avenue
Fort Smith, AR 72901

RE: Notice of clean-up lien on property located at 983 W. Sunset, Springdale, Washington County, Arkansas, Tax Parcel No. 815-23987-000

Dear Property Owner/Lienholder:

Beginning 4/27/2022, notices were posted on property located at 983 West Sunset, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on 4/27/2022, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 1, August 19, 2022 and September 16, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$963.23. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before December 7, 2022 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, December 13, at 6:00 p.m. in the City Council

Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$970.76, which includes \$963.23 for cleaning up the property and \$7.53 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 206 Blair Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to LJs Restaurant Inc. at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ernest Cate', is positioned above the printed name.

Ernest Cate
City Attorney

Enclosures
EC:dp



CITY ABATEMENT-2022 - Friday, September 16, 2022 8:28:56 AM (Ricardo)

User Name	Ricardo
User #	4792634217
Form Started	9/16/2022 8:28:56 AM
Form Submitted	9/16/2022 9:02:05 AM
Property Address	983 w sunset
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, September 16, 2022 8:28:00 AM
Officer on Site-	R. Calderon
Labor Rate Recovery	
Employee	Henry Hernandez
HH Benefit Rate	\$54.84
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	748 Grasshopper,743 Kubota,6021 Service Truck-Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6024 4x4 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	1
Temporary Labor Rate Recovery	24.00
Employee labor recovery per hour	54.84
Total Employee Cost	54.84
Equipment Cost per hour	155.00

Total Equipment Cost	155.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	352.16
Items Removed from Property	None

Final Photos

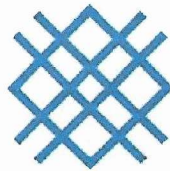
Attached Data



Final Photos

Attached Data





CITY OF SPRINGDALE

201 SPRING STREET
SPRINGDALE, AR 72764
479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERKS 10/19/22 01 Receipt no: 9009

Type	SvcCd	Description	Amount
45		PROPERTY CLEANUP REI	\$359.69

LJ'S RESTAURANT

OTHER SERVICES / PR 10101113471000
983 W SUNSET AVE

CK Ref#: 2777 \$359.69

Total payment: \$359.69

Trans date: 10/19/22 Time: 11:26:11

THANK YOU FOR YOUR PAYMENT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**LJs Restaurant Inc.
4911 Towson Avenue
Fort Smith**



9590 9402 7283 2028 6484 77

2. Article Number (Transfer from service label)

7020 0640 0001 3065 6004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Shirley M. Wright* ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Shirley M. Wright

C. Date of Delivery

10/22/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- | | |
|--|--|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☒ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

The City Council of the City of Springdale met in regular session on Tuesday, January 10, 2023, in the tiered training room in the new Criminal Justice Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 3
Amelia Williams	Ward 4
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Colby Fulfer	Chief of Staff
Derek Hudson	Assistant Police Chief
Blake Holte	Fire Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ron Findley	Neighborhood Services Director
James Smith	Public Works Director
Ben Peters	Engineering Director
Chad Wolf	Parks & Recreation Director
Angie Albright	Shiloh Museum Director
Mark Gutte	IT Director

APPROVAL OF MINUTES

Council Member Williams moved the minutes of the December 13, 2022 City Council meeting be approved as presented. Council Member Fougrousse made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Williams made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Harriman made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Bailey, Harriman, Fougrousse

No: None

RESOLUTION NO. 1-23 – APPROVING THE APPOINTMENT OF BRENT COUCH TO THE SPRINGDALE PLANNING COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of Brent Couch to the Springdale Planning Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE APPOINTMENT OF BRENT COUCH TO THE SPRINGDALE PLANNING COMMISSION.

WHEREAS, Roy Covert’s seat on the Springdale Planning Commission will be vacated on January 31, 2023 after serving two and a half terms; and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the Mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Brent Couch to be appointed to Seat #5 on the Springdale Planning Commission; in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that Brent Couch is hereby appointed to Seat #5 on the Springdale Planning Commission for a full term that is set to expire on January 31, 2027.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Bailey, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 1-23.

RESOLUTION NO. 2-23 – APPROVING THE APPOINTMENT OF CHRIS HUSSEIN TO THE SPRINGDALE PLANNING COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of Chris Hussein to the Springdale Planning Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE APPOINTMENT OF CHRIS HUSSEIN TO THE SPRINGDALE PLANNING COMMISSION.

