

AGENDA

**FORT SMITH BOARD OF DIRECTORS
STUDY SESSION**

June 28, 2011 ~ 5:30 P.M.

**FORT SMITH PUBLIC LIBRARY
COMMUNITY ROOM
3201 ROGERS AVENUE**

1. Discuss process for addressing animal ordinances
2. Discuss security and venue for Board of Directors regular meetings
3. Review preliminary agenda for the July 5, 2011 regular meeting



OFFICE OF THE CITY CLERK
Sherri Gard, CMC, City Clerk
Heather James, Assistant City Clerk

MEDIA RELEASE
June 24, 2011

The City of Fort Smith Board of Directors study session scheduled for Tuesday, June 28, 2011 has been changed ***from 12:00 Noon to 5:30 p.m.*** The time change is to allow members of the Board to attend the 12:30 p.m. groundbreaking ceremony for expansion of the Boreham Library at the University of Arkansas Fort Smith.

The study session will be held at the usual location, the Fort Smith Public Library Community Room, 3201 Rogers Avenue.

For agenda information, please contact the City Clerk's Office at 784-2208. Once finalized, the agenda will be posted on the city website, www.fortsmithar.gov.

A handwritten signature in black ink that reads "Sherri Gard". The signature is written in a cursive style and is positioned above a horizontal line.

Sherri Gard, City Clerk

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1

MEMORANDUM

June 23, 2011

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Animal Control

The board has been discussing animal control issues for more than a year. Various solutions (fencing, spay/neuter, licensing, prohibiting tethering) and implementation considerations have been discussed. However, the board has never agreed on the problems that need to be solved, and what the goals of animal control services should be.

Before the discussion progresses further, I believe it would be helpful for the board to first decide:

- what problems should be addressed, and
- what outcomes/results the board would expect by addressing those problems.

Attached is a list of potential animal control problems and goals for animal services. All of these may not be appropriate for Fort Smith. The list is meant to stimulate thought about the problems and the desired outcomes/results.

The police staff has visited North Little Rock's animal control staff and facilities as the board requested during the last study session discussion of this topic. The chief's report is attached.

Identification and agreement of the problems will help the board and staff focus on solutions that are more likely to succeed. If there's any questions or a need for more information, please let me know.

Ray

POTENTIAL ANIMAL CONTROL PROBLEMS

Dogs running loose

- escaping from confined areas
- irresponsible owners allowing the dogs to run loose
- strays

Too many cats being kept or cared for by a household

Dogs threatening or attacking people or other pets

Too many unwanted animals being euthanized

Inhumane treatment of pets (basic care, shelter, abuse)

Barking/howling dogs disturbing neighborhood peace

Mating habits of cats disturbing neighborhood peace

Other _____

POSSIBLE GOALS OF ANIMAL SERVICES

Improve the humane treatment of animals

Reduce problems caused by animals running at large

Reduce problems caused by dangerous or vicious animals

Reduce the unwanted pet population

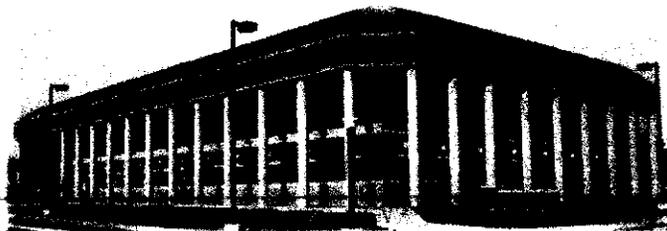
Ensure compliance with rabies vaccination

Return of lost pets to their owners

Reduce problems caused by too many pets per household

Public education about proper care of animals in an urban environment

Other _____



Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack, City Administrator

From: Kevin Lindsey, Chief of Police

Subject: North Little Rock Animal Control Services Site Visit

Date: June 22, 2011

The purpose of this memorandum is to provide information about operations of the North Little Rock Animal Control Services. Four police department staff members visited the animal control facility on Wednesday, May 11, 2011 and met with Billy Grace, Facility Director, and Julie Coulter, Lead Animal Control Officer.

Spay/Neuter and Licensing Ordinances

The Sterilization ordinance¹ establishes requirements for dogs and cats released from any pound, shelter, or humane organization to be spayed/neutered unless sterilization is not advisable. The North Little Rock ordinance was passed in late 1998, and went into effect on March 22, 1999, giving residents a grace period of approximately ninety days. Prior to the ordinance's effective date, the City took several steps to educate the public about the ordinance and why it was needed. North Little Rock officials held several public hearings, provided brochures containing pertinent information about the ordinance, enclosed information in the City utility bills, discussed the topic at neighborhood meetings, and provided information to veterinarians doing business in the City. The ordinance was based upon similar ordinances adopted in Hot Springs, AR; Little Rock, AR; and King County, Washington.

