

ORDINANCE NO. 2023-13

**AN ORDINANCE OF THE CITY OF FAIRFIELD BAY,  
ARKANSAS, APPROVING  
EMPLOYMENT OF SPOUSE  
OF DEPARTMENT HEAD  
AT ANIMAL CONTROL  
OF THE CITY OF FAIRFIELD BAY;  
DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES**

WHEREAS, The State of Arkansas prohibits any City from undertaking certain official government activities with public servants, which includes public appointees, public employees, and public officials, “that are not available to others except as may be otherwise provided by law” in accordance with Ark. Code Ann. § 21-8-304(a); and

WHEREAS, the City has chosen to create a new department, the Department of Animal Control, where the current Department Head has been retained in the newly-created position, at the same rate of pay as she previously had, and now seeks to authorize the continued employment of her spouse, who has been in the position while reporting to a different Department head; and

WHEREAS, a spouse of a Department Head and would not be qualified to work for the Department of Animal Control absent City Council authorization by Ordinance, as provided in Ark. Code Ann. § 21-8-304(a); and


WHEREAS, the Mayor, the City, the Recorder-Treasurer, and the Animal Control Department head now ask the City Council to review and approve the retention of Stephen Vicnair as a full-time support-staff employee at the Animal Control Department for the City of Fairfield Bay, in accordance with the previously-approved Budget, as amended from time to time, and further as authorized by Ark. Code Ann. § 21-8-304(a);

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:**

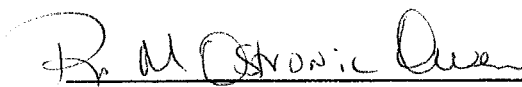
1. This Ordinance is NOT TO BE CODIFIED as it will not be part of the Municipal Code.
2. NOT TO BE CODIFIED: The City Council has had ample opportunity to review the issues, and has inquired about the creation of a new department, and the issues with the creation of a new department.

3. **NOT TO BE CODIFIED:** The City hereby RATIFIES, CONFIRMS, AND APPROVES the retention of Stephen Vicnair as a full-time employee at the Animal Control Department, at his current rate of pay, as an at-will full-time employee. Mr. Vicnair shall report to the Animal Control Department Head.
4. **NOT TO BE CODIFIED:** The City hereby APPROVES the Mayor's authority to retain Stephen Vicnair, as a full-time at-will employee, at the same hourly rate of pay as previously-approved support staff for Animal Control, provided that his hourly pay falls within the previously-approved Budget for the City of Fairfield Bay. Hourly pay shall not be increased without approval of the City Council by Ordinance.
5. **NOT TO BE CODIFIED:** The City further stipulates and directs that the authority set forth herein shall expire on December 31, 2023, at midnight; the authority set forth herein requires a separate Ordinance for extension, if the next Budget Ordinance continues to authorize the position, and the pay rate.
6. **NOT TO BE CODIFIED:** The City reserves the right to terminate this authorization and approval upon passage of an appropriate Ordinance revoking this authority, provided that at least one (1) week's notice is provided to Mr. Vicnair, in advance of the repeal of this Ordinance. Nothing herein shall provide Mr. Vicnair any substantive rights: he is hired as, and shall remain, an at-will employee of the City of Fairfield Bay. The City may terminate the employment of Mr. Vicnair at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause. Likewise, Mr. Vicnair may resign from employment at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause.
7. **NOT TO BE CODIFIED: EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, and safety, that will result from the lack of sufficient support staff at the Animal Shelter, AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, IT SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON AND AFTER ITS PASSAGE.
8. **NOT TO BE CODIFIED: SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Dated this 10<sup>th</sup> Day of July, 2023.

  
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**Honorable Jackie Sikes**  
**Mayor, City of Fairfield Bay, Arkansas**

**Attest:**

  
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**Rose O. Owen, Recorder-Treasurer**

**Prepared: AJ Kelly,**  
**City Attorney**