WHEREAS, James R. David, Seat #1, resigned in December 2022 from the Springdale Planning Commission with a term set to expire on January 31, 2026; and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the Mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Chris Hussein to be appointed to Seat #1 on the Springdale Planning Commission for a half-term to fulfill the remaining term that is set to expire on January 31, 2026; in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that Chris Hussein is hereby appointed to Seat #1 on the Springdale Planning Commission for a half-term to fulfill the remaining term that is set to expire on January 31, 2026.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Watson, Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Williams

No: None

The Resolution was numbered 2-23.

RESOLUTION NO. 3-23 – APPROVING THE REAPPOINTMENT OF SHANNON MUELLER TO THE SPRINGDALE PLANNING COMMISSION

Mayor Doug Sprouse presented a Resolution approving the reappointment of Shannon Mueller to the Springdale Planning Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE REAPPOINTMENT OF SHANNON MUELLER TO THE SPRINGDALE PLANNING COMMISSION

WHEREAS, Shannon Mueller’s term on the Springdale Planning Commission expires on January 31, 2023; and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Shannon Mueller to be reappointed to Seat #6 on the Springdale Planning Commission; in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS that the mayor’s reappointment of Shannon Mueller is hereby reappointed to Seat #6 on the Springdale Planning Commission for a (4) four-year term expiring on January 31, 2027.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 3-23.

ORDINANCE NO. 5800 – REZONING 1.50 ACRES OWNED BY KEVIN AND KELLI CLARDY MAESTRI LOCATED AT 109 N. 48TH STREET, FROM A-1 TO O-1, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.50 acres owned by Kevin and Kelli Clardy Maestri located at 109 N. 48th Street, from A-1 to O-1; and declaring an emergency.

Planning Commission recommended approval.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Williams made the second.

The vote:

Yes: Lawson, Bailey, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Bailey, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

The Ordinance was numbered 5800.

RESOLUTION NO. 4-23 – AUTHORIZING THE EXECUTION OF A DATA ACCESS AGREEMENT WITH STREETLIGHT DATA, INC.; AND TO WAIVE COMPETITIVE BIDDING

Council Member Amelia Williams presented a Resolution authorizing the execution of a data access agreement with Streetlight Data, Inc. in an amount not to exceed \$49,000.00, to be paid from the Public Work Budget; and to waive competitive bidding.

Public Works Director James Smith said this is a cloud-based program which allows for the collection and analysis of data pertaining to traffic flows within the City of Springdale.

RESOLUTION NO. ____

**AN RESOLUTION AUTHORIZING THE EXECUTION OF A DATA
ACCESS AGREEMENT WITH STREETLIGHT DATA, INC.; AND
TO WAIVE COMPETITIVE BIDDING**

WHEREAS, the City of Springdale, Arkansas, finds that it is beneficial to obtain and analyze data pertaining to traffic flows within the City;

WHEREAS, StreetLight Data, Inc., has a cloud-based program which allows for the collection and analysis of data pertaining to traffic flows within the City;

WHEREAS, StreetLight Data, Inc.'s subscription is reasonably priced and considered the state of the art in the field of mobility metrics, traffic analysis, and other issues pertaining to traffic flows;

WHEREAS, the approved 2023 Budget of the Public Works Department included an amount for this service;

WHEREAS, the cost for a one-year subscription to the StreetLight Data, Inc., program is \$49,000.00, which is far less than the City has paid in the past for similar services; and

WHEREAS, the StreetLight Data, Inc., program is unique in nature, is a specialized product, and is currently being utilized by the Arkansas Department of Transportation, and therefore, competitive bidding should be waived for this purchase.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF SPRINGDALE, ARKANSAS:**

Section 1: That the Mayor is hereby authorized to execute a Master Data Access Agreement and StreetLight Insight Subscription Order Form with StreetLight Data, Inc., in an amount not to exceed \$49,000.00, to be paid from the Public Work Budget.

Section 2: That competitive bidding is not deemed feasible or practical because of the unique nature and specialization of the product involved and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-303.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Bailey moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Bailey

No: None

The Resolution was numbered 4-23.