The ordinance's effectiveness hinges upon the ultimate goal of reducing the unwanted dog and cat population through spaying/neutering. According to Billy Grace, animal control officers have no discretion whether to enforce the spay/neuter ordinance on unsterilized dogs and cats. North Little Rock also has a mandatory license requirement

¹ Re-codified from Chapter 10, Article II, North Little Rock City Code of Ordinances to Chapter 2, Animal Control, North Little Rock City Code of Ordinances, amended February 15, 2010. Retrieved from [http://www.northlr.org/pdfs/CHAPTER%20%20-%20ANIMAL%20CONTROL%20\(As%20of%20-15-10\).pdf](http://www.northlr.org/pdfs/CHAPTER%20%20-%20ANIMAL%20CONTROL%20(As%20of%20-15-10).pdf)

for dogs and cats 16 weeks old or older. Animal control officers are proactive in the enforcement of the spay/neuter ordinance, and utilize the licensing ordinance to encourage spaying and neutering of dogs and cats. A typical scenario was described by Mr. Grace—if an animal control officer determines that a dog or cat is unlicensed, a citation will be issued by the animal control officer to the pet owner for the violation. The owner will also be provided with a voucher to pay for the animal to be spayed/neutered by a local veterinarian. If the owner consents to have the animal spayed/neutered, the citation will be revoked by the animal control officer, and the pet owner simply pays the licensing fee. An alternate scenario would occur if the animal was impounded, the owner would be issued a citation, but if they consented to spaying/neutering the owner would not have to pay a fine, only for the licensing fee. The North Little Rock Animal Facility has an onsite clinic where dog and cat sterilizations are done on impounded animals. Should the pet owner refuse to consent to spaying or neutering, the citation issued will be adjudicated in court and the owner must pay a higher fee to retrieve the animal from the shelter. A provision exempting a dog or cat from sterilization is available upon written opinion from a licensed veterinarian.

Licensing fees:

Dog or Cat License (sterilized).....	\$ 5.00
Dog or Cat License (unsterilized).....	\$ 30.00

Vouchers Provided to Dog/Cat Owners:

Cat voucher	\$ 65.00
Dog voucher (less than 75 pounds).....	\$ 75.00
Dog voucher (75 – 89 pounds).....	\$ 85.00
Dog voucher (more than 90 pounds)	\$115.00

Funding

The North Little Rock spay/neuter program is financially supported mainly through grants applied for by the Animal Control unit, supplemented by the non-profit group *Friends of Animals*. Additional funding is realized through proceeds from the mandatory licensing of dogs and cats, and deposited into a fund established for the City's low cost spay and neuter efforts.

Portion of Licensing Fees Deposited to Sterilization Fund:

Dog or Cat License (sterilized).....	\$ 2.00
Dog or Cat License (unsterilized).....	\$20.00

Mr. Grace estimates the City is licensing about 20% - 25% of the dogs and cats in North Little Rock's 20,000 households. Mr. Grace reports they are selling about 5,000 dog and cat licenses per year. According to the 2010 census, North Little Rock has a population of 62,304. Revenues based upon the five dollar license fee may generate a revenue amount of approximately \$25,000 per year, with additional revenue possible from the \$30 license fee.

Fort Smith's population is 86,209 (U.S. Census, 2010), with 37,480 households (2009 Census estimate). Applying Mr. Grace's estimates of licensing 20% - 25% of households, Fort Smith could expect revenues from implementation of a five dollar license fee to produce approximately \$37,000 - \$47,000 per year. There are several models with which to estimate pet populations, including the American Veterinary Medical Association, National Council on Pet Population, and the New Jersey model. Without the experience of implementing mandatory pet licensing and the spay/neuter program that North Little Rock has undergone, we can only estimate how many animals would be licensed and how much revenue would be generated.

Animal Population

Under the current licensing and spay/neuter ordinances, North Little Rock Animal Shelter has an average 20% per capita adoption rate (per capita = 1,000) and an average euthanization rate of 27% between 1999 and 2010. In comparison, Fort Smith has an average 8% per capita adoption rate (per capita = 1,000) and an average euthanization rate of 42% between 2008 and 2010. In summary, Fort Smith's adoption rates are lower than North Little Rock's and our euthanization rates are higher.

Veterinarian Cooperation

Staff spoke via phone with a North Little Rock veterinarian who participates in the spay/neuter program. The veterinarian stated he felt the mandatory license ordinance was very important for the City of North Little Rock. Mr. Grace stated that the city provides all veterinarians with the dog and cat animal licenses, which cost an estimated \$.16 per license. North Little Rock veterinarians issue city licenses, along with North Little Rock Animal Services. Based upon the issuance of 5,000 licenses per year, this equates to a cost of \$800.00 for license tags. Additional costs would be incurred for processing the license fees and entering data from the license into a suitable database.

Problems Addressed

Implementation of a mandatory city license for dogs and cats and a proactive spay/neuter program similar to that in North Little Rock would be expected to mitigate the following problems:

- The number of dogs and cats received by the Humane Society can be expected to decrease. The total number of dogs and cats received by the NLR Animal Shelter for the three years (1997 - 1999) leading up to the implementation of these ordinances were reduced by an average of 17% during the most recent three full years of data (2008 - 2010).
- Inhumane treatment of pets should decrease if one of the reasons for the inhumane treatment is the inability to care for an excessive number of pets.
- Reduce problems caused by animals running at large and unwanted pet population
- Fewer occurrences of aggressive dog behavior
- Increase compliance with rabies vaccination
- Reduce problems caused by too many pets per household
- Increase public education about proper pet care and value of spay/neuter program

Animal Control Statistics

2007-2010

During the four year period of 2007 – 2010, Fort Smith Police Department Animal Control handled 32,816 calls for service (an average of 8,204 per year). During this period, we were dispatched on 140 barking dog calls (an average of 35 per year), 525 bite calls (average of 131 per year), and 17,103 calls of animals running at large, the vast majority of which were dogs (average of 4,275 per year).

