

## **TITLE 2**

### **CLASSIFICATION, ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Pensions and Retirement
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#### **CHAPTER 2.04**

#### **CITY CLASSIFICATION**

#### **Sections:**

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city The city shall operate as a city of the first class under the laws of the state of Arkansas. STATE LAW REFERENCE-See A.C.A. 14-37-103

**CHAPTER 2.08****CITY AND WARD BOUNDARIES**Sections:

2.08.01	Map of city
2.08.02	Wards
2.08.03	Consolidation with Nettleton

2.08.01 Map of city The boundaries and limits of the city shall be as set forth and described on the official map of the city on file in the office of the Clerk.

STATE LAW REFERENCE-See A.C.A. 14-40-203, 14-43-312 et seq.

2.08.02 Wards**WARD NO. 1**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of Union Pacific Railroad with the western city limits; thence east along Union Pacific Railroad to Flint Street; thence south along Flint Street to Nettleton Avenue; thence west along Nettleton Avenue to Cole Street; thence south along Cole Street to Wood Street; thence southwest along Wood Street to Woodsprings Road; thence west along Woodsprings Road to Christian Creek; thence north along Christian Creek to Rosemond Avenue; thence west along Rosemond Avenue to Biscayne Lane; thence north along Biscayne Lane to Denver Drive; thence west along Denver Drive to Joe N. Martin Expressway; thence southeast along Joe N. Martin Expressway to Wood Street; thence south along Wood Street to Neely Road; thence west along Neely Road to Woodsprings Road; thence north along Woodsprings Road to Casey Springs Road; thence north along Casey Springs Road to Strawfloor Drive; thence south along Strawfloor Drive to city limits.

**WARD NO. 2**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of Union Pacific Railroad with the western city limits; thence east along Union Pacific Railroad to Flint Street; thence south along Flint Street to Nettleton Avenue; thence east along Nettleton Avenue to Kitchen Street; thence north along Kitchen Street to Richmond Avenue; thence east along Richmond Avenue to Haltom Street; thence north along Haltom Street to Oak Street; thence east along Oak Street to Patrick Street; thence north along Patrick Street to Lost Creek Ditch; thence northeast along Lost Creek Ditch to Lost Creek; thence north along Lost Creek to the northern city limits.

**WARD NO. 3**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of Highway 49 with the eastern city limits; thence west along Highway 49 to Stadium Boulevard; thence south along Stadium Boulevard to Forrest Home Road; thence west along Forrest Home Road to Wilkins Avenue; thence west along Wilkins Avenue to Garland Drive; thence north along Garland Drive to Franklin Street; thence north along Franklin Street to Nettleton Avenue; thence west along Nettleton Avenue to Kitchen Street; thence north along Kitchen Street to Richmond Avenue; thence east along Richmond Avenue to Haltom Street; thence north along Haltom Street to Oak Street; thence east along Oak Street to Patrick Street; thence north along Patrick Street to Lost Creek Ditch; thence northeast along Lost Creek Ditch to Lost Creek; thence north along Lost Creek to the northern city limits.

**WARD NO. 4**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of the Union Pacific Railroad with the southern city limits; thence north along the Union Pacific Railroad to Caraway Road; thence north along Caraway Road to Harrisburg Road; thence west along Harrisburg Road to Craighead Forest Road; thence west along Craighead Forest Road to Culberhouse Street; thence north along Culberhouse Street to Joe N. Martin Expressway; thence east along Joe N. Martin Expressway to Harrisburg Road; thence north along Harrisburg Road to Highland Drive; thence east along Highland Drive to Rains Street; thence north along Rains Street to Nettleton Avenue; thence west along Nettleton Avenue to Cole Street; thence south along Cole Street to Wood Street; thence southwest along Wood Street to Woodsprings Road; thence west along Woodsprings Road to Christian Creek; thence north along Christian Creek to Rosemond Avenue; thence west along Rosemond Avenue to Biscayne Lane; thence north along Biscayne Lane to Denver Drive; thence west along Denver Drive to Joe N. Martin Expressway; thence southeast along Joe N. Martin Expressway to Wood Street; thence south along Wood Street to Neely Road; thence west along Neely Road to Woodsprings Road; thence north along Woodsprings Road to Casey Springs Road; thence north along Casey Springs Road to Strawfloor Drive; thence south along Strawfloor Drive to city limits.

**WARD NO. 5**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of the Union Pacific Railroad with the southern city limits; thence north along the Union Pacific Railroad to Caraway Road; thence north along Caraway Road to Harrisburg Road; thence west along Harrisburg Road to Craighead forest Road; thence west along Craighead Forest Road to Culberhouse Street; thence north along Culberhouse Street to Joe N. Martin Expressway; thence east along Joe N. Martin Expressway to Harrisburg Road; thence north along Harrisburg Road to Highland Drive; thence east along Highland Drive to Rains Street; thence north along Rains Street to Nettleton Avenue; thence east along Nettleton Avenue

to Franklin Street; thence south along Franklin Street to Garland Drive; thence south along Garland Drive to Wilkins Avenue; thence east along Wilkins Avenue to Caraway Road; thence south along Caraway Road to the Joe N. Martin Expressway; thence east along the Joe N. Martin Expressway to Stadium Boulevard; thence south along Stadium Boulevard to Rook road; thence east along Rook Road to Richardson Drive; thence south along Richardson Drive to Long Crest Drive; thence east along Long Crest Drive to Willow road; thence south along Willow road to Ingels Road; thence east along Ingels Road to Industrial Drive; thence south along Industrial Drive to the southern city limits.

## **WARD NO. 6**

That portion of the city of Jonesboro, Craighead County, Arkansas, described as follows: Begin at the intersection of Highway 49 at the eastern city limits; thence west along Highway 49 to Stadium Boulevard; thence south along Stadium Boulevard to Forrest Home Road; thence west along Forrest Home Road to Caraway Road thence south along Caraway Road to the Joe N. Martin Expressway; thence east along the Joe N. Martin Expressway to Stadium Boulevard; thence south along Stadium Boulevard to Rook Road; thence east along Rook Road to Richardson Drive; thence south along Richardson Drive to Long Crest Drive; thence east along Long Crest Drive to Willow Road; thence south along Willow Road to Ingels Road; thence east along Ingels Road to Industrial Drive; thence south along Industrial Drive to the southern city limits. (Ord. No. 3341, Sec. 1.)

2.08.03 Consolidation with Nettleton The petitions of the inhabitants and qualified electors of the cities of Jonesboro and Nettleton, Arkansas, requesting the consolidation of said towns, be, and the same is hereby approved and ratified, and that said cities aforesaid be consolidated as by law provided in such cases. (Ord. No. 950, Sec. 1.)

## **CHAPTER 2.12**

### **PENSIONS AND RETIREMENT**

Sections:

- |         |  |
|---------|--|
| 2.12.01 | Federal Social Security Act - Participation by city  |
| 2.12.02 | City Clerk as agent                                  |
| 2.12.03 | Salary deductions                                    |
| 2.12.04 | Contribution by city                                 |
| 2.12.05 | Firemen's pension and relief fund; Annual tax levy   |
| 2.12.06 | Policemen's pension and relief fund; Annual tax levy |
| 2.12.07 | Deferred Compensation Plan                           |
| 2.12.08 | Retirement plan for non-uniform employees            |

2.12.01 Federal Social Security Act - Participation by city The Director of Finance is hereby authorized and directed to enter into a compact with the authorized state agency to extend Social Security coverage to the officers and employees of the city; except the employees of the police and fire department. (Sec. 17-1, 1962 Code) (Ord. No. 818, Sec. 1, 12-4-50)

2.12.02 City Clerk as agent The City Clerk shall be designated as the agent of the city to deal with the state agency.

STATE LAW REFERENCE: A.C.A. 24-1-205 through 24-1-206.

2.12.03 Salary deductions The Director of Finance is further authorized and directed to deduct and withhold Social Security taxes or payments from the wages and salaries of the officials and employees of the city; except no deductions shall be made from those officials and employees that are not covered by Social Security. (Sec. 17-2, 1962 Code, Ord. No. 818, Sec. 2, 12-4-50)

2.12.04 Contribution by city The Director of Finance is further authorized and directed to match the amount withheld from the officers and employees with an equal amount from the general fund of the city and remit the total and necessary amount to the authorized state agency for further remittance to the federal security administration. (Sec. 17-3, 1962 Code, Ord. No. 818, Sec. 3, 12-4-50)

2.12.05 Firemen's pension and relief fund; Annual tax levy

- A. If accepted by the Arkansas Local Police and Fire Retirement System (LOPFI), the administration of the retirement program coverage for all Jonesboro Fire Pension and Relief Fund participants shall be transferred to the Arkansas Local Police and Fire Retirement System (LOPFI) pursuant to the authority of Act 364, Acts of Arkansas, 1981, as amended, and including other acts of the State Legislature, provided that such retirement coverage for said Relief Fund participants shall mean the administration of that fund only and 75% of final pay in the Relief Fund's benefit program.
- B. The Chief Administrative Officer is hereby authorized to enter into an agreement with the Arkansas Local Police and Fire Retirement System (LOPFI) to administer the Jonesboro Firemen's Pension and Relief Fund as stated in Section 1 hereof.
- C. It the intent of the City Council and it is hereby ordained that the provisions of this ordinance shall be codified into the Code of Ordinances of Jonesboro, Arkansas, and the sections thereof may be renumbered and relettered as necessary to accomplish such intention. (Ord. No. 3004, Secs. 1-3.)

2.12.06 Policemen's pension and relief fund; Annual tax levy The City Council shall, on or before the time fixed by law for levying county taxes, annually levy a tax of not to exceed one mill on the dollar upon the assessed value of the real and personal property of the city for the purpose of paying policemen retirement salaries and pensions and pensions to the widows and minor children of deceased policemen and widows and minor children of deceased retired policemen. Such levy shall be made by the City Council or other governing body of the city on or before the time fixed by law for levying county taxes and the City Council shall make out and certify to the county clerk the rate of taxation levied on the real and personal property within the city. The Council shall make the rate of taxation sufficient to raise and provide such amount of money as the Board of Trustees of the Policemen's Pension and Relief Fund may certify to the Council as being required to pay retirement salaries and pensions to policemen and pensions to the widows and minor children of deceased policemen and widows and minor children of deceased retired policemen for the following year; provided, however, that such rate of taxation shall not exceed one mill on the dollar of the assessed value of the real and personal property located within the city; provided, further, that if the amount so certified to the Council by the Board of Trustees should be more than what a levy of one mill will produce, the Council shall, nevertheless, make the full levy of one mill on the dollar. (Sec. 17-5, 1962 Code, Ord. No. 745, Sec. 2, 2-1-46)

STATE LAW REFERENCE: A.C.A. 24-11-812.

2.12.07 Deferred Compensation Plan

- A. The city of Jonesboro adopts the Plan and the Trust Agreement (Trust) for the Plan for its employees.
- B. The city of Jonesboro acknowledges that the Executive Committee of the AML will serve as the Board of Trustees of the AML Defined Contribution and Deferred Compensation Plan (Trustees) and shall only be responsible for the Plan and have no responsibility for other employee benefit plans maintained by the city of Jonesboro.
- C. The city of Jonesboro is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the adoption agreement and Plan or other plan documents. The city of Jonesboro reserves the right to amend its elections under the adoption agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the trustees of the Plan.
- D.
  - 1. The city of Jonesboro agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

2. The city of Jonesboro accepts the administrative services to be provided by AML and any services provided by an outside service provider as selected by the trustees. The city of Jonesboro acknowledges that fees not to exceed .35% with respect to the services provided and that such fees may be deducted from the participants' account.

## E.

1. The city of Jonesboro may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
  - a. An ordinance of the City Council terminating its participation in the Plan.
  - b. The ordinance must specify when the participation will end.

The trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan.

2. The city of Jonesboro acknowledges that the Plan contains provisions for involuntary Plan termination.

- F.
- The city of Jonesboro acknowledges that all assets held in connection with the plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property of rights shall be held in trust for the exclusive benefit of participants and their beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contribution to the Plan must be transferred by the participating employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

- G.
- It is the intent of the city of Jonesboro that this ordinance and the approval of participation in the AML Deferred Compensation Plan supercedes, revokes and repeals the city of Jonesboro's prior approval of participation in the city's 457

Deferred Compensation Plan for non-uniformed employees, currently administered by Regions Bank or any other such programs that may have been previously approved by ordinance or resolution. All new Deferred Compensation contributions made by employees after implementation of the Plan will be made to the Plan. Roll over of prior contributions into the AML plan will be at the discretion of each individual employee with respect to his/her individual account.