RESOLUTION NO. 5-23 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION PHASE SERVICES ON DIXIELAND EXTENSION

Council Member Amelia Williams presented a Resolution authorizing the execution of a professional services agreement for construction phase services on Dixieland Extension. Garver LLC was selected as the most qualified engineering firm for this project and will provide services at an amount not to exceed \$210,000.00.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION PHASE SERVICES ON DIXIELAND EXTENSION

WHEREAS, the City of Springdale is in need of construction phase services for the Dixieland Extension project;

WHEREAS, Garver, LLC was selected as the most qualified engineering firm for these projects;

WHEREAS, the price not to exceed amount for professional construction services shall be \$210,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. the Mayor and City Clerk are hereby authorized to enter into a professional services agreement with Garver Engineering for construction phase services to be paid from the 2018 Street Bond Fund.

Section 2. The Mayor is authorized to approve change orders as long as the cumulative total of the change orders does not exceed 10% of the original agreement price.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Bailey, Harriman

No: None

The Resolution was numbered 5-23.

RESOLUTION NO. 6-23 – TO AMEND THE 2022 BUDGET OF THE SHILOH MUSEUM TO AUTHORIZE ROOF REPAIRS AT 305 N. MAIN STREET

Council Member Amelia Williams presented a Resolution to amend the 2022 Budget of the Shiloh Museum to authorize roof repairs at 305 N. Main Street.

RESOLUTION NO. ____

A RESOLUTION TO AMEND THE 2022 BUDGET OF THE SHILOH MUSEUM TO AUTHORIZE ROOF REPAIRS AT 305 N. MAIN ST.

WHEREAS, the Shiloh Museum incurred damage to the roof at property owned by the City of Springdale at 305 N. Main St.;

WHEREAS, the City has received insurance proceeds for the damage to the roof;

WHEREAS, the Shiloh Museum would like to pay for the roof repairs at 305 N. Main St., with the proceeds from the insurance proceeds received for the damage; and

WHEREAS, the Shiloh Museum requests that the 2022 budget of the Shiloh Museum be amended to allow the transfer of \$25,879.36 in insurance proceeds from the insurance recovery account to the Shiloh Museum budget, to fund the repairs to the roof at 305 N. Main St.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2022 budget of the Shiloh Museum be amended to transfer \$25,879.36 from the insurance recovery account to the Shiloh Museum Budget, and the Shiloh Museum is hereby authorized to pay for roof repairs at 305 N. Main St. therefrom.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Bailey, Harriman, Fougrousse

No: None

The Resolution was numbered 6-23.

RESOLUTION NO. 7-23 – TO AMEND THE 2023 BUDGET OF THE SHILOH MUSEUM TO AUTHORIZE ROOF REPAIRS AT 307 N. MAIN STREET

Council Member Amelia Williams presented a Resolution to amend the 2023 Budget of the Shiloh Museum to authorize roof repairs at 307 N. Main Street.

RESOLUTION NO. ____

A RESOLUTION TO AMEND THE 2023 BUDGET OF THE SHILOH MUSEUM TO AUTHORIZE ROOF REPAIRS AT 307 N. MAIN ST.

WHEREAS, the Shiloh Museum incurred damage to the roof at property owned by the City of Springdale at 307 N. Main St.;

WHEREAS, the City has received insurance proceeds for the damage to the roof;

WHEREAS, the Shiloh Museum would like to pay for the roof repairs at 307 N. Main St., with the proceeds from the insurance proceeds received for the damage; and

WHEREAS, the Shiloh Museum requests that the 2023 budget of the Shiloh Museum be amended to allow the transfer of \$26,486.34 in insurance proceeds from the insurance recovery account to the Shiloh Museum budget, to fund the repairs to the roof at 307 N. Main St.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2023 budget of the Shiloh Museum be amended to transfer \$26,486.34 from the insurance recovery account to the Shiloh Museum Budget, and the Shiloh Museum is hereby authorized to pay for roof repairs at 307 N. Main St. therefrom.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Bailey, Harriman, Fougerousse, Powell

No: None

The Resolution was numbered 7-23.

RESOLUTION NO. 8-23 – TO WAIVE COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR FURNITURE IN PHASE TWO OF THE CRIMINAL JUSTICE BUILDING

Council Member Amelia Williams presented a Resolution to waive competitive bidding and to appropriate funds for furniture in Phase Two of the Criminal Justice Building. The

City of Springdale has previously purchased furniture for Phase 1 and will purchase furniture for Phase 2 from Innovative Business Furniture for an amount not to exceed \$665,000 from the General Fund Reserve for this project.

