

## TITLE 2

### CLASSIFICATION, ADMINISTRATION

### AND PERSONNEL

#### Chapters:

- 2.04 City Classification/Governance
- 2.08 City Wards
- 2.12 Retirement Coverage
- 2.16 City Council
- 2.20 City Attorney
- 2.24 Police Department
- 2.28 Fire Department
- 2.32 District Court
- 2.36 Criminal Handbook
- 2.40 Independent Candidates for Municipal Office
- 2.44 Personnel Policies

#### CHAPTER 2.04

#### CITY CLASSIFICATION/GOVERNANCE

#### Sections:

- 2.04.01 First class city
- 2.04.02 Governance by City Council

2.04.01 First class city From and after the passage of this ordinance, the city of Lonoke, Arkansas, shall be a first class city, as provided by the laws of the state of Arkansas, and shall have all the rights, powers, privileges and duties provided for the cities of the first class under the laws of the state of Arkansas. (Ord. No. 312, Sec. 1.)

2.04.02 Governance by City Council That the Lonoke Municipal Code is amended to read as follows: The City shall be governed by a City Council which shall meet at least monthly, generally on the second Monday of each month, and at other times as called by the Mayor or a majority of the City Council. The City Council members shall be paid in December of each year for the performance of their duties. Any member resigning shall be paid on a prorated amount of the time served. (Ord. No. 312 as amended by Ord. No. 648, Sec. 2.B)

## **CHAPTER 2.08**

### **CITY WARDS**

#### **Sections:**

2.08.01 Ward map

2.08.01 Ward map The ward redistricting plan as shown on the map which is attached hereto and made a part hereof, be and is hereby adopted, with said map to serve hereafter as the official Ward Map for the city of Lonoke, Arkansas. (Ord. No. 617, Sec. 1.).

## **CHAPTER 2.12**

### **RETIREMENT COVERAGE**

#### **Sections:**

2.12.01 Social Security provisions

2.12.02 Deductions

2.12.03 Non-uniformed employees

2.12.01 Social Security provisions From and after the 1<sup>st</sup> day of January, 1951, all employees of the city of Lonoke shall be covered by the provisions of the Social Security Law. (Ord. No. 121, Sec. 1.)

2.12.02 Deductions From and after the 1<sup>st</sup> day of January, 1951, there shall be deducted from the gross earnings of all employees of the city of Lonoke covered by provisions of the Social Security laws, one and one-half (1½) of their gross earning for their participating share. (Ord. No. 121, Sec. 2.)

2.12.03 Non-uniformed employees

- A. Non-uniformed employees of the city of Lonoke who have ten (10) years or more of paid, creditable service shall be eligible for retirement through the city's retirement plan.
- B. Such employees will be paid annual and sick leave as provided in the Employee Handbook for the city. (Ord. No. 644, Secs. 1-2.)

## **CHAPTER 2.16**

### **CITY COUNCIL**

#### **Sections:**

- 2.16.01 Meetings
- 2.16.02 Compensation

**2.16.01 Meetings** The city shall be governed by a City Council which shall meet at least monthly, generally on the second Monday of each month, and at other times as called by the Mayor or a majority of the City Council. (Ord. No. 648, Sec. 2.)

**2.16.02 Compensation** The City Council members shall be paid in December of each year for the performance of their duties. Any member resigning shall be paid on a prorated amount of the time served. (Ord. No. 648, Sec. 2.)

## **CHAPTER 2.20**

### **CITY ATTORNEY**

#### **Sections:**

- 2.20.01 Appointed
- 2.20.02 Approval by Council
- 2.20.03 Sworn in
- 2.20.04 Contract
- 2.20.05 Authority

**2.20.01 Appointed** The City Attorney for the city of Lonoke, Arkansas, shall be appointed by the City Council to serve at the pleasure of the City Council from and after the passage of this ordinance. (Ord. No. 592, Sec. 1.)

