

GENTRY CITY COUNCIL AGENDA

MONDAY, MARCH 2, 2020

PUBLIC HEARING: Petition to Vacate Right-of-Way, Moongate Estates Subd.

- Meeting Called to Order
- Invocation
- Roll Call
- Review of Minutes: February 3, 2020 Regular Council Meeting

COMMUNITY COMMENTS

1. Public Comment (Item(s) Not on Presented Agenda)
2. Main Street Gentry Chamber of Commerce – Janie Parks
3. Gentry Senior Activity Center – Maxine Foster
4. Gentry Public Schools – Terrie Metz

UNFINISHED BUSINESS

1. Dawn Hill East Bridge Update
2. Park Master Plan Update
 - a. CM Selection Committee Recommendation
 - b. Potential Land Purchase Options
3. Water Storage Facility Update
4. Petition to Vacate R.O.W, Moongate Estates Ordinance

NEW BUSINESS

1. Rustic Ridge Subd. Final Plat Acceptance Ordinance
2. Public Hearing Resolution – Petition to Vacate N. Manor Drive
3. Personnel Handbook Update Resolution
4. Drug-Free Workplace Policy Ordinance w/ Emergency Clause
5. Catastrophic Leave Bank Program Ordinance
6. Disposal of 1981 Seagrave Ladder Truck Vin# 1F9FL28S9BCST2107
- 7.

Any items that may arise after the publication of this Agenda must be voted on, to be heard, by the majority of the City Council.

ANNOUNCEMENTS

- Planning Commission Meeting, March 19, 2020 @ 7pm

	<u>2018</u>	<u>2019</u>	<u>2020</u>
City Sales & Use	\$57,902.31	\$75,126.65	\$115,414.12
County Tax	\$78,431.11	\$70,797.80	\$87,384.34

**CITY OF GENTRY
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 3, 2020**

The City Council of the City of Gentry, Arkansas, met in a regular session at the Council Chambers at 6:30 p.m. on February 3, 2020. Mayor Kevin Johnston called the meeting to order. City Attorney, Joel Kurtz gave the invocation.

COUNCIL MEMBERS ANSWERING ROLL CALL:

Janice Arnold	Jason Barrett	Michael Crawford
Cindy Philpott	Kristi Reams	Jason Williams

MEMBERS ABSENT: Dan Erskin; Jimmy Thorburn

Others in attendance: City Clerk Jenny Trout, Police Chief Clay Stewart, Fire Chief V. Cripps, Randy Moll, City Attorney Joel Kurtz, Mayor Kevin Johnston, Maxine Foster, and Ray Arnold.

REVIEW OF MINUTES: January 6, 2020- Regular Council Meeting & January 21, 2020

Special Council Meeting: after discussion, with regard to the January 6th Regular Council meeting minutes, it was determined the City Clerk would include the names of the Park Advisory Committee Members, Position 8: Josh Coones and, Position 10: Richard Stripling , referenced in section 4 of the New Business section of the January 6th meeting minutes **and**; regarding the January 21st Special Council meeting minutes, note that Janice Arnold made the Motion to accept the Fire Truck Purchase Resolution not Mr. Barrett.

Motion: Barrett- to approve minutes as presented with corrections

Second: Arnold

Roll Call: Arnold-yes Barrett -yes Crawford- yes
 Philpott- yes Reams- yes Williams- pass

Motion approved.

COMMUNITY COMMENTS

- 1. Public Comment (Items Not on Presented Agenda)** No new comments
- 2. Main Street Gentry Chamber of Commerce – Janie Parks** was under the weather and unable to attend. She will deliver her comments at the next meeting.
- 3. Gentry Senior Activity Center- Maxine Foster** -Presented the February calendar of events, everyone was encouraged to attend.
- 4. Gentry Public Schools – Terrie Metz** was also under the weather and unable to attend. Jason Barrett spoke on her behalf stating the School Board Meeting had been bumped up a week and parent teacher conferences were set for February 20th and 21st.

UNFINISHED BUSINESS

1) **Dawn Hill East Bridge Bid Acceptance Resolution:** A Resolution Authorizing the City of Gentry, Arkansas to Enter into a Contract with Crossland Heavy Contractors, Inc. Pursuant to its Bid for the Dawn Hill East Road Bridge Replacement Project and Requesting Approval by ARDOT for said Bid, was presented for review and consideration.

Motion: Crawford- to pass the Resolution as presented

Second: Williams

Roll Call: Barrett- yes Crawford- yes Reams- yes
 Philpott-yes Williams- yes Arnold- yes

Motion passed.

2) **Park Master Plan Update:** Request for Proposals Construction Management Services and related information, including an estimate provided by McClelland Consulting Engineers, Inc., was presented to the Council for review and consideration. After lengthy discussion, with much focus on the ballpark and splash pad areas, it was determined the Council felt strongly, the City would better benefit in leaving the existing ball parks “as is”. That said, Mayor Johnston stated he would continue to further research other possible land purchase options to accommodate the anticipated changes. Discussions continued in relation to the Splash Pad/Park idea. Location options were presented for consideration and it was decided that, of the options presented, 3 and 4 proved most favorable, with option 5 coming in last, among those present. Mayor Johnston was encouraged with the progress made and will continue to update Council with any further information.

3) **Water Storage Facility Update:** Mayor Johnston stated plan designs should be in by February 14, 2020 and ready for presentation to the Council at the March 2nd regularly scheduled meeting. More updates to follow.

NEW BUSINESS

1) **Public Hearing Resolution- Petition to Vacate Street (Moongate Estates):** A Resolution Fixing March 2, 2020 for Hearing Petition to Vacate a 30’ Strip of Land Running North and South Between Meeker Drive and Wilson Drive was presented to the Council for review and consideration.

Motion: Williams- to pass the Resolution as presented

Second: Philpott

Roll Call: Reams- yes Philpott- yes Williams- yes
 Arnold- yes Barrett- yes Crawford- yes

Motion passed.

2) **Phillips Park Subdivision Final Plat Acceptance Ordinance:** was presented to the Council for review and consideration.

Motion: Crawford- to suspend the rules and read by heading only

Second: Philpott

Roll Call: Reams- yes Philpott- yes Williams- yes
 Arnold- yes Barrett- yes Crawford- yes

Motion passed.

City Attorney Joel Kurtz read by Heading only: An Ordinance Accepting the Final Plat of Phillips Park Subdivision, Gentry, Arkansas; Declaring an Emergency and For Other Purposes

Motion: Barrett- to pass on three readings with a single vote

Second: Reams

Roll Call: Reams- yes Philpott- yes Williams- No
 Arnold- yes Barrett- yes Crawford- yes

Motion passed.

Motion: Crawford-to pass on Emergency Clause

Second: Barrett

Roll Call: Reams- yes Philpott- yes Williams- No
 Arnold- yes Barrett- yes Crawford- yes

Motion failed on emergency clause for lack of required 2/3 full council vote.

ANNOUNCEMENTS

*Planning Commission Meeting, February 20, 2020 @ 7:00p.m.

City Sales & Use & County Tax numbers were provided for 2018, 2019 & 2020

There being no other new business, the Mayor entertained a motion to adjourn.

