

**MAYOR**

George B McGill

**ACTING CITY  
ADMINISTRATOR**

Jeff Dingman

**CITY CLERK**

Sherri Gard

**BOARD OF DIRECTORS**

Ward 1 - Jarred Rego

Ward 2 - Andre' Good

Ward 3 - Lee Kemp

Ward 4 - George Catsavis

At-Large Position 5 - Christina Catsavis

At-Large Position 6 - Kevin Settle

At-Large Position 7 - Neal Martin

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# AGENDA

**Fort Smith Board of Directors**

## STUDY SESSION

**December 9, 2025 ~ 6:00 p.m.**

**Blue Lion**

**101 North 2nd Street**

**Fort Smith, Arkansas**

**THIS MEETING IS BEING TELECAST LIVE AT THE FOLLOWING LINK:**

[https://fortsmithar.granicus.com/ViewPublisher.php?view\\_id=1](https://fortsmithar.granicus.com/ViewPublisher.php?view_id=1)

### CALL TO ORDER

### ITEMS OF BUSINESS

1. Review options regarding request of Fort Smith Cemeteries, Inc. relative to Rose Lawn, Holy Cross, and Forest Park cemeteries ~ *Rego/Good placed resolution on August 19, 2025 regular meeting agenda at the July 15, 2025 study session; Resolution tabled pending study session discussion at the August 19, 2025 regular meeting; Review continued to a later date at the September 23, 2025 study session ~ (City Administrator)*
2. Presentation of initial survey data for the City of Fort Smith Five-Year Consolidated Plan *(Community Development)*
3. Discussion regarding policy on non-consent towing procedures ~ *Director Rego requested at the October 21, 2025 regular meeting ~ (City Administrator)*
4. Review preliminary agenda for the December 16, 2025 regular meeting *(City Clerk)*

### CITIZENS FORUM

### ADJOURN



## MEMORANDUM

**TO:** Honorable Mayor & Board of Directors  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** December 2, 2025  
**SUBJECT:** Fort Smith Cemeteries, Inc.

### **SUMMARY**

A continuation of the discussion regarding Fort Smith Cemeteries, Inc. from July 15th August 19th, and September 23rd is included on the December 9 study session agenda. As indicated in previous discussions, the associated expenses for operating the additional cemeteries can vary widely based on the level of maintenance & operations planned. At a minimum, the relevant expenses associated with cutting the grass on a monthly or bi-monthly basis should be estimated at \$100,000 per year if performed by a contracted service, and this does not include performing any administrative cemetery functions related to organizing records, selling burial plots or doing interments at burial spaces. Following the Board Budget Hearing on November 17th, staff did not include a General Fund expense to operate the additional cemeteries. Should that be the direction of the Board, an expense will need to be added to the 2026 budget.

Representatives from Fort Smith Cemeteries, Inc. will be in attendance for the discussion.

### **ATTACHMENTS**

1. [Cemetery\\_Backup.pdf](#)



## MEMORANDUM

**TO:** Honorable Mayor & Board of Directors  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** September 18, 2025  
**SUBJECT:** Fort Smith Cemeteries, Inc.

### **SUMMARY**

Enclosed is a memorandum from Marty Clark, President of Fort Smith Cemeteries, Inc., proposing municipal oversight and long-term operations of Roselawn/Holy Cross, Forest Park, and Washington Cemeteries. This item was discussed at the July 15th study session and a resolution on this topic was tabled pending further study session discussion, which is on the agenda for the September 23 session.

The Board previously saw a draft budget prepared contemplating city ownership and operation of the additional four cemeteries to the same standard of care as provided at the city's existing Oak Cemetery with fully equipped and dedicated city staff. In further discussion on the matter with Fort Smith Cemeteries, Inc., scaling back the level of care expectations and contracting out much of the services may be acceptable, lowering that operating cost significantly. Exhibit B is a comparison showing the city's draft budget versus a budget proposal contemplated by Fort Smith Cemeteries, Inc.

In any case, if the city is to perform any services on these properties, the city needs to be the property owner of record. If the city agrees to accept ownership, it will be the owner, operator and caretaker of these properties forever.

Additionally, staff researched cemetery practices of other Arkansas cities as well as alternative methods of maintenance. Exhibit A is a summary of the research.

Please contact me if you have questions regarding this agenda item.

### **ATTACHMENTS**

1. [ITEM ID 2087 Cemetery\\_Backup.pdf](#)

## **MEMORANDUM**

**TO:** Board of Directors, City of Fort Smith

**FROM:** Marty Clark, President, Fort Smith Cemeteries, Inc.

**DATE:** July 15, 2025

**SUBJECT:** Proposed Municipal Oversight and Long-Term Operation of Historic Fort Smith Cemeteries

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### **I. Executive Summary**

This memorandum presents a two-part message from Fort Smith Cemeteries, Inc. (FSCI) to the City of Fort Smith. First, Vice President Ed Ralston will outline the untenable financial condition and operational breakdown of our organization. Second, I will speak to the moral, civic, and long-term rationale for the City to assume responsibility for Roselawn/Holy Cross, Forest Park, and Washington Cemeteries.

These cemeteries are of significant historic and cultural importance, and their long-term care can no longer be left to a struggling nonprofit. We believe that municipal stewardship is the only viable path forward.

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### **II. Background: Fort Smith Cemeteries, Inc.**

Fort Smith Cemeteries, Inc. was formed in 2021 as a 501(c)(3) nonprofit to rescue and stabilize three failing cemeteries previously held by private owners. Under the direction of founder Bill Wilson, the organization borrowed \$800,000 to fund immediate improvements—primarily at Roselawn/Holy Cross Cemetery. While drainage, paving, and fencing projects were completed there, little investment was made at Forest Park Cemetery.

After Mr. Wilson was diagnosed with dementia and ceased involvement in 2022, the nonprofit faced financial collapse. Equipment was misappropriated, and board members resigned. A new board, including myself, Ed Ralston, and Andy Brown, was appointed. We have since stabilized operations, negotiated debt forgiveness on \$200,000, and halted interest accrual on the remaining \$600,000 loan.

Despite these efforts, ongoing operations are unsustainable. Forest Park Cemetery, in particular, faces severe drainage and road infrastructure problems that impair use and undermine public confidence. Fundraising is nearly impossible under current conditions.

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### **III. Part I: Financial Breakdown & Municipal Path Forward (Ed Ralston)**

- The current nonprofit model cannot generate adequate revenue to sustain cemetery maintenance.
- Deferred infrastructure repairs at Forest Park total over \$150,000, with no available trust reserves.
- Perpetual Care Trusts are imbalanced; Forest Park is underfunded while Roselawn/Holy Cross has a modest trust.
- The City already operates a public cemetery and has staff and systems in place to manage these assets.
- Municipal oversight offers economies of scale, improved trust management, and reliable stewardship.

### **IV. Part II: A Moral and Civic Imperative (Marty Clark)**

- Fort Smith holds no greater duty than honoring and preserving the final resting places of its citizens.
- Public trust is eroding as disrepair threatens the dignity of our cemeteries.
- State law requires Perpetual Care Trusts to remain tied to their respective cemeteries. Upon transfer, these funds would remain active and available to the City for care and upkeep.
- We are requesting City involvement not just as a financial necessity, but as a cultural and civic obligation.
- A public transition ensures continuity, compliance with Arkansas Cemetery Law, and protection of the perpetual care principle.

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### **V. Request and Next Steps**

We are requesting the City of Fort Smith to:

1. Assume full operational responsibility for Roselawn/Holy Cross, Forest Park, and Washington Cemeteries.
2. Accept the transfer of perpetual care trust obligations and funds as regulated by Arkansas law.

3. Engage legal and accounting teams to begin transition planning and formal conveyance.
4. Develop a public-facing communication plan to assure families and stakeholders.