We have one universal code for animal bites in our records management system that encompasses all animal bites, so without researching all 525 reports, we cannot determine *specifically* how many of those are dog bites. However, we can say, with certainty, that nearly *all* of these are dog bites. The barking dog calls, bite calls, and animals running at large calls for this four year period account for 17,768 (or 54%) of the 32,816 calls. The other frequent calls animal control handles usually involve animal welfare checks, snakes or other wildlife pickup, retrieving deceased animals from the roadway, seeing the party regarding a neighborhood animal problem, setting traps for problem animals and clearing those traps, and other various occurrences.



MEMORANDUM

June 23, 2011

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Board Meetings

Recent conduct by a few citizens at board of directors meetings has prompted the board to ask for a review of security measures and a possible change in meeting venue. Below is a report about the history of board meeting locations, various security measures, board meeting procedures, and possible locations for board meetings.

HISTORY OF MEETING LOCATIONS

The board has met in the Fort Smith Public Schools Service Center since 1999. Prior to then, the board met in the civic center where it had a dedicated room for board meetings (both study sessions and regular meetings were held in the same room). That room wasn't available for other civic center uses because of its permanent meeting fixtures.

When the convention center underwent renovation and expansion beginning in 1999, the board had to seek alternate meeting locations. Study sessions were held in the Fullerton Union at Westark College, and regular meetings were held at the Fort Smith Public Schools service center board room. When the main library construction was completed, study sessions were moved to the community room where they continue to be conducted.

As the convention center expansion was nearing completion, the board elected to continue its regular meetings at the school service center. The board wanted to maximize public use of the convention center, and didn't want to monopolize a meeting space that couldn't be used by others. This decision has helped with marketing of the convention center since there's a few events

every year that need all of the center's space. The city pays \$90 for custodial services for each regular meeting held at the school service center (see attached agreement). This is the only cost to the city for using the school district's board meeting room.

SECURITY

The following is a list of possible security measures the board may wish to consider. Not all measures may be possible, depending on the location of the board meeting.

Metal Detector. A metal detector would reliably identify persons who have handguns and larger knives. A metal detector would cost \$3,000 - \$4,500 and require 2 persons to operate it. The estimated staffing cost is \$166 per meeting.

Search of Hand Held Bags. Hand held bags such as purses, computer cases, etc. could be searched to identify weapons. This would require 1 person. The estimated cost is \$83 per meeting.

Wands. Persons entering the meeting room could be searched for weapons by using a hand-held wand. Two wands would cost \$400 and require 2 persons to operate them. The estimated staffing cost is \$166 per meeting.

Additional Police Presence. Additional police officers could attend the board meetings to strengthen security. The cost for each officer is approximately \$83 per meeting.

Increased security will reduce the potential for someone bringing a weapon into a board meeting and may deter unruly behavior, thereby making attendees feel safer. Any security screening measures will slow down the entry of people into the meeting room, may cause some citizens to feel intimidated, and may limit their attendance. It may also send an unintended message to others (particularly visitors) about the demeanor of the community.

The Fort Smith Public Schools doesn't object to the search of hand held bags or using wands. However, they don't want any permanent security devices, such as a metal detector, installed at their board meeting location. When considering meeting locations, the board should keep in mind that it's already a violation of state law for anyone (except police officers) to bring weapons into school facilities.

Attached is a list of security measures other larger cities in Arkansas take for their meetings of the governing body.

BOARD PROCEDURES

Some of the board's concern has stemmed from the demeanor and decorum of a few meeting participants. If a board member believes that a participant's conduct has breached the rules of order, the board may act as provided in the city's municipal code. Below is the pertinent section.

Fort Smith Municipal Code, excerpt from Section 2-35(b)

... If a member of the board of directors believes there is a violation of the foregoing (rules of order or maintenance of decorum) by a citizen, he or she may make a motion to end the presentation or assert a point of order. If said motion receives a second, there shall immediately be taken a vote of the board of directors on the motion to end the presentation. The chairman may enforce the point of order or may submit same to a vote of the board of directors.

The board should be judicious in its exercise of this provision. However, it may be appropriate to use this procedure when there's blatant violations of the rules of order and decorum.

A priority identified at the recent board retreat was establishing rules of decorum. Included in the meeting packet is a draft ordinance for the board's consideration.

POSSIBLE MEETING LOCATIONS

Attached is a table which identifies several possible meeting locations. Each alternative includes a list of advantages and disadvantages.

SUMMARY

Public participation at board meetings strengthens the board's policy decision-making process. The public's input should be offered in a constructive, civil and respectful manner. Most citizens adhere to these tenets of decorum. Unfortunately, the conduct of a few citizens is making board members, staff and the public feel unsafe at board meetings. This feeling can inhibit the very public participation we desire. Ultimately, the board must find a balance between conducting the public's business in a safe, non-threatening environment while allowing citizens the opportunity to observe and participate in the process.