Motion: Crawford- to adjourn this meeting

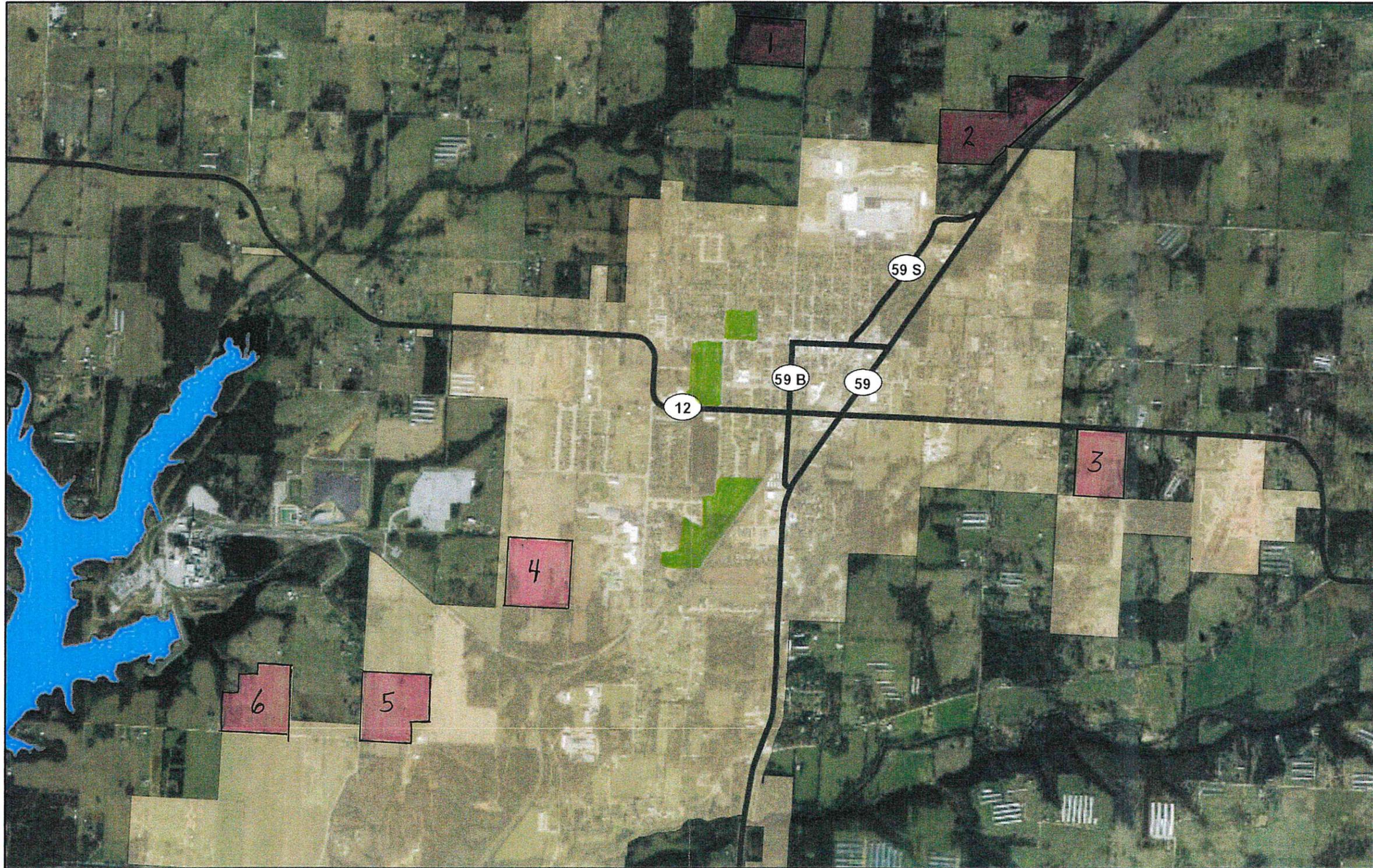
Second: Barrett

All in favor. None opposed.

Motion passed. Meeting adjourned.

**CITY CLERK:
JENNY TROUT**

**MAYOR: KEVIN JOHNSTON
CITY OF GENTRY**



#1. 27.44 ACRES
\$ 500,000⁰⁰ = \$18,221.57

#2. 51.8 ACRES
\$ 500,000⁰⁰ = \$9,652.51/Ac

#3. 29.79 ACRES
\$ 1,042,650⁰⁰ = \$35,000/Ac

#4. 36.55 ACRES
\$ 1,500,000⁰⁰ = \$41,039.67

#5. 37.58^{1/2} ACRES
\$ NOT AVAILABLE

#6. 34.95 ACRES
\$ 419,400⁰⁰ = \$12,000/Ac



Gentry Y City Road Water Storage Tank
City of Gentry, Arkansas
 Phase 2 Preliminary Construction Cost Estimate
 February 2020

Item	Description	Unit	Est. Quantity	Unit Price	Cost
1	Mobilization (Not to Exceed 5%)	LS	1	\$160,000.00	\$160,000.00
2	Work Change Directives Allowance	N/A	N/A	\$35,000.00	\$35,000.00
3	Erosion Control	LS	1	\$10,000.00	\$10,000.00
4	Trench Excavation Safety	LS	1	\$5,000.00	\$5,000.00
5	Traffic Control	LS	1	\$2,500.00	\$2,500.00
6	Construction Staking	LS	1	\$2,500.00	\$2,500.00
7	Bonds and Insurance	LS	1	\$10,000.00	\$10,000.00
8	Undercut and Stone Backfill	CY	100	\$25.00	\$2,500.00
9	Rock Excavation	CY	150	\$100.00	\$15,000.00
10	700,000 Gallon Composite Elevated Water Storage Tank	LS	1	\$2,250,000.00	\$2,250,000.00
11	Pump Station	LS	1	\$505,000.00	\$505,000.00
12	Electrical	LS	1	\$185,000.00	\$185,000.00
13	Precast 48" ID Meter Vault	LS	1	\$8,000.00	\$8,000.00
14	Site Work	LS	1	\$100,000.00	\$100,000.00
15	12" AWWA C900 PVC DR-18 Water Line	LF	730	\$65.00	\$47,450.00
16	6" AWWA C900 PVC DR-18 Water Line	LF	20	\$50.00	\$1,000.00
17	12" Butterfly Valve and Box	EA	3	\$3,400.00	\$10,200.00
18	15" RCP	LF	78	\$75.00	\$5,850.00
19	15" Flared End Section	EA	1	\$1,500.00	\$1,500.00
20	Ductile Iron Fittings (Bends, Tees, Reducers, etc.)	LBS	4,500	\$10.00	\$45,000.00
21	6"x6" Tapping Sleeve	EA	1	\$3,000.00	\$3,000.00
22	Gravel Driveway	CY	130	\$40.00	\$5,200.00
23	Surface Restoration (Seeding, Fertilizing, Mulching, Fence Repair)	Acre	1.5	\$4,000.00	\$6,000.00
Total Probable Construction Costs					\$3,415,700
30% Contingency					\$1,025,000
Total Direct Costs + Contingency					\$4,440,700

ORDINANCE NO. _____

CITY OF GENTRY, ARKANSAS

**AN ORDINANCE VACATING A 30' STRIP OF LAND
RUNNING NORTH AND SOUTH BETWEEN MEEKER
DRIVE AND WILSON DRIVE; AND FOR OTHER
PURPOSES.**

WHEREAS, a petition was duly filed with the City of Gentry, Arkansas on the ____ day of February 2020, asking the City Council to vacate and abandon that portion of a 30' strip of land running North and South, existing between Meeker Drive and Wilson Drive of Gentry, with respect to a 341.81-foot portion of such land bordered by Benton County Parcel No. 10-00148-000 on the West, and by an unnamed platted street and Benton County Parcel Nos. 10-00676-000 and 10-00678-000 (Lots 2–6, Moongate Estates Subdivision to the City of Gentry, Arkansas) to the East.

WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the 30' strip of land as hereinbefore described, has heretofore been dedicated to the public use as a Street or Alley as herein described; has not been actually used by the public generally for at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed their written consent with the Council to the abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of the street.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Gentry, Arkansas:

Section 1: The City of Gentry, Arkansas hereby releases, vacates and abandons the Street/Road right-of-way for that 30' strip of land running North and South, bordered by Benton

County Parcel No. 10-00148-000 on the West, and by an unnamed platted street and Benton County Parcel Nos. 10-00676-000 and 10-00678-000 (Lots 2–6, Moongate Estates Subdivision to the City of Gentry, Arkansas) to the East, together with the rights of the public generally in and to such Street/Alley.

