

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
- 2.24 Mayor
- 2.28 City Clerk
- 2.32 City Treasurer
- 2.36 City Attorney
- 2.40 Fire Department
- 2.44 Police Department
- 2.48 District Court
- 2.52 Airport Commission
- 2.56 Port Authority
- 2.60 Base Pay for Officials
- 2.64 Drug Free Workplace
- 2.68 Personnel Manual

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city The city of Helena-West Helena, Arkansas, shall operate as a city of the first class under the laws of the state of Arkansas.

REFERENCE - See A.C.A. 14-37-103.

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 of Helena-West Helena, Arkansas, and of the various wards within said city shall be as set forth and described on the official map of the city of Helena-West Helena which is on file in the office of the Mayor.

REFERENCE: A.C.A. 14-43-307; 14-43-311; West Helena Ord. No. 02-6; Helena 46-1.

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 to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Helena-West Helena, Arkansas, under the terms and provisions of the Federal Social Security Act.

2.12.02 Withholding taxes from wages Each participating 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 Mayor, 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 District Court with the exception of confiscated liquor and property subject to the Unclaimed Property Act.

REFERENCE - A.C.A. 3-3-312; 18-28-201, et seq.

2.16.02 Sale All unclaimed personal property coming into the hands of the city will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, the Mayor shall periodically advertise such property in some newspaper of general circulation in the city of Helena-West Helena 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 Mayor 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 Mayor 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 Mayor or some person designated by him shall keep 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 2.20CITY COUNCILSections:

2.20.01	Council meetings - regular
2.20.02	Council meetings - special
2.20.03	Quorum
2.20.04	Order of business
2.20.05	Agenda required
2.20.06	Placement on agenda
2.20.07	Addressing the Council
2.20.08	Freedom of information

2.20.01 Council meetings - regular All regular meetings of the City Council shall be held on the first and third Tuesday of each month at the municipal building at 6:00 p.m. (Ord. 2006, Feb. 7.)

2.20.02 Council meetings - special Special meetings of the City Council may be called at any time by the Mayor or any three (3) aldermen, in the following manner:

- A. When called by the Mayor, he shall cause notice in writing to be personally served or through the mail upon each member of the City Council, who is at the time of issuing such notices, not absent from the city, which said notices shall show the object or objects for which the meeting is called.
- B. When any three (3) aldermen shall desire to call a special meeting of the City Council, they shall notify the Mayor in writing of such desire, stating the object or objects of such meeting and the Mayor shall thereupon issue the notice provided in the preceding section. REFERENCE: A.C.A. 14-43-502

2.20.03 Quorum A majority of the whole number of aldermen or the Mayor and one-half the City Council shall constitute a quorum for the transaction of business, but a lesser number may meet and adjourn, and in adjourning may fix the time for holding another meeting of the Council.

REFERENCE: 14-43-501

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 commissions
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

2.20.05 Agenda required All matters, including, but not limited to, ordinances, resolutions, appointment to commissions and boards and any other matters to be brought before the City Council must be specifically set out and identified by subject matter or in the event of appointments, the names of the individuals to be appointed must be specifically set out in an agenda of the meeting at which said subject matter is to be presented for vote.

2.20.06 Placement on agenda Requests for matters to be placed on the agenda shall be transmitted to the Mayor's office. Such requests may be verbal or written. In the event of a verbal request, such request shall be transmitted to the Mayor's office no later than 5:00 p.m. on the Thursday preceding any Council meeting. Written requests must be received in the Mayor's office no later than 5:00 p.m. on the Thursday preceding any Council meeting. In addition, any matter requiring Council action as set out herein, will be placed on the agenda if proposed or introduced at the regular Council meeting just past. These requirements are mandatory, and, unless strictly and specifically complied with, any City Council vote on any matter, the introduction of which has not complied herewith, shall be null and void.

2.20.07 Addressing the Council

- A. Any persons wishing to address the Council meeting shall be required to sign up on a list. Said list shall be kept in the office of the City Clerk, and then transferred to the City Council meeting. Persons may either sign up on the list at the City Clerk's office, or may sign up on the list at the City Council meeting. Said list shall contain blanks for the person's name, and the topic on which a citizen wishes to speak. Any notation made by a citizen regarding the topic on which a citizen wishes to speak, or information relating thereto, shall be used solely for the purpose of determining whether that citizen wishes to speak on a matter of unfinished business, new business, or to propose items for a later City Council meeting. Within the categories of unfinished business and new business, citizens shall be allowed to speak in the order in which they signed up, subject to the time limits set forth in this section. Any person wishing to speak on matters that are neither unfinished business nor new business may do so following the announcements. Such public speaking time shall be limited to a maximum of 30 minutes in the aggregate, with each citizen speaking limited to a maximum of 5 minutes speaking time, unless the Council, by a two-thirds vote, suspends the time limits on speaking.

- B. At the conclusion of any unfinished business, any person wishing to speak on matters pertaining to unfinished business addressed by the Council at that Council meeting may do so. Such public speaking time shall be limited to a maximum of 30 minutes in the aggregate, with each person speaking limited to a maximum of 5 minutes speaking time, unless the Council, by a two-thirds vote, suspends the time limits on speaking.
- C. At the conclusion of any new business, any person wishing to speak on matters pertaining to new business addressed by the Council at that Council meeting, may do so. Such public speaking time shall be limited to a maximum of 30 minutes in the aggregate, with each person speaking limited to a maximum of 5 minutes speaking time, unless the Council, by a two-thirds vote, suspends the time limits on speaking.

2.20.08 Freedom of information All meetings of the City Council shall be held in compliance with the Freedom Of Information Act.

REFERENCE: A.C.A. 25-19-101, *et seq.*

CHAPTER 2.24

MAYOR

Sections:

- 2.24.01 Office created
- 2.24.02 Election
- 2.24.03 Powers
- 2.24.04 Duties
- 2.24.05 Selection of department heads
- 2.24.06 Retirement benefits

2.24.01 Office created The office of Mayor is hereby created for the city of Helena-West Helena, Arkansas.

REFERENCE: A.C.A. 14-43-401

2.24.02 Election On the Tuesday following the first Monday in November, 2006 and every four (4) years thereafter, the qualified voters of the city of Helena-West Helena, Arkansas, shall elect a Mayor for four (4) years and every four (4) years thereafter.

REFERENCE: A.C.A. 14-43-305

2.24.03 Powers In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this chapter not inconsistent with other ordinances of this city.

2.24.04 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.

REFERENCE: A.C.A. 14-43-504

2.24.05 Selection of department heads The Mayor shall appoint or remove department heads in accordance with state law.

REFERENCE: A.C.A. 14-42-110

2.24.06 Retirement benefits: In compliance with Arkansas Code Annotated § 24-12-123, any person who shall serve as mayor of the city for a period of not less than ten (10) years, upon reaching age sixty (60), or any person who shall serve as mayor of the city for a period of not less than twenty (20) years, without regard to age, shall be entitled to retire at an annual retirement benefit during the remainder of the person's natural life, payable at the rate of one-half (1/2) of the salary payable to the mayor at the time of retirement.