We look forward to presenting this proposal on July 15, 2025, and appreciate your time and commitment to the legacy and future of these sacred places.

Respectfully,

**Marty Clark**

President, Fort Smith Cemeteries, Inc.

The table below includes Arkansas cities charging a perpetual maintenance fee:

<b>Perpetual Fees</b>		
<b>City</b>	<b>Fee</b>	<b>Additional Funding</b>
Batesville	\$400 placed in Edward Jones account (interest used for maintenance)	
Little Rock	\$25 annual perpetual maintenance fee	
Jonesboro	\$650 includes plot fee, closing costs, and maintenance	Parks budget- 1 F/T employee
Paragould	\$200 plus \$50 perpetual fee up front (one time)	General Fund used for supplement
Silom Springs	\$50-\$575 fee plus \$15-\$125 perpetual fee (one time)	General Fund- 2 F/T employees
Monticello	\$500 plot fee plus \$100 perpetual fee (one time)	1 cent sales tax, 1 F/T + 1 P/T employee

The table below includes Arkansas cities not charging a perpetual maintenance fee:

<b>Other Funding Sources</b>		
<b>City</b>	<b>Funding Source</b>	<b>Additional funding</b>
Bentonville	Maintenance fees come out of annual city budget	Voluntary Maintenance fee \$1-\$3
Conway	Cemeteries privately owned; no city-maintained cemeteries	
Springdale	City budget plus cemetery fee	
Paris	Donation request annually; stock interest pays for maintenance	Portion of \$200 fee covers 5 years
Arkadelphia	General Fund (streets department does maintenance)	
El Dorado	Sanitation Dept Fund	

The table below includes alternative funding sources and creative funding approaches:

<b>Creative Maintenance Approach</b>	
<b>City</b>	<b>Approach</b>
Batesville, Paragould	Invests perpetual fees into interest earning account, phased plan with annual increases
Rector	Labor Day Picnic generating \$25k-\$30k annually
Eureka Springs	Sales of commemorative coins, historic tour donations, and government grants
<b>Additional Measures Reviewed:</b>	
High school community service hours for maintenance – all high school seniors are required to have 75 community service hours to graduate. This option is available to governments and non-profits.	
Pollinator plan – native wildflowers, beehives, planned mowing	
Goats/Sheep grazing – staff received quotes of \$650/\$700 an acre which is cost prohibitive	
Utilizing the 'A team' – the A Team is currently utilized at capacity by the Street Department	
Utilizing incarcerated individuals – Utilizing inmates has lots of legalities and supervision hurdles and would not be an option.	

## Fort Smith Cemeteries

## City Budget Proposal

		City Prepared			PROPOSED			Savings	Notes
Location	Position	Qty	Cost Ea	Cost Total	Qty	Cost Ea	Cost Total		
<b>Personnel</b>									
Admin	Supervisor	1	78,008	78,008	1	78,008	78,008	-	Same As Now
Admin	Accountant	1	64,782	64,782	0.5	64,782	32,391	32,391	Same As Now
Forest Park	Sexton	1	62,382	62,382	0	62,382	-	62,382	Outsource
Forest Park	Maint	3	57,558	172,674	2	57,558	115,116	57,558	Same As Now
Forest Park	Seasonal Labor	2.5	35,106	87,765	0	35,106	-	87,765	Outsource
Roselawn	Sexton	1	62,382	62,382	0	62,382	-	62,382	Same As Now
Roselawn	Maint	5	57,558	52,659	2	57,558	115,116	(62,457)	Outsource
Roselawn	Seasonal Labor	1.5	35,106		0	35,106	-	-	Outsource
Washington	Maint	1	57,558	57,558	0	57,558	-	57,558	Outsource
Washington	Seasonal Labor	0.5	35,106	17,553	0	35,106	-	17,553	Outsource
All	Outsource Contract				1	75,000	75,000	(75,000)	
<b>Subtotal</b>		<b>17.5</b>		<b>\$ 655,763</b>	<b>5.5</b>		<b>\$ 340,631</b>	<b>\$ 240,132</b>	
<b>Operating Costs</b>									
Forest Park		1	22,590	22,590	1	22,590	22,590	-	As Proposed
Roselawn		1	37,050	37,050	1	37,050	37,050	-	As Proposed
Washington		1	3,750	3,750	1	3,750	3,750	-	As Proposed
<b>Subtotal</b>				<b>\$ 63,390</b>			<b>\$ 63,390</b>	<b>\$ -</b>	
<b>Capital Spend</b>									
Truck w/ Dump Bed		1	60,000	60,000	1	60,000	60,000	-	As Proposed
Standard Work Truck		1	70,000	70,000	1	70,000	70,000	-	As Proposed
Backhoe		1	120,000	120,000	0	-	-	120,000	Outsource
Mini-Excavater		2	70,000	140,000	0	-	-	140,000	Outsource
Small Tractor		2	25,000	50,000	1	25,000	25,000	25,000	Same As Now
Equipment trailer		1	15,000	15,000	0	15,000	-	15,000	Currently Owned
Kubota		3	22,000	66,000	0	22,000	-	66,000	Same As Now
Zero turn mower (72")		6	24,000	144,000	0	24,000	-	144,000	Outsource
Zero turn mower (60")		3	23,000	69,000	0	23,000	-	69,000	Outsource
Weedeater		12	450	5,400	1	450	450	4,950	Outsource / Share
Backpack Blower		6	650	3,900	1	650	650	3,250	Outsource / Share
Chainsaw		2	750	1,500	1	750	750	750	Outsource / Share
Pole saw		2	750	1,500	1	750	750	750	Outsource / Share
Office Building		1	150,000	150,000	0	150,000	-	150,000	Eliminate
Security cameras		2	20,000	40,000	0	20,000	-	40,000	Unnecessary
Computers		3	1,750	5,250	1	1,750	1,750	3,500	Currently Owned
<b>Subtotal</b>				<b>\$ 941,550</b>			<b>\$ 159,350</b>	<b>\$ 782,200</b>	
<b>Revenue</b>									
Plot Sales									
Opening/Closing									
Fundraising									
<b>Total Revenue</b>				<b>\$ 220,000</b>			<b>\$ 220,000</b>	<b>\$ -</b>	
<b>Annual Expenses</b>									
Personnel				655,763			340,631	315,132	
Operating				63,390			63,390	-	
<b>Total Annual Expense</b>				<b>\$ 719,153</b>			<b>\$ 404,021</b>	<b>\$ 315,132</b>	
<b>Net Annual</b>				<b>\$ (499,153)</b>			<b>\$ (184,021)</b>	<b>\$ (315,132)</b>	
<b>Capital</b>									
One Time Capital				941,550			159,350	782,200	
Perpetual Fund Distribution				170,000			170,000	-	
<b>Net One Time Capital</b>				<b>\$ (771,550)</b>			<b>\$ 10,650</b>	<b>\$ 782,200</b>	





## MEMORANDUM

**TO:** Honorable Mayor and Member of the Board of Directors  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** August 11, 2025  
**SUBJECT:** Options regarding Fort Smith Cemeteries, Inc.

### SUMMARY

At the July 15, 2025, study session, the Board of Directors requested options regarding perpetual care of Forest Park, Rose Lawn, Holy Cross, and Washington Cemeteries. Below is a summary:

Rose Lawn Cemetery	5720 Wilson Road	Approximately 10 acres in size
Holy Cross Cemetery	5403 North O Street	Approximately 50 acres in size
Forest Park Cemetery	5001 Midland Blvd	Approximately 35 acres in size
Washington Cemetery	East side of North 54 <sup>th</sup> Street, between Johnson Street and Virginia Avenue	Approximately 10 acres in size
For comparison: Oak Cemetery	1401 S Greenwood Avenue	Approximately 30 acres in size

At present, outside of any private entity stepping in, staff identified three options for the Board to consider.

