Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith D. Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA

Fort Smith Board of Directors

STUDY SESSION

July 28, 2015 ~ 12:00 Noon

Fort Smith Public Library Community Room

3201 Rogers Avenue

CALL TO ORDER

1. Review Interstate 49 / Highway 71 South annexation *~ Deferred from the July 14, 2015 study session ~*

2. Discuss firefighting contracts outside Fort Smith city limits

3. Review the City's policy for take-home vehicles

4. Review preliminary agenda for the August 4, 2015 regular meeting

ADJOURN

Memorandum

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: July 23, 2015
Subject: Annexation

At a Board of Directors retreat, a discussion occurred about the possible annexation of property near the vicinity of the new I-549 and U.S. Highway 71 South intersection. City staff has been reviewing possible annexation plans and the implications of any proposed annexation. Additionally, I have been locating and talking with property owners in this area for the purpose of determining their desire to have their property annexed into the City of Fort Smith.

Based on the property owner conversations and staff analysis, we are at a decision point where we need to seek the Board's input before moving forward. Attached are maps showing the draft boundaries of the proposed annexation. The area within the dark blue line, which is approximately 875 acres, represents the proposed annexation. The area is within the city's water service territory, which assures consistency in water service citywide and the water system's capability to meet fire protection needs.

Arkansas law outlines three (3) methods of annexing property which are the election method, the ordinance method, and the petition method. The election method requires an election which will include the qualified electors of the city and of the area to be annexed. The ordinance method is allowed when the incorporated limits of a municipality have completely surrounded an unincorporated area. The ordinance method is not applicable in this situation. The petition method is permitted when a majority of the real estate owners of any part of a county contiguous to and adjoin any city or incorporated town desire to be annexed to the city may petition in writing seeking the annexation.

With many property owners willing to agree to the annexation, the petition method is the best approach. This method is the most common method of annexation that has been utilized for the Fort Smith annexations during my years in development services.

The advantages of this annexation are controlling development, increasing the tax base, and providing the advantage of city services to property owners and developers as they plan new developments.

The disadvantages of the annexation will be the cost impacts of city services that will be required to service the area as it develops. The continued expansion and sprawl will have significant impacts on services for water, sewer, fire, police, streets and other city services. Following are some service and budgetary impacts concerning fire, police, streets, and utilities impacts:

While it may not be needed immediately, an additional fire station will be required to maintain our ISO rating as development occurs. Based on 2015 estimates the cost impacts are as follows:

Fire Station	$3,000,000 (new construction – one-time cost)
Pumper	$500,000 (new – one-time cost)
Total capital to open	$3,500,000
Personnel	$815,000 (includes 9 personnel with all benefits including LOPFI costs)
Operations	$35,000 (includes fuel, building maintenance, utilities, etc.)
Yearly cost to operate	$850,000

(The funding source for these improvements would be the General Fund or it would require another bond issue similar to that which was approved in 2012.)

The Police Department service and budgetary impacts are described in the attached email/memo from Captain Waymon Parker II. *(The funding source for these impacts will be the General Fund.)*

The proposed annexation area includes approximately 3.6 miles of public streets. The streets are in fair to good condition, vary between 18 to 22 feet in width and have either a chip/seal or asphalt surface. Resurfacing of the streets in the next 10-15 years would likely be needed. Based on current cost, the estimated cost to resurface these streets is approximately $1.8 million. If the area is annexed the streets would be inspected and rated along with all other City streets. As streets became eligible they would be included for repair and overlay in the CIP. *(The street work will be funded by the one cent sales tax for the capital improvement program (CIP). If the area is annexed the streets would be inspected and rated with other City streets.)*

The water system for the proposed annexation area should be supplemented with a ground storage reservoir prior to the build-out of the proposed annexation area. The current water distribution system is adequate to serve as the backbone for development. The sewer system improvements would require the construction of a pump station, force main and gravity sewer extension. The time frame for the water and sewer improvements should be 5 to 7 years anticipating the sewer system would help trigger development of the Griffin property (Middleton Farms Subdivision) and maybe one additional larger subdivision development The costs estimated to serve the proposed annexation area in 2015 dollars are as follows:

Water system improvements: $3,300,000
Sewer system improvements: $7,560,000

(The water and sewer improvements would be financed through a future bond issuance which would be repaid through revenues from the water sewer system, i.e. rates.)