The retirement payments shall be paid monthly and shall be paid from the city general fund.

However, a mayor who has served as an elected official or employee of that city prior to or after the person's service as mayor shall count his or her service as an elected official or employee of that city towards the mayor's retirement as follows:

At the rate of one (1) year of a mayor's retirement for each two (2) years served as an elected official or an employee of that city up to a maximum of an additional two (2) years' credit towards a mayor's retirement benefit;

Service as an elected official or as an employee of the city that is also covered under another retirement plan offered by the city or that is covered by another benefit provided for by law shall not be applied towards the mayor's retirement benefits provided for under this section.

The minimum retirement benefits shall be two hundred fifty dollars (\$250) per month for both salaried and nonsalaried mayors.

Any person who has in the past served as mayor for either the city of Helena, Arkansas, or West Helena, Arkansas, and who, as of December 31, 2005, is currently receiving retirement benefits shall continue to receive retirement benefits under the same terms and conditions as existed as of December 31, 2005.

Any person who shall serve as mayor shall be afforded an opportunity to opt out of retirement benefits to the extent provided by state law.

REFERENCE: A.C.A. § 24-12-123; 24-4-1101.

CHAPTER 2.28CITY CLERKSections:

2.28.01	Office created
2.28.02	Salary
2.28.03	Retirement benefits
2.28.04	Deputy City Clerk
2.28.05	Retirement for spouses

2.28.01 Office created The office of City Clerk is hereby created. The City Clerk shall be elected by the qualified voters of Helena-West Helena and serve for a period of four (4) years. The duties of this office shall be such as are fixed by state statutes and city ordinances.

REFERENCE: 14-43-316; 14-43-506.

2.28.02 Salary The City Clerk shall perform the duties and receive such salary as is prescribed by ordinance.

REFERENCE: 14-43-313.

2.28.03 Retirement benefits

- A. In compliance with A.C.A. 24-12-121, any person who serves as City Clerk for a period of not less than ten (10) years, upon reaching the age of sixty (60), or who shall serve twenty (20) years without regard to age, shall be entitled to retire from office for the remainder of his or her life at the retirement pay provided in this section.
- B. Any person who serves as City Clerk who shall retire or be succeeded by another City Clerk within the provisions of A.C.A. 24-12-121 shall be paid monthly a sum equal to one-half (1/2) of the monthly salary received by him or her during the last preceding year of his or her service. The retirement pay shall be paid by the city from its general fund account.
- C. Any City Clerk or Clerk-Treasurer in a city of the first class who has served in another capacity with the same city, and that capacity of service also provides for a retirement plan, may apply all years served in that previous capacity toward the accrual of the vesting period provided, if approved by the City Council.

- D. Benefits shall be paid proportionally from the various funds applicable to the respective capacities of service. This shall be based on the length of service in each capacity for the city. Any person who shall serve as City Clerk shall be afforded the opportunity to opt out of retirement benefits to the extent provided by state law. (Ord. No. 2008-4, Sec. 1.)

2.28.04 Deputy City Clerk

- A. In compliance with A.C.A. 24-12-122, any Deputy City Clerk who shall have served twenty (20) years as Deputy City Clerk, who shall have attained the age of sixty-five (65), and who shall retire from office or be succeeded by another Deputy City Clerk may received for the remainder of his or her life the retirement pay provided for in this section.
- B. Any Deputy City Clerk who shall retire or be succeeded by another Deputy City Clerk within the provisions of this section may be paid monthly a sum equal to one-half (1/2) of the monthly salary received by him or her during the last preceding year of his or her service. The retirement pay shall be paid by the city from its general fund account. (Ord. No. 2008-4, Sec. 2.)

2.28.05 Retirement for spouses Upon the death of any City Clerk who retired under the provisions of 2.28.03 of this ordinance or any state statute or any City Clerk who dies in office after becoming eligible to retire under 2.28.03 of this ordinance or any state statute, the legally recognized spouse of the City Clerk married to the City Clerk ten (10) years or longer shall receive one-half (1/2) of the retirement benefit the retired City Clerk was receiving or one-half (1/2) of the retirement benefit the City Clerk who died in office was entitled to receive.

Upon remarriage of the spouse, the benefits shall cease. (Ord. No. 2008-4, Secs. 3-4.)

CHAPTER 2.32

CITY TREASURER

Sections:

2.32.01 Office created

2.32.01 Office created The office of City Treasurer is hereby created and said official shall be the custodian of all the funds belonging to the city and shall disburse them only according to law. REFERENCE: 14-43-316; 14-43-506; 14-43-507; West Helena Ord. No. 6

CHAPTER 2.36
CITY ATTORNEY

Sections:

2.36.01	Election
2.36.02	Duties
2.36.03	Salary
2.36.04	Retirement benefits

2.36.01 Election The City Attorney of the city of Helena-West Helena, Arkansas, shall be elected at the November, 2006 General Election and every four (4) years thereafter.

REFERENCE: A.C.A 14-43-315

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's ordinances, to advise the city on legal matters, to prepare legal papers and documents 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 courts, state and federal.

2.36.03 Salary The salary of the City Attorney shall be established by the City Council.

REFERENCE: A.C.A. 14-43-410; 14-43-315, West Helena Ord. No. 1477

CHAPTER 2.38
ELECTIONS

Sections:

2.38.01	Candidates for Office
---------	-----------------------

2.38.01 Candidates for Office Independent candidates for municipal office, who shall be qualified electors of the ward or the city as required by state law, shall file petitions for nomination as independent candidates with the county clerk:

- (i) No earlier than twenty (20) days prior to the preferential primary election; and
- (ii) No later than 12:00 noon on the day before the preferential primary election.

REFERENCE: A.C.A. 14-42-206(d)(1)(A)

2.36.04 Retirement benefits In compliance with Arkansas Code Annotated § 24-12-120, any person who shall serve as city attorney of the city for a period of not less than ten (10) years, upon reaching age sixty (60), or any person who shall serve as a city attorney for a period of not less than twenty (20) years, without regard to age, shall be entitled to retire at an annual retirement benefit during the remainder of his or her natural life, payable at the rate of one-half (1/2) of the salary payable to the city attorney at the time of his or her retirement.

All payments of retirement benefits under this section shall be payable monthly and shall be paid from the general funds of the city.

Any person who shall serve as city attorney shall have the opportunity to opt out of retirement benefits to the extent provided by state law.

REFERENCE: A.C.A. 24-12-120; 24-4-303.

CHAPTER 2.40

FIRE DEPARTMENT

Sections:

2.40.01	Established
2.40.02	Appointment of Fire Chief
2.40.03	Duties of Fire Chief
2.40.04	Training of firemen
2.40.05	Registration of volunteer firefighters
2.40.06	Firefighters' Pension and Relief Fund
2.40.07	Taxes to support Pension and Relief Fund
2.40.08	LOPFI

2.40.01 Established There shall be a Fire Department for the city of Helena-West Helena.

REFERENCE: A.C.A. 14-42-110.

2.40.02 Appointment of Fire Chief There shall be one Fire Chief for the Fire Department who shall be the Department Head and shall be appointed in accordance with state law.