- H. It is the intent of the city of Jonesboro that this Plan shall be for all employees – uniform and non-uniform. For an employee to be eligible he/she must be a full-time employee and have worked for the city of Jonesboro for at least six months. An employee may change the percentage of their contributions once a month, to be effective the first pay period of the month following the change. Investment changes may be made daily by voice response system or internet website. There shall be no waiting period for receipt of funds when an employee leaves the city for a reason other than retirement. Payment will be made, within a reasonable time, following the processing of the required withdrawal forms. Loans to participants from the Plan shall not be permitted. Withdrawal of funds for emergencies shall be according to IRS regulations.
- I. It is the intent of the city of Jonesboro that their current 457 Plan for non-uniform city employees be transferred from Regions Bank to Citi Street. (Ord. No. 3431, Secs. 1-9.)

2.12.08 Retirement plan for non-uniform employees The City Council of the city of Jonesboro, Arkansas, hereby approves and adopts a restated plan document, presented as Attachment A, for the retirement plan for non-uniform employees of the city of Jonesboro. (Ord. No. 3391, Sec. 1.)

## **CHAPTER 2.16**

### **UNCLAIMED PROPERTY**

Sections:

- |         |   |
|---------|---|
| 2.16.01 | Disposal  |
| 2.16.02 | Sale  |
| 2.16.03 | Proceeds of sale to owner                                 |
| 2.16.04 | Proceeds remaining after six months                       |
| 2.16.05 | Exception for property governed by Unclaimed Property Act |

2.16.01 Disposal The Police Chief under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully

coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the city court with the exception of confiscated liquor and property subject to the Unclaimed Property Act.

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

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

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

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

2.16.05 Exception for property governed by Unclaimed Property Act Tangible and intangible property as defined in the Arkansas Unclaimed Property Act. A.C.A. 18-28-201 and following shall be handled in accordance with the provisions of said Act.

**CHAPTER 2.20****CITY COUNCIL****Sections:**

2.20.01	Council meetings
2.20.02	Duties and privileges of Aldermen and other city officials at City Council meetings
2.20.03	Freedom of information procedure
2.20.04	Procedures and parliamentary rules
2.20.05	Absence from Council meetings
2.20.06	Appeals to Council
2.20.07	Hearings
2.20.08	Notice
2.20.09	Action
2.20.10	Bringing ordinances before Council
2.20.11	Publication reimbursement cost
2.20.12	Internal boards, committees, commission, and appointments
2.20.13	Mayor relationship
2.20.14	Code of ethics
2.20.15	Citizen committees
2.20.16	Nominating and rules committee

**2.20.01 Council meetings**

- A. **Regular meetings** The City Council shall meet in regular session on the first and third Tuesday of each month at 6:30 p.m. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the City Council in special circumstances, but when done so the change must be made far enough in advance to allow normal public notification.
- B. **Location** The place of the City Council meetings shall be in the City Council chambers at the Huntington Building unless another place has been previously set by the City Council.
- C. **Special meetings** Special meetings may be called by three or more Aldermen, or by the Mayor. Notification of a special meeting, including specific items to be considered, shall be given by the City Clerk at least two hours prior to the meeting. Such notification shall be made by personal service to each member or by telephone, specifying time and place of the meeting. The City Clerk or her designee shall keep the record of the meeting. Only the Aldermen who requested the special meeting or the Mayor, if he requested the special meeting, may cancel the special meeting.

- D. **Executive session** An executive session may be convened on the request of any member of the City Council or the Mayor. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee, or as otherwise provided by law.
- E. **Quorum** A majority of the City Council shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those elected, providing a quorum is present, shall represent the acts of the City Council except where otherwise provided by law.
- F. **Public notification and participation** The city will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used will include publication in a local newspaper and the local public access channel, special notice to citizens who have shown a direct interest in matters to be considered, and copies of the agenda and pertinent sections of the *Rules of Order and Procedure* available at the entrance to the City Council meetings.

Members of the audience will be offered an opportunity to speak on all questions before the City Council. Any public member shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Council members. All remarks shall be addressed to the City Council as a whole and not to any particular member of the City Council. No person other than the City Council members and the person having the floor shall be permitted to enter into any discussions without permission of the presiding officer. No questions shall be asked a City Council member or city employee except through the presiding officer.

All members of the public are requested to accord the utmost courtesy to members of the City Council, to other members of the public appearing before the City Council and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

- G. **Smoking prohibited** There will be no smoking allowed in the City Council chambers or in any committee meeting room.
- H. **Cell phones and pagers** With the exception of on-duty emergency services personnel, cell phones and pagers must be turned off or put in silent mode and not used within the Council chambers or committee meeting rooms during meetings. (Ord. No. 3394, Sec. 1.)

2.20.02 Duties and privileges of Aldermen and other city officials at City Council meetings

A. **Seating** Members shall occupy the respective seats in the Council chambers assigned by position number. The presiding officer (Mayor, President Pro Tempore, or designee) shall be seated in the center of the Council members table. Seated to either side of the presiding officer shall be the City Clerk and the City Attorney or, in their absence, their designees. Aldermen shall be seated according to their ward beginning on the presiding officer's far left with Ward 1, Pos. 1; then Ward 1, Pos. 2; Ward 2 Pos.1 and ending at the City Attorney's left with Ward 3, Pos. 2; then beginning on the Presiding Officer's far right with Ward 4, Pos. 1; Ward 4, Pos. 2 and ending at the City Clerk's right with Ward 6, Pos. 2.

B. **Conduct** During City Council meetings, Aldermen shall preserve order and decorum and shall neither by conversation nor by otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the presiding officer or the rules of the City Council.

Every member of the City Council desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine herself or himself to the questions under debate and shall avoid all personalities and indecorous language. A City Council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.

If a member is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be not in order, he/she shall remain silent or shall alter his/her remark so as to comply with the rules of the City Council.

Aldermen and other elected city officials shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the City Council, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. City Council members shall confine their questions as to the particular matters before the City Council and in debate shall confine their remarks to the issues before the City Council. To keep or restore order and dignity to a Council meeting, the City Council, by majority vote, reserves the right to remove from a Council meeting any individual who repeatedly violates this rule of conduct.

C. **Personal interest** No Alderman or other elected city official with a direct or indirect financial or personal interest in any item before the City Council shall participate in the discussion of or voting on such matter.

- D. **Voting** Every member present when a question is put to a vote shall vote either "Yea" or "Nay," except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and that if that member briefly states the reason for the abstention. The Aldermen will vote at City Council meetings in the order of their position number, with a different position voting first, as determined by the City Clerk, on each vote taken.
- E. **Roll Call** Upon every vote, a voice vote of the affirmative and negative votes shall be called and be recorded on every motion, resolution and ordinance. The Presiding Officer or any Alderman may call for a roll call vote. A roll call vote shall be taken when enacting an emergency clause, repealing an initiated measure, or when otherwise required by law.
- F. **President ProTempore** The City Council shall annually, at the time of organizing, in public session, elect one of its members as President Pro Tempore. Any Alderman may nominate any other member of the City Council for this position, and no second of a nomination is required. Each Alderman shall vote by naming his or her choice by voice vote if there is more than one nominee for the position. A majority vote of the City Council shall be required for election. The Mayor shall preside at all meetings of the City Council; in the absence of the Mayor, the presiding officer duties shall be performed by the President Pro Tempore; in the absence of the President Pro Tempore, those duties shall be performed by a designated Alderman. Designation shall be by majority vote of the Council present at any meeting where a clear designation of presiding officer has not been made.
- G. **Privileges of the President Pro Tempore** The President Pro Tempore or designee acting as the presiding officer may move, second and debate from the chair and shall not be deprived of the rights and privileges of being a member of the City Council by reason of her or his acting as the presiding officer. (Ord. No. 3394, Sec. 2.)

2.20.03 Freedom of information procedure All meetings of City Council shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Craighead County which have requested to be notified at least two (2) hours before the special meeting takes place. Any news media located elsewhere that regularly covers the meetings of the Council and which have requested notification shall also be notified at least two hours before the meeting takes place.

2.20.04 Procedures and parliamentary rules

- A. **Order of business** The City Council's agenda order shall be coordinated by the City Clerk. All items for discussion or action at the regular Council meeting shall

be organized under the following headings:

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1. Call to order
2. Roll call
3. Approval of minutes of previous meeting
4. Financial report
5. City Attorney business
6. New business
  - by the Mayor
  - by the Aldermen
  - by the public
7. Announcements
8. Adjournment

The City Council delegates collection, initial organization, and distribution of the final draft to the City Clerk; however, the City Council shall maintain responsibility for and control of the agenda. At the regular meeting of the Council, the City Council, by majority vote, may rearrange the order of the agenda.

- B. Agenda items and public comment** The deadline for agenda items shall be at the City Clerk's office on or before 10:00 a.m. on Thursday immediately preceding each regular City Council meeting. All items for discussion or action at the regular City Council meeting shall be included in a tentative agenda provided by the City Clerk to the Aldermen, the Mayor and the City Attorney via e-mail or fax by 4:00 p.m. on Thursday, or by delivery by 12:00 noon on Friday, immediately preceding the regular Council meeting.

The City Clerk shall place the items on the tentative agenda in the order that each item is received in the Clerk's office. Before 12:00 noon on the day on the Council meeting, if requested by the Mayor or any three (3) Aldermen, the Chairman of the Nominating and Rules Committee, the Mayor and the City Clerk may change the final arrangement of the meeting agenda.

Any ordinance or resolution which the Mayor or any three (3) Aldermen wish to include on the final agenda that was not included on the tentative agenda may only be brought before the City Council after approval, by majority vote, of the Nominating and Rules Committee or by unanimous vote of any city council committee with four or more council members. The City Council, by majority vote, at the regular Council meeting, must then suspend the rules and bring the item to the floor for consideration.

The City Council shall provide fifteen (15) minutes during new business of each regular Council meeting for public comment on non-agenda business. Each

individual is required to limit his or her comments to five (5) minutes. The City Council reserves the right to suspend the rules for extra time, if necessary.

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- C. **Precedence of motions** The City Council shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's *Procedural Rules for Municipal Officials* or successive publications. In the event the Handbook does not cover the matter, the most recent edition of *Robert's Rules of Order* shall apply. On questions of appeal, a majority of those present is required to overturn a ruling of the chair.
1. **Motions to be stated by the Chair/withdrawal** When a motion is made and seconded, it shall be stated by the presiding officer before debate. After being stated by the presiding officer, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the City Council.
  2. **Reconsideration** After the decision of any question, any member of the majority may request a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.
  3. **Reading** All ordinances shall be read aloud at three different meetings unless the City Council votes to waive the rules. The following guidelines for waiving the rules are recommended to be followed:
    - \* The first discussion of an issue by the City Council may be conducted following the first reading.
    - \* If the issue is heard at a previous meeting or hearing or if there is no opposition to the ordinance, the Council may waive the rules and go to the second or third reading.
    - \* Annexation or rezoning ordinances will be read aloud on at least two different meetings, unless there is clearly no opposition to the ordinance. (Ord. No. 3394, Sec. 4.)

2.20.05 Absence from Council meetings Any Council member shall be entitled to be absent from two (2) regularly scheduled Council meetings per year with pay beginning January 1 of each calendar year for the following reasons:

- A. Sickness or illness of the Council member who is confined to his or her bed or a

hospital and is under the care of a medical doctor.

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- B. Death of an immediate member of a Council member's family. Immediate family is defined as to include: husband, wife, father, son, daughter, brother, sister, mother-in-law, father-in-law, grandmother and/or grandfather.
- C. Absence due to being on other official city business which requires said Council member's presence on the same night that the city of Jonesboro has scheduled its regular session. (Ord. No. 1459, Sec. 1, 8-4-75)

2.20.06 Appeals to Council Appeals to the City Council of decisions of commissions and boards shall be in writing signed by the party appealing, dated and filed with the Clerk within thirty (30) days following the decision of the board and/or commission. The appeal shall set forth the objection to the decision rendered by said commission and/or board. Decisions shall be considered final if no appeal is perfected within the thirty (30) day period.

2.20.07 Hearings Appeals shall be heard by the City Council meeting in official session. The City Council may call a special meeting to hear said appeal.