In addition, during the annexation process we need to have discussions with the property owners and analyze the potential future land uses and designations for the master land use plan and future zoning.

The need to provide the services will be necessary to stimulate growth and to meet expectations of those property owners being annexed. The owners of the property being annexed have an expectation to

receive city services as the benefit of being annexed. The petition method (ACA 14-40-606) states that as soon as the resolution or ordinance declaring the annexation has been adopted or passed, the territory shall be deemed and taken to be a part and parcel of the limits of the city or incorporated town, and the inhabitants residing therein shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or incorporated town.

Additionally, during the last legislative session an Act was passed that created a new requirement for one hundred percent (100%) petitions. This form of the petition method states the petition shall include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

We are at a point where we need direction from the Board whether to proceed with the legal work to prepare the petitions. The obvious decision is weighing the desire to have the property annexed vs. the cost impacts for providing the necessary services for the area.

Please contact me if you have any questions.

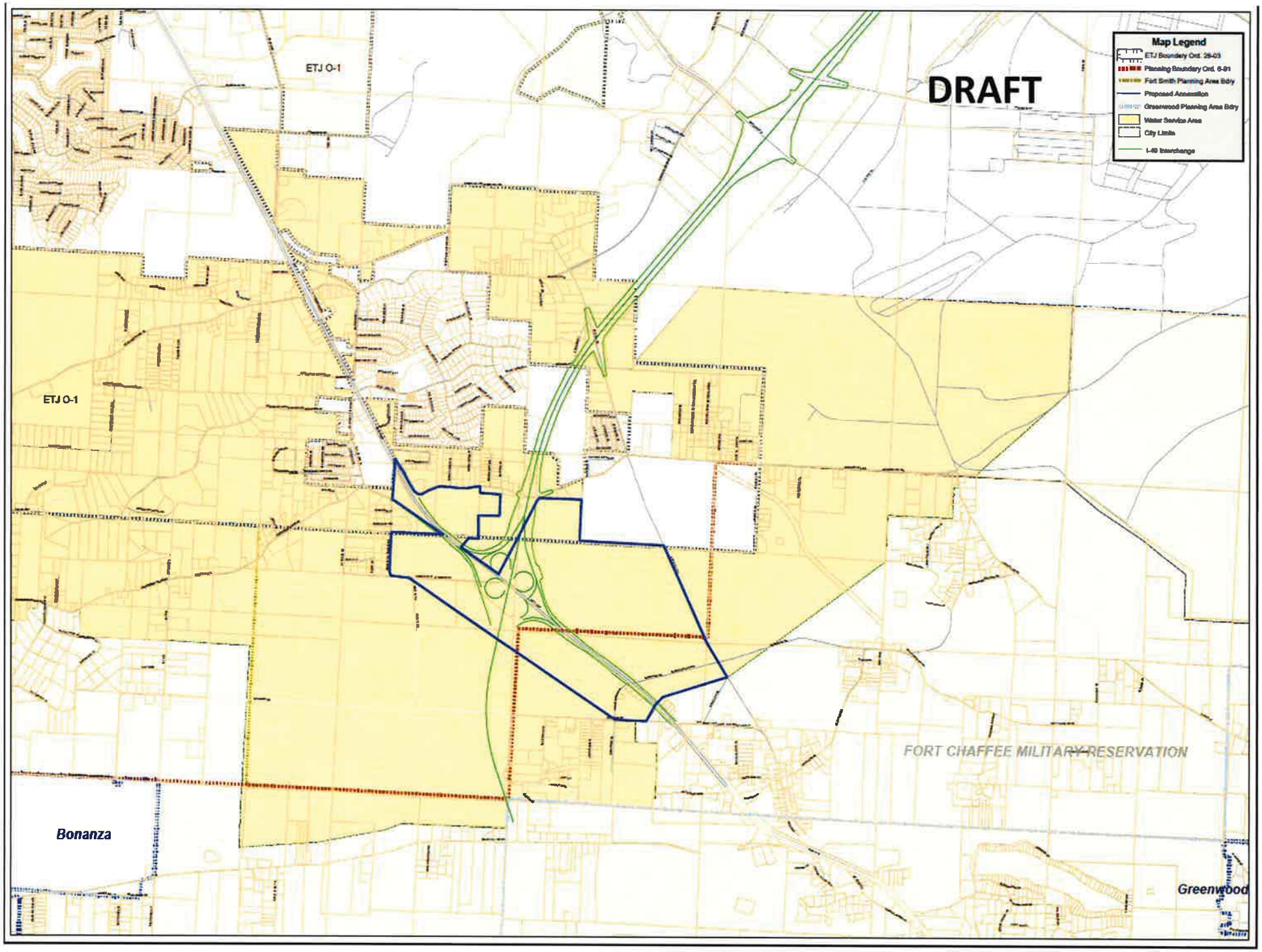
Bailey, Wally

From: Parker, Waymon II (Cpt) [wparker@Fortsmithpd.org]
Sent: Wednesday, July 08, 2015 10:14 AM
To: Bailey, Wally
Cc: Lindsey, Kevin (Chief of Police); Pitts, Dean (Major); Williams, Barbara
Subject: FW: Study session item about annexation
Attachments: 03-13ProposedAnnexation.pdf

Mr. Bailey,

The proposal to annex the property outlined in blue including the section of property with the broken blue line will directly affect the Police Department in that it will expand the city limits of Fort Smith creating a greater area for our officers to patrol and to respond to calls for service. Additional calls for service responding to crime reports, crimes in progress, vehicle accidents, 911 calls, etc. will undoubtedly occur. The increase in calls for service would most likely not be substantial in the short term; however, as the area is developed and new businesses and residences are built the need for police responses will increase. In the short term, I would anticipate that increased fuel consumption would be an issue as well as overtime due to officers responding to calls and attending court based on arrests and/or citations that are issued in the newly annexed area. I can only estimate what these increased costs would