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.

2.40.04 Training of firemen The specialized and hazardous nature of firefighting requires that firefighters possess the requisite knowledge and demonstrate the ability to perform certain skills to carry out their responsibilities.

After January 1, 2006, no person shall be hired as a full-time firefighter by any local government fire fighting unit for a period exceeding one (1) year or for a cumulative time exceeding two thousand nine hundred twelve (2,912) compensated hours unless that person is certified as having completed the mandatory training requirements.

REFERENCE: A.C.A. 20-22-810; 20-22-811.

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. Such lists shall be kept up to date by the Fire Chief.

2.40.06 Firefighters' Pension and Relief Fund

- A. The Helena-West Helena Firemen's Pension and Relief Fund is hereby established as successor to separate funds previously operating.
- B. The Board of Trustees for the Helena-West Helena Firemen's Pension and Relief Fund is hereby established.
- C. The Board of Trustees for the Helena-West Helena Firemen's Pension and Relief Fund is hereby given and assigned all powers and responsibilities that have been established for trustees of firemen's pension and relief funds by Arkansas law.
- D. All money given or donated to the Firemen's Pension and Relief Fund shall stay in the fund.

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

The fund shall be sacredly held, kept, and distributed for the purpose of pensioning the persons named in this act and for no other purpose whatever.

REFERENCE: A.C.A. 24-11-814.

2.40.07 Taxes to support Pension and Relief Fund There is hereby levied on each and every dollar of assessed valuation or real and personal property in the city as ascertained by the assessment of such property for state and county purposes for preceding years, a tax of one-half (1/2) mill, which tax, when collected shall be applied and appropriated for the purpose of paying pension to retired firemen, and pensions to the widows and minor children of deceased firemen, and widows and minor children of deceased retired firemen.

REFERENCE: A.C.A. 24-11-812; West Helena Ord. No. 1047

2.40.08 LOPFI Pursuant to various ordinances of Helena and West Helena, the city of West Helena, through its duly-elected representatives, entered into an agreement with the Arkansas Local Police and Fire Retirement System (LOPFI) under which LOPFI assumed administration of West Helena's pension and relief funds. The city of Helena-West Helena hereby assumes all rights and responsibilities of the former cities.

REFERENCE: West Helena Ord. No. 2004-4.

CHAPTER 2.44

POLICE DEPARTMENT

Sections:

- 2.44.01 Established
- 2.44.02 Appointment
- 2.44.03 Duties of Police Chief
- 2.44.04 Compensation
- 2.44.05 Establishment of the Helena-West Helena Police Pension and Relief Fund
- 2.44.06 Taxes to support Pension and Relief Fund
- 2.44.07 LOPFI
- 2.44.08 School Resource Officers
- 2.44.09 MVR equipment
- 2.44.10 Racial profiling

2.44.01 Established The city hereby establishes a Police Department which shall be known as the Helena-West Helena Police Department and the duties thereof shall be to maintain police protection and police services within the city. The annual budget shall provide funding for police officers deemed necessary.

REFERENCE: A.C.A. 14-52-101.

2.44.02 Appointment There shall be one Police Chief for the Police Department who shall be the Department Head and be appointed in accordance with state law.

REFERENCE: A.C.A. 14-42-110.

2.44.03 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. He shall

execute all process directed to him by the Mayor. 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 City 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.

REFERENCE: A.C.A. 14-52-202.

2.44.04 Compensation The rate of pay for members of the Police Department shall be determined by ordinance of the City Council, from time to time.

2.44.05 Establishment of the Helena-West Helena Police Pension and Relief Fund

- A. The Helena-West Helena Policemen's Pension and Relief Fund is hereby established as successor to previously operating pension funds.

REFERENCE: A.C.A. 24-11-403.

- B. The Board of Trustees for the Helena-West Helena Policemen's Pension and Relief Fund is hereby established.

REFERENCE: A.C.A. 24-11-405.

- C. The Board of Trustees for the Helena-West Helena Policemen's Pension and Relief Fund is hereby given and assigned all powers and responsibilities that have been established for trustees of policemen's pension and relief funds by Arkansas law.

- D. All Helena-West Helena Police Department members, including auxiliary policemen, are to be included in and provided for by the Helena-West Helena Policemen's Pension and Relief Fund.

- E. The City Treasurer is hereby directed and ordered to add the following monies to the Firemen's Pension and Relief Fund: all money given or donated to such fund.

REFERENCE: A.C.A. 24-11-413; West Helena Ord. No. 611.

2.44.06 Taxes to support Pension and Relief There is hereby levied on each and every dollar of assessed valuation or real and personal property in the city as ascertained by the assessment of such property for state and county purposes for preceding years, a tax of one-half ($\frac{1}{2}$) mill, which tax, when collected shall be applied and appropriated for the purpose of paying

pension to retired policemen, and pensions to the widows and minor children of deceased policemen, and widows and minor children of deceased retired policemen.

REFERENCE: A.C.A. 14-11-403 – 404; West Helena Ord. No. 1047.

2.44.07 LOPFI Pursuant to various ordinances of Helena and West Helena, the city of West Helena, through its duly-elected representatives, entered into an agreement with the Arkansas Local Police and Fire Retirement System (LOPFI) under which LOPFI assumed administration of West Helena's pension and relief funds. The city of Helena-West Helena hereby assumes all rights and responsibilities of the former cities.

REFERENCE: West Helena Ord. No. 2004-4.

2.44.08 School Resource Officers Pursuant to various ordinances of the cities of Helena and West Helena, Arkansas, officials from these cities were empowered to enter into an agreement regarding uniformed School Resources Officers for the Helena-West Helena School District. Any such agreement which was actually entered into shall continue in full force and effect, with the Mayor of Helena-West Helena assuming those rights and responsibilities of the former Mayors of Helena and West Helena, and the Chief of Police of Helena-West Helena assuming the duties of the former Chiefs of Police of Helena and West Helena.

REFERENCE: West Helena Ord. No. 2001-19.

2.44.09 MVR equipment

- A. Training Each law enforcement officer will receive training on the proper use of MVR equipment.
1. Training will be accomplished through the hands-on training of a Field Training Officer or in an actual classroom environment.
 2. All training shall be documented.
- B. Control and management of Mobile Video/Audio Recording (MVR) tapes
1. All MVR tapes will be the property of the Helena-West Helena Police Department and will not be duplicated and/or used without the authorization from the Chief of Police, or his or her designee. Tapes shall be maintained and stored in a manner that allows efficient identification and retrieval.
 2. Original MVR tapes shall not leave the custody of the Helena-West Helena Police Department.

3. All original MVR tapes shall be stored for ninety (90) days following the last day of use, or as long as necessary for the incident subject to investigation.
4. Access to MVR tapes shall be restricted to supervisory personnel only.
5. MVR tapes held as evidence by the Helena-West Helena Police Departments shall be secured and maintained for the prescribed ninety (90) day retention period.