**2.20.02 Approval by Council** Upon the death, resignation or removal from office of the City Attorney by a majority vote of the City Council, the Mayor shall submit names of other qualified persons licensed to practice law in the state of Arkansas to the City Council for review and approval by a majority vote of the City Council. (Ord. No. 592, Sec. 2.)

2.20.03 Sworn in Upon selection, the City Attorney shall be sworn in forthwith, or at the next regular Council meeting, or in any other manner authorized by law. (Ord. No. 592, Sec. 3.)

2.20.04 Contract The city and the City Attorney shall enter into a contract for service specifying the duties, responsibilities and rate of pay for the upcoming calendar year. The contract shall be approved annually by the City Council. (Ord. No. 648, Sec. 2.)

2.20.05 Authority The City Attorney shall have all authority given by law and is authorized the file and information for arrest or enforcement of violation of an ordinance or law of the state law within the city limits. (A.C.A. 14-42-112) (Ord. No. 648, Sec. 2.)

## **CHAPTER 2.24**

### **POLICE DEPARTMENT**

#### **Sections:**

- 2.24.01 General Orders
- 2.24.02 Police Chief
- 2.24.03 Racial profiling
- 2.24.04 LOPFI

#### **2.24.01 General Orders**

- A. The General Orders/Rules and Regulations attached hereto as Exhibit “A” and incorporated herein by reference, and all provisions contained therein, is hereby adopted by reference and the same shall hereinafter be the Lonoke Police Department General Orders/Rules and Regulations Manual.
- B. Each section, subsection, requirement, regulation or restriction established by this ordinance or any amendment hereto, including those contained in Exhibit “A” hereto, or any subsequent amendments, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid this ordinance or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid. (Ord. No. 593, Secs. 1-2.)

#### 2.24.02 Police Chief

- A. The Chief of Police of the city of Lonoke, Arkansas, shall execute all process directed to him by the Mayor and shall be himself or by someone else on the police force, to attend on the sitting of the District Court to execute its orders and preserve order therein.
  
- B.
  - 1. The Chief of Police shall have the power to appoint one or more deputies from the police force, for whose official acts he shall be responsible, and by whom he may execute all process directed to him.
  - 2. He shall have power, by himself or by deputy, to execute all such process in any part of the county in which the District Court has jurisdiction.
  - 3. For serving city warrants only, the Chief of Police or his deputy shall be entitled to the fees allowed to the Sheriffs under A.C.A. 221-6-307 for similar services in similar cases.
  - 4. All fees collected by the Chief of Police or his deputies for similar services shall be paid over to the city treasury. (Ord. No. 328, Sec. 1.)
  
- C. It shall be the Chief of Police's duty to suppress all riots, disturbances, and breaches of the peace. To that end he may call upon the citizens to assist him to apprehend all persons in the act of committing any offense against the laws of the state or the ordinances of the city, and he shall bring them before the proper authority for examination or trial at the earliest opportunity. (Ord. No. 648, Sec. 2.)
  
- D. The Chief of Police shall have the power to pursue any person fleeing from justice in any part of the state and to receive and execute any proper authority for arrest and detention of criminals fleeing or escaping from any other place or state. (Ord. No. 328, Sec. 1.)
  
- E. The Chief of Police shall have, in the discharge of his proper duties, like powers, and shall be subject to like responsibilities as Sheriffs and Constables in similar cases. (Ord. No. 648, Sec. 2.)

#### 2.24.03 Racial profiling

- A. The written Racial Profiling Policy attached hereto as Exhibit "A" and incorporated herein by reference, and all provisions contained therein, is hereby adopted by reference and the same shall hereafter be the official racial profiling policy for the Police Department for the city of Lonoke, Arkansas.

- B. Each section, subsection, requirement, regulation or restriction established by this ordinance, including those contained Exhibit “A” hereto, or any subsequent amendments, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid this ordinance or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid. (Ord. No. 513, Secs. 1-2.)