be. If the fuel consumption cost increased 5% over the amount spent in 2014 that estimated cost would be approximately $15,326. If paid out overtime increased by 5% over the amount spent in 2014 that cost would be approximately $9,487. Obviously these are only estimates and the additional costs could be considerably more or less. At this time I do not see need to buy additional police equipment due to the proposed expansion; however, as the area increases in size and population the need for additional police resources may be needed. Increasing the city limits will likely effect police calls for service sponse times. Existing beat areas will have to be expanded, realigned or a new beat area will have to be created. All of this will require the city to either increase the number police officers or accept the increased response times as a norm. In the short term our communication/dispatch center would have to ensure that the newly annexed area is added within 911 PSAP for Fort Smith so that all 911 calls are routed to our agency. In the long term, our communications/dispatch center would have to ensure that as these areas developed and new businesses and residences are built that those locations are added into your CAD system. At this time I do not see any additional costs related to those issues involving our communication/dispatch center.

Captain Waymon Parker II
Administrative Services Division
Fort Smith Police Department
Office: 479-709-5037


DRAFT
Map Legend
ETJ Boundary Ord. 29-03
Planning Boundary Ord. 6-91
Fort Smith Planning Area Bdry
Proposed Annexation
Greenwood Planning Area Bdry
Water Service Area
City Limits
I-49 Interchange
ETJ O-1
ETJ O-1
FORT CHAFFEE MILITARY RESERVATION
Bonanza
Greenwood

FORT SMITH FIRE DEPARTMENT
200 NORTH FIFTH STREET FORT
SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338

Mike Richards
Fire Chief

Memo

2

To: Jeff Dingman, Acting City Administrator
From: Mike Richards, Fire Chief MR
Date: July 23, 2015
Re: Firefighting Contracts Outside Fort Smith City Limits

Zero Mountain, Inc., located at 8425 Hwy 45 South, has acquired the building located at 8501 Hwy 45 South which was previously operated by Bremner, Inc. Both of these buildings are located outside of the Fort Smith corporate city limits. Zero Mountain, Inc. is renovating the former Bremner building and upon completion, will be connected to their current facility and all under one roof. Zero Mountain, Inc. currently has a firefighting assistance contract with the City of Fort Smith. The building located at 8501 Hwy 45 South had a firefighting assistance contract with the City but the contract was terminated by the owners on December 31, 2012.