C. Assigned MVR tapes

1. Each Helena-West Helena Police Department vehicle equipped with Mobile Video and Audio Recording devices shall be assigned thirty (30) MVR tapes, labeled with the equipment number and tape number. For example: 983001-1, 983002, etc.
2. Each Helena-West Helena Police Department vehicle must maintain a MVR tape log to record tape changes and ninety (90) day retention dates. The log should be secured with the MVR tapes.
3. MVR tapes may be changed only under the following circumstances:
 - a. When the MVR tape counter reads 10,000 or above at the beginning of the shift.
 - b. When the thirty (30) minute warning light begins to flash during the shift.
 - c. When the MVR rapt needs to be removed for viewing or copying purposes.
 - d. When there is malfunction of the MVR tape; or
 - e. When directed by a supervisor.
4. Spare MVR tapes
 - a. The Helena-West Helena Police shall ensure that twenty (20) spare MVR tapes are made available. The spare tapes shall be labeled accordingly:
 - (1) Spare-w, etc.
 - (2) A spare MVR tape shall be used in place of an assigned MVR tape when the ninety (90) day retention period has not been met.

- b. A spare MVR tape log must be maintained to record the use of spare MVR tapes and their retention dates.
- 5. Stored, evidentiary MVR tapes When MVR tapes are requested for use during a trial, the officer or supervisor shall submit a Video Records Request Form.
 - a. One copy of the MVR tape shall be duplicated and processed as normal evidentiary material in accordance with the Helena-West Helena Police Department's Property and Evidence Policy.
 - b. Duplication of the original MVR tapes shall include a portion of video from directly before and after the incident.
- 6.
 - a. For tracking purposes, the Video Records Request Form shall be retained by the Helena-West Helena Police Department.
 - b. An officer shall indicate, in writing, the word MVR on all related documents of an incident to alert the prosecutor or investigator that a copy of the MVR tape is being held as evidence.
- D. MVR tape requests
 - 1. All requests for MVR tapes that are to be utilized for Police Department training purposes shall be made prior to the end of the ninety (90) day retention period.
 - 2. Requests generated from within the Helena-West Helena Police Department shall require the submission of a Video Records Request Form to a Chief of Police or his or her designee.
 - 3. Requests shall be submitted through the Helena-West Helena Police Department Record Section.
- E. Original MVR tapes shall be retained by the Chief of Police or his or her designee where they were originally assigned, except when needed as evidence for investigations by the Criminal Investigation Division, etc.
 - 1. Original MVR tapes serving as evidence in these types of investigation shall be documented on a MVR Tape Custody Log at the Helena-West Helena Police Department.

2. Original MVR tapes made available within the Helena-West Helena Police Department for investigative purposes shall not be returned to the initial origin of assignment. Instead, the supervisor taking custody of a MVR tape shall be responsible for its final disposition.

- F. Outside agency requests the submission of a Video Records Request Form through the Helena-West Helena Police Department Records Section. The Records Section shall duly notify the Chief of Police or his or her designee maintaining the original MVR tape.

Upon receipt of the Video Records Request Form, a second copy of the MVR tape shall be made and maintained in a file at the Helena-West Helena Police Department for one (1) year.

- G. Duplication of MVR tapes shall be made only after receiving approval from the Chief of Police or his or her designee.

1. Additional blank MVR tapes shall be obtained from the Helena-West Helena Police Department supply stock.
2. All blank MVR tapes shall be labeled with appropriate equipment and tape number and put back into rotation.

H. Supervisor responsibilities

1. All supervisors must be knowledgeable of MVR equipment operations and functionality and shall be knowledgeable of Helena-West Helena Police Department procedures for using MVR equipment.
2. All supervisors shall ensure the following:
 - a. All officers under his or her command shall be knowledgeable of MVR equipment operations and Helena-West Helena Police Department procedure in the use of such equipment.
 - b. Equipment shall be checked at the beginning of each shift to ensure that it is functioning properly and is recording the date and officer(s) name(s).
 - c. Any needed repair of MVR equipment shall be duly arranged.
 - d. Blank tapes shall be disseminated to any officer using MVR equipment.
 - e. MVR taped from officer(s) shall be retrieved for storage purposes unless they are to be logged as evidence.

- f. Unless each unit is MVR equipped, the supervisor shall assign use of the MVR equipment.
- g. The supervisor must document the replacement of any MVR tape during the shift on the supervisor shift report.
- h. If an MVR tape is logged as evidence, the officer using the MVR tape must follow agency procedures in securing the tape as evidence for chain of custody purposes.
(Ord. No. 2006-5, Sec. 1.)

2.44.10 Racial Profiling

A. Prohibition statement

- 1. Law enforcement officers of the city of Helena-West Helena Police Department shall be prohibited from violating citizens' equal protection rights.
- 2. Law enforcement officers of the Helena-West Helena Police Department shall be prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the sole factors in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect. Toward this end, law enforcement officers are prohibited from engaging in racial/bias profiling in any aspect of law enforcement activity as defined by this policy.

B. Policy It shall be the policy of the Helena-West Helena Police Department that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the US Constitution and Arkansas Constitution.

C. Purpose

- 1. Law enforcement officers of the Helena-West Helena Police Department shall protect the constitutional rights of all persons, regardless of race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system. All persons shall be free to walk and drive our streets and highways and other public places without law enforcement interferences so long as they are law abiding in their actions and behaviors.

2. This policy serves to
 - a. reaffirm the Helena-West Helena Police Department's commitment to unbiased law enforcement practices,
 - b. further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and
 - c. reinforce procedures that assure the public that the Helena-West Helena Police Department is providing service and enforcing laws in an equitable fashion.

D. Definitions

Standard of reasonable suspicion means a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion. However, this standard shall prohibit stops based on race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system when non-group members would not be stopped.

Racial/biased law enforcement is the practice of a law enforcement officer relying to any degree on age, race, color, disability, ethnicity, gender, national origin, sexual orientation, religion, any other belief system, and or any other individual attribute other than a reasonable suspicion or probable cause in selecting which individuals to subject to routine pedestrian or motor vehicle stops, detentions, investigative activities, or arrests, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity.

Reasonable belief means a belief based on reasonable cause to believe.

Reasonable cause to believe or probable cause means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective and sufficient to satisfy applicable constitutional requirements.

Unbiased law enforcement is the practice of a law enforcement officer relying solely on a standard of reasonable suspicion, probable cause, or taking into account criteria in combination with other identifying factors when a law enforcement officer is seeking to apprehend a specific suspect(s) whose reported race, ethnicity or national origin is a part of the description of the suspect(s), and the description is thought to be reliable and locally relevant.

E. Procedures

1. Training

- a. Law enforcement officers shall receive initial and annual training in operating procedures that prohibit biased law enforcement.
- b. It is recommended that all current and future officers receive annual training in the following areas, if possible:
 - (1) Basic Spanish or another foreign language that best represents our community;
 - (2) Cultural competence and awareness that is designed to stress an understanding and respect for racial, ethnic, national origin, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
 - (3) The Arkansas rules on criminal procedure specific to search and seizure;
 - (4) The Fourth Amendment to the US Constitution to search and seizure;
 - (5) Interpersonal communication skills

2. Field officer responsibilities

- a. Members of the Helena-West Helena Police Department, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- b. Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause.
- c. Upon initial contact, and when feasible and reasonable to do so, each law enforcement officer shall provide his or her full name, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused, and, when possible, written identification business cards. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information.
- d. When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take

into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning or a traffic citation.