2.24.04 LOPFI

- A. The city desires to declare the Lonoke Pension and Relief Fund inactive because it does not have enough active members to constitute a Board of Trustees, as set forth in Act 927, Acts of Arkansas, 1985. (Ord. No. 317, Sec. 1.)
- B. The city provides for the administration of its retirement coverage for its Police and Volunteer Fire Department employees under the LOPFI system. (Ord. No. 648, Sec. 2.)
- C. The city willfully enters into this agreement with the LOPFI System, and that the effect of this ordinance shall be to declare Lonoke Pension Relief of said city inactive. (Ord. No. 317, Sec. 1.)

**CHAPTER 2.28**

**FIRE DEPARTMENT**

Sections:

- 2.28.01 Handbook
- 2.28.02 Elections
- 2.28.03 Amendments to LVFD Handbook

2.28.01 Handbook The City Council adopts the Lonoke Volunteer Fire Department Handbook revised December 10, 2012. (Ord. No. 637, Sec. 1.)

2.28.02 Elections The date of elections stated in Section 8 of the Handbook shall for the year 2013 be scheduled for the second regularly scheduled meeting of the LVFD in February. (Ord. No. 637, Sec. 2.)

2.28.03 Amendments to LVFD Handbook

- Ord. No. 674 To amend Section 9-Pay Schedule
- Ord. No. 705 To amend Section 3-Position Descriptions
- To amend Section 6-Equipment
- To amend Section 7-Emergency Response Attendance
- To amend Section 8-Elections
- To amend Section 9-Payments and Benefits

## CHAPTER 2.32

### DISTRICT COURT

Sections:

2.32.01	Established
2.32.02	Mayor's Court abolished
2.32.03	District Judge
2.32.04	City Hall
2.32.05	Court costs

2.32.01 Established There shall be a corporation court to be styled the District Court of Lonoke, Arkansas which shall be a court of record, having a seal with the name of the state of Arkansas in the center, and the words, District Court of Lonoke, Arkansas around the margin, and said court shall be regarded in law as a continuation of the City Court as now exists in said city. (Ord. No. 249, Sec. 1.)

2.32.02 Mayor's court abolished The Mayor's Court of the city of Lonoke, Arkansas, is hereby abolished and all jurisdiction exercised by same is hereby vested in the Lonoke District Court and transferred accordingly, and all suits, prosecutions, or proceedings of the abolished court are hereby transferred to the Lonoke District Court. (Ord. No. 249, Sec. 2.)

2.32.03 District Judge The Lonoke District Court shall be presided over by one (1) District Judge whose term of office shall be for four (4) years and until his successor is elected and qualified as such. (Ord. No. 648, Sec. 2.)

2.32.04 City Hall The City Council shall provide suitable accommodations in the City Hall for the use of such court. (Ord. No. 249, Sec. 7.)

2.32.05 Court costs The Lonoke District Court Clerk is the person primarily responsible for the collection of fines assessed in the District Court for the City of Lonoke, Arkansas, effective June 1, 2019. (Ord. No. 749, Sec. 1.)

A. Prosecution fee

1. The court shall collect any fees allowed by law collected by the Lonoke District Court as court costs upon a plea of guilty, nolo contendere, forfeiture of bond or determination of guilt. (Ord. No. 648, Sec. 2.)
2. Said fee shall be deposited by the City Clerk in the general revenue funds of the city of Lonoke and will be used to help defray the cost of law enforcement and other administration of justice expenses. (Ord. No. 294, Sec. 2.)

B. Preparation fee

1. When required to make a certification to a non-governmental agency of disposition of court proceedings, the District Court of Lonoke, Arkansas, shall collect a fee of not less than Five Dollars (\$5.00) per case for preparation of the original. (Ord. No. 648, Sec. 2.)
2. All funds derived from such fees shall be used for any permissible use in administration by the District Court. (Ord. No. 326, Secs. 1-2.)