Attachments

Ray

AGREEMENT FOR USE OF FORT SMITH PUBLIC SCHOOLS FACILITY

This Agreement is made between the Fort Smith Public School District and for use of the following facilities owned by the Fort Smith Public School District and under the custody and control of the Board of Education or its designated representative(s):

Facility	Date
Service Center Auditorium	1/4, 1/18, 2/15, 3/1, 3/15, 4/5, 4/19, 5/3, 5/17, 6/7, 6/21, 7/5 7/19, 8/2, 8/16, 9/6, 9/20, 10/4, 10/18, 11/1, 11/15, 12/6, 12/20 *2/1 day meeting @ Elm Grove—Rescheduled for 2/3 @ SCA

Planned Use of Facility: City Government Meetings
Special Requirements: None

Charges for the use of the facilities are as follows and shall be payable upon receipt of invoice.
Personnel: \$90.00/meeting (24 meetings, 4.5 hours/meeting @ \$20.00) Total: \$2160.00
\$2070.00 has been paid. City of FS owes \$90.00 for amended usage on 2/3/11.

Name: Sherri Gard, CMC
Phone: 784-2208

Signature: Sherri Gard 2/7/11

I/We agree to use the facilities in accordance with the purpose(s) stated in this Agreement and to assume responsibility for the general condition and supervision of the facilities. I/We will further hold Fort Smith Public Schools and its Board of Education harmless for any loss to personal property or injury which are beyond the control of the Board of Education or its employees. In the event that damage is sustained by school property, I/we agree to make prompt and complete restitution for such damage.

I/We do hereby certify to Fort Smith Public Schools and its Board of Education that all activities conducted in facilities under the custody and control of said school district pursuant to this Agreement shall be open to all persons without regard to race, color, religion, national origin or sex.

The execution of this Agreement shall provide assurance of nondiscriminatory practices pursuant to Title VI of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and all regulations promulgated thereunder.

The presentation of evidence indicating any violation of these assurances may render this Agreement null and void.

SMOKING OR USE OF PRODUCTS CONTAINING TOBACCO IN ANY FORM ON ANY PROPERTY OWNED OR LEASED BY A PUBLIC SCHOOL DISTRICT, INCLUDING SCHOOL BUSES, IS PROHIBITED. ARKANSAS ACT 1555 OF 1999.

COMMENTS: Renter is responsible for clean up of premises. According to school policy, smoking is prohibited within all school district buildings and enclosed athletic facilities at all times.

SCHOOL OFFICIAL APPROVAL

Approved by R. Lynn Ellison:

R. Lynn Ellison

Date: 2/7/11

- cc: Dr. Gordon Floyd
- Bruce Grindstaff
- Bernie Tougas
- Connie Bergeson

SECURITY PRACTICES IN OTHER ARKANSAS CITIES

Conway	No security; however, if the Mayor anticipates citizen unrest on an agenda item, he will request the presence of a uniformed police officer.
Fayetteville	One plain-clothed police officer only.
Jonesboro	Police Chief and one uniformed police officer.
Little Rock	Two uniformed police officers (1 in meeting room, 1 at door); Metal detector with two armed security guards (1 male, 1 female); All four uniformed personnel remain on site until everyone leaves.
North Little Rock	One uniformed police officer only.
Rogers	One uniformed police officer only.
Springdale	One uniformed police officer only.

POSSIBLE LOCATIONS FOR BOARD OF DIRECTORS MEETINGS

<i>LOCATION</i>	<i>ADVANTAGES</i>	<i>DISADVANTAGES</i>
Old Library	<p>City owns and controls</p> <p>May establish any security procedures desired by board</p> <p>Ample parking</p> <p>Police station is nearby, allowing for faster responses in the event additional crowd control is needed</p>	<p>Facility is rented by the public. This use would be lost if the space is reconfigured for board meetings.</p> <p>Poor site lines/visibility because of columns spaced approx. every 20'. Affects the public's viewing and televising of meetings.</p> <p>Cost to install cable TV access for televising meetings.</p> <p>Would have to acquire an audio system.</p> <p>Poor access to restrooms (none on main floor)</p>
Creekmore Park Rose Room	<p>City owns and controls</p> <p>May establish any security procedures desired by board</p>	<p>Facility is rented by the public. Other uses could be occurring in the building at the same time.</p> <p>Room would have to be set up and broken down for each meeting.</p> <p>Cost to install cable TV access for televising meetings.</p> <p>Parking is sometimes limited</p> <p>Room has marginal acoustics</p>

LOCATION	ADVANTAGES	DISADVANTAGES
Elm Grove Community Center	<p>City owns and controls</p> <p>May establish any security procedures desired by board</p>	<p>Facility is rented by the public. Other uses could be occurring in the building at the same time.</p> <p>Room would have to be set up and broken down for each meeting.</p> <p>Limited parking</p> <p>Would have to acquire an audio system.</p> <p>Cost to install cable TV access for televising meetings.</p>
Fort Smith Public Schools Service Center	<p>Room is configured for board meetings</p> <p>Cable TV wiring is in place to televise meetings</p> <p>Audio system is in place</p> <p>Ample parking</p>	<p>City doesn't control the facility.</p> <p>May not be able to install security measures desired by board.</p>

