



The M.A.P.



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Community Engagement Division, Working Together to Foster a Healthy, Safe, and Attractive Springdale

Recently, the City of Springdale made a forward thinking decision to create a Division of the Public Works Department called the Community Engagement Division. This division would include four similar functions that would work together to enhance the current Enforcement and Abatement programs. A division that would partner with the residents to educate them on the ordinances set forth by the City Council to make our way of life cleaner, healthier and more enjoyable. A division that would communicate with residents to offer them solutions to their large trash and recycling needs while helping to improve the visual aesthetics of our city and keep property values at a steady level. The four functions include; Bulky Waste Program, Graffiti Abatement Program, Code Enforcement and our Springdale Recycling Center.

amount of trash that would be stored on a property until the next scheduled clean up. Also, this helped the city employees stay well ahead of the demand which kept the city looking cleaner and healthier. The title Bulky Waste refers to the types of items allowed for pickup through this program, such as; appliances, toys, tree limbs and furniture. All regular household trash is picked up through our contracted Waste Management Program.

The Bulky Waste Program employs two



(2) full time CDL licensed drivers. During our peak months, spring through fall, other Public Works employees are used one day a week to supplement our work force. Through the technology that is used we are able to take orders and dispatch them from a desktop computer to an I-pad in the field; this allows us to be incredibly efficient and fiscally responsible to our residents. This technology has alleviated the drawn out procedure we had when using paper tickets. It has also allowed us to keep better records of pick ups per residential structure which in turn has cut our costs by approximately one-third. The cost of this

Bulky Waste Program:

The Bulky Waste Program was instituted around nine years ago to replace the annual spring and fall clean up that was offered to our City Residents. We felt that by allowing residents to use the program when they needed it and not at city scheduled time, it would reduce the

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Springdale City
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program for our residents is \$6.00 per calendar year which is charged by a \$.50 monthly fee on their water bill. The program allows a resident to put out 16 cubic yards of waste per year. This can be picked up all at one time if the resident has a large project that comes up or it can be divided into two (2) 8 cubic yard pick ups any time throughout the year (January 1st through December 31st). A resident would need to call us to schedule their pickup the week before they place their items on the curb; the city does not drive around and pick up piles that are not scheduled. Our employees are very careful to stay within the limitations set forth in the ordinance so as to be fair to all city residents. For more information about our Bulky Waste Program call the Public Works Department at 479-750-8135, Community Engagement Division at 479-756-7712 or read more at www.springdalear.gov.

Graffiti Abatement Program:



On July 13, 2010, Ordinance No. 4435 and on August 24, 2010, Ordinance No. 4445 were passed by Springdale Council, both of which amended Sec. 42-91 of the Code of Ordinances. These ordinances provide that once the City becomes aware of graffiti, the City can use public funds to remove or paint over the graffiti. All incidents of graffiti are to be reported to the police department who will investigate the crime and notify the property owner, their agent or leasehold tenant of the city's graffiti removal program. Once this property owner is notified of the necessity to remove the graffiti, the Department of Public Works will make contact with the property owner, their agent or leasehold tenant and request a graffiti abatement identification and permission form be signed allowing them to enter on the property and remove the graffiti.

At the time this Ordinance was instituted, the Public Works Department employed one (1) full-time employee that would do nothing but abate unsightly

graffiti. In the three (3) years since this ordinance was passed we have improved our methods of removal. We have also equipped our Abatement Technician with a fully-outfitted flatbed truck so he can mobilize more rapidly and we are utilizing the same technology as our Bulky Waste Program to ensure excellent results and timely removal. This is a long term battle that we are committed to fight on behalf of the residents. It is a well know fact that the quicker you can abate the graffiti the more you can deter people from tagging again. The Community Engagement Division recognizes that graffiti is a crime done to innocent people. So our aim is to help our residents by offering them a solution through the Abatement Program to remove graffiti off their personal property when it is in public or quasi-public view. We do not use city funds for property maintenance, which means if graffiti is done inside a property or on the back of the property where it cannot be seen, we are unable to attend it. We will, however, help that resident by giving advice on procedures or products that will help them to be better equipped.

Our goal is to stamp out graffiti all together. But this will take a collective effort from all residents. When you see graffiti, don't wait to call our Police Department to report it. The quicker that they investigate it and send their report to the Community Engagement Division the quicker we can get it removed. Also, if you see someone tagging a property, turn them in. If we work together we can beat this nuisance one incident at a time.

