

## **TITLE 2**

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

#### **Chapters:**

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
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- 2.64 Substances and Alcohol Testing
- 2.68 Independent Candidates for Office
- 2.72 Delta Regional Airport Authority

#### **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, Hdbk. 1-1.8.

## **CHAPTER 2.08**

### **CITY AND WARD BOUNDARIES**

#### **Sections:**

#### **2.08.01        Wards**

**2.08.01 Wards** The city of Wynne, Arkansas, is hereby divided into five (5) wards, each of which have representation in the City Council as now provided by law, said wards shall be known as 1<sup>st</sup> Ward, 2<sup>nd</sup> Ward, 3<sup>rd</sup> Ward, 4<sup>th</sup> Ward and 5<sup>th</sup> Ward. The boundaries of said wards shall be as reflected on the map attached hereto and incorporated herein by reference as Exhibit “A.” (Ord. No. 743, Sec. 1.)

## **CHAPTER 2.12**

### **SOCIAL SECURITY COVERAGE**

#### **Sections:**

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

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

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

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

## **CHAPTER 2.16**

### **UNCLAIMED PROPERTY**

#### **Sections:**

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

2.16.01 Disposal The Police Chief under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the city court with the exception of confiscated liquor.  
STATE LAW REFERENCE-For procedure relating to liquor, See A.C.A. 3-3-312 - 3-3-315

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 treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount 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 months All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

## **CHAPTER 2.20**

### **CITY COUNCIL**

Sections:

2.20.01	Council meetings - regular
2.20.02	Council meetings - special
2.20.03	Freedom of information procedure
2.20.04	Order of business

2.20.01 Council meetings - regular All regular meetings of the Council shall be held at the municipal building on the second Tuesday of each month at 6:00 p.m. (Ord. No. 745, Sec. 1.)

2.20.02 Council meetings - special Special meetings of the Council may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally, or through the mails, to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure All meeting 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 Cross County which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

- (1) Call to order
- (2) Roll call
- (3) Reading of minutes of the previous meeting
- (4) Reports of boards and standing committees
- (5) Reports of special committees
- (6) Unfinished business
- (7) New business
- (8) Announcements
- (9) Adjournment

## **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.

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

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 officer 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

2.24.05 Salary The salary of the Mayor shall be adjusted per budget resolutions as other employees which is subject to cost of living raises as other employees. (Ord. No. 748, Sec. 1.)

## **CHAPTER 2.28**

### **CLERK AND TREASURER**

Sections:

2.28.01	Offices created
2.28.02	Compensation
2.28.03	Duties
2.28.04	Treasurer
2.28.05	Salary

2.28.01 Offices created The offices of City Clerk and Treasurer are hereby created.

2.28.02 Compensation The salary of City Clerk shall be adjusted per Municipal Health Benefit Fund Insurance cost. (Ord. No. 749, Sec. 1.)

STATE LAW REFERENCE-Constitutional Amendment No. 56

2.28.03 Duties The duties of the City Clerk shall be:

- A. To keep an accurate and complete record of the proceedings of the city as designated by the City Council.
- B. Perform such other duties as may be required by the ordinances of the city or laws of the State.

2.28.04 Treasurer The City Treasurer shall be the collector of all occupation and privilege taxes, and other taxes for the city. The City Treasurer shall keep records on all occupational and other taxes and moneys collected.

2.28.05 Salary The salary of the City Treasurer shall be adjusted per budget resolutions as other employees which is subject to cost of living raises as other employees. (Ord. No. 748, Sec. 1.)

## **CHAPTER 2.32**

### **CITY ATTORNEY**

Sections:

2.32.01	Appointment
2.32.02	Duties
2.32.03	Salary

2.32.01 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.

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

2.32.03 Salary The salary of the City Attorney shall be adjusted per budget resolutions as other employees which is subject to cost of living raises as other employees. (Ord. No. 748, Sec. 1.)

## **CHAPTER 2.36**

### **FIRE DEPARTMENT**

#### **Sections:**

2.36.02	Creation and personnel
2.36.02	Appointment and removal of Fire Chief
2.36.03	Duties of fire chief
2.36.04	Compensation for volunteer firemen
2.36.05	Registration of volunteer firemen
2.36.06	Firemen's Pension and Relief Fund
2.36.07	LOPFI

2.36.02 Creation and personnel The Wynne Fire Department is hereby created and shall consist of the following personnel:

One Fire Chief and any number of volunteer firemen as the Fire Chief shall determine as necessary from time to time.