2.20.08 Notice The City Council shall notify the party appealing by certified mail, return receipt requested, of the date of hearing. The notice shall contain the following statements:

- A. The appealing party shall be entitled to counsel at the hearing;
- B. The appealing party shall be able to discuss their proposal with the Council;
- C. The appealing party may introduce any information they might have concerning the matter;
- D. The rules of evidence and the rules of procedure established for the judicial system of the state of Arkansas shall not be applicable at said hearing;
- E. The appealing party shall be entitled, upon request, to a written statement from the City Council which shall state the facts and reasons for denying the appealing party's appeal if same is denied.

2.20.09 Action The City Council shall either approve or reject the appealed decision by a majority vote. Failure to act on the appeal within sixty (60) days after same is filed will be deemed approval of the decision of the board and/or commission. Decisions not approved by the City Council may be resubmitted through proper channels not less than six (6) months following the Council's action or sooner if there is a material change in circumstances or conditions. (Ord. No. 1634, Secs. 1-4, 3-6-78)

#### 2.20.10 Bringing ordinances before Council

- A. Once an item is brought before the City Council, there shall exist a three month time limit within which to obtain a ruling by the City Council. Failure to meet the deadline will result in the item not being brought before the Council again for a one-year period, and starting the procedural process over.
- B. Once an item has been tabled or pulled three times, the item may not be brought before the Council again for a one year period, and must start the procedural process over.
- C. The procedures set forth in paragraphs A and B above apply to all ordinances, including rezoning requests. Further, once the Metropolitan Area Planning Commission has granted approval, there shall exist a six (6) month time limit for bringing the matter before the Council. (Ord. No. 2605, Sec. 1.)

#### 2.20.11 Publication reimbursement cost

- A. The publication cost shall be set by the Finance Department at a flat rate to cover costs for the publication of ordinances and notices. These rates may fluctuate based on current publication pricing.
- B. The publication cost shall be collected by the City Collector prior to an item being placed on the agenda. Failure to pay the publication cost shall result in the item not being placed on the agenda.
- C. Should an ordinance be denied by the City Council, the publication cost shall be reimbursed by the Finance Department. Reimbursement shall not include public hearing or appeal hearing notices, since these must be published prior to an ordinance being adopted. (Ord. No. 2768, Secs. 2-4.)

#### 2.20.12 Internal boards, committees, commissions and appointments

- A. **Membership** The only standing internal committee of the City Council shall be the Nominating and Rules Committee. The Nominating and Rules Committee shall determine the number of City Council committees, their function, and membership of such committees. Any Alderman who desires to serve on any particular committee shall so inform the Nominating and Rules Committee. The Nominating and Rules Committee shall, at its discretion, attempt to assign Aldermen who have expressed a preference for any particular committee to that committee. The members of each committee shall designate the member who is to serve as chairperson of each committee. In the case of a tie for committee

chairperson, the Nominating and Rules Committee shall appoint the chairperson from those nominated by the committee. Any Alderman dissatisfied with committee assignments can appeal to the whole City Council.

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Ad hoc committees to study special problems and projects of the city may be created by a majority vote of the City Council. The Mayor and the Nominating and Rules Committee shall recommend to the City Council appointees for ad hoc committees. The City Council, by majority vote, shall appoint members to ad hoc committees.

- B. **Notification and attendance** All aldermen, representatives of the news media who have requested notification, and all other persons who have requested notification of committee meetings shall be notified of City Council committee meetings by the City Clerk's office.

Committee meetings shall be held when possible at times that allow all members of the committee to attend. In order for a committee to make an official recommendation to the City Council, a majority of the committee must agree on that recommendation. Aldermen who are not members of a particular City Council committee may participate in the meeting of that committee except for voting on committee recommendations. It is the responsibility of the committee chair to file with the City Clerk the minutes of the meeting and a record of any activities from the meeting before the next regular City Council meeting, and to present recommendations of the committee to the full Council.

- C. **Quorum** A majority of the committee shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting, providing a quorum is present, shall represent the acts of the committee.
- D. **Voting** Every member present when a question is put to a vote shall vote either "Yeas" or "Nay," except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and/or if that member briefly states the reason for the abstention. Pursuant to *Robert's Rules of Order*, in the absence of a recommendation by the *Procedural Rules for Municipal Officials*, the chair of the committee will not vote unless his/her vote is necessary to break a tie. (Ord. No. 3432, Sec. 1.)

- E. **City Council representation of other governmental groups** When it is necessary to appoint an Alderman to an external board, commission, or committee, selection of that Alderman shall be made by a majority vote of the City Council. That selection shall be made by nomination and vote in public session. Any Alderman may nominate any other member of the City Council, and no second is required. Each Alderman shall vote by naming his or her choice by voice vote if there is more than one nominee for a position. A majority vote of the City Council shall be required for election. (Ord. No. 3394, Sec. 12.)

### 2.20.13 Mayor relationship

A. **Defining authority** In exercising its management responsibilities, the City Council reserves its authority to approve policy which represents broad statements of its intentions, approves plans and programs, and delegates authority of administration to the Mayor, except those rights that are by law conferred upon or reserved to the City Council. The City Council delegates the authority to the Mayor to hire capable personnel within an approved wage and salary policy, to plan and establish schedules, and to train, supervise and terminate department heads. Per A.C.A. 14-42-110, the City Council reserves the authority to review the hiring or removal of a department head and may overturn the hiring or removal of a department head by the Mayor upon two-thirds vote by the City Council.

B. **Definition of responsibilities** The Mayor has the principal responsibility for directing the operations of the city government and for advising and assisting the City Council in its deliberations. In connection with this latter responsibility, the City Council expects and requests the Mayor to furnish it with whatever data, information and material it may need to properly carry out its functions in an informed manner.

The Mayor also has the principal responsibility to ensure that the city's administrative officers and department heads understand and obey all local, state and federal laws pertaining to the city's operations, and when a violation of any law is discovered, that immediate disclosure is made to the City Council and proper and adequate disciplinary measures are taken against the responsible employee or employees.

The City Council also expects the Mayor to abide by the city's Code of Ethics. The City Council also expects the Mayor to require the city's administrative officers and department heads to abide by the city's Code of Ethics.

C. **City Council/Mayor co-operation** Efficient management of the city can exist only through mutual understanding and complete cooperation between the City Council and the Mayor. The Mayor's performance cannot be of the best unless he or she is given the latitude to exercise independent judgment in executing policies of the City Council. The City Council acknowledges that obligation and gives the Mayor the latitude of judgment and discretion, and expects faithful performance in carrying out the policies of the City Council.

It shall be understood that administrative authority for the management of the city rests with the Mayor. Members of the City Council should refrain, as individuals,

from giving specific direction or instruction to city personnel pertaining to the discharge of assigned duties, however, open communication between Aldermen

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and city employees is encouraged and expected to guarantee sound decisions based upon the free flow of information. (Ord. No. 3394, Sec. 13.)

#### 2.20.14 Code of Ethics

- A. **General** Aldermen, other elected city officials and the city's administrative officers and department heads occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both to the legality and to the propriety of such transactions.
- B. **Conflict of interest** Aldermen, other elected officials and the city's administrative officers and department heads shall refrain from making use of special knowledge or information gained by virtue of their elected office before it is made available to the general public; shall refrain from making or influencing decisions involving business associates, customers, clients, competitors and immediate family members and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of these municipal officers. Nothing herein, however, shall serve to deny any of the above-mentioned of their legal rights and privileges available to all Jonesboro citizens.
- C. **Responsibility of all citizens** Aldermen, other elected officials and the city's administrative officers and department heads shall conduct themselves so as to bring credit upon the city as a whole and so as to set an example of good ethical conduct for all citizens of the community. Aldermen, other elected officials and the city's administrative officers and department heads shall bear in mind at all times their responsibility to all Jonesboro citizens, shall refrain from actions benefiting special interest groups at the expense of the city as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the city without respect to race, creed, color, sex, age, disability and natural origin, or the economic or social position of individual citizens.
- D. **Responsibility to disclose** In an effort to allow the public full knowledge of financial and personal interest, Aldermen and other elected city officials are expected to file an annual statement of financial interest as required in A.C.A. 21-8-701. Aldermen, other elected officials and the city's administrative officers and department heads are also expected to disclose all real estate holdings within the city limits of Jonesboro and any business or financial interest which could affect or be affected by decisions of the City Council, other elected city officials or the city's administrative officers or department heads. This language shall be interpreted to include real estate holdings and business or financial interest held

by the individual, his/her spouse, children, parents or siblings or beneficial interests in a partnership, corporation or any other legal entity. Administrative

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Officer is defined as person making managerial, directorial, organizational, executive decisions or recommendations on behalf of the city of Jonesboro similar to or on par with a department head.

Aldermen, other elected officials and the city's administrative officers and department heads shall also disclose any familial relationships with any other city official or employee which could affect or be affected by decisions of the City Council, the Mayor, a city administrative officer or department head.

The financial and familial disclosures should be made in writing and filed with the City Clerk before February 1<sup>st</sup> of each year. (Ord. No. 3394, Sec. 14.)

No non-elected city officials and employees are required to include his or her home address on disclosure documents per Act 213 of 2003 (A.C. A. 25-19-105)

#### 2.20.15 Citizen committees

- A. **Authorization by the City Council** The City Council may authorize citizen advisory boards, committees and commissions to assist the City Council in discharging its responsibilities more effectively. Authorization will be made by a majority vote of the City Council.
- B. **Selection guidelines** The Mayor and the Nominating and Rules Committee shall have the responsibility of coordinating the selection process of members for the citizen advisory groups prior to the final City Council approval. The objectives of the selection process shall be as follows:
- \* To provide a broad cross-section of qualified individuals for service on the appointed bodies
  - \* To provide an opportunity for participation in city affairs by interested citizens, and
  - \* To provide a means for involvement of all City Council members in the selection process.

The City Council will act officially on all appointments in public session. (Ord. No. 3394, Sec. 15.)

#### 2.20.16 Nominating and Rules Committee

- A. **Duties** The Nominating and Rules Committee shall be a standing committee of

the City Council. It shall determine the number of City Council committees, their function, and membership of such committee. It, in cooperation with the Mayor, shall have the responsibility of nominating members to special ad hoc committees, citizens advisory committees or other boards, committees or commissions, except as otherwise required by state law. It shall review and

recommend changes to the City Council's *Procedural Rules for Municipal Officials* . It shall select the chairperson of a committee if the committee cannot select a chairperson.

- B. **Selection of committee** The City Council shall select the members of the Nominating and Rules Committee at its first meeting in January each year. Two members shall be chosen from the Position 1 Aldermen and two members shall be chosen from the Position 2 Aldermen. In selecting the committee members, each Alderman shall cast a total of four (4) votes, one for each one of the four (4) positions on the committee. If more than two Aldermen are nominated from Position 1 or 2, then the two Aldermen receiving the most votes shall be selected. One Alderman may not cast more than one vote per nominee. (Ord. No. 3394, Sec. 16.)

**CHAPTER 2.24**

**MAYOR**

Sections:

- 2.24.01 Office created
- 2.24.02 Election
- 2.24.03 Duties
- 2.24.04 Appointment of officers
- 2.24.05 Salary

2.24.01 Office created The office of Mayor is hereby created.

STATE LAW REFERENCE-See A.C.A. 14-42-102

2.24.02 Election On the Tuesday following the first Monday in November, 1986 and every four (4) years thereafter, the qualified voters of Jonesboro shall elect a Mayor for four (4) years.

STATE LAW REFERENCE-See A.C.A. 14-43-305

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

city ordinance.

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

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

## **CHAPTER 2.28**

### **CITY CLERK**

#### **Sections:**

2.28.01	Duties
2.28.02	Records
2.28.03	Official seal
2.28.04	Financial report
2.28.05	Report to Fire and Police Pension Review Board
2.28.06	Public records
2.28.07	Notifying the media
2.28.08	Salary

2.28.01 Duties The duties of the City Clerk shall include those duties specifically enumerated in the state law as set forth above as well as those set out hereinbelow. (Ord. No. 2462, Sec. 1.)

The provisions of Ord. No. 2462 adopted March 16, 1993, shall be amended to include a detailed list of duties and responsibilities of the City Clerk, prepared by the Personnel Director of the city, immediately upon taking office, and submitted to and approved by the general and personnel committee of the Council and thereafter submitted to and adopted by resolution of the City Council. Ord. No. 2462 shall take effect May 1, 1993. (Ord. No. 2465, Sec. 1.)

2.28.02 Records It shall be the responsibility of the City Clerk to maintain proper records of all laws and ordinances of the city and keep a regular and correct journal of the proceedings of the City Council. (Ord. No. 2462, Sec. 2.)

2.28.03 Official seal It shall be the City Clerk's responsibility to affix the official seal of the city to all transcripts, orders, bylaws, proclamations, certificates, ordinances, and resolutions for proper authentication. (Ord. No. 2462, Sec. 3.)