The fire department has been contacted by Zero Mountain, Inc. to see if their current firefighting assistance contract for their facility at 8425 Hwy 45 South would cover the extension to the building located at 8501 Hwy 45 South, or if they would have to make other arrangements with the City. This request has raised the question concerning the City's desire to continue, discontinue, or modify our current firefighting assistance contract provisions to businesses located outside our current corporate city limits.

The City currently provides firefighting assistance by contract to eight (8) commercial/industrial businesses located outside the corporate city limits of Fort Smith. Seven (7) of the eight (8) contracts were approved by Resolution by the Fort Smith Board of Directors. One (1) of the contracts was, according to the City Clerk at that time, approved administratively. The language of the contracts vary along with the range in contract fees. For example, one contract has an established fee of $79.80 per year (with a $50 per hour per fire apparatus on response) while others have an established fee of up to $12,000.00 per year. Also, none of the current contract yearly fees have been adjusted since they were approved, some of which are as far back as 39 years ago. And we have no record of a policy or methodology establishing firefighting contract fees or terms of such agreements. Attachment 1 provides a list of the current firefighting assistance contract customers and their current primary terms.

We have contacted eleven (11) career fire departments in our region to compare our current practice of providing firefighting assistance to commercial/industrial businesses outside our corporate city limits to any policies they may have. None of the eleven (11) cities provided these types of contracts for these types of businesses outside of their respective city's corporate city limits. Two of cities did provide firefighting assistance to other municipal entities by contract

and all of them provided firefighting assistance to surrounding jurisdictions through mutual aid agreements. A summary of the eleven (11) cities regional practices is located in Attachment 2. The City ofFort Smith also has mutual aid agreements with our surrounding jurisdictions.

The difference between providing firefighting assistance by contract to the eight (8) businesses we serve verses providing firefighting assistance through mutual aid would be the following. Under our current contracts the Fort Smith Fire Department provides full emergency response service to the business and they in return receive full Insurance Service Office (ISO)'rating equal to the City (currently Class 2). In contrast, if we provided firefighting assistance for the same businesses through mutual aid with local rural fire departments, the business would likely receive the same ISO classification as classified by the rural fire department. There would also be a much delayed response by a rural fire department because they would have to be (a) paged out because they are all volunteer and (b) would have to drive through several miles of our City to respond to some of these businesses. Only upon a request by the rural department after they arrived on scene would we respond for mutual aid assistance.

It is our opinion the City needs to develop a written policy on firefighting assistance to non• governmental businesses located outside our corporate city limits. Some of the details of such a policy could include, but not be limited to:

- Do we continue, or discontinue, to provide firefighting assistance by contract to new businesses that locate locally, but outside our corporate city limits?
- What does the Board desire we do about our current firefighting assistance contracts?
    - o Continue providing the service at the fees established when the contracts were authorized, or
    - o Develop a new fee schedule that could include fee adjustments during the length of the agreement?
- Develop a fair market value of what the contract fee should be for each type ofbusiness?
    - o Developing a fair market value may be difficult as we can find no existing methodology from other cities on this practice.
        - It is likely we would use the current city tax base as a reference point.

As former City Administrator Ray Gosack stated in an email about this subject on May 26, 2015, "By providing services outside the city limits, we're losing the potential for annexations and growth in the tax base. The tax base supports providing services like fire protection. Businesses located outside the city limits don't pay city property tax, sales tax, or utility franchise fees-the major revenue sources that finance city public safety services." Former City Administrator Gosack also provided an example in a May 27, 2015, email of property tax information in a spreadsheet (Attachment 3) for some of the businesses we serve outside the city limits. I have included that spreadsheet in this memo for your review. As he also stated in that email, "In short, each business would see an 18% increase in their property tax bill if they were in the city limits. If annexed, they would also see a 6% increase in their utility costs (4% franchise fee, 2% sales tax). Any other purchases subject to sales tax would see the sales tax rate increase by 2%."