LOCATION	ADVANTAGES	DISADVANTAGES
Fort Smith Convention Center	<p>City owns and controls</p> <p>May establish any security procedures desired by board</p> <p>Ample parking</p> <p>Police station is nearby, allowing for faster responses in the event additional crowd control is needed</p>	<p>Would occupy a space of the convention center that likely couldn't be used for other purposes.</p> <p>Other events may be happening in the facility concurrently with board meetings</p> <p>Would have to acquire an audio system</p> <p>Cost to install cable TV access for televising meetings</p>
River Park Pavilion	<p>City owns and controls</p> <p>May establish any security procedures desired by board</p>	<p>Room would have to be set up and broken down for each meeting.</p> <p>Would have to acquire an audio system</p> <p>Limited parking</p> <p>Cost to install cable TV access for televising meetings.</p>

LOCATION	ADVANTAGES	DISADVANTAGES
Fort Smith Police Station Community Room	City owns and controls May establish any security procedures desired by board Holding the meeting in the police station may provide a greater feeling of safety	Room would have to be set up and broken down for each meeting Size of room wouldn't accommodate larger audiences Would have to acquire an audio system Limited parking Cost to install cable TV access for televising meetings.

NOTE: The use of some facilities for board meetings may have to be phased-in since existing bookings at those facilities may conflict with the board meeting schedule.

Gosack, Ray

From: Andre Good [adgood@fedex.com]
Sent: Friday, June 10, 2011 11:38 AM
To: Gosack, Ray; Sandy Sanders; Dingman, Jeff
Cc: Tyler, Steve (Board of Directors); Good, Andre (Board of Directors); Hutchings, Don (Board of Directors); Catsavis, George (Board of Directors); Weber, Pam (Board of Directors); Settle, Kevin (Board of Directors); 'Philip Merry'
Subject: Fort Smith Public School use of Board Meetings

Ray,

I've often wondered why the City uses the Fort Smith Public School building on Jenny Lind to hold our Board meetings. I'm sure there is some old history as to why and we understand it's been done this way for years. But the City has facilities such as the old public library, the convention center and others with sufficient public parking and seating to host our meetings.

The reason for the concern is the recent open display of retaliation, grandstanding and disrespect at our board of directors meetings. I understand that Director Weber has some concerns also and has asked for an extra FSPD office to be on duty during. The continued use of the Public School Service Center, although nice and convenient, would not give the city the authority to conduct such task as using metal detectors, security wands and body scanners. We certainly don't have the authority to search a person's body or a purse. I am becoming concerned with the safety of the BOD, staff and attending citizens.

Ray, please give the BOD the particulars of the agreement with the FS School Service Center and the City. Then, I'd like for you and staff to consider conducting city business and meetings at an alternate location. What are the pro's and con's for staying where we are currently and moving to another location?

Thank you.

Andre'



Memo

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 6/23/2011
Re: Code of Ethics & Conduct

Presented for consideration by the Board of Directors is an ordinance incorporating a Code of Ethics and Conduct into the Fort Smith Municipal Code. Establishing rules of decorum for how the Board conducts business is one of the operational issues agreed upon at the Board's May 23rd retreat.

The proposed ordinance is intended to apply to all public meetings of the city, from the Board of Directors meetings to the meetings of the various city boards, committees, or commissions. It sets forth expectations of conduct from city officials, including elected officials, appointed officials, and city staff.

The ordinance addresses an expectation of openness in public decision making, diligent public advocacy, merit-based decision making, and stresses the importance of orderly public discourse in the decision making process. It incorporates already established rules of meeting protocol for the Board of Directors (from Resolution No. 121-99) and distinguishes the Code of Ethics & Conduct from the Code of Business Conduct already established as Exhibit B in the Appendix to the Fort Smith Municipal Code.

Please contact me if you have questions regarding this proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CODE OF ETHICS AND CONDUCT FOR PUBLIC OFFICIALS SERVING THE CITY OF FORT SMITH, ARKANSAS; INCORPORATING SUCH PROVISIONS IN CHAPTER 2, SECTION 2-35 OF THE FORT SMITH MUNICIPAL CODE; PROVIDING FOR THE COMPLIANCE AND ENFORCEMENT OF SAME; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and the Board of Directors are elected by the voters of the City of Fort Smith to be responsible for the policy and business operations of the city; and

WHEREAS, city business and discussions generally occur in open public forum with the opportunity for citizen input for the benefit of the citizens; and

WHEREAS, the duties of the governing body and certain appointed officials for the City of Fort Smith are detailed in Chapter 1, Articles 2 & 3, as well as other sections of the Fort Smith Municipal Code; and

WHEREAS, the citizens of Fort Smith expect and are entitled to a fair, ethical and accountable local government; and

WHEREAS, city officials, both elected and appointed, shall comply with both the letter and intent of the laws and policies affecting the operation of local government in Fort Smith; and

WHEREAS, the strength of the City of Fort Smith's Administrator form of municipal government is dependent on providing an opportunity for all points of view on each issue to be heard prior to any vote; and

WHEREAS, city officials should be independent, impartial, respectful and fair in their judgment and actions as well as adhere to the Code of Business Conduct incorporated into the Fort Smith Municipal Code; and

WHEREAS, public office shall be used for the public good, not for personal gain; and