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

2.36.03 Duties of Fire Chief The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the 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.

2.36.04 Compensation for volunteer firemen The volunteer firemen shall be paid for such services as they render based upon the number of calls answered. The Chief shall attend all Council meetings for the purpose of furnishing any information required by the Council.



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

2.36.06 Firemen's Pension and Relief Fund The City Council shall, on or before the time fixed by law for levying county taxes, make out and certify to the County Clerk the rate of taxation levied by the city on the real and personal property within the city, not to exceed one (1) mill on the dollar of the assessed value, for the purpose of paying pensions to retired firemen, and pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen, as provided by law. The Council shall make the rate of taxation, not to exceed one (1) mill on the dollar of the assessed value of the real and personal property within the city, sufficient to raise and provide such amount of money as the Board of Trustees of the Firemen's Pension and Relief Fund certified to the Council will be required to pay pensions to widows and minor children of deceased firemen and widows and minor children of deceased retired firemen, for the following year. If the amount certified to the Council by the Board of Trustees is more than a levy of one (1) mill will produce, the Council shall make the full levy of one (1) mill. All members of the fire department, whether past, present or future, and whether they be paid, part paid or volunteer firemen, their widows and minor children, and who meet the requirements established by the laws of the state for such eligibility, shall be included in the estimate of the amount of money required to pay pensions, which said Board is required to submit to the City Council, and all persons eligible to receive such benefits shall be entitled to receive them.

This code shall at all times conform to state law governing the Firemen's Pension and Relief Fund and any amendment to such state law shall automatically amend this code to assure compliance with state law.

STATE LAW REFERENCE-See A.C.A. 24-11-801 et seq. Amend. 31, Ark. Const.; Hdbk. Hdbk. 33-1.1. - 33-1.50

2.36.07 LOPFI

- A. If accepted by LOPFI, the administration of the retirement program coverage for all Wynne Fire Pension and Relief Fund participants shall be transferred to 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 not a change in the Relief Fund's benefit program.
- B. The Chief Administrative Officer is hereby authorized to enter into an agreement with LOPFI to administer the Wynne Fire Pension and Relief Fund as stated in (A) hereof. (Ord. No. 665, Secs. 1-2.)

## **CHAPTER 2.40**

### **POLICE DEPARTMENT**

#### **Sections:**

- 2.40.01        Established
- 2.40.02        Duties of Police Chief

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

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

2.40.02 Duties of Police Chief The Police Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of city funds therein. He shall attend the first Council meeting of the month and make his monthly report to the City Council concerning the operation and equipment of the department, and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such as are fixed by the laws of the state and ordinances of the city.

## **CHAPTER 2.44**

### **DISTRICT COURT**

#### **Sections:**

- 2.44.01        District Court established
- 2.44.02        Qualifications and powers of District Judge
- 2.44.03        Court costs for Judge and clerk retirement
- 2.44.04        Court costs for police pensions
- 2.44.05        Court costs for Juvenile and Probation Program
- 2.44.06        Fine for misdemeanor violation

2.44.01 District Court established The District Court is hereby established for the city.  
STATE LAW REFERENCE-See A.C.A. 16-17-201 et. seq.

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

2.44.03 Court costs for Judge and Clerk retirement That the sum of One Dollar (\$1.00) be and the same shall be assessed and taxed on all criminal cases both misdemeanor and felony as additional court costs.

That said additional One Dollar (\$1.00) so assessed and taxed shall be paid over to the Trust Fund of the District Judges and Clerks. (Ord. No. 482, Secs. 1 and 2)

2.44.04 Court costs for police pensions That effective January 1, 1984, an additional sum of Three Dollars (\$3.00) shall be assessed on all moving traffic violations and criminal cases of the city of Wynne in the District Court of Wynne, Arkansas.

That the Clerk of the District Court shall remit said funds then collected to the Treasurer of the city of Wynne to be deposited in a separate account for the purpose of establishing a pension fund for the Wynne Police Department and shall administer such funds in accordance with the laws of the state of Arkansas as set forth above. (Ord. No. 487, Secs. 1 and 2)

2.44.05 Court costs for Juvenile and Probation Program There is hereby assessed a fee of Five Dollars (\$5.00) to be taxed as costs in all cases filed in the District Court of Wynne, Criminal Division, which fee shall be quarterly remitted by the Court Clerk to the County Treasurer and to be deposited by the Treasurer in a specific account designated for this purpose, such funds shall be appropriated by ordinance of the Quorum Court for the purpose of maintaining the Cross County Juvenile and Probation Program. (Ord. No. 459, Sec.1)

2.44.06 Fine for misdemeanor violation

- A. Pursuant of Act 1336 of 1999, in addition to all fines now, or as may hereinafter be provided by law, the city of Wynne hereby levies an additional fine of Five Dollars (\$5.00) to be paid from each defendant who pleads guilty or *nolo contendere* to, or is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court of the city of Wynne. The additional court fine authorized to be levied by this act shall be used exclusively to help defray the cost of incarcerating city prisoners and payments to other entities for incarcerating city prisoners. (Ord. No. 605, Secs. 1-2.)

- B. Pursuant of Act 1336 of 1999, in addition to all fines now, or as may hereinafter be provided by law, the city of Wynne hereby levies an additional fine of Fifteen Dollars (\$15.00) to be paid from each defendant who pleads guilty or *nolo contendere* to, or is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court of the city of Wynne. The additional court fine authorized to be levied by this act shall be used exclusively to help defray the cost of incarcerating city prisoners and payments to other entities for incarcerating city prisoners. (Amendment to Ord. No. 605, Secs. 1-2.)

## **CHAPTER 2.48**

### **SALARIES OF CITY EMPLOYEES**

**Section:**

2.48.01 Includes pay for holidays

2.48.01 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.

## **CHAPTER 2.52**

### **AIRPORT COMMISSION**

**Sections:**

2.52.01	Created
2.52.02	Commissioners
2.52.03	Removal
2.52.04	Authority
2.52.05	Revenue
2.52.06	Powers
2.52.07	Rules
2.52.08	Reports
2.52.09	Budget
2.52.10	Meetings

**2.52.01 Create.** There is hereby created a commission to be known as the Wynne Municipal Airport Commission to be composed of eight (8) citizens who are qualified electors of the municipality; at least one (1) of the members shall be experienced in aviation, holding some type of pilot aeronautical rating. (Ord. No. 311, Sec. 1)

Section one (1) of Ordinance 311 is hereby and hereafter amended to remove the requirement that commissioners appointed by the Mayor and approved by the Council be residents of Wynne. Hereafter such nominations and appointments may be made of qualified citizens and electors of Cross County, Arkansas. (Ord. No. 740, Sec. 1.)

**2.52.02 Commissioners** Said 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, however, that the commissioners first appointed shall serve for a term of one (1), two (2), three (3), four (4) and five (5) years each, to be designated by the Mayor, and thereafter upon the expiration of their respective terms, their successors shall be appointed for a term of five (5) years. The members of the Commission shall receive as compensation for their services the sum of One Dollar (\$1.00) per year. No member of such Commission created under the provisions of this ordinance shall hold any elective office or appointive office under the municipal, county, state or federal government while a member of said Airport Commission; provided further, that no member of said Commission shall engage financially in any aeronautical enterprise while a member of said Commission. (Ord. No. 311, Sec. 2)

2.52.03 Removal. Any commissioner appointed by the provisions of this ordinance may be removed upon a three-fourths (3/4) vote of the duly elected and qualified member of the City Council. (Ord. No. 311, Sec. 3)

2.52.04 Authority. The commissioners hereunder appointed 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 whatever nature, kind or character, and to fix, regulate and pay their salaries, it being the intention of this ordinance to vest in said commissioners

unlimited authority to operate, manage, maintain, improve and extend said municipally owned airport, its related properties and facilities, and to have full and complete charge thereof. (Ord. No. 311, Sec. 4)

2.52.05 Revenue All the revenue derived from the operation of such airport, or flying field after paying the operation expenses and maintenance, shall be set aside and used for additional improvements of such airport or for the retirement of bonds and interest thereon issued or advanced made after the passage of this ordinance for the purchase and improvement of such airport or flying field. (Ord. No. 311, Sec. 5)

2.52.06 Powers The said commissioners shall, in addition to the above enumerated powers, have such other and further powers as are now by law given to the Board of Public Affairs and City Councils and they shall be governed by all existing statutes pertaining to the duties of Boards of Public Affairs and City Councils. (Ord. No. 311, Sec. 6)

2.52.07 Rules The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said Municipal Airport, its related properties and facilities, and shall have authority to alter, change or amend such rules and regulations at their discretion. Said commissioners shall comply with 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 the aerial approaches to the airport in so far as it comes within their jurisdiction. (Ord. No. 311, Sec. 7)

2.52.08 Reports Said commissioners shall keep a record of all revenues and expenditures of the airport, its related properties and facilities, and shall submit monthly reports to the Mayor and City Council. It shall be the duty of the Airport Commissioners to prepare and file an annual report of the financial affairs and conditions of such Municipal Airport, its related properties and facilities, annually between the 15<sup>th</sup> day of January and the 1<sup>st</sup> Monday in February thereafter; the said report shall be filed in the office of the Clerk of such municipality, and shall be subject to the inspection of any citizen of the state. The report shall set out a full detailed, complete and correct statement of all receipts of every kind since the last preceding report, showing the source thereof and all disbursements of every kind showing the date, amount, number and purposes of each voucher, to whom issued and the date canceled, if canceled. Said report shall show the full financial condition of the airport, its related properties and facilities, and the status of its bonded debt, if any, and of every other detail necessary to a full and thorough understanding from such report, of the actual financial condition of such Municipal Airport. The report shall be verified by the Airport Commissioners. The commissioners shall furnish such other and further reports, data and information as may be requested by the Mayor or City Council. (Ord. No. 311, Sec. 8)

2.52.09 Budget The Board of Commissioners shall submit to the City annually before the City prepares its budget, the amount of funds necessary for maintenance, operation, and management of the Municipal Airport, its related properties and facilities above the estimated revenue and the funds remaining on hand. (Ord. No. 311, Sec. 9.)

2.52.10 Meetings The said Board of Commissioners shall meet at least monthly, but other meetings may be held at any other time by the Board or upon the call of the Mayor and City Council. (Ord. No. 311, Sec. 10.)

## **CHAPTER 2.56**

### **HEALTHCARE BENEFITS**

**Sections:**

2.56.01	Retired City Aldermen
2.56.02	Retired City Mayor, Attorney, Clerk and Treasurer
2.56.03	Ten years of service
2.56.04	Retroactive

2.56.01 Retired City Aldermen From and after the passage of this ordinance, the City of Wynne shall continue to provide healthcare insurance benefits for retired City Aldermen who have completed a minimum of ten years of service. (Ord. No. 515, Sec. 1.)

2.56.02 Retired City Mayor, Attorney, Clerk and Treasurer From and after the passage of this ordinance, the City of Wynne shall continue to provide healthcare insurance benefits for retired City Mayor, Attorney, Clerk and Treasurer who have completed a minimum of ten years of service. (Ord. No. 515, Sec. 2.)

2.56.03 Ten years of service The calculation of ten years of service is not required to be consecutive years but shall be the total years of service in any capacity set forth in this ordinance. (Ord. No. 515, Sec. 3.)

2.56.04 Retroactive The calculation of ten years of service shall be retroactive for those elected officials now in service to the City, and to the date of January 1, 1989. (Ord. No. 515, Sec. 4.)



## **CHAPTER 2.60**

### **ALDERMEN**

**Sections:**

- |         |                     |
|---------|---------------------|
| 2.60.01 | Voting for aldermen |
| 2.60.02 | Salary              |

2.60.01 Voting for aldermen That hereafter all Aldermen in the city of Wynne be elected by ward and that each Alderman shall be voted upon by the qualified electors of the ward from which such person is a candidate and that the name of such candidate shall appear upon the ballot only in the ward in which he is a candidate for election. That the effect of the within ordinance shall first be implemented in the municipal elections held in 1994. (Ord. No. 538, Secs. 1-2.)

2.60.02 Salary The salary of the Aldermen shall be adjusted per Municipal Health Benefit Fund Insurance cost. (Ord. No. 749, Sec. 1.)