Therefore, we would like direction from the Board on this subject in order to develop and/or refine current firefighting assistance contracts for current and future businesses located outside of the corporate city limits of Fort Smith. With this direction we will develop and present for the Board's approval written policy on these matters. We would also like direction from the Board on Zero Mountain Inc. specific request. Does the Board desire that we include the addition of the former Bremner building under the Zero Mountain contract, negotiate it separately, or renegotiate the contract in its entirety? Please feel free to contact me if you have any questions.

cc: Wally Bailey

Attachments: 3

City of Fort Smith Fire Service Contracts for Businesses Out of the City Limits as of 5/27/2015 (Attachment 1)

Business Name	Term of Contract	Contract Amount	Address of Business	Other Notes*
Rheem Mfg.	1/6/1976 Open*	$11,700 Annually (To be billed monthly at $975 per month)	5600 Old Greenwood Road	No end date. No termination stipulation. No provisions for fee adjustments.
Harry G. Barr	2/3/1976 Open*	$535.00 Annually	6500 Zero St	No end date. No termination stipulation. No provisions for fee adjustments.
Williams Tool Co.	10/4/1979 Open*	$79.80 Annually+ $50.00 per hour per fire apparatus on response	8220 Hwy 271South	No end date. 10 day written termination notice. No provisions for fee adjustment. This contract was done administratively without Board Resolution.
Gerdau Steel	11/1/1992 Open*	$12,000 Annually (To be billed monthly at $1,000 per month)	4700 Planters Road	No end date. 30 day written termination notice. This contract was subject to renegotiation at completion of building facilities after value had been determined by the Sebastian County Tax Assessor.

City of Fort Smith Fire Service Contracts for Businesses Out of the City Limits as of 5/27/2015 (Attachment 1)

Business Name	Term of Contract	Contract Amount	Address of Business	Other Notes*
Owens Corning	8/5/1985 Open*	$12,000 Annually (To be billed monthly at $1,000 per month)	5000 Planters Road	No end date. 30 day written termination notice. This contract was subject to renegotiation at completion of building facilities after value had been determined by Sebastian County Tax Assessor.
Wal Mart Distrubution	3/6/1990 Open*	$12,000 Annually	8100 South Zero	No end date. 30 day written termination notice. This contract was subject to renegotiation at completion of building facilities after value had been determined by the Sebastian County Tax Assessor.
Zero Mountain, Inc.	2/4/1992 Open*	$12,000 Annually (To be billed monthly at $1,000 per month)	8425 Hwy 45 South	No end date. 30 day written termination notice. This contract was subject to renegotiation at completion of building facilities after value had been determined by the Sebastian County Tax Assessor.

City of Fort Smith Fire Service Contracts for Businesses Out of the City Limits as of 5/27/2015 (Attachment 1)

Former Bremner Building (This is the building Zero Mountain has acuired)	4/1/1986 to 12/31/2012	$12,000 Annually (To be billed monthly at $1,000 per month)	8501Hwy 45 south	No end date. 30 day written termination notice. Bremner terminated contract effective 12/31/2012.
Hogback Exploration	11/4/1996 ?*	$97.46 Annually	10101Hwy 253	Still an active account but no contract on record

Firefighting Contract Policies of Regional Cities (Attachment 2)

City	Type of Contract	Contract Amount	Specific Information
Bentonville, AR	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	Bentonville has mutual aid agreements with other fire departments in Benton county. Therefore, they would respond outside of their corporate city limits to assist other fire departments at no charge.
Edmond, OK	Provides a contract to an unincorporated city within their city limits.	$6,000 Annually	
Fayetteville, AR	Does not directly contract with individual industrial or commercial properties outside of their corporate city limits	Charges $400 for the first hour and $200 for each additional hour for each major piece of fire apparatus which responds to the incident (See specific information)	While the City of Fayetteville does not provide firefighting services by contract outside of their corporate city limits, they do provide mutual aid to surrounding fire departments. If they respond to an incident outside of their city limits through mutual aid, they will then charge the recipients of the service the amounts shoen in the previous column.
Hot Springs, AR	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	Provides mutual aid to communities upon request

Firefighting Contract Policies of Regional Cities (Attachment 2)