- e. The following dialogue, or similar, shall be recommended as a guideline for use by officers in the field to minimize conflict during interactions with accused violators:
 - (1) Officer greeting: *Good morning, afternoon, or evening.*
 - (2) Officer ID: *I am Officer Smith of the Helena-West Helena Police Department.*
 - (3) Reasoning: *I stopped you because...*
 - (4) Listen politely and give the accused ample opportunity to tell their story.
 - (5) Ask for identification and any required documents: *May I please see your driver's license, registration, and proof of motor vehicle insurance?*
 - (6) Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as pay a fine, obtain a court hearing, etc.
 - (7) Closing: *Please drive safely or thank you for your cooperation.*
 - (8) Make sure the driver is able to merge safely back into traffic.
- f. Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/bias-related profiling, including but not limited to racial slurs or derogatory references about a minority group.
- g. Officer shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

3. Allegation of biased law enforcement practices by a citizen

- a. When accused of biased law enforcement practices, the Field Officer shall first contact their immediate Supervisor for advisement on the situation.

In some instances, the Supervisor shall report to the scene to mediate the situation.

- b. Field Officers shall provide complainant(s) with the full name and telephone number of his or her immediate Supervisor, and the contact name and telephone number of the Chief of Police or his designee.
- c. Field Officers shall complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her Supervisor.
- d. Along with their written report, Field Officers shall submit the mobile video/audio recording (MVR) tape containing the encounter in question, if applicable, to his or her Supervisor.
- e. All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner.

4. Supervisor responsibilities

- a. Each Supervisor is responsible for ensuring that all personnel under his/her command fully understand the content of this policy and are operating in compliance with the procedures therein.
- b. Each Supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her Field Officers, either on the scene or by telephone.
 - (1) If the complaint is not resolved, the Supervisor shall offer to provide the complainant a Citizen Complaint Form.
 - (2) The Supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint.

- c. Upon receipt of a complaint, each Supervisor shall address the matter in a timely manner.
 - (1) Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Chief of Police or his or her designee.

Written report shall be completed within twenty-four (24) hours of filing by complainant.
 - (2) Evaluate, copy, and submit a written report to the Chief of Police or his or her designee detailing the review of the MVR tape, if applicable.
 - (3) Each Supervisor shall maintain a copy of the MVR tape, if applicable and written report prior to submitting to the Chief of Police or his or her designee.
 - (4) The written MR tape report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the Chief of Police or his or her designee for investigation. The Chief of Police shall implement a systematic review process to generate quarterly analyses of the statistical information collected from the Citizen Complaint Form.
- d. These analyses shall identify allegations specific to biased law enforcement practices. If a pattern is identified, the Chief of Police or his or her designee shall be responsible for conducting an investigation to determine whether officers of the Helena-West Helena Police Department have violated the provision of this policy and procedure, or any other department policies and procedures.
- e. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, and /or other discipline in a timely manner and may be subject to dismissal from the Helena – West Helena Police Department.

- 5. Documentation and record keeping Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall document the stop with

the following information, which shall be included in addition to any other information documented by the officer:

- a. A physical description of each person detained as a result of the stop, including:
 - (1) the person's gender; and
 - (2) the person's race or ethnicity.
 - b. The traffic law or ordinance alleged to have been violated or the suspected offense;
 - c. Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
 - d. Whether any contraband was discovered in the course of the search and the type of contraband discovered;
 - e. Whether the officer made an arrest as a result of the stop or the search: including a statement of the offense charged:
 - (1) the street address or approximate location of the stop;
 - (2) the date and time of the stop; and
 - (3) whether the officer issued a warning or a citation as a result of the stop.
 - f. Every year, no later than April 1, the Helena-West Helena Police will compile the above information relating to the race/ethnicity of individuals stopped.
 - g. Information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/or percentage categories of ethnicity, stops, searches resulting from stops, disposition of the stops, and the duration of the stops.
6. The Helena-West Helena Police Department shall compile data on individual officers to be used in evaluation as an early warning system for possible racial/bias profiling.
 7. The data and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights of state or federal law.

F. Communication to the community of this policy The Helena-West Helena Police Department shall be responsible for providing public information relating to the Helena-West Helena Police Department's efforts to comply with government mandates on racial profiling. This will include public education relating to the Helena-West Helena Police Department's complaint process. Avenues for this information may be:

1. Pamphlets developed by the Helena-West Helena Police Department;
2. Public service announcement concerning this and additional outreach efforts on local radio stations, television stations and local newspaper;
3. Community meeting and public forums in which racial/bias profiling is discussed; and
4. News/press releases.

Where appropriate to meet the goals of this policy, communication of this policy with the community shall be available in English and in Spanish.

G. Retaliation No member of the Helena-West Helena Police Department, regardless of rank or stature, shall retaliate against fellow officers, civilians, officials, or volunteer employees for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.

Actions or behaviors found to constitute retaliation shall be immediately disciplined and may lead to dismissal from the Helena-West Helena Police Department.

H. Application This order constitutes Helena-West Helena Police Department policy and is not intended to enlarge the employee's existing civil or criminal liability in any way. Either the employee or any third party shall not construe it as the creation of an additional cause of action. (Ord. No. 2006, Feb 7.)

CHAPTER 2.48**DISTRICT COURT****Sections:**

2.48.01	District Court
2.48.02	Term of District Judge
2.48.03	Qualifications of District Judge
2.48.04	Justice Network
2.48.05	Fees and costs
2.48.06	Issuance of process
2.48.07	Salary
2.48.08	Court Clerk
2.48.09	Collection of fines

2.48.01 District Court Pursuant to Arkansas Constitutional Amendment 80 and A.C.A. 16-17-917, there shall be two departments of District Courts in Phillips County: one (1) located in the territory formerly known as Helena; and one (1) in the territory formerly known as West Helena. This shall be a court of record having a seal with the name of the state in the center and the words "District Court of Helena-West Helena" around the margin, and which court shall be regarded in law as a continuation of the District Courts of Helena, Arkansas, and West Helena, Arkansas, as now existing by law therein. All the jurisdiction exercised by the District Courts of

Helena, Arkansas, and West Helena, Arkansas, are vested in said District Court as herein established. All papers and records pertaining to said District Courts shall be transferred accordingly, and no suit, prosecution or proceeding of said courts shall abate because of any change made by this chapter.

2.48.02 Term of District Judge The District Court shall be presided over by one (1) District Judge, to be elected at the next general election held in said city, and whose term of office shall be four (4) years and until a successor is elected and qualified as such.

REFERENCE: A.C.A. 16-17-201; West Helena Ord. No. 897

2.48.03 Qualifications of District Judge The Judge presiding over the Helena-West Helena District Court shall meet the minimum qualifications and be subject to those restrictions set forth under state law.

REFERENCE: A.C.A. 16-17-209.