2.28.04 Financial report It shall be the responsibility of the City Clerk to provide a financial report quarterly of the city's finances, to the City Council in open session, based upon

the records provided by the Finance Department of the city and the City Collector. (Ord. No. 2462, Sec. 4.)

2.28.05 Report to Fire and Police Pension Review Board It shall be the duty and responsibility of the City Clerk to file on or before December 31<sup>st</sup> of each year a report with the

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Arkansas Fire and Police Pension Review Board with all information as required by state law. (Ord. No. 2462, Sec. 5.)

2.28.06 Public records It shall also be the duty and responsibility of the City Clerk to maintain all public records in addition to ordinances, by-laws and meetings and to allow and to set proper procedures to provide citizens with access to view, inspect and copy all public records during regular business hours of the city. (Ord. No. 2462, Sec. 6.)

2.28.07 Notifying the media It shall be the responsibility of the City Clerk to notify the media of any and all regular, called, or public meetings as required under the Freedom of Information Act. It shall be the duty and responsibility of the City Clerk to prepare an agenda for each regularly scheduled meeting and to assure that proper written procedures as set forth in city ordinances have been followed with respect to the agenda for a City Council meeting. (Ord. No. 2462, Sec. 7.)

2.28.08 Salary The salary for the full-time City Clerk shall be established initially and thereafter annually in connection with budget procedures by recommendation through the Finance Committee of the City Council to the full City Council for adoption. The salary for the Clerk shall not be decreased during the term for which the Clerk has been elected, or in the case of a vacancy, appointed, except as provided by A.C.A. 14-42-113. (Ord. No. 2465, Sec. 3.)

## **CHAPTER 2.32**

### **CITY TREASURER**

#### **Sections:**

2.32.01	Appointment
2.32.02	Duties
2.32.03	Replacement
2.32.04	Pension plan
2.32.05	Term

2.32.01 Appointment The City Council of the city of Jonesboro hereby appoints Larry Flowers, the city's Finance Director, as City Treasurer. (Ord. No. 3466, Sec. 1.)

2.32.02 Duties The duties of said position shall be those as specified by A.C.A. 14-43-507, 14-59-115, any other relevant state laws, and any and all ordinances related to the office of City Treasurer. (Ord. No. 3466, Sec. 2.)

2.32.03 Replacement The City Council reserves the right to replace the City Treasurer during his term at such time that he no longer serves in the position of Finance Director of the city of Jonesboro. (Ord. No. 3466, Sec. 3.)

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2.32.04 Pension plan The City Council of the city of Jonesboro hereby elects to keep this position under the city of Jonesboro's non-uniformed employee pension plan, and specifically rejects the provisions of A.C.A. 24-12-125. (Ord. No. 3466, Sec. 4.)

2.32.05 Term the term of this appointment shall be from January 1, 2003 to December 31, 2006. (Ord. No. 3466, Sec. 5.)

## **CHAPTER 2.36**

### **CITY ATTORNEY**

Sections:

2.36.01	Appointment
2.36.02	Duties
2.36.03	Salary

2.36.01 Appointment The City Attorney shall be elected at the November, 1986 General Election and every four (4) years thereafter to a four (4) year term commencing the next following January 1.

2.36.02 Duties The City Attorney shall perform the following duties:

- A. In addition to the duties set forth herein, the following language shall be added: the City Attorney shall represent the city of Jonesboro on a full-time basis in all legal proceedings in matters and areas not in conflict with state or federal law and provide representation in such other legal matters as may be required on behalf of the city of Jonesboro. Provided however, nothing set forth herein shall prevent the Mayor and the City Council from referring matters to outside attorneys or counsel, as circumstances permit or required. Further, no outside practice of law shall be allowed for the City Attorney except in matters concerning family or uncompensated legal representation. (Ord. No. 2721, Sec. 1.)
- B. Confer with the Mayor and City Council on matters affecting the city when requested. Requests shall be in writing if time permits.
- C. Draft or review all ordinances and resolutions, contracts, lease agreements, etc.,

required by the city. (Ord. No. 2313, Sec. 1)

- D. In addition, the City Attorney shall attend the regular meetings of the Metropolitan Area Planning Commission for the city of Jonesboro. (Ord. No. 2721, Sec. 1.)

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2.36.03 Salary The salary of the City Attorney is set by annual budget ordinance as approved by the Council. The City Attorney shall not charge the city for any additional services. (Ord. No. 1795, Sec. 2)

The salary for the City Attorney shall not be decreased during the term for which the City Attorney has been elected, or in the case of a vacancy, appointed, except as provided by A.C.A. 14-42-113.

The City Council of the city of Jonesboro, Arkansas, hereby increases the court costs levied and collected from each defendant in the District Court for Craighead County, Arkansas, upon a plea of guilty, *nolo contendere*, forfeiture of bond or determination of guilt for a misdemeanor or traffic offense committed within the corporate limits of the city of Jonesboro by One Dollar (\$1.00). (Ord. No. 1875, Sec. 1)

The funds generated from this increase in court costs shall be used to increase the salary of the City Attorney by Three Thousand Dollars (\$3,000.00) and the balance shall be used to defray the costs of operating the office of City Attorney. (Ord. No. 1875, Sec. 2)

## **CHAPTER 2.40**

### **CIVIL SERVICE**

#### Sections:

2.40.01 Created

2.40.01 Created There is hereby created and established a Civil Service system and Board of Civil Service Commissioners for the Fire Departments of the city of Jonesboro, Arkansas, pursuant to the general laws of the State of Arkansas, including, but not limited to, Act 326 of the Acts of Arkansas of 1949, as amended, and Act 166 of the Acts of Arkansas of 1971, as amended. (Ord. No. 1857, Sec. 1)

The provisions of this ordinance shall apply only to certified or uniformed employees of the police and fire departments and shall not apply to any non-certified or non-uniformed employees of the said departments. This ordinance specifically excludes radio operators, animal control personnel, clerks and secretaries. (Ord. No. 2067, Sec. 1)

**CHAPTER 2.44****FIRE DEPARTMENT****Sections:**

- 2.44.01 Creation and personnel
- 2.44.02 Appointment of Fire Chief
- 2.44.03 Duties of fire chief

2.44.01 Creation and personnel The Jonesboro Fire Department is hereby created.

2.44.02 Appointment of Fire Chief When a vacancy occurs at the level of Chief, the Jonesboro Civil Service Commission shall constitute a Committee of the whole to be a search committee to seek a replacement. The Commission will elect a Chairman of the search committee. The Commission shall conduct a search both from within the Department and from outside the Department. The Commission shall receive nominations from the Mayor and others and will accept applications from candidates.

Candidates for the position of Chief shall submit a resume, three (3) letters of reference and other documentation as desired by the candidate or the Commission. The Commission will carefully study the applicants' submitted materials and schedule an Oral Interview with at least two (2) candidates. The Commission shall invite the Mayor to have an interview with the candidate and to provide recommendation to the Commission.

2.44.03 Duties of Fire Chief The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation, except the expenditure of city funds therein. He shall make periodic reports to the City Council, showing the names of paid firemen, number of hours on duty, the condition of the equipment of the department, and such other matters as shall be determined necessary by resolution or ordinance of the City Council.

**CHAPTER 2.48****POLICE DEPARTMENT**

Sections:

2.48.01	Definitions
2.48.02	Minimum standards while under investigation
2.48.03	Departmental rules and regulations
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2.48.04	Demotions and terminations
2.48.05	Reductions and reinstatements
2.48.06	Employment of new hires
2.48.07	Promotional procedures within the department
2.48.08	Civil Service System
2.48.09	Police officers Training Fund
2.48.10	Drug Enforcement Program

2.48.01 Definitions As used in this ordinance:

**Law enforcement officer** means any member of the Jonesboro Police Department vested by law with a duty to maintain order or to make arrests for offenses;

**Complainant** means the person or persons providing the information constituting the basis for official departmental charges alleging improper conduct;

**Official departmental charges** mean a written document from the Chief of Police, or other lawful authority, notifying the accused law enforcement officer that charges of misconduct have been made and setting forth the specifics of the alleged misconduct; (Ord. No. 3457, Sec. 1.)

**Formal proceeding** means a proceeding heard before any officer, committee, or other body of city government with the authority to take disciplinary action against a law enforcement officer. (Ord. No. 3040, Sec. 1.)

2.48.02 Minimum standards while under investigation Whenever a law enforcement officer is under investigation for alleged improper conduct with a possible result of termination, demotion, or other disciplinary action causing loss of pay or rank, the following minimum standard shall apply:

- A. No adverse inference shall be drawn and no punitive action taken from a refusal of the law enforcement officer being investigated to participate in such investigation or be interrogated other than when such law enforcement officer is on duty, or is otherwise fully compensated for such time spent in accordance with city and departmental overtime policies and state and federal law.
- B. Any interrogation of a law enforcement officer shall take place at the office of those conducting the investigation, the place where such law enforcement officer reports for duty or such other reasonable place as the investigator may determine.

- C. The law enforcement officer being investigated shall be informed, at the commencement of his or her interrogation, of:
1. The nature of the investigation;
  2. The identity and authority of the person or persons conducting the investigation; and
  3. The identity of all persons present during the interrogation.
- D. During the interrogation of the law enforcement officer, questions will be posed by or through only one (1) interrogator at a time.
- E. Any interrogation of a law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.
- F. No threat, harassment, promise, or reward shall be made to any law enforcement officer in connection with an internal affairs investigation in order to induce the answering of any questions that the law enforcement officer has a legal right to refrain from answering. The giving of a "Garrity warning" to an officer shall not constitute a threat or harassment. In a criminal investigation, the prosecuting authority may grant immunity from prosecution to induce cooperation in the investigation.
- G. All interrogations of a law enforcement officer in connection with an investigation against him or her shall be recorded in full. The law enforcement officer shall be allowed to make his or her own independent recording of his or her interrogation and have one (1) representative of his or her choosing present. The representative must be an attorney or a member of the Jonesboro Police Department that is in no way related to the matter under investigation.
- H. No formal proceeding which has the authority to administer disciplinary action against a law enforcement officer may be held except upon official departmental charges.
- I. Official departmental charges shall contain the specific conduct that is alleged to be improper, the date and the time of the alleged misconduct, the witnesses whose information provided the basis for the charges, and the specific rules, regulation, orders, or laws alleged to have been violated.
- J. Any law enforcement officer under official departmental charges shall be entitled to a pre-disciplinary hearing before the Chief of Police if the disciplinary action being considered is termination. At such hearing, the law enforcement officer

shall have the opportunity to have a person of his or her choosing present and to present information to clear his name and/or refute the charges against him. (Ord. No. 3457, Sec. 1.)

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- K. No formal proceeding which has authority to penalize a law enforcement officer may be brought except upon charges signed by the person making those charges. (Ord No. 3040, Sec. 2.)

2.48.03 Departmental rules and regulations Officers and civilian employees of the Jonesboro Police Department shall be governed by Rules and Regulations which shall be drawn up by the Chief of Police and formally adopted by the Jonesboro City Council. (Ord. No. 3040, Sec. 3.)

2.48.04 Demotions and terminations No employee of the Jonesboro Police Department who has completed his/her probationary period shall be demoted or terminated except for just cause. In no way does this take away from the requirements that employment be "at will." (Ord. No. 3040, Sec. 4.)

2.48.05 Reductions and reinstatements If it should become necessary to reduce the personnel of the Jonesboro Police Department, reduction shall be from the lowest rank, seniority having priority. In the event the personnel is subsequently increased, any employee who has been transferred to another department, or discharged, by reason of the reduction shall have seniority rights over any other employee, or any applicant for employment, to any position created on account of the increase in personnel. (Ord. No. 3040, Sec. 5.)

2.48.06 Employment of new hires Qualifications for new hires shall be determined by the Chief of Police and shall be included in the Department's *Rules and Regulations Manual*. The Jonesboro Police Department shall be responsible for hiring its employees. The Department shall advertise, receive applications, conduct testing, conduct background investigations, and compile its own new hire eligibility list. These qualifications shall be fairly and equally applied to all applicants. Any changes in the qualifications must be approved by action of the Jonesboro City Council upon the recommendation of the Chief of Police. No newly employed or re-employed law enforcement officer, except for the Chief of Police, shall begin his employment with the department except at the rank of patrolman. (Ord. No. 3457, Sec. 1.)

2.48.07 Promotional procedures within the department The Jonesboro Police Department under the direction and authority of the Chief of Police shall conduct and be responsible for testing for promotions within the department and compiling eligibility lists for promotions for each rank.