## **CHAPTER 2.64**

### **SUBSTANCES AND ALCOHOL TESTING**

**Sections:**

- |         |   |
|---------|---|
| 2.64.01 | Revised personnel policies                        |
| 2.64.02 | Employees maintaining Commercial Driver's License |
| 2.64.03 | Conflicting ordinances                            |
| 2.64.04 | Duty of Personnel Director                        |
| 2.64.05 | qualified testing professional                    |
| 2.64.06 | Administering tests                               |
| 2.64.07 | Penalty for refusal                               |
| 2.64.08 | Penalty for positive drug test result             |
| 2.64.09 | Immediate discharge                               |
| 2.64.10 | Second test                                       |
| 2.64.11 | Negative result                                   |
| 2.64.12 | Suspension  |
| 2.64.13 | Drug-free workplace                               |

2.64.01 Revised personnel policies That all personnel policies of the city of Wynne are hereby revised and amended to incorporate the 1994 DOT Final Rules. A copy of said Rules is attached hereto and by reference is incorporated herein in its entirety as if restated word for word. (Ord. No. 558, Sec. 1.)

2.64.02 Employees maintaining Commercial Driver's License That his ordinance specifically amends any personnel policy providing for conditions of employment for employees whose duties require them to maintain a Commercial Driver's License in order to lawfully carry out their duties. (Ord. No. 558, Sec. 2.)

2.64.03 Conflicting ordinances Any ordinance, resolution, rule, regulation or part of any ordinance, resolution, rule, regulation now in effect which conflicts with the rules is hereby repealed. (Ord. No. 558, Sec. 3.)

2.64.04 Duty of Personnel Director The Personnel Director (or other employee with equivalent responsibility) is hereby directed to establish procedures to ensure compliance with the rules, including the assignment of a Designated Representative responsible for the execution of the procedures. (Ord. No. 558, Sec. 4.)

2.64.05 Qualified testing professional Any laboratory, medical review officer, substance abuse professional or any other professional who receives payment for testing, evaluating, record-keeping, or other services mandated by the rules must be qualified according to the rules and must perform such services in conformance with 49 CFR Part 40 and Part 382. (Ord. No. 558, Sec. 5.)

2.64.06 Administering tests Drug and alcohol testing will be administered to those employees mandated by the rules, in the circumstances and in the manner mandated by the rules. (Ord. No. 558, Sec. 6.)

2.64.07 Penalty for refusal The penalty for refusal to take a mandated test for drugs or alcohol is immediate discharge. (Ord. No. 558, Sec. 7.)

2.64.08 Penalty for positive drug test result The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge. (Ord. No. 558, Sec. 8.)

2.64.09 Immediate discharge The penalty for a positive alcohol test result is immediate discharge. (Ord. No. 558, Sec. 9.)

2.64.10 Second test Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the Designated Representative receives the results of the second (split sample) test. Such second test will be at the employee's expense. (Ord. No. 558, Sec. 10.)

2.64.11 Negative result A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test. (Ord. No. 558, Sec. 11.)

2.64.12 Suspension An employee suspected of unlawful use of drugs or abuse of alcohol while on duty as established by the rules, or who is involved in an accident as defined in 49 CFR 390.4 (and receives a citation for a moving traffic violation in this section) by the rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the Designated Representative. (Ord. No. 558, Sec. 12.)

#### 2.64.13 Drug-free workplace

##### A. Purpose of policy

1. The city has vital interest in providing for the safety and well-being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol free workplace.
2. The city and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the city has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. IN order to further provide a safe environment for city employees and the public, the city has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.
3. This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employees operation of a commercial motor vehicle.

##### B. Policy statement

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

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

2. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test. (Ord. No. 709, Secs. 1-2.)

## **CHAPTER 2.68**

### **INDEPENDENT CANDIDATES FOR OFFICE**

#### **Sections:**

2.68.01        Filing

#### **2.68.01 Filing**

- A.     Independent candidates for municipal office are required to file petitions for nomination as independent candidates with County Clerk no earlier than twenty (20) days prior to the preferential primary election and no later than noon on the day before the preferential primary election.
- B.     The City Clerk is hereby instructed to publish the ordinance once a week for two consecutive weeks immediately following its adoption in a newspaper having a general circulation in the city. (Ord. No. 660, Sec. 1.)