The first option is to continue to utilize Neighborhood Services to abate the code violations through their regular code enforcement process. This does provide the mechanism for paying a contractor to mow the properties, but results in substantial liens on the property that we are reasonably certain will remain unpaid. To date, Fort Smith Cemeteries, Inc. has \$85,907 in unpaid liens from 2023 and 2024. These liens should be accounted for, either paid by the property owner or waived/forgiven by the city through official action.

A second option is for the city to lease the cemeteries. Theoretically, the city could then choose to contract with Fort Smith Cemeteries, Inc. to administer and operate the cemetery function while the city would maintain/improve the landscape, roads and other infrastructure. However, the city attorney advises that a lease whereby the city does not get the benefit of the revenues from city operations seems problematic when considering the constitutional

provisions that preclude spending public funds on private property.

The third option is for the city to acquire ownership of the four cemeteries and take on the complete operation and management of the properties including regular maintenance, infrastructure improvements, and all cemetery operations. The consideration for the purchase price could be the forgiveness of the accrued & unpaid liens currently held against the properties. This option would also afford the city the opportunity to advocate for legislative change related to the perpetual care funds held in trust for what would be “previously” private-owned cemeteries. City ownership & care should preclude the need for continuation of these perpetual care trusts.

At the July 15 study session, the representatives from Fort Smith Cemeteries, Inc. alluded to outstanding debt incurred by the organization’s previous chairman. Regardless of what happens here, that debt will remain the obligation of Fort Smith Cemeteries, Inc. and will not be assumed by the city.

Enclosed within your packet is a detailed budget including \$961,550.00 of initial start-up expenses with an annual increase to the existing cemetery budget of \$1,249,413.00 to staff, operate and maintain the additional four cemeteries. For your information, staffing Oak Cemetery has been difficult and recruiting the additional staff for increased cemetery operations may be problematic.

This proposed budget is relevant to both options two and three, neither of which are particularly desirable due to the financial impact on the city’s general fund budget. There are some offsetting revenues from plot sales and interment services, but they are not projected to cover the operating expenses. As option three (city ownership) is cleaner, more straightforward, and provides for the sustainable operation of the cemeteries, staff deems city ownership to be the best of the three options presented.

Presented for the Board’s consideration is a resolution indicating the Board’s intent to acquire ownership of the four cemeteries in question from Fort Smith Cemeteries, Inc. and authorizing and directing the city administrator and city attorney to accomplish said ownership. This process would generate further items for Board consideration and approval at a future meeting.

Please contact me if you have questions on this agenda item.

#### **ATTACHMENTS**

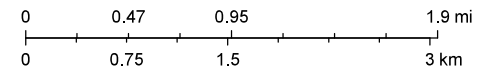
1. [20250814\\_Resolution Intent to Acquire Cemeteries.pdf](#)
2. [Cemetery Backup.pdf](#)

# Cemetery Proximity Map



8/13/2025, 4:26:34 PM

1:45,732



Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**CC:** Maggie Rice, Deputy City Administrator  
**FROM:** Candyce Gabucci, Director of Community Development  
**DATE:** December 4, 2025  
**SUBJECT:** Presentation of initial survey data for the City of Fort Smith Five-Year Consolidated Plan.

### **SUMMARY**

The U.S. Department of Housing and Urban Development (HUD) considers the City of Fort Smith a direct entitlement city, meaning that the city receives an allocation of funding each year directly from HUD in the form of a Community Development Block Grant and HOME Investment Partnership funds.

Each entitlement city that receives CDBG and HOME funding from HUD is required to prepare a Consolidated Plan, with input from citizens, which defines the goals, objectives, strategies, and performance measures of the grant programs. The plan describes how the CDBG and HOME funds granted to the city will be prioritized, granted and expended over the next five-year period. CDBG and HOME programs are administered on a July 1 – June 30 program year.

This fall, Community Development Department staff conducted a survey designed to understand the community's grant priorities as it prepares to update the five year Consolidated Plan. A summary of the results of this survey is a subject for discussion at the December 9 study session with the Fort Smith Board of Directors. Additional input from the Board of Directors is sought, and staff will use all of this input as framework for the update to the Consolidated Plan.

The Community Development Block Grant's primary objective is to create viable urban communities by providing decent housing, a suitable living environment, and expanded economic opportunities. The three national objectives of the Community Development Block Grant are:

- To benefit low- and moderate-income persons
- To prevent or eliminate slums or blight
- To address urgent need

Funds from previous block grants have assisted Fort Smith citizens in a range of services including food assistance, medical care, childcare, and dental assistance as well as access to affordable housing. CDBG funds offer a wide range of eligible activities, and our local community has the power to prioritize where the funds are spent based on local needs identified in the Consolidated Plan.

In past meetings, the Board has expressed an interest in the allocation of block grant funding. The Board is invited to discuss future funding priorities at the December 9 study session. Community Development values your input and would like to extend an invitation to each member of the Board to reach out to our staff should you want to discuss the grant or ask questions.

#### **ATTACHMENTS**

1. [BoardStudySessionItem\\_CommunityDevelopment12.4.25.pdf](#)

## **CONSOLIDATED PLAN REQUIREMENT**

Each entitlement city that receives funding from the Department of Housing and Urban Development (HUD) is required to prepare a Consolidated Plan, with input from citizens, which defines the goal, objectives, strategies, and performance measures. The plan describes how these CDBG and HOME funds granted to the city will be expended over the next five-year period. CDBG and HOME programs are administered on a July 1 – June 30 program year. The draft document of the subject plan is attached for review.

## **CONSOLIDATED PLAN PROCESS**

The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.

- *Consultation and Citizen Participation.* Through the Consolidated Plan (often called the “Con Plan”), grantee jurisdictions engage the community, both in the process of developing and reviewing the proposed plan, and as partners and stakeholders in the implementation of CPD programs. By consulting and collaborating with other public and private entities, grantees can align and coordinate community development programs with a range of other plans, programs and resources to achieve greater impact.

- *The Consolidated Plan.* The Consolidated Plan, which may have a duration of between 3 and 5 years, describes the jurisdiction’s community development priorities and multiyear goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources.

- *The Annual Action Plan.* The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.

- *Consolidated Annual Performance and Evaluation Report (CAPER).* In the CAPER, grantees report on accomplishments and progress toward Consolidated Plan goals in the prior year.

## **SURVEY**

On October 26<sup>th</sup>, 2025, the Community Development Department began to gather research from the local community with a survey designed to understand grant priorities. Surveys were released on the City’s Facebook page, a Gov Delivery notice, advertised two times in local newspapers, as well as distributed in paper copy to all public library branches. At the end of collection, the City received 154 responses during this initial research phase.