**A. Eligibility for promotion**

- 1. An officer must have served at least five years as a patrolman with the Jonesboro Police Department before the date of the written test to be eligible to test for promotion to Sergeant. Officers who have jointed the

department as certified officers from other agencies must have a total of five years experience as a certified officer and may test for promotion after two years with the department.

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2. A sergeant must have served at least one year in grade before the written testing date to be eligible to test for promotion to lieutenant.
3. A lieutenant must have served at least one year in grade before the written testing date to be eligible to test for promotion to captain.
4. A captain must have served at least one year in grade before the written testing date to be eligible to test for promotion to assistant chief.
5. The Chief of Police shall have sole authority to appoint an officer to the Criminal Investigation Division. This appointment will not constitute a promotion in rank, but is only a transfer of assignment. All officers in order to be eligible for permanent appointment to the position of Detective must have two years law enforcement experience. (Ord. No. 3188, Sec. 2.)

**B. Testing coordinator and testing procedure security** The Assistant Chief of Police shall act as the testing coordinator for all promotional tests. He shall be held responsible for the security of all tests, scores, and associated procedures which by their nature should be confidential during the promotional testing process. Upon completion of the promotional process he shall take a polygraph test administered by an examiner from outside the Jonesboro Police Department. He will be required to respond only to questions pertaining to security of the testing procedures. Should he fail to pass the polygraph, a second polygraph by a different examiner shall be administered. Should the testing coordinator fail the second examination, the promotional test shall be declared void and a new promotional testing procedure will be held.

**C. Testing procedures and scoring values**

1. A written test for each rank to be tested for shall be obtained from an outside testing firm which will contractually guarantee the security of their test. The test must be applicable to the job description for each rank and adhere to standards which meet legal requirements in force at the time of testing. The written test shall count for fifty percent (50%) of the total promotional score.
2. The Jonesboro Police Department will use a job performance Rating Board consisting of all captains and the assistant Chief of Police. Each promotional applicant shall be rated by each Board member and given a composite score. This score shall count for twenty percent (20%) of the total promotional score.

3. An Assessment Board composed of three (3) high ranking supervisors from three (3) Arkansas police agencies other than the Jonesboro Police Department will interview/test each applicant for promotion and be given a composite score. This score shall count for twenty percent (20%) of the total promotional score.
  4. Each applicant will be given one (1) point for each year in grade served prior to the written testing date up to a total of ten (10) points. This score shall count for ten percent (10%) of the total promotional score.
- D. **Eligibility list for promotions** An eligibility list for each rank shall be compiled in descending order of total testing scores. The list for each rank will continue in effect for twenty-four (24) months or less should one of the lists be depleted through promotion. Should a need arise to promote from a depleted list, a new test shall be administered for that rank only. Each officer who tests for promotion will be given written notice of his/her scores on each portion of the test and his/her total composite score on the test.
- E. **Promotions** The Chief of Police shall have sole authority to promote any one of the top five (5) candidates on each promotional list. All candidates below the one promoted shall move up one position on the list. (Ord. No. 3040, Sec. 7.)

2.48.08 Civil Service System Provisions of Ord. No. 2067 creating the Civil Service System codified in the Jonesboro Code of Ordinances No. 2.36.01 is hereby amended as set forth herein to exclude the Police Department of the city of Jonesboro, Arkansas, from the coverage thereunder. Further, that any provisions of said ordinance as so codified that are in conflict with the provisions as set forth herein are specifically repealed. This is to include any provisions of the policy and procedure manual adopting said Civil Service System for the Jonesboro police Department. (Ord. No. 3040, Sec. 8.)

2.48.09 Police officers Training Fund The City Council of the city of Jonesboro, Arkansas, hereby established an Educational Fund for training the officers of the Jonesboro Police Department (Ord. No. 1787, Sec. 1)

That in order to provide for such training, an additional charge of Five Dollars (\$5.00) shall be levied in Traffic and Criminal Violations and said levy shall constitute an item of the court costs. (Ord. No. 1787, Sec. 2 as amended by Ord. No. 2044)

All sums of money collected by the District Court Clerk as a result of the additional Five Dollar (\$5.00) charge shall be placed in the General Revenue Fund of the city of Jonesboro, Arkansas, to be used only for Educational Purposes Training and Equipment of the Jonesboro Police Department. (Ord. No. 1787, Sec. 3 as amended by Ord. No. 2044)

2.48.10 Drug Enforcement Program That due to the need to finance the operation of the Drug Enforcement Program operated by the Jonesboro Police Department that hereafter all motor vehicles or other property confiscated pursuant to arrests for drug-related offenses shall be disposed of pursuant to A.C.A. 5-64-505. (Ord. No. 2017, Sec. 1)

## CHAPTER 2.52

### DISTRICT COURT

Sections:

2.52.01	District Court established
2.52.02	Qualifications and powers of District Judge
2.52.03	Payment of fines
2.52.04	Fines for intoxication
2.52.05	Court cost increase

2.52.01 District Court established The District Court is hereby established for the city.

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

2.52.03 Payment of fines From and after passage and adoption of this ordinance, whenever any fine or penalty shall be imposed upon any person in the District Court, the District Judge shall forthwith order same person into the custody of the Chief of Police, city of Jonesboro, until the payment of such fine or penalty and costs, or until the same shall be secured or an appeal taken, and if thereafter the Chief of Police shall allow such person to go at large before the payment of such fine or penalty and costs are given of such security or taking such appeal, said Chief of Police or his deputy shall be guilty of a misdemeanor, except in such instances where the prisoner has no present means of support, the Chief of Police may establish a payment plan whereby the prisoner may make periodic payments toward his fine, penalty and costs. Said plan shall be under the supervision and control of the Chief of Police. (Ord. No. 1373, Sec. 1.)

2.52.04 Fines for intoxication

- A. In addition to such costs as are now or hereafter may be provided by law for the District Court for the city of Jonesboro, Arkansas, there shall be levied the

following costs:

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For any conviction on a charge of public drunkenness	\$1.00
For any conviction on a charge of driving while under the influence of intoxicants	\$5.00

- B. The District Court Clerk shall keep all costs so collected in a separate account which account shall be used in defraying the purchase, maintenance and operation, and expenses of equipment designed to test the fact and degree of intoxication of persons arrested on charges of public drunkenness or driving while under the influence of intoxicants. The surplus of such account, if any, after accomplishment of above purposes may be used in defraying any other legitimate administrative expenses of the court. (Ord. No. 1027, Secs. 1-2.)

2.52.05 Court cost increase

- A. The City Council of the city of Jonesboro, Arkansas, hereby increases the court costs levied and collected from each defendant in the District court of Craighead County, Arkansas, upon a plea of guilty, nolo contendere, forfeiture of bond or determination of guilt for a misdemeanor or traffic offense committed within the corporate limits of the city of Jonesboro by One Dollar.
- B. The funds generated from this increase in court costs shall be used to increase the salary of the City Attorney by Three Thousand Dollars (\$3,000) and the balance shall be used to defray the costs of operating the office of City Attorney. (Ord. No. 1875, Secs. 1-2.)

**CHAPTER 2.56**

**SALARIES OF CITY EMPLOYEES**

Section:

- 2.56.01 Includes pay for holidays  
2.56.02 Compensatory hours

2.56.01 Includes pay for holidays The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to uniformed employees, as provided by the laws of the state of Arkansas. Holidays recognized by the city of Jonesboro are:

New Year's Day  
Dr. King's and Robert E. Lee's Birthday  
George Washington's Birthday

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Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Day after Thanksgiving Day  
Christmas Eve  
Christmas Day

2.56.02 Compensatory hours All employees with compensatory hours over 40 shall be monetarily compensated for those hours. All payments shall follow the rules of the Fair Labor Standards Act (FLSA) and shall be paid according to the attached Exhibit A. (Ord. No. 3454, Sec. 1.)

## **CHAPTER 2.60**

### **ELECTION OF CITY WATER AND LIGHT BOARD OF DIRECTORS**

#### Sections:

- 2.60.01 Nomination
- 2.60.02 Form of nominating petition
- 2.60.03 Certification of nomination by Clerk
- 2.60.04 Writing in names of candidates prohibited; certification of election
- 2.60.05 Contesting election; grounds
- 2.60.06 Vacancies to be filled by City Council until next election

2.60.01 Nomination No person shall be elected nor certified nor serve as an elected member of the Board of Directors of the City Water and Light unless such person first shall have been nominated as a candidate for such office in the following manner: At least three (3) persons qualified to vote at such election pursuant to the laws governing said district shall first sign and file with the Clerk not less than ten (10) full days before the day fixed for the election; a written nomination of such candidate stating therein the name of the member he is nominated to succeed. The Clerk shall copy such nomination on a record showing the date and hour of filing the nomination. Such record or a copy certified by the Clerk shall be competent evidence of such filing. The written nomination also immediately shall be posted by the Clerk at a conspicuous place in his office in the City Hall and said nomination, signatures and record shall be subject to inspection of any qualified voter in the district at any time during office hours of said Clerk. (Sec. 2-68, 1962 Code, Ord. No. 722, Sec. 1, 12-4-44)

2.60.02 Form of nominating petition Nominations substantially in the following form shall be sufficient:

"We, the undersigned persons legally entitled to vote at said election, hereby nominate \_\_\_\_\_ (insert name of candidate) to succeed (insert name of member to succeed whom the candidate is nominated) as a member of the Board of Directors of the City Water and Light of the city of Jonesboro, Arkansas, at the next election therein." (Sec. 2-69, 1962 Code, Ord. No. 722, Sec. 2, 12-4-44)

2.60.03 Certification of nomination by Clerk On the day following the expiration of the time for filing nominations or not less than nine (9) days before the election, the Clerk shall certify to the secretary of the City Water and Light for the use of judges and clerks of the election the names of all candidates legally nominated within the period named, naming also the member to succeed whom such candidate is nominated, and no other names. The secretary of the City Water and Light shall have ballots printed and delivered to the judges and clerks containing only the names so certified. (Sec. 2-70, 1962 Code)

2.60.04 Writing in names of candidates prohibited; certification of election It shall be unlawful to write in any additional names and the judges and clerks shall disregard any and all votes cast for any person not so certified by the Clerk as legally nominated and shall issue certificate of election to the legal nominee or nominees receiving the highest number of votes in the manner provided by the several laws governing said district. (Sec. 2-71, 1962 Code, Ord. No. 722, 14, 12-4-44)

2.60.05 Contesting election; grounds No persons except such as are nominated legally in accordance with this chapter shall serve as an elected member of the Board of Directors of the City Water and Light and if the judges or clerks of the election violate or disregard the provisions of this chapter or certify any person as elected who has not been legally nominated hereunder, this shall be just cause for contest in the circuit court of the Jonesboro District of Craighead County, either by any other candidate at said election or by a majority of the Board of Directors of the City Water and Light. (Sec. 2-72, 1962 Code)

2.60.06 Vacancies to be filled by City Council until next election Vacancies occurring on the Board shall be filled by the City Council until the next ensuing election. (Sec. 2-73, 1962 Code)

## **CHAPTER 2.64**

### **MUNICIPAL AIRPORT COMMISSION**

Sections:

2.64.01      Established; purpose

2.64.02	Composition; qualifications; restrictions
2.64.03	Appointment, term, etc.
2.64.04	Authority, powers and duties
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2.64.05	Validity of Commission actions
2.64.06	Revenue
2.64.07	Rules, regulations
2.64.08	Records, reports
2.64.09	Budget
2.64.10	Additional powers
2.64.11	Zoning and height code

2.64.01 Established; purpose Pursuant to the provisions of the Arkansas Code of 1987 Annotated, Section 14-359-101 through 14-359-120 inclusive (hereinafter referred to as "The Code or "A.C.A."), there is hereby created a commission to be known as the Jonesboro Municipal Airport Commission. Such Commission is created for the purpose of operating and managing the Jonesboro Municipal Airport, its related properties and facilities and it shall have all of the powers, duties and responsibilities set forth in said act. Such Commission shall assume and undertake such powers, duties and responsibilities upon the appointment, acceptance, confirmation and the taking of oath of office by each of the commissioners. Upon confirmation of the initial commissioners by the City Council, the Mayor and Clerk shall be authorized to execute such instruments as may be necessary to vest complete charge of said airport, its related properties and facilities, in the commissioners so appointed and confirmed. (Sec. 3-31, 1962 Code, Ord. No. 1573, Sec. 1, 4-18-77)

2.64.02 Composition; qualifications; restrictions The Commission shall be composed of five (5) citizens who are qualified electors of the state. At least one (1) of the five (5) members shall be fully experienced in aviation, holding some type of pilot aeronautical rating; provided, however, that if there is not any citizen experienced in aviation, holding some type of pilot aeronautical rating, who is available or willing to serve on said Commission, then the City Council may waive this requirement. No member of such Commission shall hold any elective or other appointive office under the municipal, county, state or federal government while a member of said Commission, neither shall any such member be a candidate for any elective office while a member of said Commission. Provided further, no member of said Commission shall engage financially in any aeronautical enterprise while a member of the Commission. (Sec. 3-32, 1962 Code) A.C.A. 14-359-104, Ord. No. 1573, Sec. 2, 4-18-77)

Ord. No. 1573 shall be amended to comply with the General Assembly of the state of Arkansas, approved February 12, 1981 to eliminate the restriction prohibiting elected and appointed officials from serving on Municipal Airport Commissions, that the appointment of such officials to the Municipal Airport Commission should in many instances be in the best interests of the communities involved. (Ord. No. 2161, Sec. 1.)