WHEREAS, deliberation of public policy and processes shall be conducted in open public forum, unless otherwise exempt under the Arkansas Freedom of Information Act, and in a spirit that encourages respect and civility among the participants; and

WHEREAS, adopting a Code of Ethics and Conduct for Public Officials is intended to facilitate openness and integrity in local government.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

Section 1. To the end of promoting good and sound public service, the Board of Directors hereby amends the Rules of Order located in Chapter 2, Article 2, Section 2-35 of the Fort Smith Municipal Code relating to a Code of Ethics and Conduct for Public

Officials. Such Code of Ethics and Conduct shall be incorporated into Chapter 2, Section 2-35 of the Fort Smith Municipal Code and is in addition to the provisions of the Code of Business Conduct adopted by Ordinance No. 88-04 and incorporated into the Appendix of the Fort Smith Municipal Code as Exhibit B. Such Code of Ethics and Conduct is to be applicable to members of the Board of Directors, all city staff, and all members of the City's boards, committees and commissions in order to assure public confidence in the integrity of local government and its effective and fair operation.

- Section 2. **Conduct of City Officials.** The professional and personal conduct of all elected or appointed city officials must be above reproach and avoid even the appearance of impropriety. City officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Board of Directors, boards, committees, commissions, city department heads, city staff, and the general public in both open forums and general conversation. All public discussions between the members of the Board shall be conducted in a civil and dignified manner. All comments shall be made in a professional, respectful and non-personal way. The Mayor, members of the Board of Directors, city staff, and all other persons in attendance at public meetings shall refrain from making any personal attacks whatsoever.
- Section 3. **Conduct of Public Meetings.** City officials shall prepare themselves for public issues, shall listen courteously and attentively to all public discussions before them, and shall focus on the business at hand. City officials shall be recognized by the Mayor before speaking, and shall refrain from interrupting other speakers, making personal comments not germane to the business at hand, or otherwise interfering with the orderly conduct of public meetings.
- Section 4. **Citizen Input.** The Mayor and the Board of Directors shall allow an opportunity for discussion of each board member's point of view on each issue brought before them, and they will insure that citizens are given the opportunity to provide valuable input prior to any vote being taken.
- Section 5. **Decisions Based on Merit.** City officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. All comments made during the discussion on an issue shall be pertinent and focused on that particular issue, so as to expedite the Board's proceedings in an efficient manner. While recognizing the Mayor's responsibility to maintain order in a meeting, all members of the Board of Directors shall be diligent in calling attention to the Mayor when any board member or citizen comments are irrelevant to the discussion under consideration.
- Section 6. **Communication.** City officials should publicly share substantive information that is relevant to a matter under consideration by the Board of Directors or by any of the City's boards, committees, or commissions which they may have received from sources outside of the public decision-making process.
- Section 7. **Advocacy.** City officials must represent the official policies or positions of the Board of Directors and any of the City's boards, committees or commissions to the

best of their ability when designated as delegates for this purpose. When presenting individual opinions and positions, members shall explicitly state such opinions are personal in nature and do not necessarily represent the position of the Board of Directors or the City of Fort Smith, nor will they allow the inference that they do.

Section 8. **Policy Role of City Officials.** City officials must respect and adhere to the organizational structure of the City of Fort Smith as outlined in the Fort Smith Municipal Code. In this structure, the Board of Directors determines the policies of the City with the advice, information, and analysis provided by members of the public, the City's boards, commissions, and appointed committees as well as the City Administrator, legal counsel, and city staff.

Section 9. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of boards, committees and commissions to the public decision making process, members of the Board of Directors shall refrain from using their position unduly to influence the deliberations or outcomes of board, committee, or commission proceedings.

Section 10. **Positive Work Place Environment.** The governing body will support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. Elected city officials recognize their special role in dealing with city employees so as not to create the perception of inappropriate direction to staff. Except by lawful exercise of their powers as the governing body, members of the Board of Directors will not interfere, direct, or countermand the authority of the City Administrator or department heads.

Section 11. **Implementation.** As an expression of the standards of conduct expected by the city, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when all to whom it applies are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed members of the Board of Directors, boards, committees, or commissions, City Administrators and department heads.

Section 12. **Disruption of Meetings.** Any person disrupting a Board meeting by making personal, impertinent or slanderous remarks or by boisterous behavior while the Board is in session, may be removed from the meeting by law enforcement officers. Such removal may be requested by the Mayor at his or her discretion, or by consensus of the Board, or by law enforcement personnel if there is perceived to be an immediate threat to any person or disorderly conduct that interrupts the business of the meeting. Demonstrations of approval or disapproval from the audience shall be permitted if conducted in an orderly and respectful manner; however, if such demonstrations become unruly or result in a disruption of the meeting, the person(s) creating such disruption may be removed from the meeting; or the Mayor may recess the meeting until order is restored. If necessary, the Mayor shall call upon law enforcement officers to enforce directions given by the Mayor or the Board for any violation of this rule. This section is applicable to public meetings of all city boards, committees, or commissions.

Section 13. Compliance and Enforcement. The City of Fort Smith Code of Ethics for public officials expresses standards of ethical conduct expected for members of the City of Fort Smith Board of Directors, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of local government.