City	Type of Contract	Contract Amount	Specific Information
Little Rock, AR	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	Provides mutual aid to communities upon request
Norman, OK	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	Provides mutual aid to communities upon request
North Little Rock	No Contracts	N/A	Provides mutual aid to communities upon request
Oklahoma City, OK	Only has one contract for the City of Valley Brook, OK.	$28,000 Annually	All other surrounding fire departments are paid departments that have mutual aid agreements with Oklahoma City at no cost.
Rogers, AR	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	The City of Rogers, AR does not provide firefighting assistance by contract outside of their municipal boundary
Springfield, MO	Does not provide contract assistance to anyone	N/A	Provides mutual aid to governmental agencies

Firefightlng Contract Policies of Regional Cities (Attachment 2)

City	Type of Contract	Contract Amount	Specific Information
Springdale, AR	Does not provide contracts for firefighting outside of the corporate city limits.	N/A	Springdale offers mutual aid for their surrounding communities at no cost.

Property Tax for Businesses Outside Limits Receiving City Services (Attachment 3

Business	Real Estate Assessed Value	Personal Property Assessed Value	Total Value	Current Taxes	City General
Gerdau Mac Steel	8,890,785	9,780,570	18,671,355	840,211	93,357
Rheem	2,679,570	6,396,680	9,076,250	408,432	45,381
Zero Mountain	2,228,245	548,370	2,776,615	126,010	13,883
Harry G. Barr	217,090		217,090	9,769	1,085
Owens Corning	728,070	1,974,210	2,702,280	121,602	13,511
Williams Tool Co.					
Hogback Exploration					
Wal Mart Distribution					

NOTE: The figure for new road tax revenue does not increase the property tax paid by the businesss. This figure reflects that one-half of the county road property tax collected in Fort Smith is received by the city.

City Police Pension	City Fire Pension	City Library	Tax Increase to Business	%Increase	New Road Tax Revenue to City
18,671	18,671	18,671	149,371	18%	28,007
9,076	9,076	9,076	72,610	18%	13,614
2,777	2,777	2,777	22,213	18%	4,165
217	217	217	1,737	18%	326
2,702	2,702	2,702	21,618	18%	4,053

#3

Memorandum

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: July 23, 2015
Subject: Vehicle Take Home Policy

The Board has requested the vehicle take home policy be reviewed which has been scheduled for discussion at the July 28, 2015 Board study session.

The current vehicle take home policy was adopted by the Board of Directors on August 19, 2008. *A copy of Ordinance 44-08 and the policy is enclosed.*

The Board of Directors approved resolution R-16-10 on January 19, 2010, amending the vehicle take home policy for the Criminal Investigations Division of the Fort Smith Policy Department. The resolution allows police detectives who live within 25 miles of the police headquarters building to have a take-home vehicle. *A copy of the resolution and background information is enclosed.*

As of July 16, 2015, 36 police investigators assigned to the Criminal Investigations Division are assigned take-home vehicles. Prior to the resolution, approximately four (4) police detectives were on call each week and they were allowed to have a take-home vehicle. Chief Lindsey has provided a memorandum giving an update on the take-home vehicle policy for the Criminal Investigations Division. *A copy of Chief Lindsey's July 16th memorandum is enclosed.*

The only other take-home vehicles are the police chief, director of community development, the fire marshal that is on call each week, and customer service employees that are on call for quick response for residents that are requesting water to be turned off after normal business hours.

To answer any questions or concerns about vehicle insurance with regard to the take-home vehicle policy, I asked Alie Bahsoon, Purchasing Manager, if there were any insurance issues for take-home vehicles. Information about the City's insurance coverage is as follows:

- Insurance coverage is extended to any authorized City of Fort Smith employee.
- Coverage is provided on any City owned vehicle operated within the employee's scope of employment and beyond (used for personal use).
- Our policy recognizes any driver as long as they are permitted to drive and have a valid driver license.

- Uninsured/under-insured motorist coverage is included.

- State limits of liability are $25,000 on any one person, $50,000 on any one accident and $25,000 for property damage; our policy does extend up to $100,000 of coverage each accident limit of liability.

- If vehicle is operated outside of Arkansas, our current policy extends the limits mentioned above regardless of what state the vehicle is operated in (some states carry lower limits).

- Extends coverage to any persons (guests/riders) transported by the city or in the city's care.

Please contact me if you have any questions or need any additional information on this subject.

Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Jeff Dingman, Acting City Administrator**

From: **Kevin Lindsey, Chief of Police**

Subject: **Take Home Vehicles - Update**

Date: **July 16, 2015**

Purpose and Background

The purpose of this memorandum is to provide an update on take-home vehicles assigned to members of the Criminal Investigations Division (CID). In 2009, take-home cars were eliminated as a cost saving measure. At the January 19, 2010 regular Board of Directors meeting, Directors approved Resolution R-16-10, authorizing the assignment of take-home vehicles to the CID of the Fort Smith Police Department. The Resolution provided for: (a) the assignment of up to forty City owned or seized vehicles to be assigned to members of the CID who live within a 25-mile radius of police headquarters; (b) fueling and maintaining assigned vehicles in the most cost effective manner; and (c) restricting use of take-home vehicles to business purposes, commuting, and *de minimus* personal use. The rationale provided in support of take-home cars for investigators was the need to respond directly to crime scenes instead of having to travel to police department headquarters, pick up a city-owned vehicle, and then travel to the crime scene.

During the first six months of 2010, detectives responded a total of 74 times to 37 separate callouts, versus 90 times to 68 callouts in the same period of 2009. In 2010, the average response time for detectives to an incident scene was 25 minutes versus an average of 44 minutes for detectives' response in 2009. *The difference represents a 43% improvement in detective's response times utilizing take-home cars instead of traveling to police headquarters before responding to the incident scene.* Another positive factor for detectives in responding directly to the incident scene is the ability to relieve patrol officers who stand by to secure crime scenes and monitor witnesses and victims. Prior to 2010, data was not collected on how many patrol officers were relieved by detectives' response to crime scenes. However, based upon data collected for the first six months of 2010, detectives were able to relieve 72 police officers from crime scenes to return to patrol duties in 37 incidents, for an average of 1.9 officers relieved per incident.

Information and Analysis

As of July 16, 2015, 36 of 39 investigators currently assigned to CID are assigned take-home vehicles. No detective assigned a take-home vehicle resides outside the 25-mile radius from police headquarters. All 36 individuals are aware of the rules regarding take home vehicles and are in compliance with the stated rules. Fuel usage in the Criminal Investigations Division since reinstatement of take-home vehicles has averaged $55,145 each year from 2010 through 2014, with approximately $25,000 in fuel costs which is directly related to investigators taking the vehicles home. The average one-way travel distance for investigators assigned a take-home car is 11.3 miles. The minimum travel distance is two miles, and the maximum travel distance is 24.8 miles. Residences of investigator's are dispersed throughout the River Valley area, with 41.66% living in Oklahoma, 33.34% living in Arkansas but outside the City, and 25% living within the City limits.

When the take-home car program was in effect, except during FY2009 when the take-home car program was eliminated, the program provided a relatively inexpensive benefit for CID investigators as well as substituting for on-call pay.

Summary

The intended goal for reinstating take-home vehicles for qualified members of the Criminal Investigation Division is to provide better services to our citizens. Investigators' response time to crime scenes has significantly improved utilizing take-home vehicles and provides for the release of patrol officers from crime scenes to return to patrol duties. While fuel costs have fluctuated over the past several years, these costs can be managed within current budget requirements. In addition, take-home vehicles for investigators have improved availability of employee parking around police headquarters.

RESOLUTION NO. R-16-10

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH ESTABLISHING THE ASSIGNMENT OF TAKE HOME VEHICLES TO THE CRIMINAL INVESTIGATIONS DIVISION OF THE FORT SMITH POLICE DEPARTMENT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

WHEREAS, the Board of Directors recognizes the need to assign up to forty City owned or seized vehicles to members of the Police Department's Criminal Investigations Division; and,

WHEREAS, all vehicles so assigned shall be provided to members who live within a 25-mile radius of police headquarters; and,

WHEREAS, all vehicles assigned shall be fueled and maintained in the most cost effective manner; and,

WHEREAS, take home vehicles will be utilized for business purposes, commuting, and *de minimis* personal use.

NOW, THEREFORE, BE IT RESOLVED, the Fort Smith Board of Directors grants the Chief of Police discretion to assign take home cars to employees listed on the Criminal Investigations Division roster in accordance with the guidelines set forth above in the best interest of providing services to the citizens of Fort Smith.