RESOLUTION NO. ____

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR FURNITURE

WHEREAS, the City of Springdale will complete Phase 2 of the Criminal Justice Complex this year, and

WHEREAS, the City of Springdale originally planned to use old furniture in Phase 2, and

WHEREAS, it would be beneficial to replace the old furniture as we move into the new facility, and

WHEREAS, the City of Springdale has previously purchased furniture for Phase 1 and will purchase furniture for Phase 2 from Innovative Business Furniture, therefore the city council has determined that it is not feasible or practical to follow the procedures of taking competitive bids as described in Arkansas Code 14-58-303, and

WHEREAS, Arkansas Code 14-58-303 states, “The governing body by resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical”;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. This Council finds that due to the specific needs of city departments moving into Phase 2 of the Criminal Justice Complex, it is not feasible or practical to use competitive bidding and competitive bidding on furniture and equipment are here by waived for an amount not to exceed \$665,000.

Section 2. There is hereby appropriated \$665,000 of funds from the General Fund Reserve for this project.

PASSED AND APPROVED this 10th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Watson, Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Williams

No: None

The Resolution was numbered 8-23.

RESOLUTION NO. 9-23 – TO WAIVE COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR EQUIPMENT FOR THE FIRE DEPARTMENT

Council Member Jeff Watson presented a Resolution to waive competitive bidding and to appropriate funds for equipment for the Fire Department in an amount not to exceed \$68,000 from the Act 833 Fund.

The Springdale Fire Department is in need of a console for the alerting system which would unencumber a physical dispatch station during the alerting process.

RESOLUTION NO. ____

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR EQUIPMENT

WHEREAS, the Springdale Fire Department is in need of a console for the alerting system, and

WHEREAS, the console would unencumber a physical dispatch station during the alerting process, and

WHEREAS, the equipment is a sole source item and available on the state buy board, and

WHEREAS, the city council has determined that it is not feasible or practical to follow the procedures of taking competitive bids as described in Arkansas Code 14-58-303, and

WHEREAS, Arkansas Code 14-58-303 states, “The governing body by resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical”;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. This Council finds that due to the specific needs of the Fire Department, it is not feasible or practical to use competitive bidding for the equipment and is here by waived for an amount not to exceed \$68,000.

Section 2. There is hereby appropriated up to \$68,000 of funds from the Act 833 Fund for this project.

PASSED AND APPROVED this 10th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

Council Member Bailey moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 9-23.

RESOLUTION NO. 10-23 – AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE A NOTICE OF ADDITIONAL SERVICES SPACKMAN, MOSSOP, MICHAELS FOR WATER AND SEWER IMPROVEMENTS RELATED TO LUTHER GEORGE PARK PROJECT

Council Member Mike Lawson presented a Resolution authorizing the Mayor and City Clerk to approve a notice of additional services with Spackman, Mossop, Michaels for water and sewer improvements related to the Luther George Park Project in the amount of \$4,750.00.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE A NOTICE OF ADDITIONAL SERVICES SPACKMAN, MOSSOP, MICHAELS FOR WATER AND SEWER IMPROVEMENTS RELATED TO LUTHER GEORGE PARK PROJECT

WHEREAS, The City of Springdale has contracted with Spackman, Mossop, Michaels for improvements known as the Luther George Park Project; and

WHEREAS, an amendment to the agreement is necessary to realign an existing sewer line and;

WHEREAS, Olsson Engineers has proposed a revised design fee as a subconsultant to Spackman, Mossop, Michaels:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. The Mayor and City Clerk are authorized to execute Notice of Additional Services #1 to the Luther George Park Project for \$4750.00.

PASSED AND APPROVED this ____ day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 10-23.

ORDINANCE NO. 5801 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 300 ANGELA LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 300 Angela located within the City of Springdale, Arkansas; and declaring an emergency.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Powell made the second.

The vote:

Yes: Bailey, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

Council Member Bailey moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Bailey

No: None

The Ordinance was numbered 5801.

AGENDA ITEMS TABLED

At the request of City Attorney Ernest Cate, Council Member Watson made the motion to table Items #13 and #14 on the agenda to the January 24, 2023 City Council meeting. Council Member Overton made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Bailey, Harriman

No: None

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:18 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer