

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

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CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city The city shall operate as a city of the first class under the laws of the state of Arkansas. STATE LAW REFERENCE - See A.C.A. 14-37-104; Hdbk. 1-1.8

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Map of city

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

CHAPTER 2.12

EMERGENCY SERVICES

Sections:

2.12.01 Worker's Compensation benefits for emergency services workers

2.12.01 Worker's Compensation benefits for emergency services workers

- A. Benefits payable for the injury of death of persons appointed and regularly enrolled in accredited emergency services organizations and covered by A.C.A. 12-75-101, 12-75-109, 12-75-106 while actually engaged in emergency service duties, either during training or during a period of emergency and subject to the order, or control of, or pursuant to a request of, and under the supervision and instruction of the Governor of the state of Arkansas; the State Office of Emergency Services, or the chief executive officer, or the designated Emergency Services Director, or a county of an accredited local government unit making use of emergency service volunteer workers, shall be limited to the provisions of the Arkansas Workers' compensation Act, if such persons are regularly employed by a local government or the state of Arkansas, or if such person is a qualified emergency services volunteer worker of the state of Arkansas or an accredited local organization for emergency services, recovery shall be limited as hereinafter provided.
- B. The remedy provided herein shall be the exclusive remedy as against the state and political subdivisions thereof.
- C. For the purpose of workers' compensation coverage in cases of injury to or death of an individual, all duly registered and qualified emergency services volunteer workers shall be deemed local government of state employees and shall receive compensation and their survivors shall receive death benefits in like manner as regular local government or state employees for injury or death arising out of and in the course of their activities as emergency services volunteer workers. If a volunteer worker is injured or killed while subject to the order or control of an accredited local government, compensation and benefits shall be charged against the applicable local government's experience rate and paid from the appropriate state workers' compensation fund. If the emergency services volunteer worker was under the order of control of a state agency when injured or killed, compensation and benefits shall be charged against the experience rate of the state agency who exercised order or control at the time of injury or death and paid from the appropriate state workers' compensation fund.
- D. For the purpose of subsection (C) of this section, the weekly compensation benefits for such emergency services volunteer workers who receive no monetary compensation for services rendered as such workers shall be calculated based upon the wages received from their

regular or usual employments, the same as a regular local or state employee, with respect to injury, disability or death. The reimbursement of Twenty-Five Dollars (\$25.00) or less for out-of-pocket expenses incurred in response to an emergency situation, such as gasoline, oil, uniforms and required equipment, etc., shall not be construed as monetary compensation for the volunteer worker.

- E. In the event that any person wd to receive benefits through the application of subsection (C) of this section receives, in connection with the injury, disability or death giving rise to such entitlement benefits under an Act of Congress or federal program providing benefits for emergency services workers or their survivors, the benefits payable hereunder shall be reduced to the extent of the benefits received under such other act or program. Any person who performs the duties of such member of trainee as an adjunct to his regular employment, and who otherwise would be entitled to receive Workers' Compensation benefits for his injury, disability, or death, if injured in the performance of such duties, shall be deemed to have been injured, disabled or killed in the course of his regular employment.

- F. An emergency services volunteer worker shall be deemed duly registered and qualified when he meets the following requirements: When he is a member of and has on file in either an accredited local emergency services organization, or in the Office of Emergency Services the following information:
 - 1. Name and address
 - 2. Date enrolled
 - 3. Loyalty oath
 - 4. Class of service assigned

- G. Payments, death and disability benefits as herein provided shall be made from the Worker's Compensation revolving fund for state employees. (Acts 1973, No. 511, Sec. 22, page 1419; 1977, No. 408, Sec. 6, page 855; 1981, No. 891, Sec. 5, page 2067.)

CHAPTER 2.16

SOCIAL SECURITY COVERAGE

Sections:

- 2.16.01 Contract
- 2.16.02 Withholding taxes from wages
- 2.16.03 City to match withholding

2.16.01 Contract The City Clerk of the city of Clarksville, Arkansas, 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 of Clarksville, Arkansas, except the following officers and employees: Aldermen, members of the Fire Department. (Ord. No. 395, Sec. 1.)

2.16.02 Withholding taxes from wages The City Clerk of the city of Clarksville, Arkansas, 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 of Clarksville, Arkansas; except no deductions shall be made from those officials and employees that are not covered by Social Security. (Ord. No. 395, Sec. 2.)

2.16.03 City to match withholding The City Clerk 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 of Clarksville, Arkansas, and remit the total and necessary amount to the authorized state agency for further remittance to the Federal Security Administrator. (Ord. No. 395, Sec. 3.)

CHAPTER 2.20

UNCLAIMED PROPERTY

Sections:

- 2.20.01 Disposal
- 2.20.02 Sale
- 2.20.03 Proceeds of sale to owner
- 2.20.04 Proceeds remaining after six months

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

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

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

2.20.03 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 for which the property was sold. The Police Chief or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.20.04 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 2.24

CITY COUNCIL

Sections:

- 2.24.01 Council meetings - regular
- 2.24.02 Council meetings - special
- 2.24.03 Freedom of information procedure
- 2.24.04 Order of business

2.24.01 Council meetings – regular The regular meeting of the Council shall be held at the Municipal Building on the second Monday of each month.

2.40.02 Council meetings - special Special meetings of the Council may be held upon the call of the Mayor, or by any three members of the City Council by giving notice in accordance with the provisions of the Arkansas Freedom of Information as set forth in 2.24.03. (Ord. No. 2001-427, Sec. 1.)

2.24.03 Freedom of information procedure All meetings of the 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 Johnson County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.24.04 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. Approval of agenda and minutes of the previous meeting
4. Old business
5. New business
6. Reports
7. Adjournment

CHAPTER 2.28

MAYOR

Sections:

- | | |
|---------|-------------------------|
| 2.28.01 | Office created |
| 2.28.02 | Election |
| 2.28.03 | Duties |
| 2.28.04 | Appointment of officers |
| 2.28.05 | Salary |

2.28.01 Office created The office of Mayor is hereby created.

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

2.28.03 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.

2.28.04 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 statute or city ordinance.

2.28.05 Salary The rate of pay of the 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 2.32

CLERK/TREASURER

Sections:

2.32.01	Offices combined
2.32.02	Bond
2.32.03	Compensation
2.32.04	Duties
2.32.05	Collector
2.32.06	Resources

2.32.01 Offices combined The offices of City Clerk and City Treasurer are hereby combined into one office to be known as the Clerk/Treasurer.

2.32.02 Bond The Clerk/Treasurer shall give bond to the city in the amount required by state law to guarantee faithful performance of his duties.

STATE LAW REFERENCE. A.C.A. 19-1-401

2.32.03 Compensation The salary of the Clerk/Treasurer shall be set by the City Council.

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.32.04 Duties The duties of the Clerk/Treasurer shall be:

- A. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.
- B. To perform such other duties as may be required by the ordinances of the city or laws of the State.
- C. The Clerk/Treasurer shall meet with the City Council at its first meeting of said Council in each month and give a financial statement of the different departments at that time if so requested by the Council.

2.32.05 Collector The Clerk/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The Clerk/Treasurer shall keep records on all occupational and other taxes and moneys collected.

2.32.06 Resources

- A. *Office.* The Clerk/Treasurer shall be provided an office in City Hall of adequate size to: (1) provide a reasonable workspace for the Clerk/Treasurer, Deputies of the Clerk/Treasurer, and other employees assigned to the Clerk/Treasurer; (2) securely store the records of the City; and (3) perform all duties assigned to the Clerk/Treasurer by state law or City Council. Access to the Clerk/Treasurer's office shall be restricted to such persons as may be permitted entry by employees assigned to the Clerk/Treasurer. The location or adequacy of the Clerk/Treasurer's office may be evaluated or altered by City Council as needed or required by subsequent ordinance.
- B. *Equipment.* The Clerk/Treasurer shall be provided such office equipment as may be reasonably necessary to perform all duties assigned to the Clerk/Treasurer by state law or City Council. Office equipment provided to the Clerk/Treasurer shall not be used for other purposes without the authority of the Clerk/Treasurer. The sufficiency of the Clerk/Treasurer's office equipment may be evaluated or altered by City Council as needed or required by subsequent ordinance.
- C. *Staff.* The Clerk/Treasurer shall be allocated employment positions and funding for such Deputies and other employees as may, in the discretion of City Council, be required to assist the Clerk/Treasurer in the performance of duties assigned to the Clerk/Treasurer by state law or City Council. Persons employed in positions allocated to the Clerk/Treasurer shall be solely supervised by and serve at the pleasure of the Clerk/Treasurer. Staffing of the Clerk/Treasurer's office may be evaluated or altered by City Council as needed or required by subsequent ordinance. (Ord. No. 22-884, Sec. 1)

CHAPTER 2.33

RECORD RETENTION

Sections:

- 2.33.01 Permanent Records
- 2.33.02 Financial Records
- 2.33.03 Accounting Records
- 2.33.04 Police Records
- 2.33.05 Destruction of Records

2.33.01 Permanent Records The following records are maintained permanently in their original and electronic format:

- A. Ordinances;
- B. City council minutes; and
- C. Resolutions. (Ord. No. 15-749.)

2.33.02 Financial Records The following records are maintained permanently in either the original or electronic format:

- A. Annual financial audits; and
- B. Year-end financial statements. (Ord. No. 15-749.)

2.33.03 Accounting Records Accounting records fall into three groups: Support Documents, Semi-permanent Records and Permanent Records.

- A. Support documents must be kept for four (4) years and may not be destroyed before an audit. They consist of cancelled checks, invoices, bank statements, receipts, deposit slips, bank reconciliations, checkbook registers or listings, receipts listings, monthly financial reports, payroll records, budget documents, and bids, quotes, and related documentation.
- B. Semi-permanent Records must be kept for seven (7) years with the same restriction regarding an audit. They consist of fixed assets and equipment detail records, investment and certificate of deposit records, journals, ledgers, and subsidiary ledgers, and annual financial reports. For investment and certificate of deposit records, the seven (7) years of required maintenance begins on the date of maturity.
- C. Permanent records shall be maintained permanently. They consist of city council minutes, ordinances, resolutions, employee retirement documents, and annual financial audits. (Ord. No. 15-749.)

2.33.04 Police Records

- A. Police Ticket Books must be kept for three (3) years but must be kept until audited. (Ord. No. 15-749.)
- B. Police Department Records must be maintained permanently. These include closed municipal police case files for felony and Class A misdemeanor offenses and expunged orders of municipal police cases. However, after ten (10) years, these may be copied and maintained under Ark. Code Ann. 14-2-203. However, records constituting evidence of sexual offenses or violent offenses resulting in convictions are regulated by Ark. Code Ann. 12-12-104. (Ord. No. 15-749.)
- C. The following police records must be kept for three (3) years: Accident, incident, and offense reports, fine and bond and parking meter records, radio logs and complaint cards, employment records, payroll sheets, time cards, and leave requests. They may then be copied electronically or disposed of. (Ord. No. 15-749.)

2.33.05 Destruction of Records Before any records "other than ephemeral materials" are destroyed, city officials must advise the history commission in writing and give any records deemed to have historical value to the commission. (Ord. No. 15-749.)

CHAPTER 2.36

CITY ATTORNEY

Sections:

2.36.01	Elected
2.36.02	Duties
2.36.03	Salary

2.36.01 Elected The City Attorney shall be elected at the November, 1982 General Election and every four (4) years thereafter to a four (4) year term commencing the next following January 1.

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

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

CHAPTER 2.40

FIRE DEPARTMENT

Sections:

2.40.01	Creation and personnel
2.40.02	Appointment and removal of Fire Chief
2.40.03	Duties of Fire Chief
2.40.04	Compensation of volunteer firefighters
2.40.05	Registration of volunteer firefighters
2.40.06	Firefighters' Pension and Relief Fund

2.40.01 Creation and personnel The Clarksville Fire Department is hereby created and shall consist of the following personnel: One Fire Chief and any number of volunteer firefighters as the Mayor and Council shall determine as necessary from time to time.

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

2.40.03 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 of the department except the expenditure of city funds. He shall make periodic reports to the City Council showing the names of paid firefighters, 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.

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

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

2.40.06 Firefighters' 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 City 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 Firefighters' Pension and Relief Fund certifies to the City 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 City Council by the Board of Trustees is more than a levy of one (1) mill will produce, the City 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 firefighters, their widows and minor children 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 - 24-11-822; Amend. 31, Ark. Const.

CHAPTER 2.44

POLICE DEPARTMENT

Sections:

2.44.01	Established
2.44.02	Duties of Police Chief
2.44.03	Fees
2.44.04	Retirement
2.44.05	Sick Leave

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

2.44.02 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 operations 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.

2.44.03 Fees The Clarksville Chief of Police is hereby authorized to charge the same fees as those allowed the sheriffs of the several counties of the state of Arkansas as set out in A.C.A. 21-6-307 for the service and return of the court orders set for therein. (Ord. No. 201.)

2.44.04 Retirement Any Clarksville Police Department (CPD) officer who retires in good standing shall be deemed to be retired for the purposes of CPD employee health insurance, even if such employee makes an affirmative election to join the CPD auxiliary program. (Ord. No. 21-863, Sec. 1)

For any CPD officer who makes such an election to join the CPD auxiliary program, the City will pay the officer's health insurance coverage premium as though the officer was a full time employee with the CPD. (Ord. No. 21-863, Sec. 2)

After such time the CPD officer is no longer part of the auxiliary officer program, the officer shall still be deemed to be a retired officer and may still maintain eligibility to be enrolled in the CPD employee health insurance plan as such, however, the officer shall then be responsible for the cost of the health insurance premiums previously paid by the CPD. (Ord. No. 21-863, Sec. 3)

2.44.05 Sick Leave The maximum number of hours that a uniformed officer may accumulate will be increased from 720 hours to 960 hours. (Ord. No. 22-876, Sec. 1)

All officers who currently have accumulated more than the 720 hours will be allowed to retain these hours and continue to accumulate sick leave at the rate of 13.3 hours per month until reaching the maximum of 960 hours. (Ord. No. 22-876, Sec. 2)

CHAPTER 2.48

DISTRICT COURT

Sections:

- | | |
|---------|---|
| 2.48.01 | District Court established |
| 2.48.02 | Qualifications and powers of District Judge |
| 2.48.03 | Corporation court |
| 2.48.04 | Levy of fines |

2.48.01 District Court established The city of Clarksville shall enter into an agreement with other cities situated in Johnson County, Arkansas, for the establishment of a District Court pursuant to A.C.A. 16-17-403(A) as amended by Act 1354 of 1999. (Ord. No. 99-397, Sec. 1.)

2.48.02 Qualifications and powers of District Judge The agreement shall provide that the court shall be presided over by a District Judge to be elected by the voters of the entire county of Johnson County, Arkansas. (Ord. No. 99-397, Sec. 2.)

2.48.03 Corporation court After the passage of this ordinance and the execution of such agreements, then there shall be established in the city of Clarksville, Arkansas, a corporation court to be styled the District Court of Clarksville, Arkansas. (Ord. No. 99-397, Sec. 3.)

2.48.04 Levy of fines

- A. Pursuant to Act 209 of 2009 of the General Assembly of the state of Arkansas, an additional fine of Twenty Dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty of nolo contendere, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court within the city of Limits of the city of Clarksville, Johnson County, Arkansas.
- B. The additional fine levied by the city under this ordinance shall be deposited into a special fund within the City Treasury, and the revenues generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners.
- C. The additional fine levied by the city under this ordinance shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation. (Ord. No. 2010-602, Secs. 1-3.)

CHAPTER 2.52

SALARIES OF CITY EMPLOYEES

Sections:

2.52.01 Includes pay for holidays

2.52.01 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 2.56

AIRPORT COMMISSION

Sections:

2.56.01 Created
2.56.02 Appointments
2.56.03 Compensation
2.56.04 Removal
2.56.05 Authority
2.56.06 Revenue
2.56.07 Additional powers
2.56.08 Rules and regulations
2.56.09 Records and reports

- 2.56.10 Budget preparation
- 2.56.11 Meetings
- 2.56.12 Employee benefits authorized

2.56.01 Created There is hereby created a Commission to be known as the Clarksville Municipal Airport Commission to be composed of seven (7) members. The members of the Commission shall be residents of the city of Clarksville. However, the City Council of the city of Clarksville may waive the residency requirement by a simple majority vote. At least three (3) of the Commission members shall be fully experienced in aviation, maintaining some type of aeronautical rating. (Ord. No. 416, Sec. 1.)

Of the two additional members first appointed in 2008, one shall have a term of four (4) years and one shall have a term of five (5) years. Thereafter, their successors shall have a five (5) year term. (Ord. No. 2008-561, Sec. 1.)

2.56.02 Appointments 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 and confirmed after the passage of this act shall serve for terms of 1, 2, 3, 4, and 5 years each, to be designated by the Mayor and thereafter upon the expiration of their respective terms, their successors shall be appointed and confirmed for a term of five (5) years. (Ord. No. 416, Sec. 2.)

2.56.03 Compensation The City Council shall have authority to fix and prescribe the salaries to be paid to said Commissioners; provided, however, that unless and until the City Council has made such a provision for their services. The Commissioners shall take and file the oath required by law in the state of Arkansas. (Ord. No. 416, Sec. 3.)

2.56.04 Removal Any Commissioner appointed by the provision of this ordinance may be removed for cause upon a three-fourths (2/4) vote of the duly elected and qualified members of the City Council. (Ord. No. 416, Sec. 4.)

2.56.05 Authority The Commissioners hereinunder 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 whatsoever 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 to have full and complete charge thereof. (Ord. No. 416, Sec. 5.)

2.56.06 Revenue All revenue derived from the operation of such airport or flying field, after paying the operating expenses and maintenance, shall be set aside and used for additional improvements on such airport or flying field or for the retirement of any debt and interest, incurred for the purchase and improvement of such airport or flying field. (Ord. No. 416, Sec. 6.)

2.56.07 Additional powers The Commission 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 the City Council of any first class city, and they shall be governed by all existing statutes pertaining to the duties of Board of Public Affairs and City Council. (Ord. No. 415, Sec. 7.)

2.56.08 Rules and regulations 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 or cause to be complied with all civil air regulations of 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. 416, Sec. 8.)

2.56.09 Records and 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 by the 15th day of January and the 1st Monday in February thereafter; the said report shall be filed in the office of the Clerk or Recorder 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 current statement of all receipts of every kind since the last preceding report, showing the sources thereof, and all disbursements of every kind showing 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 certified by the Airport Board

of Commissioners. The Commissioners shall also furnish such other and further reports, data and information as may be requested by the Mayor or City Council. (Ord. No. 416, Sec. 9.)

2.56.10 Budget preparation 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. 416, Sec. 10.)

2.56.11 Meetings The said Board of Commissioners shall meet at least monthly, but other meetings may be held at any time by the Board or upon the call of the Mayor and City Council. (Ord. No. 416, Sec. 11.)

2.56.12 Employee benefits authorized The Commissioners are hereby authorized but not required to provide a plan for Social Security, old age pension and/or retirement pay for part of all employees of said airport and flying field, its related properties and facilities. (Ord. No. 416, Sec. 12.)

CHAPTER 2.60

LIGHT AND WATER COMMISSION

Sections:

2.60.01	Created
2.60.02	Authority
2.60.03	Powers; limitations
2.60.04	Bond funds
2.60.05	Removal of Commissioner; vacancies
2.60.06	Compensation

2.60.01 Created here is hereby created a Commission to be designated as the Clarksville Connected Utility Commission of the city of Clarksville, Arkansas, and hereafter in this ordinance referred to as "Commission," to be comprised of five (5) duly qualified resident electors of the city of Clarksville, Arkansas, and from and after the passage of this ordinance, to consist of Ted Riley, whose term will expire Dec. 31, 1967; T. L. Smith, whose term will expire Dec. 31, 1968; Kenneth King, whose term will expire Dec. 31, 1969; R.P. Walton, whose term will expire Dec. 31, 1970; Phil Taylor, whose term will expire Dec. 31, 1971. Beginning with Dec. 31, 1967, the Mayor shall submit nominations for commission positions and the City Council shall appoint one Commissioner each year for a term of five (5) years, and each Commissioner shall serve until his successor is appointed. The Commissioners shall on Dec. 31, of each year, elect from their five (5) members a chairman and a secretary. No chairman shall serve two (2) years in succession. The Commission shall adopt rules for their meetings, and in event of any disagreement, the concurrence of three (3) Commissioners shall control. (Ord. No. 462, Sec) (Amended by Ord. No. 19-833, Sec. 1)

Beginning with Dec. 31, 1967, the City Council shall appoint one Commissioner each year for a term of five (5) years, and each Commissioner shall serve until his successor is appointed. The Commissioners shall on Dec. 31, of each year, elect from their number a chairman and a secretary. No chairman shall serve two (2) years in succession. The Commission shall adopt rules for their meetings, and in event of any disagreement, the concurrence of three (3) Commissioners shall control. (Ord. No. 462, Sec. 1.)

2.60.02 Authority The Commission is hereby placed in full charge and authority of the municipal electric system, water and sewer utilities, and broadband network, with the power to operate and maintain them and to exercise all power necessary or incidental to the management, operation and control of the properties for the furnishing of water, wastewater, electricity, and broadband service for the inhabitants of the city of Clarksville. (Ord. No. 357.)(Amended by 19-833, Sec. 2)

2.60.03 Powers; limitations

1. Section 2.60.03 is hereby amended to read as follows:
 1. The first sentence clarifies that Clarksville Connected Utilities ("CCU") is authorized to:
 - a. Provide services to residents, businesses, and other entities in the City of Clarksville. There is currently no reference to businesses or other entities like churches or nonprofits.
 - b. Build infrastructure supporting electric, water, wastewater, broadband, and any other service authorized by City Council. There is currently no reference to wastewater or broadband.
 2. The second sentence prohibits CCU from building infrastructure outside the city without authority.
 - a. There is optional language that, if approved, would allow the extension of broadband service outside the city limits. This language has been included because broadband services, unlike utility services, are typically extended based on the market - not allocated territory. ***Before adopting this ordinance, City Council should decide which optional language should be included.***
 3. The third sentence clarifies that the City Council fully controls:
 - a. The structure of all rates and fees charged by CCU, which may be creative; and
 - b. The amount of all rates and fees charged by CCU.
 4. The fourth sentence mandates that CCU:

- a. Will not collect more in rates and fees than has been authorized by City Council
 - b. May collect less than the rates and fees that have been authorized by City Council, but only after determining that they would be surplus.
5. The fifth sentence provides direction to CCU about how to charge for a product or service when no rate or fee is applicable. In that circumstance, CCU must charge based on cost.
 6. The sixth sentence is an optional provision that would prohibit CCU from implementing any CPI-based rate increase without approval of City Council. CCU's water rates currently include an annual increase based upon the CPI. Adopting the optional language would prohibit CCU from increasing rates based upon the CPI without additional authority from City Council. ***Before adopting this ordinance, City Council should decide whether to include this optional sentence.***
 7. The seventh sentence in directs CCU to submit recommended rate changes for approval when appropriate and to support such recommendations with factual findings. This is typically the result of a rate study.
 8. The eighth sentence reaffirms the third sentence. No rate change shall be implemented until approved by City Council.
 - 9: The ninth sentence expands and clarifies existing language that CCU will not issue debt of any kind without authority of City Council.
 10. The tenth and eleventh sentences have no changes, except for the introductory word "Audit". (Narrative to Clarksville Connected Utilities Amendment)

Service Area. The Commission may from time to time make such enlargements of the plants and such extensions of the service thereof as may be necessary to serve the residents, businesses, and other entities of the city with electric, light, power, water, wastewater, broadband, and such other services as may hereafter be authorized by the City Council. Except for broadband, the Commission may not make enlargements of the plants or extensions of services outside the city unless authorized by the City Council. (Ord. No. 20-853, Sec. 1)

Standard Fees and Rates. The City Council shall establish the standard fees and rates to be charged by the Commission which may be: (i) fixed; (ii) recurring; (iii) based on one or more measurements of usage; (iv) based on calculations referencing verifiable costs and/or indexes; or (v) any combination of the preceding methods. The Commission shall charge and collect standard fees and rates as established by the City Council: *except that* if the Commission

determines that a standard fee or rate established by City Council will produce excess revenues that are not required for reliable operations, the Commission may charge and collect a lesser amount. When no standard fee or rate applies, the Commission shall charge and collect for goods and services based on cost. If the Commission finds a factual basis for a rate change, the Commission or its designated representative shall submit a proposed rate change, including the factual basis substantiating such proposed change, to the City Council. The City Council, by majority vote, shall find whether or not proposed rate change shall be implemented. (Ord. No. 20-853, Sec. 1)

Debt. The Commission shall not issue any revenue bonds, revenue notes, or other indicia of debt without the approval of the City Council. (Ord. No. 20-853 Sec. 1)

Audit. Each year, after its annual audit report, the Commission shall present to the City Council a summary of its financial condition. The revenue produced and cost of each service delivered by the utility shall be outlined in this report. Indications for any recommended rate adjustments shall be presented. (Ord. No. 20-853, Sec. 1)

2.60.04 Bond funds The Commission shall make provision, by creation of a special fund for the payment of principal and interest of any revenue bonds issued by the city on behalf of the utility. It shall then determine the amount necessary and advisable to be set aside for the reasonable and efficient operation of the plants. After provision for payment of bonds and interest and operation, the Commission shall set aside a reasonable sum for maintenance of the plants and for the depreciation account. Funds remaining after such provisions shall be considered as net revenues and may be used as necessary for the extension, improvement, and enlargement of the plants and distribution systems and may be held as reserve funds to be used for any purpose as authorized in Section 2.60.02 herein, or as may be expressly authorized by the City Council. (Ord. No. 357, Sec. 1e.)(Amended by Ord. No. 19-833, Sec. 3)

2.60.05 Removal of Commissioner

1. Section 2.60.05 is hereby amended to read as follows:

1. The first sentence has been amended to reflect a meaningful legal standard.
2. All other amendments in Section 2.60.05 are stylistic.
(Narrative to Clarksville Connected Utilities Amendment)

The City Council shall have the right to remove a member of the commission for malfeasance, misfeasance, nonfeasance, or other misconduct. The City Council shall conduct a hearing, and if the City Council finds the charges to be true, the City Council may remove such Commissioner by a two-thirds (2/3) vote of the total number of the members of the City Council, and shall appoint a new Commissioner to serve the unexpired balance of such Commissioner's

term. The City Council shall also have the power to fill any vacancy caused by death, resignation or inability to serve of any Commissioner, by appointing a new Commissioner, as provided for in 2.60.01. The person so appointed shall serve the unexpired balance of such term. (Ord. No. 20-853, Sec. 2)

The Council shall have the power to fill any vacancy caused by the death, resignation or inability to serve of any Commissioner, by appointing a new Commissioner to serve the unexpired balance of such terms. (Ord. No. 357.)

2.60.06 Compensation No member of the Commission shall receive any compensation of any kind, including salary, benefits, services, or property, but in the event that any member of the Commission shall incur any expense in the performance of duties as a Commissioner, such expense may be allowed by approval of the Commission as a part of the cost of operation and paid out of the revenues of the systems. (Ord. No. 357, Sec. 1)(Amended by Ord. No. 19-833, Sec. 4)

CHAPTER 2.64

TREE BOARD

Sections:

2.64.01	Definitions
2.64.02	Creation and establishment of a City Tree Board
2.64.03	Term of office
2.64.04	Compensation
2.64.05	Duties and responsibilities
2.64.06	Operation
2.64.07	Public tree care

2.64.01 Definitions

Street trees are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.(Ord. No. 19-807, Sec. 1)

Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names and all areas owned by the city or to which the public has free access as a park. (Ord. No. 19-807, Sec. 1.)

2.64.02 Creation and establishment of a City Tree Board There is hereby created and established a City Tree board for the City of Clarksville, Arkansas which shall consist of three (3) members and three(3) consultants, citizens and residents of the city, also permitting consultant/advisors having addresses within Johnson County and possessing critical knowledge for the success of the program. The mayor shall appoint the members of the committee with approval of a two thirds (2/3) vote of the City Council. (Ord. No. 19-807, Sec. 2.)

2.64.03 Term of office The term of the members appointed by the mayor and approved by the council shall be three (3) years. In the event of a vacancy during the term a successor will be appointed for the unexpired remainder of the term of that vacated position. (Ord. No. 19-807, Sec. 3.)

2.64.04 Compensation Members of this board shall receive no compensation. (Ord. No. 19-807, Sec. 4.)

2.64.05 Duties and responsibilities It shall be the responsibility of the board to study, investigate, advise, and submit recommendations for the care, preservation, pruning, planting, transplanting, and disposition of trees and shrubs within the city of Clarksville. The board shall develop and submit written recommendations and plans annually in the month of December to the mayor for approval by the city council. (Ord. No. 19-807, Sec. 5.)

2.64.06 Operation The board shall determine its own officers and functional guidelines. This list shall be submitted by memorandum of record to the Mayor for coordination efforts. (Ord. No. 19-807, Sec. 6.)

2.64.07 Public tree care The city shall have reserve the right to plant, prune, remove, and maintain trees, plants, and shrubs within the city limits of Clarksville, Arkansas. Public Safety is the top priority and goal of the program, as well as, city beautification. The tree board shall be permitted to identify potential risk areas and beautification projects and submit recommendations for improvements through the mayor's office for disposition within the assigned city departments. (Ord. No. 19-807, Sec. 7.)

CHAPTER 2.68

SMALL BUSINESS ADVISORY BOARD

Sections:

- 2.68.01 Establishment of Board
- 2.68.02 Appointment of Members
- 2.68.03 Terms
- 2.68.04 Organization of Board
- 2.68.05 Meetings
- 2.68.06 Quorum
- 2.68.07 Lapse of Membership
- 2.68.08 Powers and Duty

2.68.01 Establishment of Board There is hereby created and established a board consisting of seven members, to be known as the Clarksville Small Business Advisory Board. (Ord. No. 19-818, Sec. 1)

2.68.02 Appointment of Members The members of said Clarksville Small Business Advisory Board shall be appointed by the Mayor and approved by a majority vote of the City Council. (Ord. No. 19-818, Sec. 2)

2.68.03 Terms The terms of the members first appointed shall be determined by lot at the first meeting of the Board with two members serving one (1) year; two (2) members serving two (2) years; three (3) members serving three (3) years; All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received the original appointment. (Ord. No. 19-818, Sec. 4)

2.68.04 Organization of Board Immediately after appointment and qualification, or until their successors qualify, the Board shall organize by electing a Chairman, Vice-Chairman, and a Secretary who shall serve for one (1) year. (Ord. No. 19-818, Sec. 5)

2.68.05 Meetings Regular meetings shall be held at least once a month at a regular date and time to be fixed by the members, and special meetings may be held upon the call of the chairman. Any four (4) members of the Board may call a meeting after giving three (3) or more hours' notice of such meeting with the City Administration Office in conformance with the Freedom of Information Act. Minutes of the Board shall be filed with the City Clerk. (Ord. No. 19-818, Sec. 6)

2.68.06 Quorum Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may assemble from time to time. (Ord. No. 19-818, Sec. 7)

2.68.07 Lapse of Membership After a member of the Board fails to attend three (3) consecutive regular meetings, unless excused by the Mayor, his/her membership shall automatically terminate, and his/her successor shall be appointed in the same manner as his predecessor. A member of the Board may be removed from office by a two-thirds (2/3) vote of the City Council. (Ord. No. 19-818, Sec. 8)

2.68.08 Powers and Duty The Board shall have the following powers and duties:

1. Guide efforts of the City Council in the development of a Business Enhancement Program.
2. Advise the Building/Code Department on issues that affect small businesses.
3. Help develop or amend existing code that will enhance small business success while maintaining strict compliance with all state or federal building and safety codes.
4. Develop and present practices that will foster and improve the business climate with particular emphasis on small business within our city.
5. Provide a platform to create dialogue between small businesses and the City Council to create an environment of growth and opportunity for small businesses.
6. Develop recommendations for revitalization of distressed business districts and retention and expansion of existing businesses. (Ord. No. 19-818, Sec. 9)

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