2.64.03 Appointment, term, etc The commissioners shall be appointed by the Mayor and confirmed by a three-fourths (3/4) vote of the duly elected and qualified members of the City Council and shall hold office for a term of five (5) years provided that the commissioners first

appointed and confirmed after the passage of this chapter shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years each, to be designated by the Mayor and hereafter, upon

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the expiration of their respective term, their successors shall be appointed by the Mayor, subject to the approval of three-fourths (3/4) of the duly elected and qualified members of the City Council for a term of five (5) years. The Mayor, with approval of the Council, shall appoint two (2) aldermen to serve as a liaison between the Council and Commission. They shall not have voting power. The commissioners shall file the oath required by law in the state of Arkansas. Any commissioner may be removed upon a three-fourths (3/4) vote of the duly elected and qualified members of the City Council. Any and all vacancies on the Commission shall likewise be filled by appointment of the Mayor, subject to confirmation by the City Council. The City Council retains the authority to fix and prescribe, by appropriate resolution, any compensation to be paid to commissioners. (Sec. 3-33, 1962 Code, Ord. No. 1573, Sec. 3, 4-18-77)

2.64.04 Authority, powers and duties The commissioners shall have full and complete authority to manage, operate, improve, extend and maintain the Municipal Airport, its related properties and facilities and shall have full and complete charge of said airport, its related properties and facilities, including the right to employ or remove any and all assistants and employees of whatsoever nature, kind or character and to fix, regulate and pay their salaries, it being the intention of this chapter to vest in said commissioners unlimited authority to operate, manage, maintain, improve and extend said Airport, its related properties and facilities and to have full and complete charge thereof. Without limiting the generality of the foregoing, the Commission shall have power to enter into such contracts, agreements and arrangements as necessary to provide for airport service and operations, such contracts, agreements and arrangements to pertain to all of the airport property and facilities for the purpose of providing general airport services and facilities, aircraft maintenance, charter services, flight training, fixed base operations and any and all other necessary, appropriate and convenient goods or services and the Commission shall have power to lease or rent any part or all of such airport property and facilities on short term or long term basis, as the Commission shall deem necessary and appropriate to perform their duties and responsibilities and provide the desired services. (Sec. 3-34, 1962 Code)

2.64.05 Validity of Commission actions Except as specifically reserved herein, or as such may be reserved by the laws of the state of Arkansas, to the governing body of a municipality, the power and authority conferred upon the Commission by this chapter shall be full and complete and it shall not be necessary that the Jonesboro City Council ratify, approve or confirm any action taken by the Commission. Provided, however, that nothing in this chapter shall be construed as authorizing the Commission to incur any indebtedness or obligations for which the city would have a general obligation. (Sec. 3-35, 1962 Code)

2.64.06 Revenue All revenue derived from the operation of the airport, after paying the operating expenses and maintenance shall be set aside and used for additional improvements on such airport, or for the retirement of bonds and interest thereon issued or advancement made after the passage of the act for the purchase and improvement of such airport. (Sec. 3-36, 1962 Code, Ord. No. 1573, Sec. 6, 4-18-77)

2.64.07 Rules, regulations The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said Airport, its related properties and facilities and shall have authority to alter, change or amend such rules and regulations at their discretion. The Commission shall comply or cause to be complied with, all civil air regulations of the federal and state government to air worthiness of aircraft, certification of aircraft, and operation of aircraft. They shall protect all of the aerial approaches to the Airport insofar as it comes within their jurisdiction. (Sec. 3-37, 1962 Code, Ord. No. 1573, Sec. 7, 4-18-77)

2.64.08 Records, reports The commissioners shall keep a record of all revenues and expenditures of the Airport, its related property and facilities and shall submit monthly reports to the Mayor and City Council. The commissioners shall also file an annual report in accordance with the provisions of Section 13 of the act, and the City Council may require that any or all reports be audited and certified by a certified public accountant. (Sec. 3-38, 1962 Code, Ord. No. 1573, Sec. 8, 4-18-77)

2.64.09 Budget The commissioners shall submit to the city annually, before the city prepares its budget, a statement of the amount of funds necessary for maintenance, operation and management of the Airport, its related properties and facilities above the estimated revenue and the funds remaining on hand. (Sec. 3-39, 1962 Code, Ord. No. 1573, Sec. 9, 4-18-77)

2.64.10 Additional powers The commissioners shall have, in addition to the above enumerated powers, such other and further powers as now given by law to the Board of Public Affairs and the City Council of any city, and they shall be governed by all existing statutes pertaining to the duties of Board of Public Affairs and City Councils. (Sec. 3-40, 1962 Code, Ord. No. 1573, Sec. 10, 4-18-77)

2.64.11 Zoning and height code There is hereby adopted a zoning and height code for the Jonesboro Municipal Airport to be known and cited as the Jonesboro Municipal Airport Zoning and Height Code 1987 Edition. Three copies of this code shall be filed in the office of the City Clerk for the city of Jonesboro, Arkansas, and this code is hereby adopted and incorporated within this ordinance as if set out word for word herein and from the date in which this ordinance takes effect the provisions thereof shall govern zoning and utilization of airport property and approaches to airport property. (Ord. No. 2036, Sec. 2.)

**CHAPTER 2.68****CEMETERIES****Sections:**

2.68.01	Duties of sexton
2.68.02	Monuments
2.68.03	Inspection of construction
2.68.04	Repairs by the city; charges
2.68.05	Driving - Confined to driveways
2.68.06	Negligence
2.68.07	Obstructing driveways
2.68.08	Planting of trees and flowers
2.68.09	Cost of lots and fees for opening graves
2.68.10	Hours of operation
2.68.11	Landscaping cemeteries

**2.68.01 Duties of sexton** The position of the City Sexton is created for the supervising, maintaining and operating of the city owned and controlled cemeteries and reports directly to the Director of Public works. The City Sexton is authorized to patrol and enforce all city ordinances that pertain to the city cemeteries.

**2.68.02 Monuments** It shall be unlawful for any contractor or other person, to erect a monument or tombstone within any cemetery of the city unless the same shall be placed upon a concrete base, made perfectly level and all such monuments shall be constructed in a substantial and permanent manner and approved by the Director of Public Works.

**2.68.03 Inspection of construction** The Director of Public Works is hereby authorized to inspect and to regulate the construction of the base or foundation for all monuments or tombstones and the construction of all monuments and tombstones and shall have authority to prevent erection of any such tombstone or monument without proper foundations or in a negligent, impermanent or unskillful manner. (Sec. 6-3, 1962 Code, Digest 1934, Sec. 784)

**2.68.04 Repairs by the city; charges** If any person shall undertake to erect a monument or tombstone in the cemeteries of the city and on account of negligent or unskilled workmanship, or on account of the lack of foundation, the same shall become uneven or insecure, or shall sink or fail, or become in danger of doing so, then the Director of Public Works may have the same repaired or made level and secure, and the charges for such work shall be paid either by the person who erected the monument or tombstone or by the person controlling the lot whereon it stands. (Sec. 6-4, 1962 Code, Digest 1934, Sec. 785)

2.68.05 Driving - Confined to driveways It shall be unlawful for any person to drive any vehicle or cause it to be driven in any part of the cemetery owned or controlled by the city, except in driveways therein provided. (Sec. 6-5, 1962 Code, Digest 1934, Sec. 780)

2.68.06 Negligence It shall be unlawful for any person to drive any vehicle within any cemetery of the city or permit it to be driven or to negligently or carelessly cause it to be drawn over, across or upon or against any of the walls or enclosures or any monuments upon or within any of the lots or graves of said cemeteries. (Sec. 6-6, 1962 Code, Digest 1934, Sec. 780-A)

2.68.07 Obstructing driveways It shall be unlawful for any person to obstruct any driveway in any cemetery of the city with any kind of material or substance used in protecting, ornamenting or decorating any lot or grave therein or to leave or permit to remain any rubbish or surplus material or substance within or upon any driveway or upon any lot or grave owned or controlled by another. (Sec. 6-7, 1962 Code, Digest 1934, Sec. 780-C)

2.68.08 Planting of trees and flowers No shrubs or trees shall be planted in the City Cemeteries. Persons planting such trees or shrubberies shall be assessed the cost of their removal by the city. (Ord. No. 2123, Sec. 1 and 2)

2.68.09 Cost of lots and fees for opening graves Cost for all city-owned and controlled cemetery lots and fees for opening graves shall be fixed by resolution by the City Council. Twenty-five percent (25%) of the selling price of each lot shall be designated for perpetual care of the cemetery.

2.68.10 Hours of operation

- A. All parks and cemeteries shall be closed from one-half hour after sunset until one-half hour before sunrise the following day.
- B. In parks which are controlled by gates or other devices, normal park hours are as posted except in the cases of pre-arranged, special group activities or regularly established concessions.
- C. The closing time of a park or cemetery, or any portion thereof, may be extended or shortened by the Director of Parks, Recreation and Cemeteries when necessary to accommodate or regulate any permitted activity.
- D. For purposes of security or public safety, the Director may exclude members of the public, on a temporary basis, from a park or cemetery or any portion thereof, including any trail or road, when it is determined by the Director, the Director of Public Safety, or the Mayor that such closing is necessary to protect public safety or public property. No person shall enter or remain in any park or cemetery, any

portion thereof, or any trail or road that has been ordered closed.

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- E. Whenever any area of any park has been reserved for the exclusive use of another, that area may be posted as being closed to the use of all other persons and persons not associated with exclusive use may thereby be prevented from using or entering that area of the park.
- F. No person shall enter or remain in any park or cemetery during the hours it is closed.
- G. Violation of this ordinance shall be deemed as trespass upon public property and defined punishment shall be the same as for said ordinance found in 7.68.03. (Ord. No. 3358, Secs. 1-7.)

#### 2.68.11 Landscaping cemeteries

- A. Nothing herein shall prevent the city of Jonesboro acting through its Parks, Recreation Department, the cemetery division thereof, from landscaping and planting such trees, shrubberies and other plants in such spots as may be designated and directed by the head of the parks department.
- B. All ordinances or parts thereof in conflict therewith are hereby repealed.
- C. There be an immediate need to select and prepare the site to be landscaped within the cemeteries, and emergency is hereby declared to exist and this ordinance shall hereby take effect from and after its passage and approval. (Ord. No. 3462, Sec. 1.)