C. Moving traffic violations

1. In addition to any fines provided by law, there shall be levied an additional fine in the amount of Twenty Dollars (\$20.00) per conviction, plea of guilt or nolo contendere, or bond forfeiture, from a defendant, to help defray the expense of incarcerating prisoners in the City Jail. The additional fine shall be levied on each charge, count, violation, or offense, including each misdemeanor or violation.
2. The additional fine levied shall apply to all applicable cases brought before the District Court and departments thereof that now exist and that are in operation, or may hereafter be created and placed into operation, within the city of Lonoke.
3. All additional fines levied and collected under the provisions of this ordinance shall be deposited into a special fund within the City Treasury to be used for the maintenance, operation and capital expenditures of the City Jail or as otherwise specifically permitted by law. (Ord. No. 594, Secs. 1-3, amended by Ord. No. 648, Sec. 2)

D. Misdemeanor cases The Lonoke Municipal Code is amended to read as follows: In addition to all other costs provided by law, there shall be levied and collected as costs by the District Court of the city of Lonoke, Arkansas, the following:

1. In addition to any fines provided by law, there shall be levied an additional fine in the amount of Twenty Dollars (\$20.00) per conviction, plea of guilt or nolo contendere, or bond forfeiture, from a defendant, to help defray the expense of incarcerating prisoners in the city jail. The additional fine shall be levied on each charge, count, violation, or offense, including each misdemeanor or violation.



2. The additional fine levied in Section (3) shall apply to all applicable cases brought before the District Court and departments thereof that now exist and that are in operation, or may hereafter be created and placed into operation, within the city of Lonoke.
3. All additional fines levied and collected under the provisions of this ordinance shall be deposited into a special fund within the City Treasury to be used for the maintenance, operation and capital expenditures of the city jail or as otherwise specifically permitted by law. (Ord. No. 594, Secs 1-3, amended by Ord. No. 648, Sec. 2-M.)

E. Drug related cases

1. Any person convicted or found guilty of or pleading guilty or nolo contendere to a violation under Subchapters 1 through 6 of Chapter 64 of title 5 of the A.C.A., and any person placed on probation under Subsection 4 thereunder, specifically A.C.A. 5-64-407, shall be assessed for each offense a penalty fixed at:
  - a. \$250.00 in case of a felony,
  - b. \$100.00 in the case of a misdemeanor.

The assessment is in addition to and not in lieu of any fine, restitution, other assessment, or forfeiture authorized or required by law.
2. The assessment provided for in this section shall be collected for by the Clerk as provided for collection of costs in A.C.A. 16-90-113 and shall be forwarded to the appropriate state agency as provided in Subsection (c) hereunder.
3. From each assessment \$25.00 shall be forwarded to the Prosecutor Coordinators' Office of the state for deposit in the Law Enforcement Training Fund. The remaining monies from each assessment, \$75.00 for misdemeanors and \$225.00 for felonies, shall be forwarded to the Division of Alcohol and Drug Abuse Prevention for deposit in the Drug Abuse Prevention and Treatment Fund.
4. It is the express intent of this ordinance to authorize penalties to be assessed in drug related cases to be used to fund drug abuse education, prevention, and treatment programs, as well as drug enforcement training. (Ord. No. 342, Secs. 1-2.)

## **CHAPTER 2.36**

### **CRIMINAL HANDBOOK**

Sections:

- |         |                      |
|---------|----------------------|
| 2.36.01 | Adopted by reference |
| 2.36.02 | Particular parts     |

2.36.01 Adopted by reference The Criminal Handbook attached hereto as Exhibit “A” and incorporated herein by reference is hereby adopted by reference and the same shall hereafter be the law of the municipality of the city of Lonoke, Arkansas. (Ord. No. 430, Sec. 1.)

2.36.02 Particular parts Each section, subsection, requirement, regulations or restriction established by this ordinance or any amendment hereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid this ordinance or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid. (Ord. No. 430, Sec. 2.)