2.48.04 Justice Network The city hereby authorizes the Justice Network to provide services for the Helena-West Helena District Court under the same terms and conditions which it provided services to the West Helena District Court as it did on Dec. 31, 2005, under the provisions of West Helena Ordinance 04-10.

2.48.05 Fees and costs The Helena-West Helena District Court shall assess and collect those fees and costs allowed or mandated by state law.

REFERENCE: A.C.A. 16-17-212.

2.48.06 Issuance of process The District Court shall have the power to issue all necessary process in accordance with state or federal law.

REFERENCE: A.C.A. 16-17-223; West Helena Ord. No. 897.

2.48.07 Salary The salary of the District Judge will be set by state law.

REFERENCE: A.C.A. 16-17-108.

2.48.08 Court Clerk The Judge of the District Court may appoint a Clerk for the court who shall be designated and known as the District Court Clerk. The District Court Clerk shall perform in and for the District Court the clerical work required or permitted by the general laws.

REFERENCE: A.C.A. 16-17-211.

2.48.09 Collection of fines The Chief of Police shall collect all fines, penalties, forfeitures, fees and costs assessed in District Court arising out of the violation of city ordinances and of state laws committed within the corporate limits of the city in which the court sits where the arresting officer was a policeman, and shall pay over to the District Court Clerk all sums so collected by him in accordance with state law. He shall render to the City Council a monthly report of all monies so collected, and shall attach to said report all receipts related to such monies.

REFERENCE: A.C.A. 16-17-214; 16-13-709.

CHAPTER 2.52

AIRPORT COMMISSION

Sections:

2.52.01	Creation
2.52.02	Method of appointment, terms of office, salary
2.52.03	Qualifications
2.52.04	Powers and duties
2.52.05	Airport revenue
2.52.06	Record of revenues and expenditures
2.52.07	Budget
2.52.08	Removal
2.52.09	Adoption of rules necessary to carry out the board's function
2.52.10	Meetings
2.52.11	Additional authority

2.52.01 Creation. There is hereby created the Helena-West Helena Airport Commission. The Commission shall have charge of the development, maintenance and administration of the airport to be owned by Helena-West Helena, Arkansas.

REFERENCE: A.C.A. 14-359-103; West Helena Ord. No. 890.

2.52.02 Method of appointment, terms of office, salary This Commission shall consist of five (5) members, all of whom shall be qualified voters of the city of Helena-West Helena. These shall be appointed by the Mayor of Helena-West Helena and shall be confirmed by a three-fourths (3/4) vote of the duly elected and qualified members of the City Council of Helena-West Helena. Airport Commission members as of December 31, 2005, shall continue to serve the remainders of their respective terms. The Airport Commissioners in and for the Helena-West

Helena Airport shall be paid a monthly salary as determined by ordinance. The commissioners shall file the oath required by law in the state of Arkansas.

REFERENCE: A.C.A. 14-359-105; A.C.A. 14-359-107; West Helena Ord. No. 890.

2.52.03 Qualifications Each member of the Helena-West Helena Airport Commission shall meet those qualifications prescribed by state law and at least one (1) member shall be fully experienced in aviation, holding some type of aeronautical training.

REFERENCE: A.C.A. 14-359-104

2.52.04 Powers and duties. The Commissioners hereunder appointed shall have full and complete authority to manage, operate, improve, extend and maintain the municipal airport owned jointly, 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 or 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 municipally owned airport, its related properties and facilities, and to have full and complete charge thereof.

REFERENCE: A.C.A. 14-359-109; West Helena Ord. No. 890.

2.52.05 Airport revenue All revenue derived from the operation of such 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 this chapter, for the purchase and improvement of such airport.

REFERENCE: A.C.A. 14-359-117; West Helena Ord. No. 890.

2.52.06 Record of revenues and expenditures. The 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 Mayors 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 fifteenth (15th) day of January, and the first (1st) Monday in February thereafter. The said report shall be filed in the office of the City Clerk and shall be subject to the inspection of any citizen of this 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 any 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 of such report of the actual financial condition of such municipal airport. The report shall be verified by the Commissioners. The Commissioners

shall also furnish such other and further reports, data and information as may be requested by the Mayor or City Council.

REFERENCE: A.C.A. 14-359-118; West Helena Ord. No. 890.

2.52.07 Budget. The Commissioners shall submit annually to the City Council before the city prepares its budget, the amount of funds necessary for maintenance, operation and management of the airport, its related properties and facilities above the estimated revenue in the funds remaining on hand.

REFERENCE: A.C.A. 14-359-116; West Helena Ord. No. 890.

2.52.08 Removal. Any Commissioner appointed by the provisions of this act may be removed upon a three-fourths (3/4) vote of the duly elected and qualified members of the City Council

REFERENCE: A.C.A. 14-359-106; West Helena Ord. No. 890.

2.52.09 Adoption of rules necessary to carry out the Board's function. 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. Such Commissioners shall comply or cause to be complied with all civil air regulations of the federal and state governments to air worthiness of all the aerial approaches to the airport insofar as it comes within their jurisdiction.

REFERENCE: A.C.A. 14-359-114; West Helena Ord. No. 890.

2.52.10 Meetings. The Commissioners shall meet at least monthly but other meetings may be held at any time by the Commissioners upon the call of the Mayor or the City Council.

REFERENCE: A.C.A. 14-359 108; West Helena Ord. No. 890.

2.52.11 Additional authority. The Commissioners shall have such other powers as may be necessary to efficiently operate and maintain the airport as prescribed by A.C.A. 14-359-101, *et seq.*

REFERENCE: A.C.A. 14-359-115; West Helena Ord. No. 890.

CHAPTER 2.56**PORT AUTHORITY****Section:**

2.56.01 Creation

2.56.01 Creation Pursuant to A.C.A. 14-40-1201, et seq., the city of Helena-West Helena hereby assumes the place of the former municipalities of Helena and West Helena with respect to the West Helena Port Authority. It assumes all powers and duties prescribed by law.

CHAPTER 2.60**BASE PAY FOR OFFICIALS****Sections:**

2.60.01 Base pay
 2.60.02 Department head positions
 2.60.03 Starting pay
 2.60.04 Payroll
 2.60.05 Police and Fire Departments
 2.60.06 Part time
 2.60.07 Vacancy
 2.60.08 Filling of position

2.60.01 Base pay To establish the authorized positions for full-time employees and elected officials, the number of full-time employees and elected officials per position, and the base pay per position for each department or other unit of city government listed below shall be as follows:

Mayor	Mayor	\$48,000.00
	Admin. Assistant	\$32,500.00
	Purchasing officer	\$24,000.00
	Asst. to Mayor	\$18,500.00
	Janitor	\$16,000.00