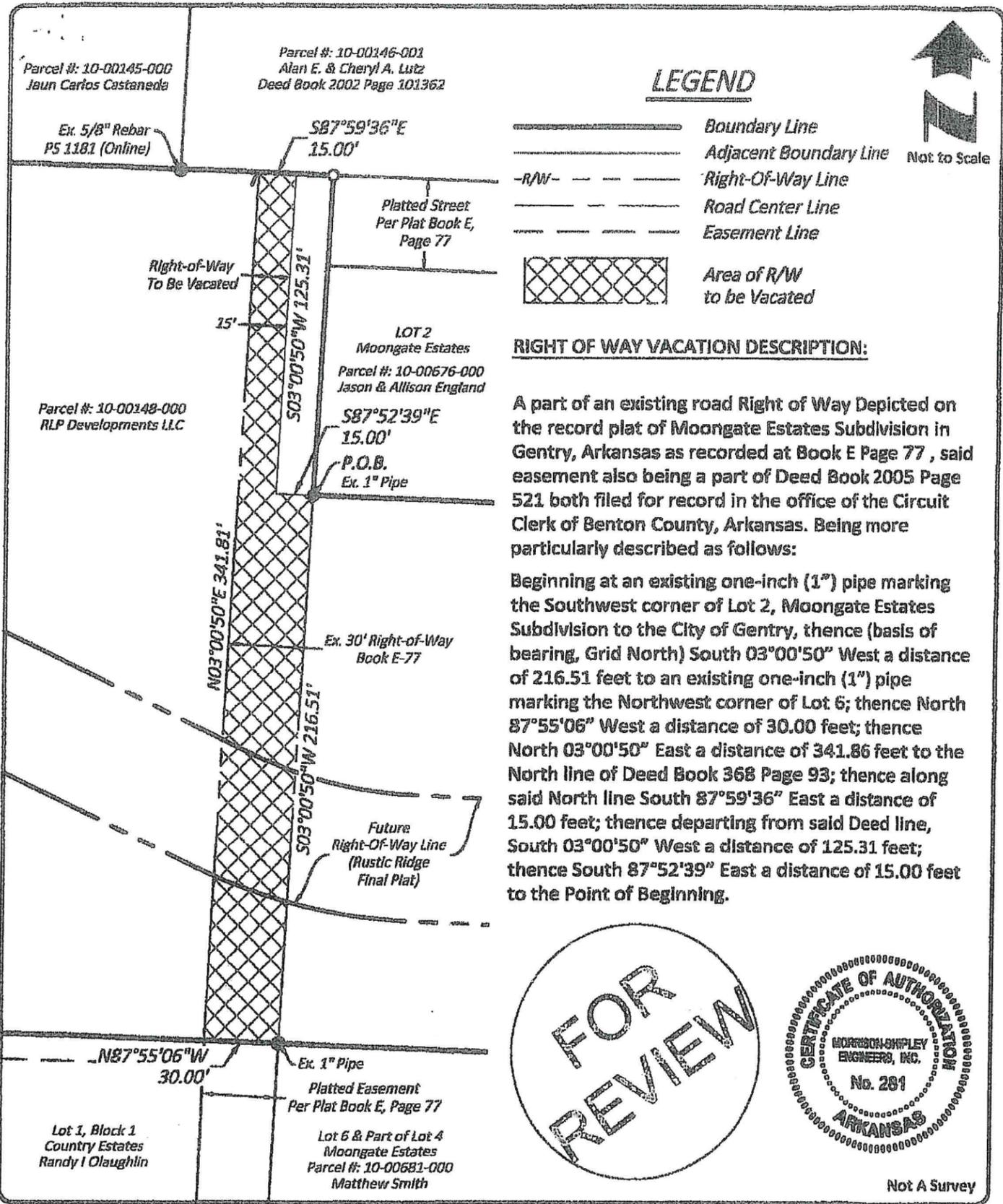
Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the office of the Recorder of Benton County, Arkansas, and recorded in the Deed Records of Benton County, Arkansas.

PASSED and APPROVED in regular session this 2nd day of March 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance



LEGEND

- Boundary Line
- Adjacent Boundary Line
- Right-Of-Way Line
- Road Center Line
- Easement Line
- Area of R/W to be Vacated



RIGHT OF WAY VACATION DESCRIPTION:

A part of an existing road Right of Way Depicted on the record plat of Moongate Estates Subdivision in Gentry, Arkansas as recorded at Book E Page 77 , said easement also being a part of Deed Book 2005 Page 521 both filed for record in the office of the Circuit Clerk of Benton County, Arkansas. Being more particularly described as follows:

Beginning at an existing one-inch (1") pipe marking the Southwest corner of Lot 2, Moongate Estates Subdivision to the City of Gentry, thence (basis of bearing, Grid North) South 03°00'50" West a distance of 216.51 feet to an existing one-inch (1") pipe marking the Northwest corner of Lot 6; thence North 87°55'06" West a distance of 30.00 feet; thence North 03°00'50" East a distance of 341.86 feet to the North line of Deed Book 368 Page 93; thence along said North line South 87°59'36" East a distance of 15.00 feet; thence departing from said Deed line, South 03°00'50" West a distance of 125.31 feet; thence South 87°52'39" East a distance of 15.00 feet to the Point of Beginning.

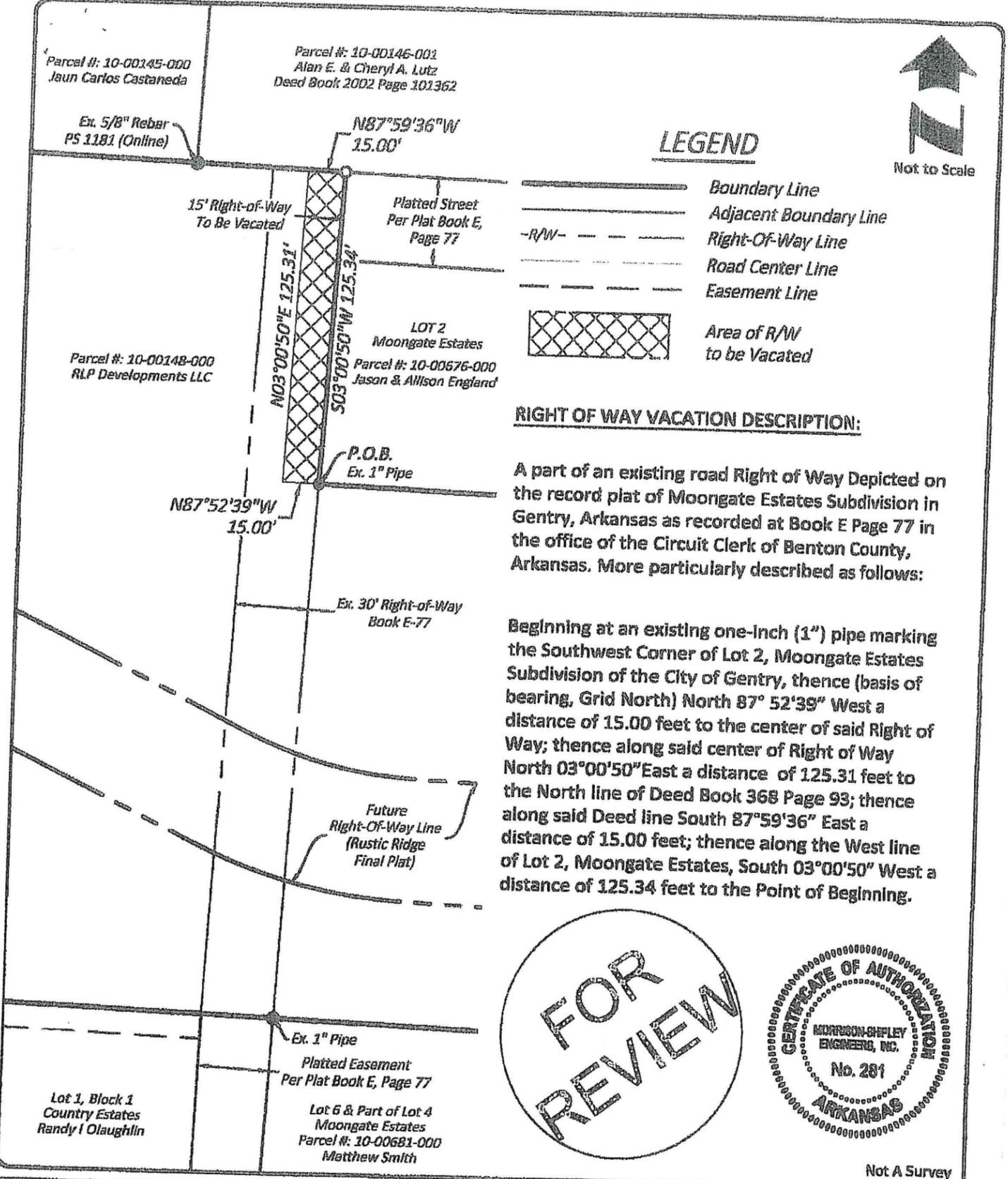


Not A Survey

MORRISON SHIPLEY
 2407 E COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.278.2209 • MORRISONSHIPLEY.COM

EXHIBIT 'A'
RIGHT-OF-WAY VACATION
 Gentry, Benton County, Arkansas

Drawn By	JDS
Date	01.05.2023
Project No.	RLP-10
Drawing Name	RIGHT



LEGEND

Not to Scale

- Boundary Line
- Adjacent Boundary Line
- R/W- Right-Of-Way Line
- Road Center Line
- Easement Line
- [Cross-hatched box] Area of R/W to be Vacated

RIGHT OF WAY VACATION DESCRIPTION:

A part of an existing road Right of Way Depicted on the record plat of Moongate Estates Subdivision in Gentry, Arkansas as recorded at Book E Page 77 in the office of the Circuit Clerk of Benton County, Arkansas. More particularly described as follows:

Beginning at an existing one-inch (1") pipe marking the Southwest Corner of Lot 2, Moongate Estates Subdivision of the City of Gentry, thence (basis of bearing, Grid North) North 87° 52'39" West a distance of 15.00 feet to the center of said Right of Way; thence along said center of Right of Way North 03°00'50" East a distance of 125.31 feet to the North line of Deed Book 368 Page 93; thence along said Deed line South 87°59'36" East a distance of 15.00 feet; thence along the West line of Lot 2, Moongate Estates, South 03°00'50" West a distance of 125.34 feet to the Point of Beginning.