### **CHAPTER 2.72**

### **AUDITORIUM COMMISSION**

#### Sections:

2.72.01	Created
2.72.02	Removal procedure
2.72.03	Authority
2.72.04	Purchases
2.72.05	Contract, rules and regulations
2.72.06	Reports
2.72.07	Revenue
2.72.08	Appropriations

2.72.09 Execution of authority

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2.72.01 Created There is hereby created an Auditorium Commission, hereafter known as the Forum Commission, to be composed of seven (7) members who shall be citizens of the city of Jonesboro and qualified electors of the municipality. The Commissioners shall be appointed by the Mayor and confirmed by a majority vote of the City Council, provided, however, that those first appointed and confirmed after the passage of this ordinance shall serve for terms of one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) years each to be designated by the Mayor and City Council and thereafter upon the expiration of the respective terms, commissioners appointed by the Mayor and approved by a majority vote of the City Council shall each be appointed to a term of five (5) years. (Ord. No. 1639, Sec. 1)

2.72.02 Removal procedure Commission members appointed under the provisions of this ordinance may be removed for cause upon a two-thirds (2/3) vote of the duly elected and qualified members of the City Council. (Ord. No. 1637, Sec. 2)

2.72.03 Authority The Commissioners appointed under this ordinance shall have complete authority to manage, operate, maintain and keep in charge of said building. The Commissioners shall have the right to employ or remove managers, janitors, and other employees of whatsoever nature, kind or character and fix and regulate their salaries. The Commissioners shall have complete and full authority provided, said Commissioners shall not have authority or power to sell, mortgage, or encumber said auditorium unless otherwise authorized by the statues of Arkansas. (Ord. No. 1639, Sec. 3)

2.72.04 Purchases The Commissioners shall have authority under this ordinance and shall have exclusive right and power to have purchases of supplies, apparatus and other property and things requisite for the management and operation of the city auditorium. All expenditures in excess of Three Hundred Dollars (\$300.00) shall be let by bid and such work shall be awarded to the lowest responsible bidder. (Ord. No. 1639, Sec. 4)

2.72.05 Contract, rules and regulations The Commissioners shall have authority to enter into contracts with persons, firm, corporations or organizations, for the use of the auditorium buildings or parts thereof and shall have authority to adopt such rules and regulations as they may deem necessary and expedient for the proper operations and management of the municipal auditorium and shall have authority to alter, change, or amend such rules and regulations at their discretion. (Ord. No. 1639, Sec. 5)

2.72.06 Reports The Commissioners shall submit quarterly reports beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations, including an account of receipts and disbursements to the Mayor and City Council and furnish such other further reports, data and information as may be requested by the Mayor and City Council. The Commissioners shall further submit an annual audit of the operations of the auditorium to the Mayor and City Council. (Ord. No. 1639, Sec. 6)

2.72.07 Revenue The Commissioners shall have authority to utilize all revenues derived from the auditorium in the operation of the auditorium. All funds derived from the use of the

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auditorium shall be segregated in an auditorium fund which shall be used exclusively in the operation of the auditorium. The Commissioners shall receive no salary from their services, but shall be reimbursed for actual expenses incurred in their duties. The Commissioners shall have the authority to accept any donations from any person, firm, association or corporation and said donations shall be placed in the auditorium fund and used exclusively for auditorium purposes. (Ord. No. 1639, Sec. 7)

2.72.08 Appropriations The Mayor and City Council may appropriate funds from the general revenues of the city and such funds shall be deposited in the auditorium fund if the city deems it necessary to appropriate general revenues for the use of the Commissioners and in managing and operating the city auditorium. (Ord. No. 1639, Sec. 8)

2.72.09 Execution of authority The Mayor and City Council shall execute such instruments and enact such measures as it may be necessary to vest complete charge of municipally owned auditorium in the Commissioners hereafter appointed. (Ord. No. 1639, Sec. 9)

## **CHAPTER 2.76**

### **ADVERTISING AND PROMOTION COMMISSION**

Sections:

- 2.76.01 Created, membership
- 2.76.02 Organization of Commission; meetings; powers and duties
- 2.76.03 Tax on food and beverages
- 2.76.04 Fund for collections
- 2.76.05 Use of fund

2.76.01 Created, membership The city of Jonesboro Advertising and Promotion Commission is hereby created. The Commission shall be composed of seven (7) members, as follows:

- A.
  - 1. Four (4) members shall be owners or managers of businesses in the tourism industry, and the owner or manager shall reside in the levying municipality or, if the governing body of the municipality provides for by ordinance, the owner or manager may reside outside of the municipality but within the county in which the municipality is located.

2. At least three (3) of these members shall be owners of managers of hotels, motels, or restaurants and shall serve for staggered terms of four (4) years;

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B. Two (2) members of the Commission shall be members of the governing body of the municipality and selected by the governing body and shall serve at the will of the governing body; and

C. One (1) member shall be from the public at-large who shall reside within the levying municipality or in the county of the levying municipality and shall serve for a term of four (4) years.

1. In the case of a city creating the Commission authorized in this section after March 4, 1993, the initial members of the Commission shall be selected as follows:

- a. The four (4) tourism industry positions provided for in subdivision (A)(1) of this section shall be filled by appointment made by the governing body of the city for staggered terms so that:

One (1) member will serve for a term of one (1) year;

One (1) for a term of two (2) years;

One (1) for a term of three (3) years; and

One (1) for a term of four (4) years.

- b. The at-large position provided for in subdivision (C) of this section shall be filled by nomination by the chief administrator of the city and approval by the governing body of the city.

- 2.

- a. In the case of a city in which a city advertising and promotion commission exists on March 4, 1993, the members of the Commission shall continue in office for the balance of the terms to which they have been previously appointed.

- b. However, if on that date no Commission member has been appointed to hold an at-large position, the Mayor shall designate one (1) of the Commission members who is also a member of the governing body of the city to fill the at-large position provided for in subdivision (C) for a term of not longer than one (1) year.

3. Whether resulting from expiration of a regular term or otherwise, a vacancy on the Commission in any of the four (4) tourism industry positions provided for in subdivision (A)(1) or in the at-large position provided for in subdivision (A)(3) shall be filled by appointment made by the remaining members of the Commission, with the approval of the

governing body of the city. (Act 1965, No. 185, 5; 1969, No. 123, 2; A.S.A. 1947, 19-4616; Acts 1993, No. 364, 3; 1997, No. 913, 1; 2005, No. 2314, 2.)

2.76.02 Organization of Commission; meetings; powers and duties

- A. The city of Jonesboro Advertising and Promotion Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a chairman, a secretary and a treasurer. Thereafter, the Commission shall meet as often as may be necessary and also shall be subject to special call by the chairman.
- B. The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation of said Commission, and they shall have the authority to alter, change or amend such rules and regulations at their discretion.
- C. The Commission hereunder appointed shall have the authority to utilize all revenues collected in the city of Jonesboro Advertising and Promotion Fund for purposes set forth in Act 185 of 1965 as amended by Act 123 of 1969, Act 58 of 1970 Extraordinary Session and Act 188 of 1972, subject to approval by City Council of the city of Jonesboro, Arkansas.
- D. The commissioners hereunder appointed, in addition to their other powers enumerated herein, shall have the right and power to make purchases of all supplies necessary for the management and operation of the Commission.
- E. The commissioners shall have authority to employ the necessary personnel to assist in the administration and operation of the city of Jonesboro Advertising and Promotion Fund, and shall have the authority to fix the salary or salaries for such personnel.
- F. The commissioners shall make quarterly reports to the Mayor and City Council of the city of Jonesboro beginning three (3) months after their oath of office reporting in full on the operation of the Commission including an accounting of receipts and disbursements and shall request of the Jonesboro City Council furnish such other and further reports and data as may be required. The commissioners shall select a recognized auditing firm to submit an annual audit of the operations of the Commission to the Mayor and City Council of the city of Jonesboro.

2.76.03 Tax on food and beverages There is hereby levied, effective on this date, July 6, 1997, a tax of one per cent (the Tax) upon the gross receipts of restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, catering, and similar businesses engaged in the business of selling prepared food and beverages for consumption on and off the premises of such establishment in the city.

- A. The Tax shall be collected from the purchaser or user of the food and beverage by the person, firm, corporation, association, trust or estate (or other entity of

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whatever nature) selling such food and beverage. The taxpayer shall remit to the city on the fifteenth day of each month all collections of the Tax for the preceding month, accompanied by reports on forms to be provided by the Advertising and Promotion Commission of the city of Jonesboro.

- B. As provided in Act No. 185, the provisions of Act. No. 386 of 1941, as amended, together with the rules and regulations thereunder, shall, so far as practicable, apply to the administration, collection, assessment and enforcement of the Tax. (Ord. No. 2787, Sec. 1.)

2.76.04 Fund for collections There is hereby created the City Advertising and Promotion Fund, to which fund there shall be credited all collections of the Tax. (Ord. No. 2787, Sec. 2.)

2.76.05 Use of fund The City Advertising and Promotion Fund shall be used, in the manner determined by the City Advertising and Promotion Commission, exclusively for the advertisement and promotion of the city and its environs and/or for the construction, maintenance, repair and operation of public parks, including the pledge of revenues therein to the payment of bonds issued under Act. No. 185, as amended by Act No. 123. (Ord. No. 2787, Sec. 3.)

## **CHAPTER 2.80**

### **NORTHEAST ARKANSAS INDUSTRIAL DEVELOPMENT**

#### **COMMISSION**

Sections:

2.80.01	Establishment
2.80.02	Purpose
2.80.03	Commission
2.80.04	Contribution
2.80.05	Participation
2.80.06	Disbursement of funds
2.80.07	Reports
2.80.08	Chairman
2.80.09	Annual meeting
2.80.10	Communication
2.80.11	Job production

- 2.80.12 Audits
- 2.80.13 Filings

2.80.01 Established. The city of Jonesboro, Arkansas, herewith agrees to the establishment of an entity to coordinate and allocate the expenditures of moneys appropriated by the city of Jonesboro and Craighead County for industrial development, said organization being necessary and appropriate to produce the optimum use of personnel, equipment and efficiencies of scale in industrial recruitment and development. (Ord. No. 1999, Sec. 1)

2.80.02 Purpose. The organization herewith authorized to be formed shall be named Northeast Arkansas Industrial Development Commission which shall be an unincorporated entity designated to receive and disburse funds to appropriate affiliated organizations, both public and non-public for industrial development. (Ord. No. 1999, Sec. 2)

2.80.03 Commission. The Commission shall be comprised of seven (7) commissioners, each to be appointed for three (3) year terms commencing December 1, 1986; two (2) commissioners to be appointed by the Craighead County Judge; two (2) commissioners to be appointed by the Mayor of the city of Jonesboro and approved by the City Council; one (1) commissioner to be the Chairman of the Board or similarly designated and elected representative or Greater Jonesboro Chamber of Commerce; one (1) to be the Chairman of the Jonesboro Unlimited; and one to be President of the Jonesboro Industrial Development Corporation. (Ord. No. 1999, Sec. 3)

2.80.04 Contribution. The city of Jonesboro shall commencing in 1989, contribute to said Commission, in monthly installments or as otherwise agreed to by the city, a sum of no less than Fifty Thousand Dollars (\$50,000) per year. (Ord. No. 1999, Sec. 4)

2.80.05 Participation. Participation by incorporated cities other than Jonesboro, Arkansas, or organizations other than those designated in Section 2.80.03 shall be permitted, provided that said cities or organizations provide and remit contributions as designated by the Commission in order to establish affiliation with the Commission. (Ord. No. 1999, Sec. 5)

2.80.06 Disbursement of funds. The Commission will annually or at more frequent intervals as determined by it, disburse all funds received by it based on contract for industrial services entered into with the organizations: Greater Jonesboro Chamber of Commerce; Jonesboro Unlimited; Jonesboro Industrial Development Commission; and any other active industrial development entities in Craighead County. All organizations receiving funds shall comply with the requirements as described in Ord. No. 3559 in requesting application. (Ord. No. 1999, Sec. 6)

2.80.07 Reports. The organization designated in Section 2.80.06 will provide to the Commission a quarterly annual report and analysis regarding utilization and expenditure of Commission-distributed funds and the progress of all industrial development efforts. (Ord. No. 1999, Sec. 7)

2.80.08 Chairman. The Commission will on an annual basis designate a Chairman who shall be elected by a majority vote of its members. (Ord. No. 1999, Sec. 8)

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2.80.09 Annual meeting. The Commission will meet at least annually for the specified purpose of establishing the following:

- A. Amounts to disburse to each participating organization.
- B. A program to inform all county residents of the need and benefits of industrial development, and
- C. Guidelines for each organization to prevent inefficiencies and duplication of effort. (Ord. No. 1999, Sec. 9)

2.80.10 Communication. The Commission will annually communicate information regarding its activities to all participating cities and organizations in Craighead County and to the Jonesboro City Council and Quorum Court regarding fund disbursements. (Ord. No. 1999, Sec. 10)

2.80.11 Job production. All industrial development activities sponsored and funded hereunder must be related to anticipated new-job production. (Ord. No. 1999, Sec. 11)

2.80.12 Audits. The Commission shall be empowered to request audited financial statements on fund utilization by any participating organizations. (Ord. No. 1999, Sec. 12)

2.80.13 Filings. A copy of this ordinance duly certified by the City Clerk shall be filed in the office of the City Clerk of Jonesboro and filed in the office of the County Clerk of Craighead County and recorded. (Ord. No. 1999, Sec. 13)

## **CHAPTER 2.84**

### **RESIDENTIAL HOUSING FACILITIES BOARD**

#### Sections:

- 2.84.01 Findings
- 2.84.02 Creation of Board
- 2.84.03 Members of the Board; Term of office
- 2.84.04 Powers
- 2.84.05 Issuance of bonds
- 2.84.06 Organization; reports
- 2.84.07 Excess revenues

2.84.01 Findings. The City Council of the city hereby finds and determines:

(a) There exists within and near the city a shortage of decent, safe and sanitary residential housing facilities available for rehabilitation, construction or purchase on terms that persons and families of low and moderate income can afford to pay.