City Clerk	Clerk	\$42,000.00
	Chief Deputy/Rec/Pay	\$24,000.00
	Clerk/Receptionist	\$15,600.00
	Payroll Clerk	\$16,640.00
City Treasurer	Treasurer	\$18,000.00
City Attorney	Attorney	\$42,000.00
	Clerk	\$16,640.00
City Council	Aldersperson	\$7,200.00
District Court	Judges	\$21,600.00
	District court Clerk	\$40,000.00
	Deputy Court Clerk	\$16,640.00
Police	Chief	\$38,500.00
	Asst. Chief	\$33,500.00
	Captain	\$27,500.00
	Lieutenant	\$26,750.00
	Sergeants	\$26,000.00
	Patrol officer first class	\$23,350.00
	Patrol officer entry	\$22,000.00
	Dispatchers	\$17,500.00
	Secretary/Records	\$17,500.00
Fire	Chief	\$38,500.00
	Asst. Chief	\$33,500.00
	Battalion chief	\$32,500.00
	Captain	\$27,500.00
	Lieutenant	\$26,750.00
	Driver	\$26,000.00
	Firefighter first class	\$23,350.00
	Firefighter entry	\$21,000.00
Water/sewer	Director	\$48,000.00
	Officer mgr./Sup	\$23,500.00
	Supervisor op & maint.	\$20,000.00
	Supervisor treatment	\$20,000.00
	Superintendent	\$20,000.00
	Asst.superintendent	\$20,000.00
	Clerks	\$16,500.00
	Laborers	\$14,560.00

Street	Supervisor	\$36,000.00
	Foreperson	\$19,000.00
	Equipment operators	\$18,512.00
	Laborers	\$15,600.00
	Animal Control Officer	\$18,512.00
	City mechanics	\$24,000.00
Sanitation	Supervisor	\$36,000.00
	Dispatch	\$15,600.00
	Foreperson	\$19,000.00
	Equipment operator	\$18,512.00
	Driver	\$18,512.00
	Laborer	\$15,600.00
	Secretary	\$15,600.00
Parks	Supervisor	\$36,000.00
	Community Center director	\$18,720.00
	Recreation coordinator	\$18,720.00
	Green's keeper-golf course	\$18,500.00
	Golf course-pro shop clerk	\$16,640.00
	Laborers	\$15,000.00
Landfill	General manager	\$50,000.00
	Foreperson/operator	\$21,000.00
	Operators	\$21,000.00
	Secretary/scale operator	\$17,500.00
Code Enforcement Officer		\$21,000.00
(Ord. No. 2008-1 as amended by 2009, Feb. 3, Sec. 1.)		

2.60.02 Department head positions For each of the above departments or other units, the first listed position shall be the position that is responsible for the functioning of the department or other unit in the absence of the appropriate elected official and are therefore department head positions pursuant to relevant state law. (Ord. No. 2009, Feb. 3, Sec. 2.))

2.60.03 Starting pay Base pay is hereby defined as the starting pay for a person taking any of the above positions anew or via promotion. The base pay shall apply to said person/position for a minimum 180 days provided said person is a full-time employee. The base pay shall apply to said person/position for a minimum 367 days provided said person is an elected official. Each position provided hereinabove must also be funded through the appropriate funding article (ordinance, resolution, order or other written instrument) by the City Council of the city of Helena-West Helena, Arkansas, prior to any person being compensated by the city of Helena-West Helena, Arkansas. (Ord. No. 2009, Feb. 3, Sec. 3.)

2.60.04 Payroll The City Clerk shall prepare payroll for the full-time city employees and elected officials only in accordance with this base pay ordinance and shall report any discrepancy to the City Council. (Ord. No. 2009, Feb. 3, Sec. 4.)

2.60.05 Police and Fire Departments In the Police and Fire Departments the entry positions and first class positions may be counted cumulatively so long as the total number of people is equal or no greater than the total number of slots provided in this ordinance. (Ord. No. 2009, Feb. 3, Sec. 5.)

2.60.06 Part time No non-elected position authorized in this ordinance that is now, or shall hereafter become vacant, shall be filled, except for persons working part time, without the approval of the Mayor. Part time is defined as any employee working an average of 28 hrs. a week or less and not receiving fringe benefits or than those required by law. Elected positions shall be filled according to law and in compliance with this ordinance. (Ord. No. 2009, Feb. 3, Sec. 6.)

2.60.07 Vacancy For any such vacancy the appropriate elected official (City Attorney, City Clerk, or City Treasurer) and the Mayor shall determine whether there is any necessity to fill the same. (Ord. No. 2009, Feb. 3, Sec. 7.)

2.60.08 Filling of position If any city official attempts to hire a person in violation of this ordinance, the City Clerk shall refuse to include such person on the city payroll and shall report to the City Council the existence of the vacancy and the attempt to fill the same. (Ord. No. 2009, Feb. 3, Sec. 8.)

CHAPTER 2.64

DRUG FREE WORKPLACE

Sections:

- 2.64.01 Purpose of policy
- 2.64.02 Policy statement
- 2.64.03 Safety and security-sensitive positions defined
- 2.64.04 Drug-free awareness program/education and training
- 2.64.05 Prohibited substances/legal drugs/unauthorized items/searches
- 2.64.06 Use of alcohol and drugs/prohibited conduct
- 2.64.07 When drug and alcohol testing may be required of all employees
- 2.64.08 When drug and alcohol testing may be required of employees holding safety and security-sensitive positions
- 2.64.09 Disciplinary action

- 2.64.10 Employment status pending receipt of test results
- 2.64.11 Voluntary drug and alcohol rehabilitation

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

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

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. (Ord. No. 2006-1, Sec. 1.)

2.64.02 Policy statement

- A. All employees must be free from the effect of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
- B. The city reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute and required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

- C. The city also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. (Ord. No. 2006-1, Sec. 2.)

2.64.03 Safety and security-sensitive positions defined

- A. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:
1. Law enforcement officers who carry firearms and jailers.
 2. Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
 3. Fire department employees who directly participate in fire-fighting activities.
 4. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurses assistants.
 5. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
 6. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.
- B. A security-sensitive position includes:
1. Any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
 2. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery. (Ord. No. 2006-1, Sec. 3.)

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

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

- A. The dangers of drug and alcohol abuse in the workplace.
- B. The city's policy of maintaining a drug and alcohol-free workplace: penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the city shall provide educational materials that explain the city's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probably alcohol misuse and drug use. (Ord. No. 2006-1, Sec. 4.)

2.64.05 Prohibited substances/legal drugs/unauthorized items/searches

- A. **Prohibited Substances** Alcohol beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. Section 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, A.C.A. Section 5-64-201-216), including synthetic narcotics, designer drugs, and prescription drugs, excepting only: prescription drugs approved by and used in accordance with the directions of the employee's physician.
- B. **Legal Drugs** The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

- C. **Unauthorized Items** Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia. (Ord. No. 2006-1, Sec. 5.)

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

- A. Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee who has a blood alcohol concentration of 0.04 or greater is deemed impaired by alcohol.
- B. Employees shall not use alcohol while on duty.
- C. Employees required to undergo post-accident testing shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test.
- D. Employees shall submit to all authorized drug or alcohol tests.
- E. Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than twenty-four (24) hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, or not performing safety-sensitive functions. (Ord. No. 2006-1, Sec. 6.)

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

- A. When the city has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs.

For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. A supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use must make the required observations.