Springdale Recycling Center:



In 2012, the City of Springdale partnered with the Boston Mountain Solid Waste to open a facility where the citizens of Springdale could bring their Household Hazardous Waste such as televisions, computers, paint



and miscellaneous chemicals. Along with these items, residents can bring glass, plastic, paper, cardboard, sharps and tires. Since the day it opened, it has provided conscientious citizens with a way to dispose of material that could harm our environment but also has provided our schools and clubs with a place to educate our future generation about the importance of taking care of our surroundings. The center is currently open on Mondays and Thursday only, but may be adding some additional hours in the near future to accommodate our residents. We hope that residents will come by, take time to ask some questions and let Tom, our Recycling Center Operator, show you around. For questions about recycling or to schedule an educational tour contact: Boston Mountain Recycling Center at 888-426-9278 or visit them on the web at www.bmswd.com

Code Enforcement:



Our Code Enforcement function is charged with enforcing the Code of Ordinances that have been set forth by our Mayor and City Council. We have the highest level of respect for the people that write the codes that protect the citizens and property within the City of Springdale. With that in mind we are very conscientious about understanding those codes, enforcing them and educating the public about their responsibility as residents.

The process for enforcing code violations is the same for all residents. First we would identify a violation, second we would give a violation notice with a 24 hour, 7 day or 15 day opportunity to bring the offense into compliance based on which code is in question, and finally if compliance is not attained within the allowed time, a Citation/Court Summons is issued. At which time the City of Springdale Public Works Department employees will step in and bring the

property into compliance and charge the resident with the cost of abatement. Of course, this is not something we want to happen; we hope that each citizen would take pride in their residence and pride in their city. We also encourage residents that see a possible code violation to call or e-mail us so that we can investigate. Our city is large and growing and we need residents to let us know when they see a problem. Not everything “unsightly” is a code violation, but we would rather investigate it than just let it go.

The Code Enforcement function of the Community Engagement Division has a total of five (5) employees, four (4) Code Officers and one (1) Administrative Personnel with a combined 25+ years of experience and knowledge.

So how does putting all four (4) of these functions together make for a more efficient and fiscally responsible division?

I hope by reading the descriptions and goals of the functions you are able to recognize similarities in the mission of each, to keep our city clean, healthy, safe and attractive. By incorporating technology that is already being used successfully in our Bulky Waste and Graffiti Abatement areas we can connect our Code Enforcement to information right at their fingertips to improve the speed in which things are brought into compliance. Also, by narrowing the process to a limited time frame, based on our written ordinances, the length of time a property is in violation will be cut down drastically, which means happier neighbors and cleaner properties. And finally the benefits of working as a team instead of individual units will add more eyes in the field, more feet on the ground and ultimately more positive results for our great city.

This article presented by Missha Wagoner, Community Engagement Supervisor, guest writer



Updates to the City of Springdale Personnel and Procedures Manual

The following sections of the City of Springdale Personnel and Procedures Manual have been updated by the Human Resource Department and approved by the Springdale City Council:

Sections 2.2 – 2.5

2.2 At-Will Employment

Employment with the City Of Springdale is voluntarily entered into, and employees are free to resign from their position with the company at will, at any time, with or without cause. Similarly, the City Of Springdale may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

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

2.3 Job Descriptions

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include the following: a job summary, including supervision exercised by the employee; supervision received by the employee; pre-qualification requirements for employment in the position; specific job duties and responsibilities; necessary special knowledge, skills and abilities required by the position; tools and equipment used; physical demands; and work environment. Job descriptions are reviewed periodically and may be revised when duties of the position are changed. A new job description shall be prepared for each new position. When there is a revision in a job description because of a change of duties or a new job description is written because a new position is created, a job description shall be prepared by the Human Resources Department, in consultation with the Mayor and the Personnel Committee of the City Council.

2.4 Nepotism

Policy as to Other Family Members Working in the Same Department: It is permissible for other immediate family members (other than spouses as set out in the previous paragraph) to work in the same department, except that under no circumstances shall one immediate family member be under the direct supervision of another family member. For the purposes of this particular paragraph, immediate family shall include: children, parents, brothers, sisters, grandparents, grandchildren, plus the various combinations of half, step, in-law and adoptive relationships that can be derived from those previously named relatives. Immediate family shall also include: aunts, uncles, nephews, nieces, and first cousins.

2.5 Hiring Process for Non-Civil Service Positions

The department head will administer and coordinate the hiring process with the assistance of the Human Resources Department for all position vacancies within that department. For filling positions that are temporary full-time or temporary part-time, the department head may hire from the applications on file in the department from the previous three months, or may hire from temporary employment sources, such as temporary employment agencies. To ensure compliance with legal and equal opportunity requirements, all hiring efforts are to be conducted in the spirit of equal opportunity. All applications turned in to the department head will be kept on file for three months.

2.5a Recruitment

(1) The affected department shall formulate the job announcement with the Human Resources Department. For general laborer positions in the Public Works or Parks and Recreation Departments for which employees are needed immediately, the department head, with the prior approval of



the Mayor's office, may waive the job announcement and hire from the existing applications that have been submitted to the department in the previous three months.