- (a) The Mayor and the chairs of the various boards, committees, and commissions have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.
- (b) The Board of Directors may impose sanctions on members or appointees whose conduct does not comply with the city's ethical standards, such as reprimand, formal censure by the Board of Directors, or loss of appointment/assignment. The Board of Directors may also remove members of boards, committees, or commissions from office as provided in Section 2-48 of the Fort Smith Municipal Code.
- (c) A violation of this Fort Smith Code of Ethics for Public Officials shall not be considered a basis for challenging the validity of a decision made by the Board of Directors or any of the City's boards, committees, or commissions.

Section 14. Severability. If any part of this ordinance is found, deemed or ruled to be invalid, such invalidity shall not affect the remaining portions of this ordinance. To this end, this ordinance is declared severable.

Section 15. This ordinance shall be in full force and effect upon approval by the Board of Directors, approval by the Mayor, and publication as required by law.

PASSED AND APPROVED by the Board of Directors of the City of Fort Smith, Arkansas, on this ____ day of _____, 2011.

APPROVED:

Sandy Sanders, Mayor

ATTEST:

Sherri Gard, City Clerk

APPROVED AS TO FORM:

City Attorney
Publish one time

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CODE OF ETHICS AND CONDUCT FOR PUBLIC OFFICIALS SERVING THE CITY OF FORT SMITH, ARKANSAS; INCORPORATING SUCH PROVISIONS IN CHAPTER 2, SECTION 2-35 OF THE FORT SMITH MUNICIPAL CODE; PROVIDING FOR THE COMPLIANCE AND ENFORCEMENT OF SAME; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and the Board of Directors are elected by the voters of the City of Fort Smith to be responsible for the policy and business operations of the city; and

WHEREAS, city business and discussions generally occur in open public forum with the opportunity for citizen input for the benefit of the citizens; and

WHEREAS, the duties of the governing body and certain appointed officials for the City of Fort Smith are detailed in Chapter 1, Articles 2 & 3, as well as other sections of the Fort Smith Municipal Code; and

WHEREAS, the citizens of Fort Smith expect and are entitled to a fair, ethical and accountable local government; and

WHEREAS, city officials, both elected and appointed, shall comply with both the letter and intent of the laws and policies affecting the operation of local government in Fort Smith; and

WHEREAS, the strength of the City of Fort Smith's Administrator form of municipal government is dependent on providing an opportunity for all points of view on each issue to be heard prior to any vote; and

WHEREAS, city officials should be independent, impartial, respectful and fair in their judgment and actions as well as adhere to the Code of Business Conduct incorporated into the Fort Smith Municipal Code; and

WHEREAS, public office shall be used for the public good, not for personal gain; and

WHEREAS, deliberation of public policy and processes shall be conducted in open public forum, unless otherwise exempt under the Arkansas Freedom of Information Act, and in a spirit that encourages respect and civility among the participants; and

WHEREAS, adopting a Code of Ethics and Conduct for Public Officials is intended to facilitate openness and integrity in local government.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

Section 1. To the end of promoting good and sound public service, the Board of Directors hereby amends the Rules of Order located in Chapter 2, Article 2, Section 2-35 of the Fort Smith Municipal Code relating to a Code of Ethics and Conduct for Public

Officials. Such Code of Ethics and Conduct shall be incorporated into Chapter 2, Section 2-35 of the Fort Smith Municipal Code and is in addition to the provisions of the Code of Business Conduct adopted by Ordinance No. 88-04 and incorporated into the Appendix of the Fort Smith Municipal Code as Exhibit B. Such Code of Ethics and Conduct is to be applicable to members of the Board of Directors, all city staff, and all members of the City's boards, committees and commissions in order to assure public confidence in the integrity of local government and its effective and fair operation.

- Section 2. **Conduct of City Officials.** The professional and personal conduct of all elected or appointed city officials must be above reproach and avoid even the appearance of impropriety. City officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Board of Directors, boards, committees, commissions, city department heads, city staff, and the general public in both open forums and general conversation. All public discussions between the members of the Board shall be conducted in a civil and dignified manner. All comments shall be made in a professional, respectful and non-personal way. The Mayor, members of the Board of Directors, city staff, and all other persons in attendance at public meetings shall refrain from making any personal attacks whatsoever.
- Section 3. **Conduct of Public Meetings.** City officials shall prepare themselves for public issues, shall listen courteously and attentively to all public discussions before them, and shall focus on the business at hand. City officials shall be recognized by the Mayor before speaking, and shall refrain from interrupting other speakers, making personal comments not germane to the business at hand, or otherwise interfering with the orderly conduct of public meetings.
- Section 4. **Citizen Input.** The Mayor and the Board of Directors shall allow an opportunity for discussion of each board member's point of view on each issue brought before them, and they will insure that citizens are given the opportunity to provide valuable input prior to any vote being taken.
- Section 5. **Decisions Based on Merit.** City officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. All comments made during the discussion on an issue shall be pertinent and focused on that particular issue, so as to expedite the Board's proceedings in an efficient manner. While recognizing the Mayor's responsibility to maintain order in a meeting, all members of the Board of Directors shall be diligent in calling attention to the Mayor when any board member or citizen comments are irrelevant to the discussion under consideration.
- Section 6. **Communication.** City officials should publicly share substantive information that is relevant to a matter under consideration by the Board of Directors or by any of the City's boards, committees, or commissions which they may have received from sources outside of the public decision-making process.
- Section 7. **Advocacy.** City officials must represent the official policies or positions of the Board of Directors and any of the City's boards, committees or commissions to the

best of their ability when designated as delegates for this purpose. When presenting individual opinions and positions, members shall explicitly state such opinions are personal in nature and do not necessarily represent the position of the Board of Directors or the City of Fort Smith, nor will they allow the inference that they do.