FOR REVIEW

CERTIFICATE OF AUTHORIZATION
MORRISON-SHIPLEY
ENGINEERS, INC.
No. 281
ARKANSAS

Not A Survey

MORRISON SHIPLEY

2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72718 • 479.373.2207 • MORRISONSHIPLEY.COM

EXHIBIT "B"
RIGHT-OF-WAY VACATION

Gentry, Benton County, Arkansas

Drawn By	JDS
Date	01.28.2023
Project No.	RLP-10
Drawing Name	EXHIBIT

PETITION TO VACATE

which is described as follows:

Petition to Vacate a **Street Right of Way** located at 1415 S Gentry Blvd in the City of Gentry, Arkansas.

Dear Gentry City Council

We, the undersigned, being all the owners of the real estate of or adjacent to the **Street Right of Way** to be vacated hereinafter sought to be abandoned and vacated, lying in Gentry, Arkansas, petition to vacate a **Right of Way** which is described as follows:

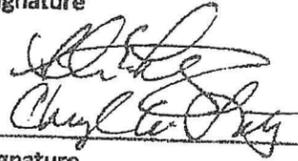
Legal Description of area to be vacated: **See attached Exhibits.**

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described **Street Right of Way.**

The petitioners recommend that the City of Gentry, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

Jason and/or Allison England
1359 S Gentry Blvd
Parcel: 10-00676-000

Signature



Date

1/30/2020

Alan and/or Cheryl Lutz
1345 S Gentry Blvd
Parcel: 10-00146-001

Signature



Date

1/30/2020

RLP Developments, LLC
1415 S Gentry Blvd
Parcels: 10-00148-000
And 10-00678-000

Signature

Date

PETITION TO VACATE

which is described as follows:

Petition to Vacate a Street Right of Way located at 1415 S Gentry Blvd in the City of Gentry, Arkansas.

Dear Gentry City Council

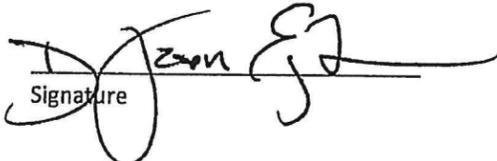
We, the undersigned, being all the owners of the real estate of or adjacent to the Street Right of Way to be vacated hereinafter sought to be abandoned and vacated, lying in Gentry, Arkansas, petition to vacate a Right of Way which is described as follows:

Legal Description of area to be vacated: See attached Exhibits.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described Street Right of Way.

The petitioners recommend that the City of Gentry, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

Jason and/or Allison England
1359 S Gentry Blvd
Parcel: 10-00676-000

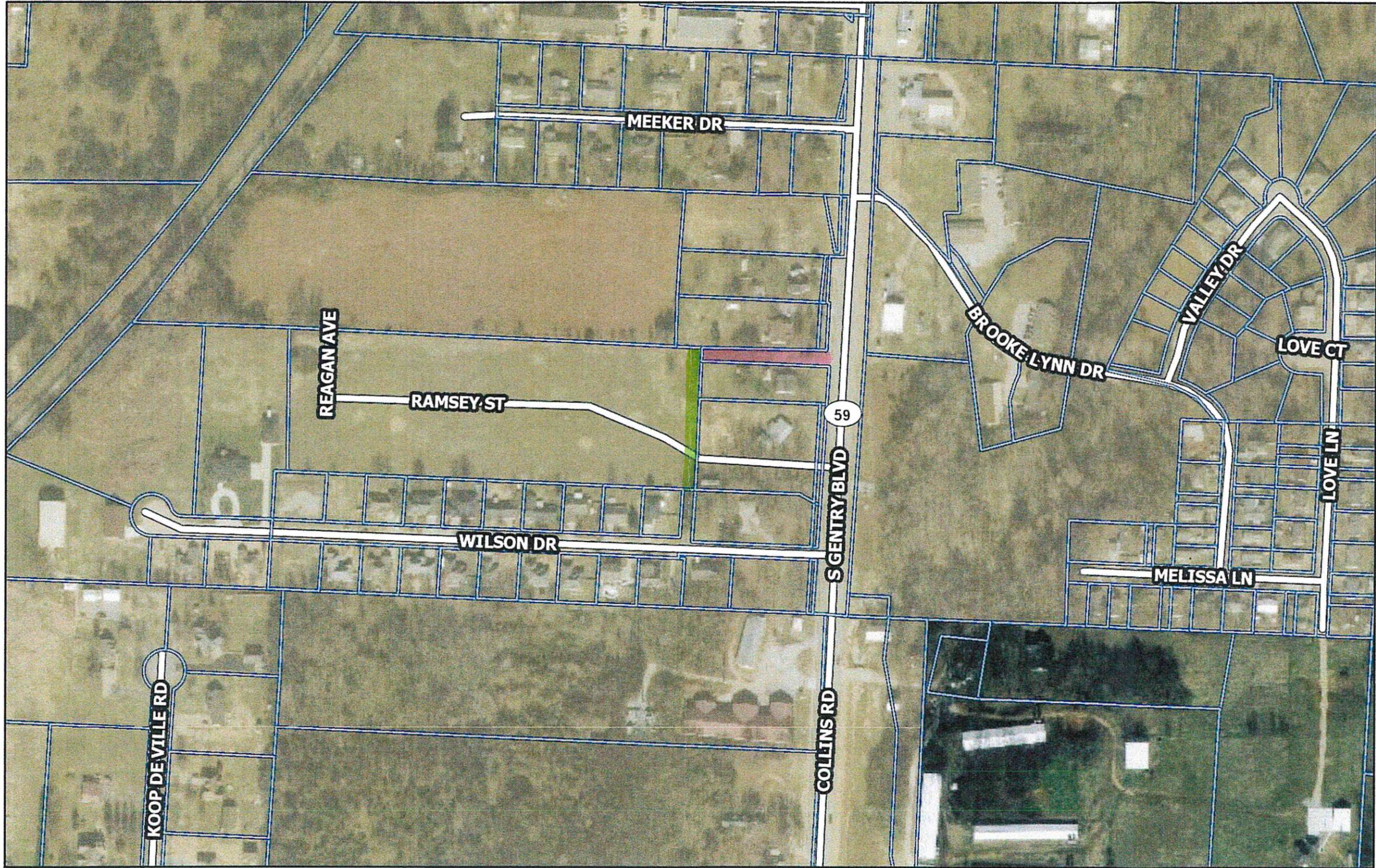

Signature _____ Date 2/2/2020

Alan and/or Cheryl Lutz
1345 S Gentry Blvd
Parcel: 10-00146-001

Signature _____ Date _____

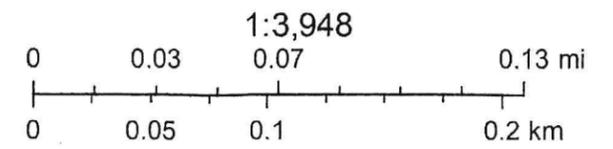
RLP Developments, LLC
1415 S Gentry Blvd
Parcels: 10-00148-000
And 10-00678-000


Signature _____ Date _____



February 28, 2020

- | | | | | | |
|----------------|-------------|-------------|----------------|-------------|----------|
| graphicsLayer0 | Streets | Cities | BENTONVILLE | CENTERTON | GARFIELD |
| Parcels | Major Roads | AVOCA | BETHEL HEIGHTS | DECATUR | GATEWAY |
| Major Roads | | BELLA VISTA | CAVE SPRINGS | ELM SPRINGS | GENTRY |



ORDINANCE NO. _____

CITY OF GENTRY, ARKANSAS

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF RUSTIC RIDGE
SUBDIVISION, GENTRY, ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, the Final Plat of Rustic Ridge Subdivision, Gentry, Benton County, Arkansas, has been submitted to the Gentry Planning Commission for consideration, and the Planning Commission has recommended conditional approval of the Final Plat, in accordance with the provisions of the City of Gentry's Municipal Code;

WHEREAS, the conditions of approval stipulated by the Planning Commission included:

- (1) provision of a copy of any restrictive covenants to the City by 12:00 p.m. February 21, 2020;
- (2) attachment of the separate Engineering Certification for recording purposes; and (3) vacation of a platted street running North and South through the Subdivision;

WHEREAS, said conditions have been satisfied, and

WHEREAS, the Final Plat is attached hereto as Exhibit "A", and incorporated herein by reference as if set forth word for word.