## **SURVEY SUMMARY**

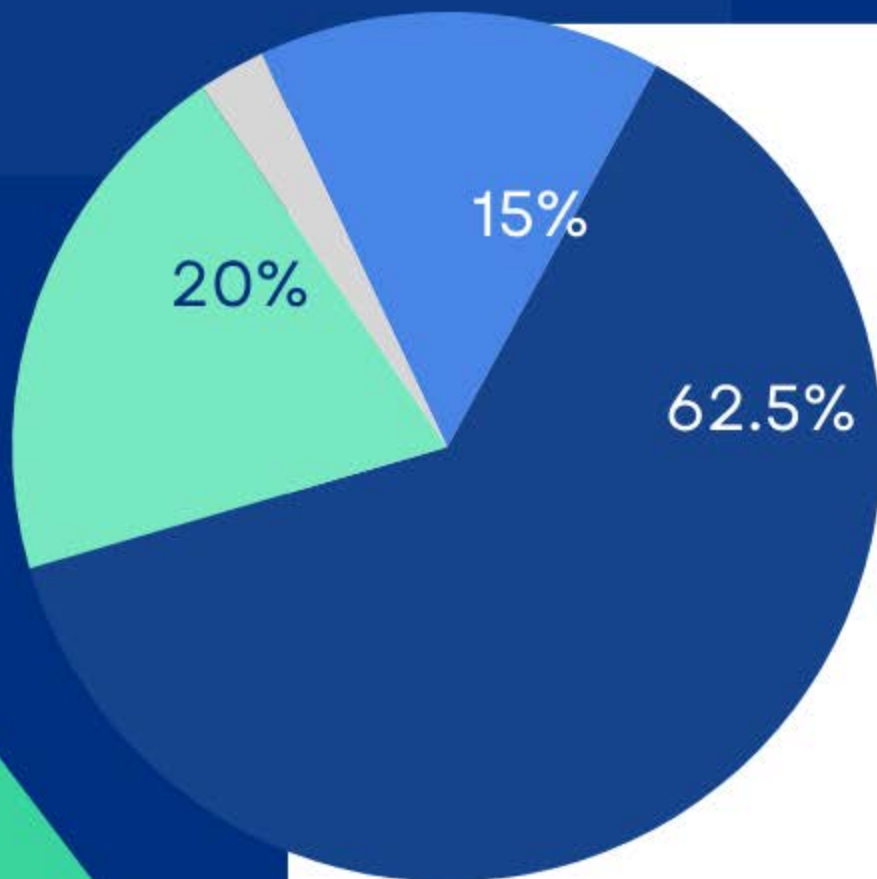
- Community Services. Based on the survey results received, Community Services ranked as the highest priority among other Community Needs. While these needs encompass varied services, the examples given from the survey included programs for seniors, childcare, and recreation.

As it relates to Community Services, an overall survey preference was to continue to fully fund the Public Service category at 15% while keeping the \$5,000 minimum and \$20,000 maximum requests in effect and also funding agencies based on their requested amount on a sliding scale by score. To further define how public service agencies are funded, results focused on prioritizing services for agencies serving in homelessness, health care, food, basic needs, and children. In the same vein, the highest-ranking public service activity fell to Senior Services.

- Community Development. Citizen priorities among the Community Development category included 1) allowing all qualifying non-profit agencies to apply within the category for agency rehabilitation 2) funding the Community Development category as in with lot purchase a priority and leftover funds used for agency rehabilitation.
  - Housing Assistance. Citizens prioritized the continued operation of the Housing Assistance Program. In regard to client benefits of the program, continuing to provide up to a \$15,000 grant and additional \$10,000 loan option received the most support.
- HOME Funding. Survey results in reference to the HOME program were close ranking among three options: New affordable single-family home construction, acquisition of vacant existing single-family homes to be rehabbed and sold, and the highest-ranking priority- down payment assistance to purchase existing single-family homes.



# COMMUNITY DEVELOPMENT BLOCK GRANT CATEGORIES



- PUBLIC SERVICE**  
Per statutory HUD regulations, the public service category may not exceed 15% of the total grant. To apply in this category, agencies must present a direct benefit to the client.
- COMMUNITY DEVELOPMENT**  
This category contains the Housing Assistance Program which makes up 65% of the 62.5 % category. The remaining amount has been used for lot acquisitions and agency rehabs.
- ADMINISTRATION**  
Per statutory HUD regulations, administrative expenses may not exceed 20% of the grant.
- UNPROGRAMMED**  
This amount is retained in the event of a project overrun and currently set at 2.5%.



# AGENCY FUNDING 2021-2025

AGENCY	2021	2022	2023	2024	2025	TOTAL
<b>ANTIOCH YOUTH &amp; FAMILY</b> <i>PUBLIC SERVICE</i>	\$19,875	\$16,782	\$10,547	\$12,527		<b>\$59,731</b>
<b>CENTER FOR ARKANSAS LEGAL SERVICES</b> <i>PUBLIC SERVICE</i>			\$2,934			<b>\$2,934</b>
<b>COMMUNITY RESCUE MISSION</b> <i>COMMUNITY DEVELOPMENT</i>			\$17,187	\$146,125*		<b>\$17,187</b>
<b>COMMUNITY RESCUE MISSION</b> <i>PUBLIC SERVICE</i>			\$11,297	\$11,669	\$16,325	<b>\$39,291</b>
<b>CSCDC- DENTAL CLINIC</b> <i>PUBLIC SERVICE</i>	\$19,875	\$16,782	\$15,047	\$17,099	\$16,613	<b>\$85,416</b>
<b>CSCDC- DOWN PAYMENT ASSISTANCE</b> <i>HOME</i>	\$100,000			\$274,306	\$273,608	<b>\$647,914</b>

\*Project canceled

# AGENCY FUNDING 2021-2025

AGENCY	2021	2022	2023	2024	2025	TOTAL
CSCDC- LOT ACQUISITION COMMUNITY DEVELOPMENT	\$85,330	\$56,296	\$37,125			\$178,751
CSCDC NEW CONSTRUCTION HOME	\$273,215	\$430,867	\$506,219	\$54,850	\$54,721	\$1,319,872
FORT SMITH BOYS AND GIRLS CLUB PUBLIC SERVICE			\$4,572	\$12,027	\$15,125	\$31,724
FORT SMITH CHILDREN'S EMERGENCY SHELTER COMMUNITY DEVELOPMENT		\$30,547	\$11,020	\$26,773*		\$41,567
FORT SMITH HOUSING AUTHORITY COMMUNITY DEVELOPMENT		\$343,168			\$139,204	\$482,372
GIRLS INC. PUBLIC SERVICE	\$12,725	\$10,552	\$8,772	\$11,902	\$16,525	\$60,476

\*Project canceled

# AGENCY FUNDING 2021-2025

AGENCY	2021	2022	2023	2024	2025	TOTAL
<b>HAMILTON CENTER</b> <i>PUBLIC SERVICE</i>			\$10,047	\$11,527	\$17,525	<b>\$39,099</b>
<b>HARBOR HOUSE</b> <i>COMMUNITY DEVELOPMENT</i>			\$14,568			<b>\$14,568</b>
<b>HEART TO HEART PREGNANCY SUPPORT CENTER</b> <i>PUBLIC SERVICE</i>	\$7,875	\$6,814	\$4,359			<b>\$19,048</b>
<b>NEXT STEP DAY ROOM</b> <i>COMMUNITY DEVELOPMENT</i>		\$289,876	\$48,957			<b>\$338,833</b>
<b>NEXT STEP DAY ROOM</b> <i>PUBLIC SERVICE</i>	\$19,875	\$16,782	\$13,797	\$16,955	\$16,725	<b>\$84,224</b>

# AGENCY FUNDING 2021-2025

AGENCY	2021	2022	2023	2024	2025	TOTAL
RIVERVIEW HOPE CAMPUS COMMUNITY DEVELOPMENT	\$82,554*				\$38,579	\$38,579
RIVERVIEW HOPE CAMPUS PUBLIC SERVICE	\$19,875	\$16,782	\$14,713	\$15,099		\$66,469
SEBASTIAN RETIRED CITIZENS ASSOCIATION (SRCA) PUBLIC SERVICE	\$14,875	\$16,782	\$11,047	\$9,671	\$14,525	\$66,990
THE ARC FOR THE RIVER VALLEY PUBLIC SERVICE		\$9,126			\$8,541	\$17,667
WESTARK RSVP MEDICARE ASSISTANCE PUBLIC SERVICE	\$9,875	\$8,480				\$18,355
WESTARK RSVP TAX PREPARATION ASSIST. PUBIC SERVICE	\$9,875	\$8,475	\$14,797			\$33,147