## **CHAPTER 2.40**

### **INDEPENDENT CANDIDATES FOR MUNICIPAL OFFICE**

Sections:

- |         |                         |
|---------|-------------------------|
| 2.40.01 | Petitions of nomination |
| 2.40.02 | Publication             |
| 2.40.03 | Filing period           |

2.40.01 Petitions of nomination Pursuant to the authority Act 545 of 1985 (A.C.A. 7-1-107), all independent candidates for municipal office in the year 1998, and every two (2) years thereafter in the city of Lonoke, Arkansas, are hereby required to file petitions of nominations as independent candidates with the County Board of Election Commissioners no later than noon on the day before the preferential primary election. (Ord. No. 732, Sec. 1.)

2.40.02 Publication This ordinance shall be published once a week for two (2) consecutive weeks in a newspaper having a general circulation in the city immediately following its adoption. (Ord. No. 732, Sec. 2.)

2.40.03 Filing period The filing period can be no earlier than twenty (20) days prior to the preferential primary election and no later than noon on the day before the preferential primary election. The filing period for independent candidates in 2018 is noon May 2, 2018 until noon on May 21, 2018. (Ord. No. 732, Sec. 3.)

## CHAPTER 2.44

### PERSONNEL POLICIES

Sections:

- 2.44.01 Employee handbook
- 2.44.02 Sexual harassment policy
- 2.44.03 Payment of employee claims
- 2.44.04 Amendments to City Personnel Handbook

2.44.01 Employee handbook

- A. The employee handbook attached hereto as Exhibit “A” and incorporated herein by reference, and all provisions contained therein, is hereby adopted by reference and the same shall hereinafter be the city of Lonoke, Employee Handbook.
- B. Each section, subsection, requirement, regulation or restriction established by this ordinance or any amendment hereto, including those contained in Exhibit “A” hereto, or any subsequent amendments, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid this ordinance or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.  
(Ord. No. 755, Secs. 1-2.)

2.44.02 Sexual harassment policy

- A. Any employee who believes he or she is a victim of sexual harassment on the job should immediately report the matter to his or her supervisor, the Mayor or the personnel manager. The choice of to whom to report is that of the employee.
- B. Such a report above-mentioned shall be immediately investigated by the city administration.
- C. Any employee found to be sexually harassing another employee, applicant for employment, or vendor shall be dealt with under the disciplinary policies and procedures contained in the personnel handbook of the city of Lonoke, Arkansas.  
(Ord. No. 374, Secs. 1-3.)

2.44.03 Payment of employee claims

- A. From the date of the adoption of this ordinance, the city of Lonoke shall be directed to pay any and all claims or settlements of any amount that may be adjudged by a court of law or equity or may be paid in settlement of a threatened

claim or suit against any employee (full or part time), commissioner or elected official of the city of Lonoke, so long as the judgment or claim arises by virtue of and in the course of the said individual's service to the city of Lonoke.

- B. In addition to the payment of a claim or settlement, the city of Lonoke shall reimburse any employee (full or part time), commissioner or elected official for any and all legal fees and related expenses expended in defense of such claim or settlement so long as the legal representative is one approved by the city. (Ord. No. 648, Sec. 2.)
- C. Should it be proved that an individual included herein acted with fraudulent intention giving rise to the claim, the city of Lonoke shall have no obligation to pay adjudged claim or settlement or to reimburse the individual for legal fees and related expenses expended in defense of such claim.
- D. It being the intent of this ordinance to provide protection to the city's servants from potential liability arising from their service to the community, it is further directed that this protection shall be afforded only in so far as the city's then existing insurance coverage is insufficient to pay the particular claim or settlement in full or is nonexistent by virtue of an exclusion in the policy contract. (Ord. No. 301, Sec. 1.)

2.44.04 Amendments to City Personnel Handbook

- Ord. No. 756      To modify Section 3.8 Lonoke Volunteer Fire Department (LVFD)  
                         To amend Section 3.8.1 Chief, Fire  
                         To amend Appendix D