NOW THEREFORE, be it Ordained by the City Council for the City of Gentry, Arkansas:

Section 1: The Final Plat of Rustic Ridge Subdivision, Gentry, Benton County, Arkansas, as shown on the Plat attached hereto as Exhibit "A", and incorporated herein by reference as if set forth word for word should be and is hereby accepted and approved.

Section 2: The Mayor and Director of Finance are hereby authorized and directed to evidence the acceptance of said Plat by certifying said acceptance on the approved Plat or by attaching a copy of this Ordinance to the Plat for recording.

PASSED and APPROVED in regular session this 2nd day of March 2020.

Kevin D. Johnston, Mayor

Attest:

Tonya Carney, Director of Finance

RESOLUTION NO. _____

CITY OF GENTRY, ARKANSAS

RESOLUTION FIXING APRIL 6, 2020 FOR HEARING
PETITION TO VACATE NORTH MANOR DRIVE

WHEREAS, a Petition to Vacate North Manor Drive has been filed with the City of Gentry with respect to a platted street within the City of Gentry, Arkansas, said street being described as:

A road right-of-way known as North Manor Drive, being more particularly described as commencing at an existing one inch (1") pipe, marking the Southwest Corner of Lot 2, Moongate Estates, thence by bearing and distance the following courses: North 03°00'50" East along the West line of Lot 2, a distance of 90.19 feet to the South right-of-way of North Manor Drive and the Point of Beginning; thence North 03°00'50" East a distance of 35.15 feet to the North line of Deed Book 368 Page 93 and the North right-of-way of North Manor Drive; thence along said North Deed Line and North right-of-way, South 87°54'17" East a distance of 289.66 feet to the Westerly right-of-way of AHTD Job No. 090154; thence along said West right-of-way line, South 05°11'55" West a distance of 35.24 feet to a two and one-half inch (2 ½") aluminum monument stamped Arkansas Highway Transportation Department PS 883 being on the South right-of-way of North Manor Drive; thence continuing along the South right-of-way of North Manor Drive, North 87°53'42" West a distance of 288.31 feet to the point of beginning. Containing .23 Acres +/-.

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Gentry:

- Section 1. Said Petition to Vacate shall be set for public Hearing on the 6th day of April, 2020, at 6:30 p.m.; and
- Section 2. The City Clerk shall give notice of the meeting by publication once a week for two (2) consecutive weeks in some newspaper published in the county and having a general circulation in the City.

PASSED, APPROVED AND ADOPTED THIS 2nd day of March 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

PETITION TO VACATE

Which is described as follows:

Petition to Vacate a Street Right of Way located at 1359 S Gentry BLVD in the City of Gentry, Arkansas.

Dear Gentry City Council,

We, the undersigned, being all of the owners of the real estate of or adjacent to the Street Right of Way to be vacated hereinafter sought to be abandoned and vacated, lying in Gentry, Arkansas, petition to vacate a Right of Way which is described as follows:

Legal Description of area to be vacated: See attached Exhibits.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described Street Right of Way.

The petitioners recommend that the City of Gentry, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

Jason and/or Allison England
1359 S Gentry Blvd
Parcel 10-00676-000

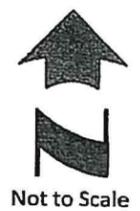
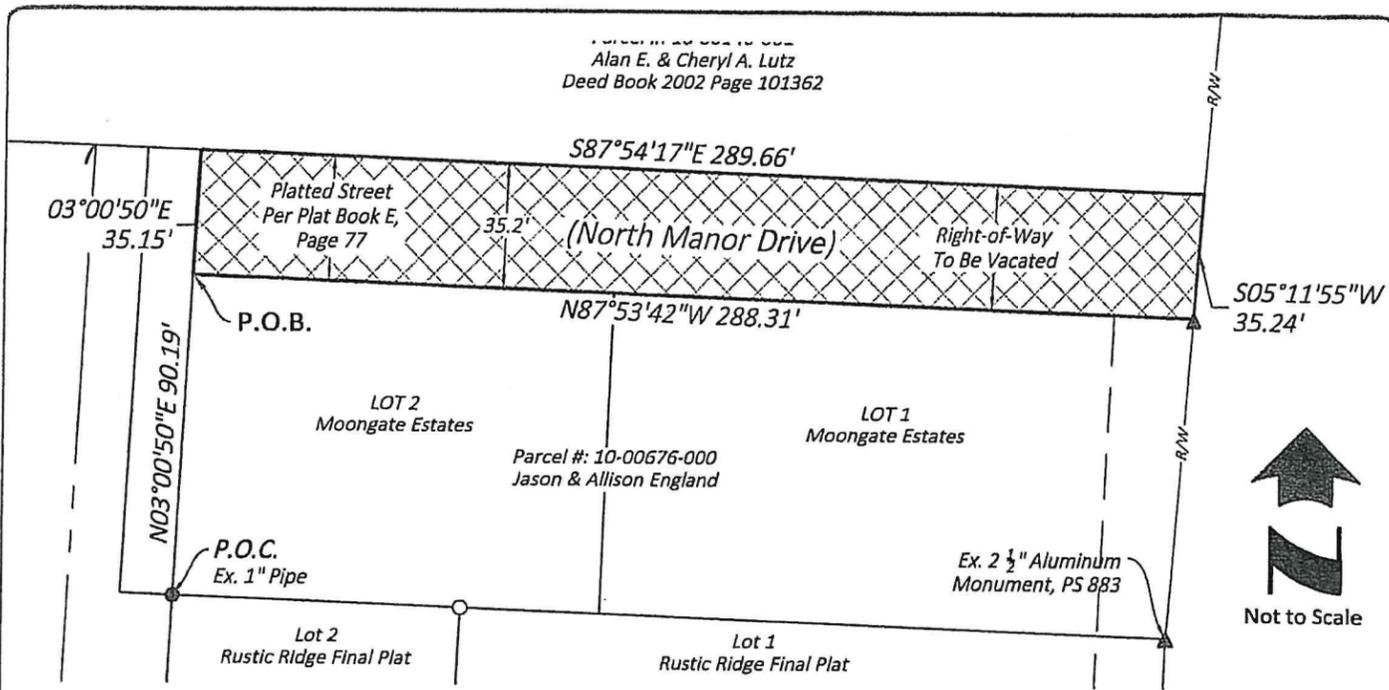

Signature

2/25/2020
Date

Alan and/or Cheryl Lutz
1345 S Gentry Blvd
Parcel:10-00146-001


Signature

2/26/2020
Date



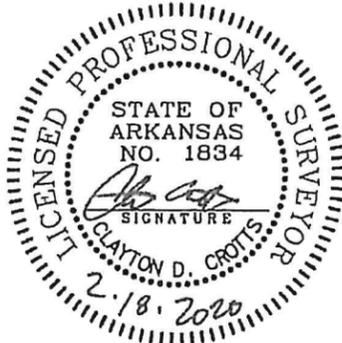
Right of Way Vacation - North Manor Drive

A road Right of Way depicted as North Manor Drive being part of Deed Book 368 Page 93 and also being a part of the record Plat of Moongate Estates, Plat Book E Page 77 filed for record September 30, 1964 , being more particularly described as follows:

Commencing at an existing one inch (1") pipe, marking the Southwest Corner of Lot 2, Moongate Estates, thence by bearing (basis of bearing, Grid North) and distance the following courses: North 03°00'50" East along the West line of Lot 2, a distance of 90.19 feet to the South Right of Way of North Manor Drive and the **Point of Beginning**; thence North 03°00'50" East a distance of 35.15 feet to the North Line of Deed Book 368 Page 93 and the North Right of Way of North Manor Drive; thence along said North Deed Line and North Right of Way, South 87°54'17" East a distance of 289.66 feet to the Westerly Right of Way of AHTD Job No. 090154; thence along said West Right of Way Line, South 05°11'55" West a distance of 35.24 feet to a two and one-half inch (2 1/2") aluminum monument stamped Arkansas Highway Transportation Department PS 883 being on the South Right of Way of North Manor Drive; thence continuing along the South Right of Way of Manor Drive, North 87°53'42" West a distance of 288.31 feet to the **Point of Beginning**. Containing .23 Acres +/-

LEGEND

- Boundary Line
- Adjacent Boundary Line
- Right-Of-Way Line
- Easement Line
- Area of R/W to be Vacated



Not A Survey

MORRISON SHIPLEY
 2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.273.2209 • MORRISONSHIPLEY.COM

EXHIBIT "A"
RIGHT-OF-WAY VACATION
 Gentry, Benton County, Arkansas

Drawn By	TBL
Date	02.06.2020
Project No.	RLP-19
Drawing Name	EXHIBIT

RESOLUTION NO. _____

CITY OF GENTRY, ARKANSAS

**A RESOLUTION AMENDING SECTIONS 1.3, 3.2, 3.3, 3.5, AND 6.2
OF THE CITY OF GENTRY PERSONNEL HANDBOOK**

WHEREAS, the City of Gentry has previously adopted by Resolution its Personnel Handbook; and

WHEREAS, the Council now desires to revise certain provisions of said Handbook, as listed below;

NOW THEREFORE, be it resolved by the City Council of the City of Gentry that, effective immediately, the City of Gentry Personnel Handbook is hereby amended and supplemented as indicated (deletions are stricken through; additions are underlined):

Section 1.3 Definitions

...
RETIREMENT ELIGIBILITY- ~~20 or more years of full-time service to the City leaving the work force at the minimum retirement age recognized by social security. Age 55 or older with 20 or more years of full-time service to the City; or otherwise eligible under the criteria set by the Arkansas Local Police and Fire Retirement System or the Arkansas Public Employees Retirement System.~~

...

Section 3.2 Authority to Hire and Fire

In accordance with Arkansas law, department heads of the City serve at the will of the Mayor. *See* Ark. Code Ann. § 14-42-110. Other City employees shall be fired by the Mayor and the Department Head for a particular employee. Hiring will be by the Mayor and the Department Head for a particular employee, ~~with the concurrence of the Personnel Committee.~~

Section 3.3 Job Posting and Advertising

An application or resumé for employment will be accepted from anyone who wishes to apply for employment ~~on forms provided by the City.~~ Application forms are available in City Hall. All information provided on the application must be true and correct, with the provision of Providing false information being is grounds for being eliminated ion of from consideration for hiring and/or dismissed ~~al~~ from City employment.

In the event of a job opening, the position or positions open will be announced and posted at City Hall at least ~~ten (10)~~ five (5) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to City Departments and as deemed appropriate, to public and private employment agencies, local newspapers and other sources that might recruit applicants.

...

Section 3.5 Post-Offer Pre-Employment Physicals

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a permanent, non-office employment position. Such examinations shall be paid for by the City. ~~The examinations, and shall be performed by a licensed physicians medical professional~~ selected by the City. A summary report of the examining ~~physieian~~ medical professional shall be provided to the HR Representative/Department Supervisor ~~Department Head and/or the Mayor, as to indicating whether the applicant can perform the job sought; whether and what, if any, restrictions are necessary; and to determine stating any necessary required work restructuring or accommodations.~~ Although the ~~physieians~~ medical professional may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, the ~~physieian~~ medical professional's determinations are only recommendations; final authority to hire rests with the City. Only in cases of emergency may an applicant begin work prior to the ~~post-employment job offer~~ medical examination, but any employment is subject to the applicant's passing such examination.

All rReports and records of all physical, psychological and mental exams shall be kept in ~~the offices of the physicians medical professional or mental health practitioners with only a summary report provided to the Department Head and/or Mayor, to be kept in~~ a confidential file apart from the individual's personnel file. The City may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second-injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the ~~City Government.~~

Section 6.2 Uniforms and Personal Appearance

~~Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Department Head.~~ Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor or department head. All employees who interact with the public outside a City-owned facility should be easily identifiable as City employees by their attire, i.e., clothing with logos or badges.

PASSED, APPROVED AND ADOPTED THIS 2nd day of March 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

ORDINANCE NO. _____

CITY OF GENTRY, ARKANSAS

**AN ORDINANCE ESTABLISHING AN UPDATED DRUG-FREE
WORKPLACE POLICY; REPEALING INCONSISTENT
ORDINANCES; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, the City Council of the City of Gentry finds that there is a need to update the City's Drug-Free Workplace Policy;

NOW THEREFORE, be it ordained by the City Council of the City of Gentry:

Section 1: The attached Drug-Free Workplace Policy is hereby adopted.

Section 2: This Ordinance supersedes all prior Ordinances, Resolutions, policies, or provisions of the City Code that may conflict with the provisions of this Ordinance.

Section 3: Emergency. Given the recent legalization and commencement of commercial sales of medical marijuana in Arkansas, and the uncertainty surrounding the legality of use of medical marijuana by City employees and job applicants, the Council finds that this Ordinance is necessary for the immediate protection of the public peace, health and safety of the citizens of the City of Gentry, Arkansas, and shall take effect immediately on its passage and approval.

PASSED and APPROVED in regular session this 2nd day of March 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

CITY OF GENTRY DRUG-FREE WORKPLACE POLICY

1. Purpose of Policy.

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

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

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

2. Policy Statement.

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

3. Safety-Sensitive Positions Defined.

(a) "Safety-sensitive position" means any position in which a momentary lapse of attention may result in grave and immediate danger to the public or other persons, including without limitation, a position that requires or regularly involves any of the following activities:

- (1) Carrying a firearm;
- (2) Performing medical or first-aid procedures;
- (3) Operating, repairing, maintaining, or monitoring heavy equipment, machinery, or motor vehicles;
- (4) Working with hazardous or flammable materials, controlled substances, food, medicine, drinking water, or wastewater; or
- (5) Working with confidential information or documents pertaining to criminal investigations or cases.

(b) "Safety-sensitive position" also means any position involving a safety-sensitive function as defined by the United States Department of Transportation regulations or by any other rules, guidelines, or regulations adopted by any other federal or state agency.

4. Drug-Free Awareness Program/Education and Training.

The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

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

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

5. Prohibited Substances/Legal Drugs/Unauthorized Items.

- (a) Prohibited Substances. Alcoholic beverages and drugs (including medical marijuana) are considered to be prohibited substances in the workplace (including when in the field), in a City vehicle, or during work hours. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812, and the regulations promulgated thereunder, as defined in the Uniform Controlled Substances Act, Ark. Code Ann. § 5-64-201 *et seq.*, or as defined by federal and state law), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician.
- (b) Legal Drugs. The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully. The overmedication, inappropriate consumption, or mistreatment of prescription drugs approved by the employee's physician is considered to be the abuse of "drugs" as stated in Section 5(a) of this Policy.
- (c) Unauthorized Items. Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

6. Use of Alcohol and Drugs/Prohibited Conduct.

All employees covered under this policy are subject to the following requirements regarding the use of alcohol and drugs (controlled substances):

- (a) Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04% or greater. Employees who are found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test, and shall be subject to the disciplinary rules in Section 11.
- (b) Employees shall not consume alcohol while on duty.
- (c) Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- (d) Employees shall submit to all authorized drug or alcohol tests.
- (e) Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except for prescription drugs, when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

- (f) Employees shall report to their immediate supervisor the use of any medically prescribed drug or other substance that impairs the employee's ability to perform the essential functions of his or her job in a safe manner, without posing a threat to the safety and health of the employee or others. Employees shall also provide proper written medical authorization to work from a physician, if requested. It is the employee's responsibility to determine whether a prescribed drug or other substance impairs his or her ability to perform the essential functions of his or her job in a safe manner, without posing a threat to the safety and health of the employee or others. Failure to report the use of such drug or other impairing substance or failure to provide proper evidence of medical authorization upon request may result in appropriate disciplinary action.
- (g) Employees shall not abuse, knowingly overmedicate, inappropriately consume, or otherwise mistreat any prescription drugs approved by the employee's physician.
- (h) Employees shall not possess, smoke, ingest, or otherwise use medical marijuana while on City premises or while on duty, regardless of whether he or she possesses a medical marijuana card.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or at lunch, and whether or not performing safety-sensitive functions.

7. Under the Influence.

The term "under the influence" means demonstrating symptoms of the current use of drugs or alcohol that may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety. These can include:

- (a) Variations in an employee's manner of speech, walking or standing; physical dexterity; agility; coordination; actions; movement; demeanor; appearance; clothing; odor; or manifestation of other irrational or unusual behavior by the employee;
- (b) Negligence or carelessness in operating equipment, machinery, or production or manufacturing processes;
- (c) A disregard for the safety of the employee or others;
- (d) Involvement in an accident that results in:
 - (i) Damage to equipment, machinery, or property;
 - (ii) Disruption of a production or manufacturing process; or
 - (iii) An injury; or
- (e) Other symptoms causing a reasonable suspicion that the current use of drugs or alcohol is negatively impacting the performance of the job duties or tasks or constitutes a threat to health or safety of others.