THIS RESOLUTION ADOPTED this 19th **day of** January **, 2010.**

APPROVED:

Mayor

ATTEST:

Sherri Gard

City Clerk

APPROVED AS TO FORM

NPR

Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Dennis Kelly, City Administrator**

From: **Kevin Lindsey, Chief of Police**

Subject: **Take Home Vehicles**

Date: **January 14, 2010**

The Board of Directors met at a regular Study Session on January 12th, and reached consensus to allow a vote to be taken on reinstating up to forty take home vehicles for the Criminal Investigations Division. Pursuant to direction from the City Administrator, I propose the following criteria to be used in assigning all take home vehicles approved under this change.

First, all vehicles assigned must be assigned to members of the Criminal Investigations Division as listed on the current CID roster. Second, all vehicles shall be assigned to Detectives that live within a 25-mile radius of Police Headquarters. Third, assigned vehicles may be either seized vehicles or vehicles purchased by the City, as deemed necessary in the best interest of providing services to citizens. Fourth, all vehicles assigned shall be fueled using the most cost effective method available, which will generally entail fueling vehicles at City owned or contracted sites. Fifth, detectives assigned a take-home vehicle will use the vehicle only for business purposes and cause the vehicle and associated equipment to be maintained in usable condition.

The accompanying Resolution sets forth these criteria for the Board of Directors' consideration. Staff recommends passage of the Resolution to include assignment of up to forty vehicles as take-home cars.

6.

ORDINANCE NO. 44-08

AN ORDINANCE AMENDING AND APPROVING THE HUMAN RESOURCES POLICIES FOR NON-UNIFORMED EMPLOYEES (2003) RELATING TO THE CITY'S SMOKE-FREE WORKPLACE POLICY AND RELATING TO THE USE OF CITY-OWNED VEHICLES AND RESCINDING PRIOR POLICIES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

Section 1: The attached amendments to Section III, Subsection O (City-owned vehicles), and to Section XXI (smoke-free workplace) of the Human Resources Policies for Non-Uniformed Employees (2003) are hereby approved. These revised policies shall replace existing policies and, as to the policy for a smoke-free workplace, shall be effective immediately; the policy regarding City-owned vehicles shall be effective as of January 1, 2009 (the existing policy shall remain in effect until January 1, 2009). The City Administrator and his/her designated agents, including the Director of Human Resources, are hereby authorized and directed to implement said policies.

Section 2: In all other respects, the Human Resources Policies approved by Ordinance No. 79-03 shall remain in effect until amended or rescinded.

This Ordinance adopted this 19th day of August, 2008.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form

NPR

Section III

- If an employee is assigned or uses a city-owned vehicle, no travel is authorized outside of the City limits of Fort Smith other than on official City business as determined by the City Administrator.

  1. Personal use is prohibited with the exception of commuting and de minim is personal use.

  2. City vehicles assigned to employees, as provided below, may be driven to and from work, however, City owned vehicles may not be used to commute to and from an employee's out-of-town residence without prior written approval of the City Administrator.

  3. For an employee to be authorized the take-home use of a City vehicle; one of the following tests must be met:

     Test 1: The employee is:
     (a) subject to frequent (4 or more times per month) after-hours emergency callback or other unscheduled work, and
     (b) such unscheduled work involves the first response to a real or present threat to life, health or property requiring an immediate response, and
     (c) a specialized vehicle, tools, or equipment are required for the performance of emergency duties.

     Test 2: The employee is:
     (a) subject to frequent (4 or more times per month) after-hours callback, and
     (b) such call back arrangements are to locations other than the employee's normal duty station, and
     (c) a special vehicle, tools or equipment are required to perform after-hours assignments, and
     (d) an unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

  4. All department heads as designated by the City Administrator will receive an automobile allowance or a city vehicle.

  5. All accidents involving City owned vehicles must be reported immediately to the involved employee's supervisor and a police report (or incident report if an accident occurs on private property) must be obtained. This includes, but is not limited to, scraping or scratching of a vehicle, throwing objects from machinery that is in operation and hitting other objects, accidents which result in damage to either City vehicles or private vehicles, and accidents involving bodily injury.