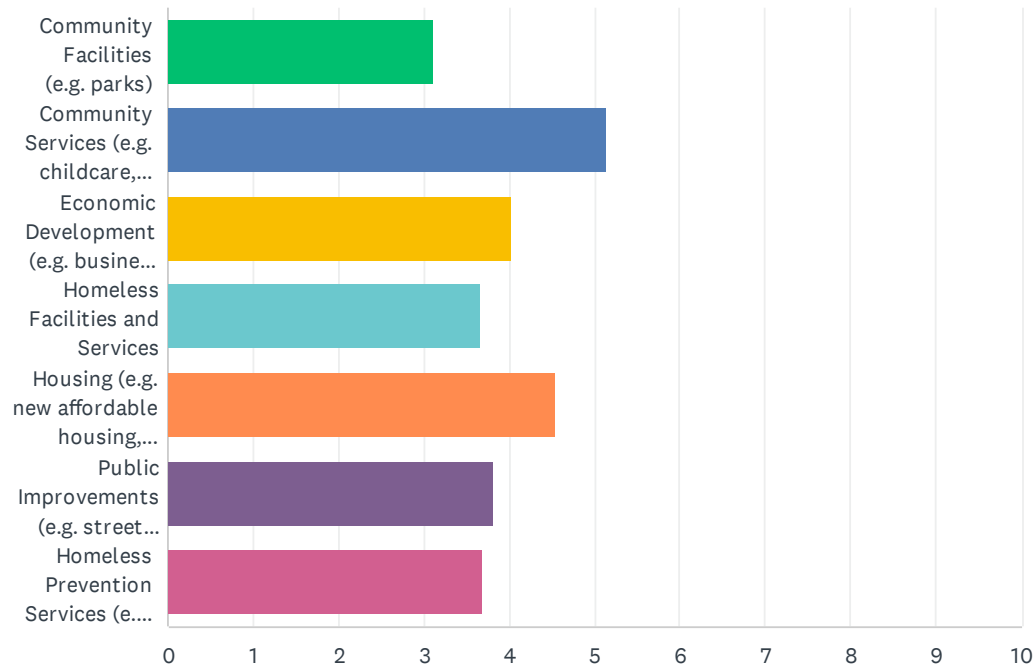
\*Project canceled



# **2025 Community Development Block Grant Survey Results**

**Q1 Community Need. Please rank the following (7) overall community needs, with 1 being the highest priority need and 7 being the lowest priority need:**

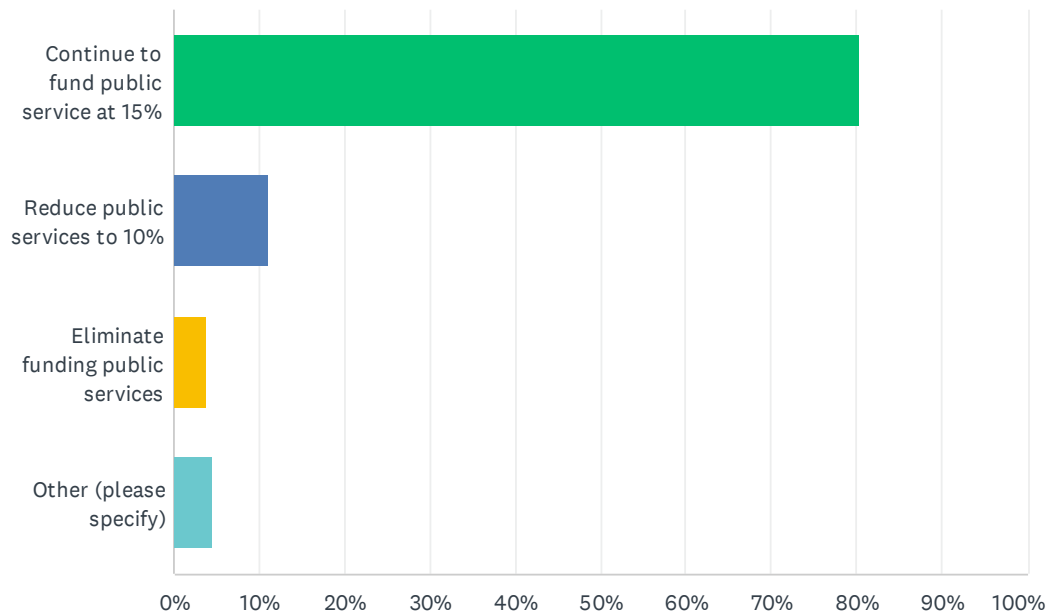
Answered: 151 Skipped: 3



	1	2	3	4	5	6	7	TOTAL	SCORE
Community Facilities (e.g. parks)	3.97% 6	11.26% 17	11.26% 17	11.26% 17	19.21% 29	13.25% 20	29.80% 45	151	3.11
Community Services (e.g. childcare, recreation, senior programs)	25.17% 38	20.53% 31	20.53% 31	17.88% 27	9.93% 15	3.97% 6	1.99% 3	151	5.13
Economic Development (e.g. business assistance programs to create jobs)	11.92% 18	15.89% 24	13.91% 21	17.22% 26	15.89% 24	13.91% 21	11.26% 17	151	4.04
Homeless Facilities and Services	15.89% 24	9.27% 14	13.25% 20	11.92% 18	11.26% 17	13.91% 21	24.50% 37	151	3.67
Housing (e.g. new affordable housing, repairs, homeownership)	17.88% 27	15.23% 23	21.19% 32	17.22% 26	11.92% 18	11.26% 17	5.30% 8	151	4.55
Public Improvements (e.g. streets, lighting, sidewalks)	15.89% 24	13.91% 21	7.28% 11	11.26% 17	16.56% 25	21.19% 32	13.91% 21	151	3.82
Homeless Prevention Services (e.g. emergency financial assistance to pay housing expenses)	9.27% 14	13.91% 21	12.58% 19	13.25% 20	15.23% 23	22.52% 34	13.25% 20	151	3.68

Q2 Public Services provide direct benefits to the citizens of Fort Smith. The Public Service Category has a regulatory maximum of 15% of the block grant. Of the following categories, please select one:

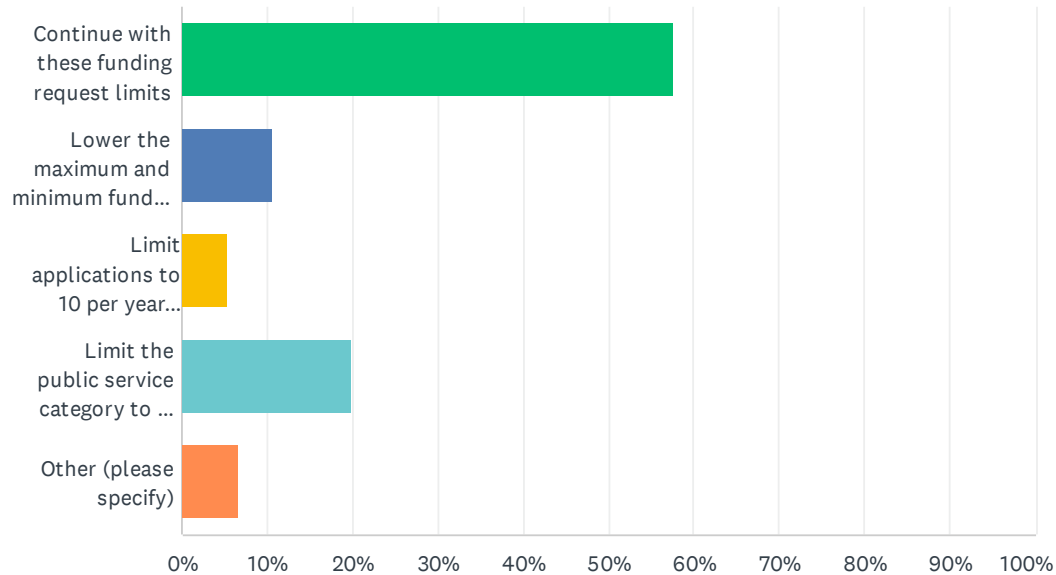
Answered: 153 Skipped: 1



ANSWER CHOICES	RESPONSES	
Continue to fund public service at 15%	80.39%	123
Reduce public services to 10%	11.11%	17
Eliminate funding public services	3.92%	6
Other (please specify)	4.58%	7
TOTAL		153