The determination of whether an employee is under the influence of medical marijuana will not be based solely on the results of a drug test. Additional factors will be considered in making a determination, including (but not limited to) the following: observed conduct, behavior or appearance; information reported by a person believed to be reliable, including a report by a person who witnessed the use or possession of medical marijuana or medical marijuana paraphernalia by an applicant or employee in the workplace; lawful video surveillance; statements from the employee or other persons; printed materials that may accompany medical marijuana; information from a physician, medical review officer, or dispensary; records of government agencies, law enforcement or the courts; information from reputable reference sources in print or on the internet; and any other information reasonably believed to be reliable or accurate, including information obtained as a result of an accident or injury of any type.

8. Use of Medical Marijuana Prohibited for Employees in Safety-Sensitive Jobs.

Any employee who is or is about to become a current user of medical marijuana and whose job is classified as safety-sensitive by the City must disclose his or her current or upcoming use immediately to Human Resources. The employee need not disclose the reason why he or she was issued a medical marijuana certification or anything about his or her underlying medical condition, unless required for other reasons. The employee must provide his or her current medical marijuana certification card to Human Resources in order that a copy be made for the employee's medical file. If a new certification card is issued, the employee must provide it as well.

Current users of medical marijuana will normally be excluded from safety-sensitive jobs. If feasible, the City will attempt to accommodate employees in safety-sensitive roles who are or are about to become current users of medical marijuana. If an accommodation is not feasible, employees may be terminated, although they will be considered eligible for rehire.

Applicants (internal or external) for safety-sensitive jobs who are current users of medical marijuana pursuant to a certification must disclose their status only if they receive a conditional offer of employment from the City. Applicants with a certification who are current users of medical marijuana will be disqualified from any safety-sensitive jobs, but will be considered eligible to apply for available non-safety-sensitive jobs. Further, these applicants will not be considered ineligible for safety-sensitive jobs in the future when they are no longer a current user of medical marijuana.

Any applicant for a position at the City (safety-sensitive or not) who is under the influence of medical marijuana during the application process will be disqualified from consideration. This determination will be made by the hiring manager and/or Human Resources based on the factors listed in Section 7 above.

9. When Drug and Alcohol Testing May Be Required of All Employees.

Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- (a) When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs.

For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor, City official, or other City employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use. When possible a second managerial employee should also observe the employee to verify that there is reasonable suspicion to believe that drug consumption may be involved. A summary of the facts supporting any determination of drug/alcohol use shall be documented in writing by the supervisor or management official within 24 hours.

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

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

reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on a substance abuse professional's recommendations.)

- (g) When any prohibited drug or alcoholic beverage, is found in an employee's possession.
- (h) When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

10. When Drug and Alcohol Testing May Be Required of Employees in Safety-Sensitive Jobs

Employees in (and applicants for) safety-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- (a) When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- (b) Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. § 31306 and implementing regulations to the extent that it is lawful and feasible to do so. Further guidance can be found in *The Omnibus Transportation Employee Testing Act of 1991 - Steps to Compliance for Arkansas Municipalities*, published by the Arkansas Municipal League.

11. Disciplinary Action.

Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

- (1) Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
- (2) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch.
- (3) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in

City vehicles, during breaks or at lunch.

- (4) Any criminal drug statute conviction and/or failure to notify the City of such conviction within five days.
- (5) Refusal to cooperate in a search.
- (6) Having an alcohol concentration of 0.04% or greater in any authorized alcohol test.
- (7) Testing positive for drugs and/or their metabolites in any authorized drug test (except that employees authorized to use medical marijuana under the Arkansas Medical Marijuana Amendment are not subject to discipline solely because of a positive test for marijuana).

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

12. Employment Status Pending Receipt of Test Results.

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

13. Voluntary Drug and Alcohol Rehabilitation.

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

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

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

above. However, the City shall have the following rights in such a situation:

- (1) The employee may be required to enroll in and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program, and remain drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the City will not be responsible for financial obligations associated with treatment.
- (2) If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program, and provide the City with the results of such tests. The employee must also provide the City with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests will result in discipline up to and including termination.)
- (3) The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the City's discretion, for a period of up to 24 months.

City of Gentry

Drug And Alcohol Compliance Testing Reasonable Suspicion Verification Form (Non-CDL)

Employee Name: _____

Social Security Number: _____

City of: _____ Department: _____

Observation

Date: _____ Time (from _____ am/pm to _____ am/pm)

Location: _____ / _____ / _____ / _____
Street City State Zip

The above-named employee was observed by me to exhibit the following:

Behavior: (Speech)

Normal Incoherent Slurred Confused Slowed

Other: _____

Awareness:

Normal Confused/Disoriented Mood Swings

Unusually Aggressive Behavior Drowsiness or Sleepiness

Other : _____

Appearance and/or Odors:

Normal Disheveled/Unkept Dilated/Constricted Pupils Dry Mouth Symptoms

Puncture Marks Alcohol on Breath Flushed Bloodshot Eyes Profuse Sweating

Tremors Runny Nose/Sores

Other: _____

Motor Skills:

Lack of Coordination/Falling, Swaying, Staggering, Stumbling

Unexplained Work-related Accident or Injury Unsafe Actions

Other: _____

Were drugs or drug paraphernalia observed? Yes No

Other Observed Actions or Behavior (Specify): _____

In my opinion, this behavior is interfering with the above-named employee's ability to perform his/her duties.

*
Supervisor's Signature _____ Date/Time _____

Witness _____ Date/Time _____

Mayor/Personnel Director Contacted _____ Date/Time _____

City Attorney Contacted _____ Date/Time _____

* By signing this form, I further certify that I have received a minimum of one hour training in both alcohol use and controlled substance abuse in accordance with Federal Motor Carrier Safety Regulations, Title 49, C.F.R. Part 40, Section 382.603.

City of Gentry

Sample Informed Consent And Release Of Liability

DOCUMENT FOR USE WITH DRUG OR ALCOHOL TESTING (NON-CDL)

Informed Consent and Release of Liability

I UNDERSTAND that according to the City of Gentry's Drug and Alcohol Policy, which I have read and understand, I may be required to undergo testing procedures, including, but not limited to, urine, saliva, hair or blood analysis, or breath testing.

THE PURPOSE of this testing is to determine the absence or presence of drugs or alcohol.

I CONSENT freely and voluntarily to any such drug and alcohol testing that the City conducts pursuant to its Drug and Alcohol Testing Policy. I hereby release and hold harmless the City of Gentry and its employees and agents from any liability whatsoever arising from its drug testing program.

I UNDERSTAND a documented chain of specimen custody exists to ensure the identity and integrity of my specimens throughout this collection and testing process.

I UNDERSTAND that refusal to submit to any required test without a valid medical explanation may result in immediate discharge from my employment. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

Applicant/Employee (Print name)

Social Security Number

Signature

Date

Badge Number

Parent/Guardian (for minors, print name)

Parent/Guardian Signature

Witness

(Print name)

Position

Signature

Date

ORDINANCE NO. _____

CITY OF GENTRY, ARKANSAS

AN ORDINANCE ADOPTING A CATASTROPHIC LEAVE BANK PROGRAM FOR CITY EMPLOYEES; AND FOR OTHER PURPOSES

WHEREAS, Arkansas Code Annotated § 14-42-122 authorizes cities of the first class to develop, implement, and maintain a catastrophic leave program;

WHEREAS, the City Council finds it desirable to implement such a program;

NOW THEREFORE, be it ordained by the City Council of the City of Gentry:

Section 1: The attached Catastrophic Leave Bank Policy is hereby adopted. The City Finance Director shall incorporate the Policy into the City's Personnel Handbook in an appropriate location.

Section 2. This Ordinance supersedes all prior Ordinances, Resolutions, policies, or provisions of the City Code that may conflict with the provisions of this Ordinance.

PASSED and APPROVED in regular session this 2nd day of March 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

City of Gentry Catastrophic Leave Bank Policy

- 1) **Purpose.** The Catastrophic Leave Bank Program (the "Program") assists eligible City employees who have exhausted all other paid leave in dealing with catastrophic injuries or illnesses incurred by them or eligible family members. The Program does not create an expectation or promise of continued employment with the City and is intended simply to help employees handle qualifying emergencies.
- 2) **Definitions.**
 - a) Catastrophic Leave Bank - A pool of accrued annual and sick leave voluntarily donated by City employees that may be approved for use by employees who meet the eligibility requirements.
 - b) Catastrophic Illness or Injury – A serious illness or injury suffered by an employee, spouse of an employee, parent of an employee, or minor child of an employee, as certified by a physician, which requires an employee's absence from duty for a prolonged period of time and which, except for the Program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick, annual, holiday and compensatory leave. Elective procedures do not qualify for catastrophic leave, although complications related to an elective procedure may qualify for catastrophic leave.
- 3) **Eligibility.** An employee may be eligible to receive catastrophic leave donations under the Program if the employee:
 - a) Is a full-time employee of the City;
 - b) Has been employed by the City for at least one (1) year;
 - c) Has exhausted all available sick, annual, holiday and compensatory leave time;
 - d) Provides an acceptable medical certificate from a physician supporting the absence and including an approximate date of return;
 - e) At the onset of the illness or injury, had to his or her credit at least eighty (80) hours of combined sick and annual leave. (This requirement may be waived for an otherwise eligible employee if an "extraordinary circumstance" is declared by a Department Head.);
 - f) Has not been disciplined or counseled for an abuse of leave during the immediately preceding five (5) years; and

g) Is not applying for catastrophic leave as a result of an illness or injury that is covered by workers' compensation benefits under applicable law.