(b) Existing economic conditions including high rates of interest on residential mortgage loans and a shortage of funds within lending institutions in the State of Arkansas for residential mortgage loans are operating (i) to further restrict the rehabilitation, construction and purchase of residential housing by persons of low and moderate income at reasonably affordable costs, (ii) to create unemployment and hardship within the residential construction industry, adversely affecting residents of the city and (iii) to reduce and limit the value of property within the city, all of which adversely affects the city's tax revenues and which, if not alleviated will lead to further urban blight and decay and result in disproportionately large expenditures for services by the city.

(c) The availability of mortgage financing to assist such persons and families in the rehabilitation, construction or purchase of decent, safe and sanitary residential housing facilities will be aided by the providing of funds for mortgage financing of residential housing facilities by the creation of a public facilities board pursuant to the provisions of this Act.

(d) The providing of financial assistance in order to enable persons and families of low and moderate income to finance the costs of decent, safe and sanitary residential housing facilities is a proper public purpose as declared by the Act and this determination of the City Council of the city.

(e) The public purpose of financing residential housing facilities may best be served by establishing a public facilities board to purchase mortgages on such residential housing facilities as provided in the Act.

(f) There exists within and near the city a shortage of adequate health care facilities to adequately provide for the health care needs of the citizens and residents of the city which cannot reasonably be met by presently available health care facilities.

(g) The availability of financing to assist in the constructing, acquiring, or equipping of health care facilities will be aided by the expansion of the powers of the public facilities board created by the City Council in its Ordinance No. 1657, pursuant to the provisions of the Act.

(h) The providing of financial assistance in order to enable the constructing, acquiring or equipping of health care facilities within or near the city is a proper public purpose as declared by the Act and this determination of the City Council of the city. (Ord. No. 1607, Sec. 1 as amended by Ord. No. 1717, Sec. 1)

2.84.02 Creation of Board. Pursuant to the authority of the Act there is hereby created and established the "City of Jonesboro, Arkansas, Residential Housing and Health Care Facilities Board" (hereinafter referred to as the "Board") with authority as hereinafter provided (i) to accomplish, finance, contract and make or purchase mortgage loans concerning residential housing facilities and otherwise act in such manner as may be permitted by the Act to provide decent, safe and sanitary residential housing facilities within or near the city and (ii) to accomplish, finance, contract concerning and otherwise deal with or dispose of health care facilities, and otherwise act in such manner as may be permitted by the Act to provide adequate health care facilities within or near the city." (Ord. No.1717, Sec. 2)

2.84.03 Members of the Board; Term of office. The Board shall consist of five (5) persons. The initial members shall be appointed by the Mayor of the city to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Successor members shall be selected as provided in the Act. The members of the Board shall be residents of the city and shall take and file with the City Clerk the oath of office prescribed by the Act. The initial members of the Board, each of whom is a resident of the city, and their respective terms of office shall be:

Member	Term
Fred Dacus	One Year
Randall Ishmael	Two Years
Glen Highfill	Three Years
Charles Schaff	Four Years
Herb Davis	Five Years

As soon as practicable after the enactment of this ordinance, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office as prescribed by the Act. (Ord. No. 1657, Sec. 3)

2.84.04 Powers. The Board is empowered, from time to time, (i) to loan, acquire, construct, reconstruct, extend equip, improve, sell, lease and contract concerning (which shall include the purchase of mortgage loans and the making of loans to mortgage lenders) residential housing facilities as shall be determined by the Board to be necessary to effect the purposes of this ordinance to provide decent, safe and sanitary residential housing facilities within or near the city and (ii) to own, acquire, construct, reconstruct, equip, improve, sell, lease and contract concerning health care facilities as shall be determined by the Board to be necessary to effect the purposes of this ordinance to provide adequate health care facilities within or near the city. The Board shall require that a majority of the funds made available for the purchase of mortgages or making loans to mortgage lenders shall be used for residential housing facilities located within the corporate limits of the city as now existing or as may hereafter be extended. In addition, the Board shall have each of the powers set forth in Section 7 of the Act, as amended, and appropriate to the purposes for which the Board is created. The Board may enter into such

contractual or cooperative agreements with such persons as may, in its discretion, be advisable to accomplish the purposes of this ordinance, including without limitation, departments, agencies or instrumentalities of the United States of America, the State of Arkansas or the city, e.g. the Department of Housing and Urban Development, the Federal Housing Administration and the Arkansas Housing Development Agency. (Ord. No. 1717, Sec. 3)

2.84.05 Issuance of bonds. The Board is authorized to issue revenue bonds, from time to time, and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created as the same relate to the providing of decent, safe and sanitary residential housing facilities or adequate health care facilities. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness of which the faith and credit of the city or any of its revenues are pledged and the principal and interest on the bonds shall be payable from and secured by a pledge of revenues derived residential housing facilities or health care facilities, respectively, financed in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of the Act, together with such other collateral as may properly be pledged under the Act and as the Board, in its discretion, may determine. (Ord. No. 1717, Sec. 4)

2.84.06 Organization; Reports. As soon as practicable after the adoption of this ordinance, the Board shall meet and elect such officers as shall be required by the Act. The Board may adopt such bylaws and other rules and regulations as shall be necessary for the conduct of its business and consistent with the provisions of the Act. The Board shall cause to be filed with the City Clerk of the city the annual report described in Section 18 of the Act. (Ord. No. 1657, Sec. 6)

2.84.07 Excess revenues. Any revenues of the Board accumulated in excess of the amount necessary to accomplish the purposes for which the Board is created and to comply with all covenants and agreements of the Board in connection with any outstanding bond or other obligation shall be reported to the City Council of the city which may direct the payment of such excess revenues into the general fund of the city. (Ord. No. 1717, Sec. 7)

## CHAPTER 2.85

### ECONOMIC DEVELOPMENT GRANT PROGRAM

#### Sections:

2.85.01	Established
2.85.02	Purpose
2.85.03	Funds
2.85.04	Recipients
2.85.05	Information on forms
2.85.06	Application
2.85.07	Grantee's report

2.85.08 Monitoring funds

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2.85.01 Established There is hereby established the Jonesboro Economic Development Grant Program, to be administered by the Mayor or his designee, appointed by him with the advice and consent of the City Council. (Ord. No. 2198, Sec. 1.)

2.85.02 Purpose It shall be the purpose of this program, established under the provisions of Act 405 of the General Assembly for the state of Arkansas for the year 1989, to award grants to certain non-profit corporations to be used by the grantee in aiding or assisting or otherwise promoting economic development throughout the city of Jonesboro and an area adjacent thereto. Economic development is any activity related to the encouragement of the location, relocation, creation, or development of a business, industry, manufacturing facility, transportation facility, or other economic unit which creates jobs, employs people, or generates economic activity. (Ord. No. 2198, Sec. 2.)

2.85.03 Funds Funds available for this program shall be such as may form time to time be appropriated by the City Council, and no awards shall be made unless funds are on hand to satisfy the award. (Ord. No. 2198, Sec. 3.)

2.85.04 Recipients Recipients eligible for grants shall include, but not be limited to, local industrial development corporations, local Chamber of Commerce, or other non-profit corporation having as its primary corporate function and activity the promotion and support of economic development within this city of any portion and support of economic development within this city or any portion thereof, under the definition of economic development in 2.92.02. (Ord. No. 2198, Sec. 4.)

2.85.05 Information on forms The Administrator shall establish and provide application forms to be used by all applicants. Applicants shall be required to furnish information on the following, along with any other information required by the Administrator:

- A. Corporate, non-profit status of applicant.
- B. Evidence of purpose for which organized.
- C. Names, addresses and telephone numbers of its officers, and, if different, its Executive Committee members.
- D. Description of current activities of applicant.
- E. Description of economic development project for which an award is requested, including a budget or other economic outline of financing.
- F. Estimate of when funds will be needed; where grant can be paid in installments; estimate of time and amount of each.

- G. Description of projected final economic benefit when entire project, including the use of these grant funds, has been completed. (Ord. No. 2198, Sec. 5.)

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2.85.06 Application Application shall be filed in triplicate with the Administrator. The Administrator shall have thirty days from the receipt of a satisfactorily completed application in which to approve or reject funding of a grant. No application shall be approved unless funds are available, unless the award is to be made in installments, in which case future installments shall always be conditioned upon appropriations by the City Council. If funds are not available, the application shall be denied, but may be carried over for the next available appropriation, and considered at that time, being given preference only as to order of consideration, based on time of filing. Awards may be made for all or any part of the amount requested, at the discretion of the Administrator. (Ord. No. 2198, Sec. 6.)

2.85.07 Grantee's report Grantees which have received funds from this program during the preceding calendar year, shall file a report with the City Council and the Administrator, no later than January 30. This report shall explain the exact amount of expenditures of the grant funds, the purpose for which the grant was awarded and expended, and the economic development goals and objectives that were accomplished as a result of the expenditure. (Ord. No. 2198, Sec. 7.)

2.85.08 Monitoring funds The Administrator shall establish a procedure for monitoring the ultimate expenditure of grant funds, to ensue that they are used in accord with the purposes for which they are awarded, and are expended in accord with all applicable state laws and local ordinances and procedures. (Ord. No. 2198, Sec. 8.)

## **CHAPTER 2.88**

### **INDEPENDENT ACCOUNTING FIRM**

#### Sections:

- 2.88.01 Hiring
- 2.88.02 Funds

2.88.01 Hiring The city shall engage a qualified certified public accounting firm to review the operations, policies, procedures, and internal controls of certain city departments, the departments to be determined by recommendation of the Finance and Administration Committee of the City Council. (Ord. No. 3403, Sec. 1.)

2.88.02 Funds Funds appropriated in the 2003 budget for the position of internal auditor, including payroll taxes and fringe benefits, are hereby transferred to the line item account for professional services in the Administration Department 2003 budget. (Ord. No. 3403, Sec. 2.)

## **CHAPTER 2.92**

### **EMERGENCY 911 DEPARTMENT**

**Sections:**

2.92.01	System implemented
2.92.02	Funding
2.92.03	Collection
2.92.04	Service charge
2.92.05	Administrative fee
2.92.06	Source of funds
2.92.07	Director's position

**2.92.01 System implemented** An Emergency Response 911 System shall be implemented providing twenty-four hour 911 emergency dialing for all telephone systems within the city of Jonesboro, said service shall be linked directly to a computer system providing the callers address and telephone number to emergency personnel. (Ord. No. 2283, Sec. 1.)

**2.92.02 Funding** The service shall be funded pursuant to Act 683 of 1985, *The Arkansas Public Communications Act*. Pursuant to this act a service charge of 5% shall be levied on the telephone tariff rate approved by the Arkansas Public Service Commission, for each telephone access line of any telephone system within the corporate limits of Jonesboro, Arkansas. (Ord. No. 2283, Sec. 2.)

**2.92.03 Collection** The percentage of the service charge may be modified by the City Council from time to time as necessary to fund the operation of the 911 system and communications center by simple amendment to this ordinance. Collection may be suspended for a short period of time if it is determined that adequate revenue is currently available. (Ord. No. 2283, Sec. 3.)

**2.92.04 Service charge** The service charge shall be collected by each telephone service provider who provides telephone access service within the corporate limits of the city of Jonesboro. Collection shall begin at such time as all service suppliers establish appropriate billing collection procedures, which meet the approval of the City Council. (Ord. No. 2283, Sec. 4.)

**2.92.05 Administrative fee** Revenue collected shall be remitted by the service provider to the city of Jonesboro within thirty (30) days after the close of each monthly billing period. The service suppliers shall be entitled to retain as an administrative fee, an amount equal to one

percent thereof. The total amount collected to be handled in accordance with the proper 911 system and the city of Jonesboro finance procedures. (Ord. No. 2283, Sec. 5.)

2.92.06 Source of funds The City Council for the city of Jonesboro, Arkansas, hereby appropriates Eleven Thousand Seven Hundred Ninety-Two (\$11,792.00) Dollars to come from un-appropriated sales tax for the position of Director for the Emergency 911 Department. (Ord. No. 2572, Sec. 1.)

2.92.07 Director's position The above expenditure shall be used for salary and related expenses for the position of Director for the Emergency 911 Department. (Ord. No. 2572, Sec. 2.)

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