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

qualified applicant under 18 years of age based on the needs of the department; e.g. Lifeguards.)

3.13 Disciplinary Action (For Non-Civil Service Employees)

Review by Human Resources was added to the Disciplinary policy.

It shall be the policy of the City to administer discipline fairly, reasonably, and impartially. All written disciplinary actions must be authorized beforehand by the Human Resources Director and the Department Head. Human Resources will review the proposed disciplinary action for legal compliance, policy compliance, and consistency with other disciplinary actions in the City pertaining to similar issues. The Department Head will review the proposed disciplinary action from the standpoint of management and maintaining fairness. All disciplinary actions involving suspensions without pay or termination require concurrence of the department head, Human Resources, and the Mayor prior to discipline being administered.

4.10 Additional Compensation for Certain Employees

The following paragraph was added to the Additional Compensation policy:

Animal Control Officers, employees of the Information Technology Department and employees of the Public Works Signalization Division shall receive additional compensation of \$15.00 per day when required to be "On-Call" after normal work hours.

All Additional pay set out in this policy is paid bi weekly, and such compensation is set out on the employee's paycheck.

5.12(f) Use of Paid and Unpaid Leave

Comp time was added as an option for paid leave and concurrent paid leave with FMLA was added for clarification:

FMLA will run concurrently with accrued paid leave. If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the 12 weeks as unpaid leave.



If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid vacation, paid sick leave when eligible, and accrued compensatory time, then will be eligible for unpaid leave for the remainder of the 12 weeks. Sick leave may not be used for a medical condition or serious health condition of the employee that is covered by worker's compensation.

An employee using leave for the birth of a child will use paid sick leave and any accrued compensable time. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation, and any unused compensatory time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation, paid sick leave, or compensable time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

The City of Springdale will continue to review and update policies on an annual basis.

This article presented by
Gina Lewis,
Human Resource Director



Arkansas Attorney General Issues Opinion on Act 1183 of 2013 Concerning "Ride-Along" Policies

On January 13, 2014, the Arkansas Attorney General issued Opinion No. 2013-126. This Opinion related to Act 1183 of 2013, codified at Ark. Code Ann. §12-6-402, which provides:

12-6-402. Civilian passengers.

Each law enforcement agency of the state shall establish a policy prohibiting civilian passengers in patrol vehicles unless specific written approval is given for each civilian passenger by the chief law enforcement officer or his or her designee.

The Opinion had been requested by Van Stone, Benton County Prosecuting Attorney. Specifically, he asked:

Do you interpret Act 1183 as pertaining solely to "ride-alongs," that is, as requiring law enforcement agencies to have a policy that prohibits civilians from going on "ride-alongs" with officers, unless specific written approval for that civilian is obtained from the chief law enforcement officer or his or her designee?

Or do you interpret Act 1183 as requiring a policy that prohibits something more than "ride-alongs," such as the transport of

witnesses to court or the transport of abuse victims to shelters or victim advocacy centers, without specific written approval for that particular witness or that particular victim?

In addressing these questions, the Attorney General first looked at how the term "civilian passengers" is defined in the statute. Does that term include every person that is not a law enforcement officer, such as a prisoner? The Attorney General answered "no", as transporting a prisoner as a "civilian passenger" in a patrol car is "clearly proper and is a fundamental part of law enforcement". As such, the statute does not explicitly require prior approval from the chief law enforcement officer before a prisoner "civilian passenger" may ride in a patrol car.

The Attorney General used this example to demonstrate that the law was not intended to apply to every civilian passenger who rides in a patrol car. Even further, the Attorney General stated that "I see no way to discern clearly what scope the General Assembly may have intended".

In addition, the Attorney General pointed out that the statute does not *prohibit* civilian passengers in patrol vehicles, it merely requires that each law enforcement agency establish its own "ride-along" policy. Had the



General Assembly intended to prohibit civilian passengers, it could have done so, but it clearly did not do so. Instead, the Attorney General concluded that the law "intended to give each law enforcement agency some discretion to determine the scope and application of its own policy". What type of "civilian passengers" are prohibited to ride along with an officer is therefore up to each individual law enforcement agency.

The third question posed to the Attorney General was:

Could an agency reasonably interpret the phrase "patrol vehicle" in Act 1183 as limiting the Act's purview only to those situations where a police unit is being used by an officer who is actively "on patrol," that is, who is prepared to make traffic stops, answer calls, and so forth, in a given area at a given time, as opposed to situations where a police unit is being used by an officer to do something other than patrol work at that particular time, such as helping a witness get to court or taking a victim to a shelter or a victim advocacy center?