- Section 8. Policy Role of City Officials.** City officials must respect and adhere to the organizational structure of the City of Fort Smith as outlined in the Fort Smith Municipal Code. In this structure, the Board of Directors determines the policies of the City with the advice, information, and analysis provided by members of the public, the City's boards, commissions, and appointed committees as well as the City Administrator, legal counsel, and city staff.
- Section 9. Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of boards, committees and commissions to the public decision making process, members of the Board of Directors shall refrain from using their position unduly to influence the deliberations or outcomes of board, committee, or commission proceedings.
- Section 10. Positive Work Place Environment.** The governing body will support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. Elected city officials recognize their special role in dealing with city employees so as not to create the perception of inappropriate direction to staff. Except by lawful exercise of their powers as the governing body, members of the Board of Directors will not interfere, direct, or countermand the authority of the City Administrator or department heads.
- Section 11. Implementation.** As an expression of the standards of conduct expected by the city, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when all to whom it applies are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed members of the Board of Directors, boards, committees, or commissions, City Administrators and department heads.
- Section 12. Disruption of Meeting.** Any person disrupting a Board meeting by making personal, impertinent or slanderous remarks or by boisterous behavior while the Board is in session, may be removed from the meeting by law enforcement officers. Such removal may be requested by the Mayor at his or her discretion, or by consensus of the Board, or by law enforcement personnel if there is perceived to be an immediate threat to any person or disorderly conduct that interrupts the business of the meeting. Demonstrations of approval or disapproval from the audience shall be permitted if conducted in an orderly and respectful manner; however, if such demonstrations become unruly and result in a disruption of the meeting, the person(s) creating such disruption may be removed from the meeting; or the Mayor may recess the meeting until order is restored. If necessary, the Mayor shall call upon law enforcement officers to enforce directions given by the Mayor or the Board for any violation of this rule.

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- (c) A violation of this Fort Smith Code of Ethics for Public Officials shall not be considered a basis for challenging the validity of a decision made by the Board of Directors or any of the City's boards, committees, or commissions.

Section 14. Severability. If any part of this ordinance is found, deemed or ruled to be invalid, such invalidity shall not affect the remaining portions of this ordinance. To this end, this ordinance is declared severable.

Section 15. This ordinance shall be in full force and effect upon approval by the Board of Directors, approval of the Mayor, and publication as required by law.

PASSED AND APPROVED by the Board of Directors of the City of Fort Smith, Arkansas, on this _____ day of _____, 2011.

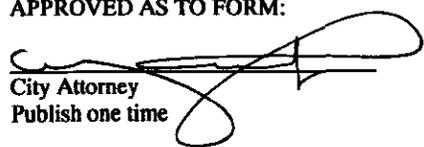
APPROVED:

Sandy Sanders, Mayor

ATTEST:

Sherri Gard, City Clerk

APPROVED AS TO FORM:



City Attorney
Publish one time



June 21, 2011

TO: Members of the Board of Directors
Members of the Mechanical Board of Adjustments and Appeals

RE: Appointments:

Mr. Chris Tomlin of the Mechanical Board of Adjustments and Appeals has passed away; his term will need to be appointed. In accordance with Ordinance No. 2926 nominations for this prospective vacancy are now being received.

Please submit nominations to the city administrators office no later than the close of business on July 11, 2011. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in black ink that reads "Ray Gosack".

Ray Gosack
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

July 2011



in 2011

S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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26	27	28	29	30		

Aug 2011

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28	29	30	31			

Tuesday		Wednesday		Thursday		Friday	Saturday
						1	2
3	4 CITY OFFICES CLOSE IN OBSERVANCE OF INDEPENDENCE DAY	5 6:00 PM Board of Directors Mtg./FSM Public School Serv. Cntr.	6 11:30 AM Planning Com. Study Ses./Creekmore	7 12:00 PM Housing Assistance Board/Library 6:00 PM Historic District Com./220 North 7 Street	8	9	
10	11	12 12:00 PM Board of Directors Study Ses./Library 5:30 PM Planning Com./Creekmore	13 11:30 AM Parks Com./Creekmore	14 12:00 PM Oak Cemetery Com./Creekmore 12:00 PM Transit Advisory Com./Transit	15	16	
17	18	19 4:30 PM Library Board of Trustees/Miller Branch 6:00 PM Bd. of Directors Mtg./FSM Public Schools Serv. Cntr.	20	21	22	23	
24	25	26 12:00 PM Bd. of Directors Study Ses./Library 4:00 PM A & P Com./Miss Laura's 5:30 PM Airport Com./Airport - Adm. Office Conf. Rm.	27	28 5:30 PM Historic District Study Ses./220 North 7 Street Housing Authority/NO MEETING	29	30	
31							