

ORDINANCE NO. 2024-02

**AN ORDINANCE OF THE CITY OF FAIRFIELD BAY,  
ARKANSAS, APPROVING CONTINUED EMPLOYMENT OF  
ANIMAL CONTROL DEPARTMENT EMPLOYEE;  
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, there has been a 2023 change in the Department head responsible for Animal Control; and

WHEREAS, An employee of the Animal Control Department is related to the current Animal Control Department head by marriage, and would not be qualified to be hired for the position absent City Council authorization by Ordinance, as provided in Ark. Code Ann. § 21-8-304(a); and

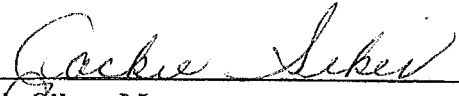
WHEREAS, the Mayor, the City, the Recorder-Treasurer, and the Animal Control Department head now ask the City Council to review and approve the continued employment of Steven Vicknair as an employee at the Animal Control Department for the City of Fairfield Bay, in accordance with the previously-approved 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:**

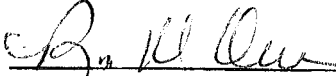
1. This Ordinance is NOT TO BE CODIFIED as it will not be part of the Municipal Code.
2. The City Council has had ample opportunity to review the issues, and has inquired about the necessity of continued employment of the long-time employee, Mr. Vicknair, since there has been a 2023 change in the person who is the head of the Department which includes Animal Control.
3. The City hereby RATIFIES, CONFIRMS, AND APPROVES the continued employment of Steven Vicknair as an employee, at the Animal Control Department, as authorized by Ark. Code Ann. § 21-8-304(a), *nunc pro tunc* to January 1, 2024.

4. The rate of pay for Mr. Vicknair shall not be increased without approval of the City Council by Ordinance.
5. The City further stipulates and directs that the authority set forth herein shall expire on December 31, 2024, 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 rate of pay.
6. 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. Vicknair, in advance of the repeal of this Ordinance. Nothing herein shall provide Mr. Vicknair any substantive rights: he is employed as, and shall remain, an at-will employee of the City of Fairfield Bay. The City may terminate the appointment of Mr. Vicknair at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause. Likewise, Mr. Vicknair may resign from the appointment at any time, for any lawful reason, or for no reason, with or without notice, and with or without cause.
7. **EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, and safety, that will result from the lack of trained employees at the Animal Control Department, 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, *nunc pro tunc* to January 1, 2024.
8. **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 8<sup>th</sup> Day of January, 2024.

  
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Jackie Sikes, Mayor  
City of Fairfield Bay, Arkansas

Attest:

  
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Rose O. Owen, Recorder-Treasurer

Prepared: AJ Kelly,  
City Attorney