- B. Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning use of alcohol or drugs, unless the violation results in termination.
- C. As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- D. When the city management has a reasonable suspicion based on observations or credible information submitted to the city, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- E. When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone, or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- F. As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

In order to return to duty, an employee who has a positive drug or alcohol test (i.e. a verified positive drug test or an alcohol test indicating an alcohol concentration of 0.04 or greater) must have a verified negative drug test and/or and alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee shall be subject to follow-up testing for a period not to exceed twenty-four (24) months from the date of the employee's return to duty, in accordance with an SAP's

recommendations. The city also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP's recommendations.

- G. When any prohibited drug or alcoholic beverage is found in an employee's possession.
- H. When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem. (Ord. No. 2006-1, Sec. 7.)

2.64.08 When drug and alcohol testing may be required of employees holding safety and security-sensitive positions Employees in and applicants for safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- A. When safety-sensitive employee is involved in an accident involving a motor-vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- B. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C., Section 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance must be found in "The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities," published by the Arkansas Municipal League. (Ord. No. 2006-1, Sec. 8.)

2.64.09 Disciplinary action

- A. Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:
 - 1. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent

forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.

2. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch.
3. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on city property, in city vehicles, during breaks or at lunch.
4. Any criminal drug statute conviction and/or failure to notify the city of such conviction within five (5) days.
5. Refusal to cooperate in a search.
6. Having an alcohol concentration of .04 or greater in any authorized test.
7. Testing positive for drugs and/or their metabolites in any authorized drug test.

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

- B. In order to be re-employed following completion of a suspension for a positive drug or alcohol test, the employee must undergo and pass a return to duty drug and/or alcohol test, and be evaluated and released by an SAP.

The city will schedule the return to duty drug and/or alcohol test and the evaluation by an SAP to avoid any lost work time beyond the period of the suspension. The employee will remain on disciplinary suspension, without pay, until the city has received written notice that the employee has passed the return to duty drug test (and/or notice from the collection site that the employee has an alcohol concentration of less than 0.02 in the return to duty alcohol test) and written notice from an SAP that the employee has been released to return to duty. However, the employee may use accumulated leave time between the end of the original suspension and being released to return to work.

If the employee tests positive for any drug or has an alcohol concentration of 0.02 or greater in any subsequent test, he/she shall be subject to discharge.

- C. Rehabilitation and Additional Testing. In cases where an employee receives disciplinary action other than discharge for a drug and/or alcohol related infraction, the following procedures shall also apply:
1. The city may require the employee to participate in an approved treatment, counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of an SAP.
 2. If the employee is required to enroll in such a program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration.

The employee must submit to any drug and/or alcohol testing administered as part of the program, and provide the city with the results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. Failure to provide such reports or the results of such tests may result in discipline up to and including termination.
 3. An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to twenty-four (24) months. (Ord. No. 2006-1, Sec. 9.)

2.64.10 Employment status pending receipt of test results In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which give rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results. (Ord. No. 2006-1, Sec. 10.)

2.64.11 Voluntary drug and alcohol rehabilitation If an employee who is not otherwise subject to disciplinary action for use of drugs and/or alcohol voluntarily admits that he/she has a drug and/or alcohol abuse problem, the Mayor or his/her designee, will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. For purposes of this section, an employee's admission to having a drug and/or alcohol abuse problem will not be defined as "voluntary" if it is made after the employee learns that he or she has been selected for a random drug test.

These options may include allowing the employee to continue working while receiving outpatient treatment, counseling or rehabilitation in an approved drug and/or alcohol abuse program, or placing the employee on a medical leave of absence while he/she is receiving treatment, counseling or rehabilitation in an approved inpatient or outpatient drug and/or alcohol abuse program.

When an employee voluntarily admits that he/she has a drug and/or alcohol abuse problem, the city shall have the right to require the employee to be evaluated by an SAP and/or submit to drug and/or alcohol testing prior to deciding what action is appropriate. No disciplinary action will be taken by the city against an employee who voluntarily admits that he/she has a drug and/or alcohol abuse problem in the situation described above. However, the city shall have the following rights in such a situation:

- A. The employee may be required to enroll in and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program, and remain drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the city will not be responsible for financial obligations associated with treatment.
- B. If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program, and provide the city with the results of such tests. The employee must also provide the city with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. Failure to provide such reports or the results of such tests will result in discipline up to and including termination.
- C. The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the city's discretion, for a period of up to twenty-four (24) months. (Ord. No. 2006-1, Sec. 11.)

CHAPTER 2.68

PERSONNEL MANUAL

Sections:

- 2.68.01 Adopted
- 2.68.02 Police and Fire Department
- 2.68.03 Leave for all employees

2.68.01 Adopted The City Council for the city of Helena-West Helena hereby adopts the city of Helena-West Helena Personnel Handbook, a copy of which is attached hereto and made apart hereof, for all employees. (Ord. No. 2008-21, Sec. 1.)

2.68.02 Police and Fire Department The City Council has previously approved standard operational procedures and guidelines for both the Police Department and Fire Department. The Helena-West Helena Personnel Handbook is for all city employees and supersedes the standard operational procedures and guidelines. The standard operational procedures and guidelines for the Police and Fire Departments are supplemental to the Personnel Handbook and are not repealed by this ordinance. Any conflict between the Personnel Handbook and standard operational procedure guidelines with police and fire are resolved in favor of the Personnel Handbook. (Ord. No. 2008-21, Sec. 2.)

2.68.03 Leave for all employees The City Council of Helena-West Helena hereby establishes sick leave, vacation leave and funeral leave as follows:

A. Vacation

1. Each employee must be employed by the city for one (1) full year before he or she is entitled to vacation. An employee with one (1) to five (5) years of employment is entitled to two (2) distinct weeks of vacation annually. Employees with six (6) or more years of employment will receive a total of three (3) distinct weeks of paid vacation leave.
2. Previously, employees with ten (10) years of employment could receive four (4) weeks of annual vacation. Those employees will be paid for vacation leave that is in excess of three (3) weeks for the calendar year of 2007 only. Hereafter, no employee will accumulate in excess of three (3) weeks paid vacation. The police officers and fire fighters shall be in accordance with and regulated by state law.
3. If, for any reason, an employee wishes to sell his or her vacation, the Mayor is authorized to approve an employee's selling of vacation days and is directed to formulate a policy for doing the same by executive order.

- B. Sick days and personal leave All employees of the city of Helena-West Helena with the exception of the police officers will receive nine (9) sick days per year and three (3) personal days. Employees who are absent three (3) consecutive days due to illness will be required by the supervisor to submit a doctor's statement and/or return to work release. Employees who are absent three (3) non-consecutive days due to illness may be required by the supervisor to submit a

doctor's statement and/or return to work release. Sick days may accumulate up to ninety (90) days. In the event of resignation or termination, the employee shall not be paid for unused days. Police officers and fire fighters sick leave shall be in accordance with state law.

- C. Funeral leave All employees shall receive three (3) paid days on each occurrence for funeral leave for immediate family member. Members of the family for purpose of this leave are: spouse, mother, father, stepmother, stepfather, child, stepchild, sister, brother, mother-in-law, father-in-law, son-in-law, grandchildren, and grandparents. (Ord. No. 2007, Feb. 17, Sec. 1.)