Q3 In the Public Service Category there is a \$5,000 minimum request and a \$20,000 maximum request. Of the following would you:

Answered: 151 Skipped: 3

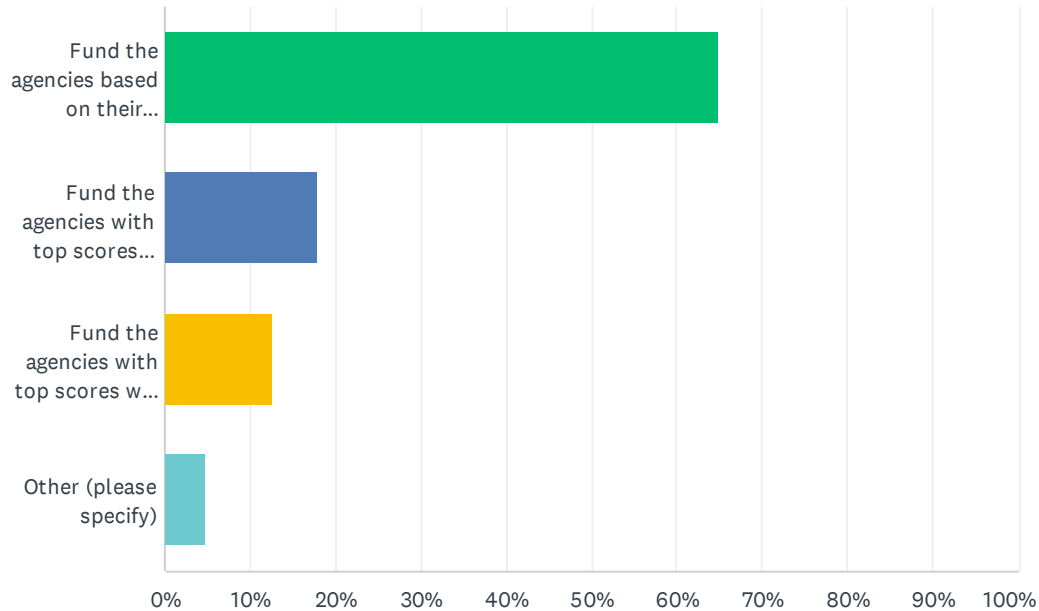


ANSWER CHOICES	RESPONSES	
Continue with these funding request limits	57.62%	87
Lower the maximum and minimum funding request	10.60%	16
Limit applications to 10 per year with a lottery system and letter of intent to apply	5.30%	8
Limit the public service category to one application and activity per agency	19.87%	30
Other (please specify)	6.62%	10
TOTAL		151



## Q4 In the process of funding Public Service activities, what method would you use?

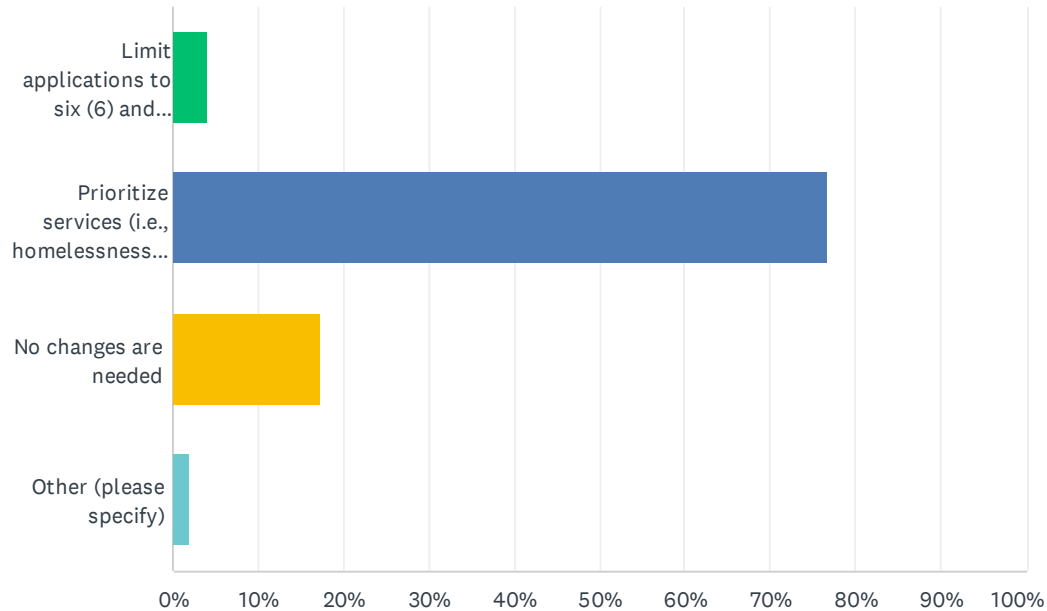
Answered: 151 Skipped: 3



ANSWER CHOICES	RESPONSES	
Fund the agencies based on their requested amount on a sliding scale by score.	64.90%	98
Fund the agencies with top scores nearly all they requested and short the lower scored applications.	17.88%	27
Fund the agencies with top scores with requested funds and leave out the lower scored applicants.	12.58%	19
Other (please specify)	4.64%	7
TOTAL		151