## **CHAPTER 2.72**

### **DELTA REGIONAL AIRPORT AUTHORITY**

#### **Sections:**

2.72.01        Created  
2.72.02        Members  
2.72.03        Compensation  
2.72.04        Operation of airport  
2.72.05        Powers  
2.72.06        Agreement  
2.72.07        Reports  
2.72.08        Submitting budget  
2.72.09        Meetings

**2.72.01 Created** There is hereby created an authority to be known as the Delta Regional Airport Authority to be composed of eight (8) citizens. Hereafter, such nominations and appointments be made of qualified citizens and electors of Cross County. (Ord. No. 740, Sec. 1.)

2.72.02 Members Said commissioners shall be appointed as follows: Three (3) commissioners shall be appointed by the Mayor of the city of Wynne, three (3) commissioners shall be appointed by the Mayor of the city of Forrest City, one (1) commissioner shall be appointed by the County Judge of Cross County, and one (1) commissioner shall be appointed by the County Judge of St. Francis County. These commissioners shall be 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 six (6) years, provided, however, that the one-third (1/3) of the commissioners first appointed shall serve for a term of six (6) years, one-third (1/3) of the commissioners first appointed shall serve for a term of four (4) years, and one-third (1/3) of the commissioners first appointed shall serve for a term of two (2) years, to be designated by the Mayors of each participating city, and thereafter upon the expiration of their respective terms their successors shall be appointed for a term of six (6) years. A member of the Authority once qualified shall not be removed during his appointment, except for cause by the Mayor or County Judge which appointed him. (Ord. No. 654, Sec. 2.)

2.72.03 Compensation No member of the Authority shall receive any compensation, whether in the form of salary, per diem allowance, or otherwise, for or in connection with his services as a commissioner. Each member shall, however, be entitled to reimbursement by the Authority for any necessary expenditures in connection with the performance of his general duties as a member. (Ord. No. 654, Sec. 3.)

2.72.04 Operation of airport As provided in A.C.A. 14-362-108, the Authority is authorized and empowered to acquire, equip, construct, maintain, and operate a regional airport or landing field and appurtenant facilities so located to best serve the region encompassing Wynne, Forrest City, Cross County, and St. Francis County, Arkansas. (Ord. No. 654, Sec. 4.)

2.72.05 Powers The Authority is granted the power and authority as set forth in A.C.A. 14-362-109, and the provisions of that section are specifically incorporated herein. (Ord. No. 654, Sec. 5.)

2.72.06 Agreement The city of Wynne shall participate in an agreement with the city of Forrest City, Cross County and St. Francis County, establishing the terms and conditions for the operation of the Authority within the limitations of the laws of the state of Arkansas and the provisions of this ordinance. (Ord. No. 654, Sec. 6.)

2.72.07 Reports All revenue derived from the operation of such airport, or flying field, after paying the operation expenses and maintenance, shall be set aside and used for additional improvements of such airport, or for the retirement of bonds and interest thereon issued or advanced made after the passage of this ordinance for the purchase and improvement of such a airport or flying field. The Authority shall keep a record of all revenues and expenditures of the airport, its related properties and facilities, and shall submit monthly reports to the Mayor and City Council. It shall be the duty of the Delta Regional Airports to prepare and file an annual

report of the financial affairs conditions of the regional airport, its related properties and facilities, annually between the 15<sup>th</sup> day of January and the 1<sup>st</sup> Monday in February thereafter; the said report shall be filed in the office of the Clerk of such municipality, and shall be subject to the inspection of any citizen of the state. The report shall set out a full detailed complete and correct statement of all receipts of every kind since the last preceding report, showing the source thereof, and all disbursements of every kind showing the date, amount, number and purposes of each voucher, to whom issued and the date canceled, if canceled. Said report shall show the full financial condition of the airport, its related properties and facilities, and the status of its bonded debt, if any, and of every other detail necessary to a full and thorough understanding from such report, of the actual financial condition of such regional airport. The report shall be verified by the Delta Regional Airport commissioners. The Authority shall furnish such other and further reports, data and information as may be requested by the Mayor or City Council. (Ord. No. 654, Sec. 7.)

2.72.08 Submitting budget The Authority shall submit to each governing body before it prepares its budget, the amount of funds necessary for maintenance, operation, and management of the municipal airport, its related properties and facilities, above the estimated revenue and the funds remaining on hand. (Ord. No. 654, Sec. 8.)

2.72.09 Meetings The Authority shall meet at least monthly, but other meetings may be called by the Authority itself, and the Authority shall establish a method for calling and scheduling meetings. (Ord. No. 654, Sec. 9.)