The Attorney General concluded that the statute applied to "patrol vehicles" at any time, not just when they are being used for patrol. The conclusion was reached because this statute was codified in a section of statutes dealing with "patrol vehicles". As such:

I conclude that the General Assembly, by enacting the provision at issue as an additional section of the same subchapter, and by using the same operative term ("patrol vehicles") used in the only other section of that subchapter, meant the term to have the same meaning in both provisions.

The final question posed to the Attorney General was:

Finally, in your opinion, if a civilian passenger in a patrol vehicle is injured or otherwise harmed, does the failure to comply with any part of Act 1183 of 2013 create new causes of action against, or liabilities on the part of, a law enforcement agency or officer; that is, causes of action or liabilities that otherwise would not have existed before enactment of Act 1183 of 2013?

In answering this question, the Attorney General pointed out that Act 1183 clearly does not expressly provide for its enforcement by way of a private cause

of action, nor is a private cause of action implied in the statute, or from the legislative intent of the Act. As such, the Attorney General opined that the statute does not contain or infer any causes of action for failure to comply with its language.

Ernest Cate, City Attorney

2013 Annual Report of City Attorney's Office Published

The 2013 Annual Report of the City Attorney's Office was published on February 25, 2014. **To review a full copy of the report, go to our website and click on "Annual Reports."** The City Attorney's Office saw a lot of change in personnel in 2013, beginning with Ernest Cate taking over as City Attorney on January 1. There were also two new Deputy City Attorneys hired in 2013: Sarah Sparkman and David Phillips. In addition to the two new hires, Jacque Roth's position as Discovery Clerk was made a full-time position. It is estimated that the employees of the City Attorney's Office had contact with over 24,000 citizens/employees of the City of Springdale, either by phone or in person.

The Criminal Division of the City Attorney's Office handled cases involving 7,045 defendants, an increase of 2.08% from 2012. Of these defendants, 5,461 were handled at trial and 1,584 were settled before the case went to arraignment. In partnership with District Court, the City Attorney's Office was also able to collect \$136,874.88 in restitution for crime victims, which is an increase of 2.89% over 2012. This amount does not include restitution collected on hot checks. Although hot checks continue to decline because many merchants no longer take checks, often taking debit cards or credit cards instead, the Hot Check Division still paid \$83,348.96 to merchants in 2013.

The Civil/Risk Management Division continued its involvement with Code Enforcement, with 183 properties referred to the City Attorney's Office in an effort to recover costs associated with the remedy of ordinance violations. We were successful in recouping a total of \$13,873.04 in public funds in 2013, and placing a lien on 78 properties, a 200% increase over 2012. The City Attorney's Office also continues to publish its periodicals, *C.A.L.L.* and *The M.A.P.*

**Cindy Horlick
Administrative Legal Assistant**



Judge Harper Makes Three Promotions in Springdale District Court

On January 2, 2014 at a promotion ceremony held in the District Court Courtroom, Judge Jeff Harper promoted three of his long-term Court Clerks, Sue Bowman, Sherri Curry and Carol Tatman. Judge Harper noted during the ceremony that these promotions will greatly increase the efficiency and accountability of the Court and will also give other employees more opportunity for advancement in the future. In attendance at the ceremony were several Judges from District Courts, Mayor Doug Sprouse, several Councilmen, attorneys and Springdale employees.

Sue Bowman began her employment with the City of Springdale District Court on May 1, 1999, and has been a dependable and dedicated employee for the City of Springdale and Springdale District Court during her 15 year tenure. Sue was promoted to Chief Deputy Court Clerk and will continue to run the Civil/Small Claims Division of District Court. In 2013, Sue's division handled a total of 2,150 in small claims and civil court, with 1,350 of the cases being handled personally by Sue.

Sherri Curry began her employment with the City of

Springdale and Springdale District Court on August 4, 1997, and her attitude in the office is one of a true public servant. Sherry was promoted to Division Chief Deputy over the Time Payments/Traffic Docket Division. In 2013, she was responsible for issuing 2,067 warrants for failure to pay fines and costs for defendants who were delinquent in their payments to the Court. In addition, she has been trained on two additional jobs within the Court.

Carol Tatman began her employment with the City of Springdale and Springdale District Court on January 21, 2002. Carol was promoted to Division Chief Deputy over the Criminal/Trial Division. In her 12 years of service to the District Court, Carol has worked directly with the City Attorney's Office and has been a model of efficiency. In 2013, she handled over 4,800 cases that were set for trial, which includes everything from entering the not guilty plea, creating a paper docket, logging dispositions given to her by the prosecutor, arranging for court interpreters, arranging for alcohol screeners for DWI cases, logging pleas at trial and many other duties.

**Cindy Horlick,
Administrative Legal Assistant**

Pictured from left to right:
Carol Tatman, Judge Jeff
Harper, Sue Bowman and
Sherri Curry