## Q5 In the Public Service category, which actions would you take to target these funds?

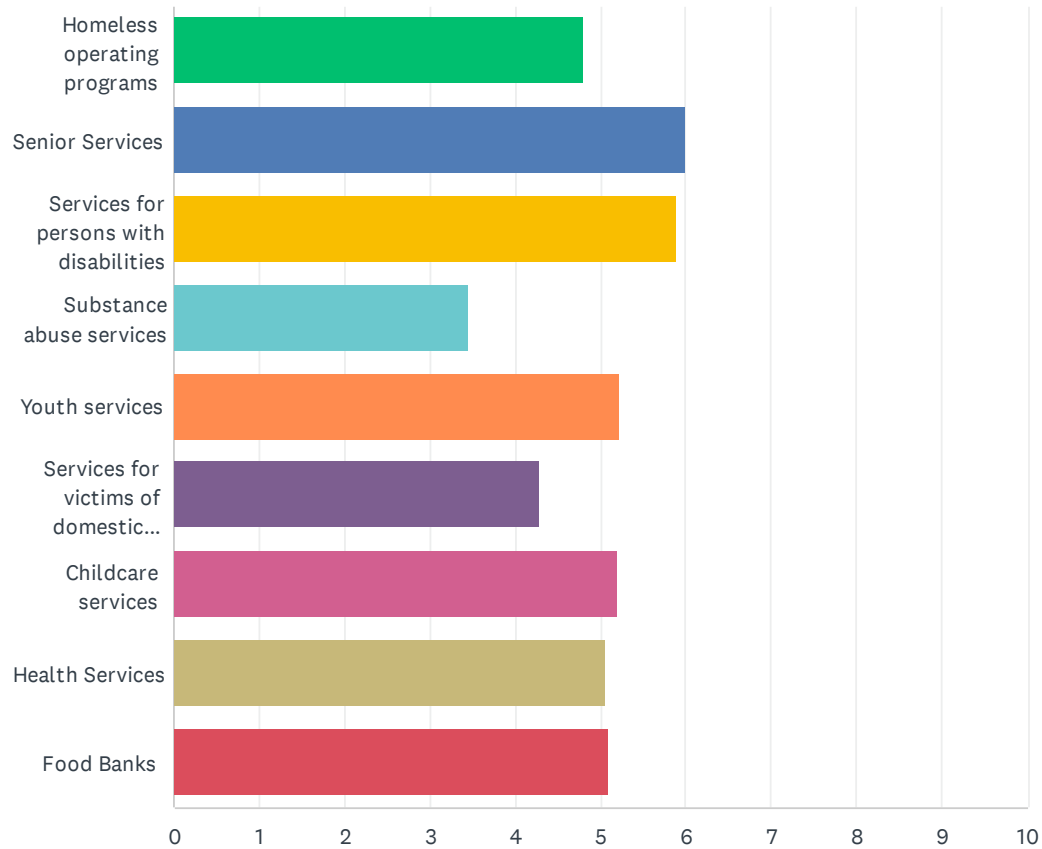
Answered: 150 Skipped: 4



ANSWER CHOICES	RESPONSES	
Limit applications to six (6) and draw by lottery	4.00%	6
Prioritize services (i.e., homelessness, health care, food, basic needs, children)	76.67%	115
No changes are needed	17.33%	26
Other (please specify)	2.00%	3
TOTAL		150

## Q6 Please rank the Public Service activities with 1 being the top priority and 9 being the lowest:

Answered: 149 Skipped: 5



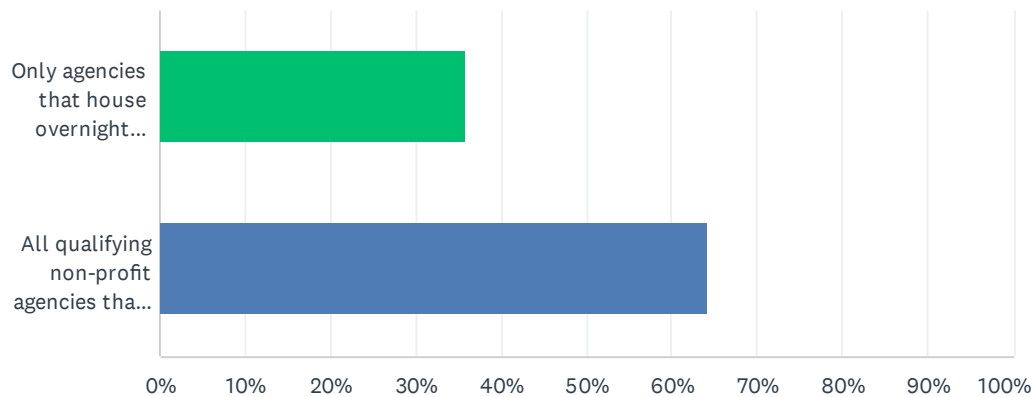
## Community Development Block Grant Survey

SurveyMonkey

	1	2	3	4	5	6	7	8	9	TOTAL	SCORE
Homeless operating programs	20.13% 30	9.40% 14	8.72% 13	4.03% 6	6.71% 10	8.72% 13	6.04% 9	14.09% 21	22.15% 33	149	4.79
Senior Services	18.12% 27	20.13% 30	15.44% 23	8.72% 13	10.07% 15	7.38% 11	4.03% 6	7.38% 11	8.72% 13	149	6.00
Services for persons with disabilities	12.08% 18	16.11% 24	18.12% 27	14.09% 21	11.41% 17	9.40% 14	8.05% 12	10.07% 15	0.67% 1	149	5.89
Substance abuse services	1.34% 2	4.03% 6	4.70% 7	12.75% 19	8.05% 12	12.75% 19	13.42% 20	17.45% 26	25.50% 38	149	3.46
Youth services	10.07% 15	6.71% 10	11.41% 17	12.75% 19	26.17% 39	9.40% 14	10.07% 15	10.74% 16	2.68% 4	149	5.23
Services for victims of domestic violence	0.67% 1	4.03% 6	11.41% 17	12.08% 18	12.08% 18	20.13% 30	24.16% 36	9.40% 14	6.04% 9	149	4.29
Childcare services	8.05% 12	14.77% 22	10.74% 16	17.45% 26	8.72% 13	10.07% 15	13.42% 20	8.72% 13	8.05% 12	149	5.20
Health Services	12.08% 18	16.78% 25	9.40% 14	8.05% 12	7.38% 11	8.72% 13	12.08% 18	15.44% 23	10.07% 15	149	5.06
Food Banks	17.45% 26	8.05% 12	10.07% 15	10.07% 15	9.40% 14	13.42% 20	8.72% 13	6.71% 10	16.11% 24	149	5.09

Q7 The current Community Development Category, funded at approximately \$175,000, serves to assist agencies that house overnight clients to apply for agency rehabilitation. Should non-profit agencies that are not housing overnight clients be allowed to apply for agency rehabilitation/capital improvements through the same category?

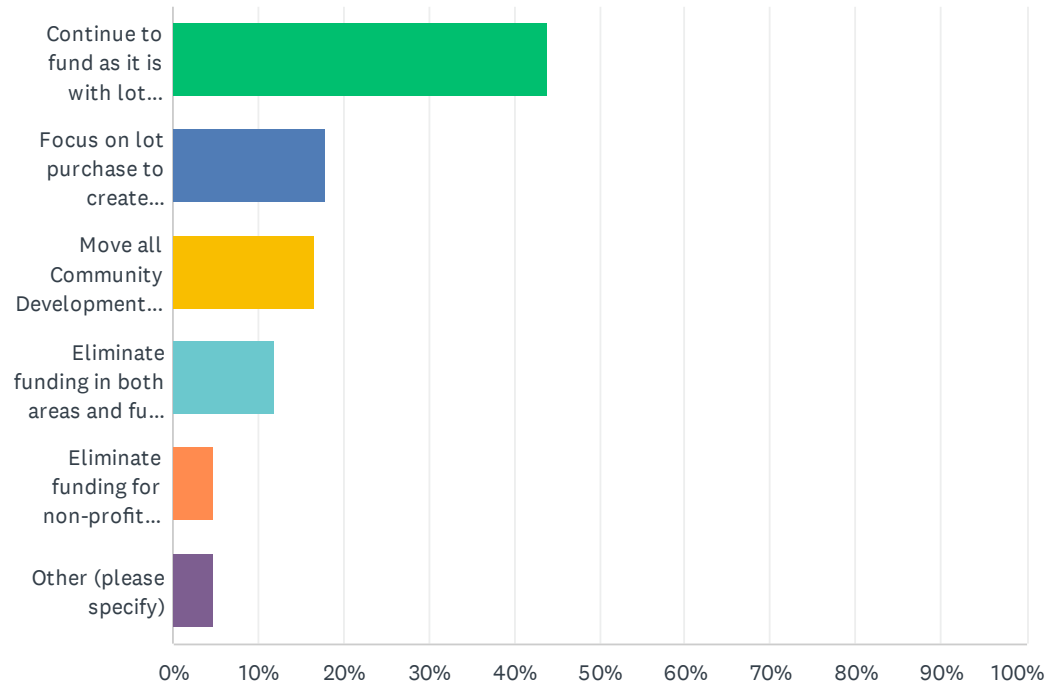
Answered: 151 Skipped: 3



ANSWER CHOICES	RESPONSES	
Only agencies that house overnight clients should be allowed to apply in the Community Development Category	35.76%	54
All qualifying non-profit agencies that have a viable project should be allowed to apply in the Community Development Category	64.24%	97
TOTAL		151