4) Donations. Donations of leave shall be made using the City's Catastrophic Leave Donation form, in conformity with the following requirements:

- a) Accrued leave may only be donated in one-hour increments, unless the donating employee is terminating his or her employment.
- b) Employees may only donate accrued sick or annual leave.
- c) Donations may not reduce the donating employee's accrued sick and annual leave balance to less than forty (40) hours, unless the employee is terminating his or her employment.
- d) All donations are final, and may not be reversed.
- e) Donations shall be made generally to the Catastrophic Leave Bank, and cannot be designated for any specific recipient.
- f) Donations of leave are not tax deductible.

5) Applications. Applications for Catastrophic Leave shall be made using the City's Catastrophic Leave Application form, and include a signed statement from a physician listing the diagnosis and prognosis for the applicable catastrophic illness or injury, as well as the employee's projected return-to-work date.

6) Administration of the Program.

- a) Upon submission of a completed application for catastrophic leave to the City Human Resources Director, the application shall be forwarded to the Catastrophic Leave Committee, which shall be composed of the Department Heads of the City of Gentry.
- b) The Committee will review all catastrophic leave requests on a first-filed, first-reviewed basis, ensure that all eligibility requirements are met, and decide, by vote of a majority of the members, whether to grant the request, grant the request in part, or deny the request.
- c) Committee members shall maintain the confidentiality of information submitted in connection with a catastrophic leave request.
- d) In reviewing requests for catastrophic leave, the Committee shall consider, among other things:

- i) Existence of a bona fide, serious medical condition meeting the definition of a catastrophic illness or injury;
 - ii) Employee's longevity of service, attendance, and prior leave usage;
 - iii) Effect of the employee's absence on his or her department; and
 - iv) Length of requested leave.
- e) The Committee may request additional information from the applicant or a second physician's certification when it deems such information to be necessary or helpful to its determination.
- f) An employee may appeal an adverse determination by the Committee to the Mayor, who shall make a final decision on the application for catastrophic leave.
- g) Catastrophic leave will only be awarded if leave is available in the Catastrophic Leave Bank.
- h) No employee shall be eligible for approved catastrophic leave in excess of three (3) months. The employee has the option of reapplying for additional leave at the conclusion of the period of approved catastrophic leave.
- i) No employee will be eligible for catastrophic leave beyond the effective date of long-term disability or Social Security disability benefits, whichever comes first.
- j) Catastrophic leave shall not be awarded retroactively.
- k) Employees on catastrophic leave will not accrue vacation, sick or holiday leave, but will continue to receive other benefits, including City contributions to insurance and retirement. Employees on catastrophic leave will also continue to receive their normal rate of pay.
- l) Employees shall use accrued vacation and/or sick leave concurrently with FMLA leave. Persons on FMLA leave who have exhausted paid leave and meet other eligibility criteria may apply for catastrophic leave. If approved for catastrophic leave, such leave (as with other forms of paid leave) runs concurrently with the eligible employee's FMLA leave.
- m) In the event that an employee on catastrophic leave is terminated, retires, dies, or returns to work prior to the expiration of previously approved catastrophic leave time, all unused catastrophic leave shall be returned to the Catastrophic Leave Bank.

- n) An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved/granted catastrophic leave. Nothing, however, shall prevent the City from accepting satisfactory reasons provided by the employee, in advance of the date the employee is scheduled to return to work, and from granting leave without pay status to an employee prior to or after the expiration of such catastrophic leave if, in the view of the Department Head, such action is warranted.
- o) Alleged abuse of the Program shall be investigated, and in the event of a finding of wrongdoing, the employee shall repay all of the leave hours awarded from the Program and shall be subject to such other disciplinary action as is determined by the participating Department Head.

7) **Record-keeping.** The City Human Resources Director shall track the following in connection with the Program:

- a) The amount of leave donated by each employee;
- b) The amount of catastrophic leave awarded to each applicant; and
- c) Any other such data as required for effective operation of the Program.

8) **Prohibition of Coercion or Penalties.** An employee shall not, directly or indirectly, intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another employee with respect to donating, receiving or using catastrophic leave. No employee shall be penalized for his or her decision to donate, not donate, or use catastrophic leave.

City of Gentry, Arkansas

**Catastrophic Leave Bank Program
Donation Form**

INSTRUCTIONS: Complete and sign Part I, then forward to the City Human Resources Department.

Accrued leave may be donated in one-hour increments only. Donations must not decrease your combined annual and sick leave balance below forty hours, except upon termination or retirement.

Part I *(To be completed by the donor employee)*

Name of Donor: _____ Employee ID No. _____

Department: _____ Title: _____

Annual Leave Hours Donated: _____ Sick Leave Hours Donated: _____ Total Donation: _____

CERTIFICATION

1. I certify that: I am making this donation entirely of my own free will and that no attempts have been made to intimidate, threaten or coerce me to donate leave.
2. I understand that I have no right under any circumstances to have any of the donated leave restored to my accrued annual or sick leave.
3. This leave time donation will not reduce my combined annual and sick leave balance to less than forty (40) hours (except upon termination or retirement).

Signature of Donor: _____ Date: _____

Part II *(To be completed by Human Resources Department)*

Donor's Employment Status: Full-Time Retirement Termination

Donation approved: Yes No

Total Leave Hours Donated to Catastrophic Leave Bank: _____ Effective Date: _____

Annual Leave Balance After Donation: _____ Sick Leave Balance After Donation: _____

Notes:

Reviewer Name: _____ Signature: _____ Date: _____

City of Gentry, Arkansas
**Catastrophic Leave Bank Program
Application Form**

Instructions: Complete Parts I and III of the Application Form, attach all appropriate documentation, including a Physician's Certification, and submit to Human Resources.

Note: An award of catastrophic leave is a discretionary decision of the Catastrophic Leave Committee, and is awarded in accordance with the City of Gentry's Catastrophic Leave Bank Policy. Leave will not be awarded retroactively, if there are insufficient hours available in the Catastrophic Leave Bank, or if the eligibility requirements are not met. This program does not create any expectation of continued employment.

Part I - Application & Certification *(To be completed by the applicant employee)*

Name of Employee: _____ Employee ID Number: _____

Home Address: _____ Home/Cell Phone: _____ Email: _____

Is this Catastrophic Leave for: Yourself OR Immediate Family Member _____ (relationship)

Brief description of qualifying catastrophic illness/injury: _____

Date of onset of illness/injury: _____ Hours of Catastrophic Leave Requested *(in one-hour increments)*: _____

Requested Duration of Catastrophic Leave: Beginning Date: _____ Projected End Date: _____

Certification:

- I certify that:**
- (1) I/my immediate family member has suffered a catastrophic illness/injury, described in the attached Physician's Certificate.
 - (2) I have or will have exhausted all annual, sick, holiday leave and compensatory time as of requested start date above.
 - (3) I expect to be absent from duty without paid leave because of this medical emergency.
 - (4) I have reviewed and understand the City's Catastrophic Leave Bank Policy.
 - (5) I had accrued at least eighty (80) hours combined sick and annual leave at the onset of the catastrophic illness/injury.

Signature: _____ Date: _____

Part II - Personnel/Payroll Verification *(To be completed by Human Resources Department)*

Full Time? Yes No Hire Date: _____ Applicant Title: _____

Date Leave Exhausted: _____ Hours of sick leave/annual leave accrued as of onset date: _____

Has the employee previously been disciplined for abuse/misuse of leave? Yes No

Workers' Comp Status: **Applied?** Yes No **Approved?** Yes No **Pending?** Yes No **Denied?** Yes No

FMLA Leave status: **Applied?** Yes No **Approved?** Yes No **Pending?** Yes No **Denied?** Yes No

Notes: _____

Signature of Authorized HR Staff: _____ Date: _____

For use by Catastrophic Leave Committee:

Non-medical eligibility requirements met? _____

Qualifying medical condition present? _____

Other factors considered: _____

Determination: Approve Deny **Hours Awarded:** _____