## Q8 In the non-housing Community Development Category, how would you make the best use of these funds?

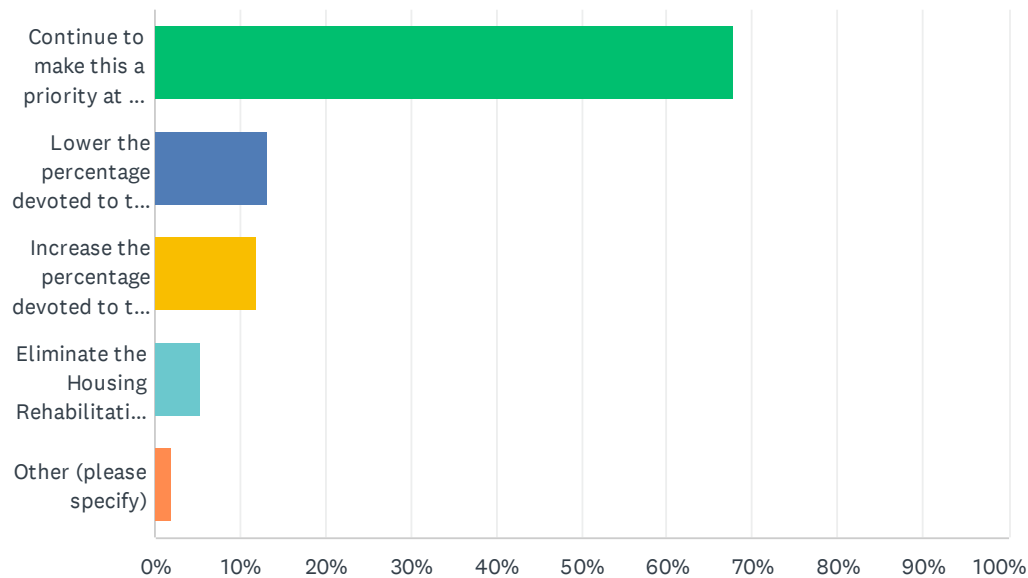
Answered: 150 Skipped: 4



ANSWER CHOICES	RESPONSES	
Continue to fund as it is with lot purchase a priority and leftover funds for agency rehabilitation	44.00%	66
Focus on lot purchase to create additional affordable housing opportunities	18.00%	27
Move all Community Development funds into the Housing Rehabilitation Assistance Program	16.67%	25
Eliminate funding in both areas and fund public infrastructure in low income neighborhoods	12.00%	18
Eliminate funding for non-profit agency buildings rehabilitation	4.67%	7
Other (please specify)	4.67%	7
TOTAL		150

## Q9 The Housing Assistance program- operated in-house by Community Development staff- serves low-income homeowners by using grant funds to address health and safety issues within the home.

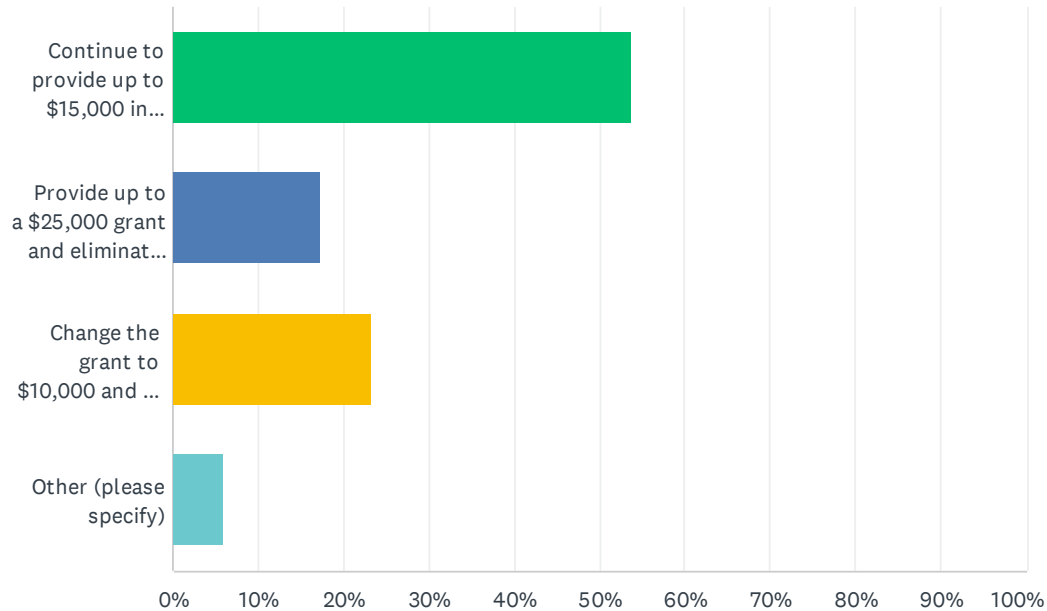
Answered: 152 Skipped: 2



ANSWER CHOICES	RESPONSES	
Continue to make this a priority at the same level of 38% of CDBG funds	67.76%	103
Lower the percentage devoted to the Housing Rehabilitation Assistance activity	13.16%	20
Increase the percentage devoted to the Housing Rehabilitation Assistance activity	11.84%	18
Eliminate the Housing Rehabilitation Assistance activity	5.26%	8
Other (please specify)	1.97%	3
<b>TOTAL</b>		<b>152</b>

## Q10 Over 5 years, the Housing Rehabilitation Assistance Program has provided work on 118 homes. Should the city:

Answered: 151 Skipped: 3

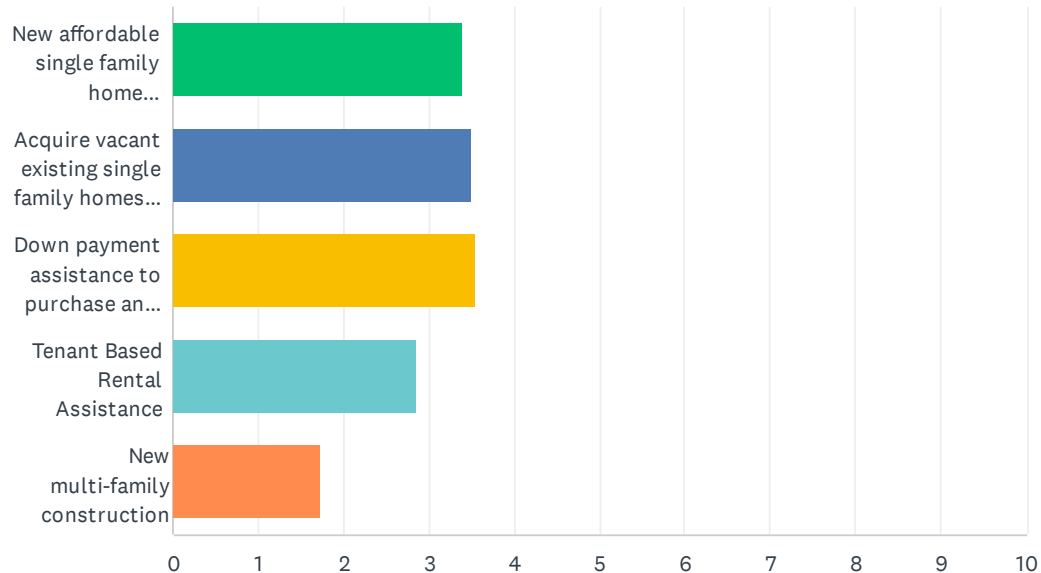


ANSWER CHOICES	RESPONSES	
Continue to provide up to \$15,000 in grant and \$10,000 in loans	53.64%	81
Provide up to a \$25,000 grant and eliminate the loan provision	17.22%	26
Change the grant to \$10,000 and up to \$15,000 in loan funds	23.18%	35
Other (please specify)	5.96%	9
TOTAL		151



## Q11 HOME Investment Partnership Act: Rank the following by importance with 1 being the top priority.

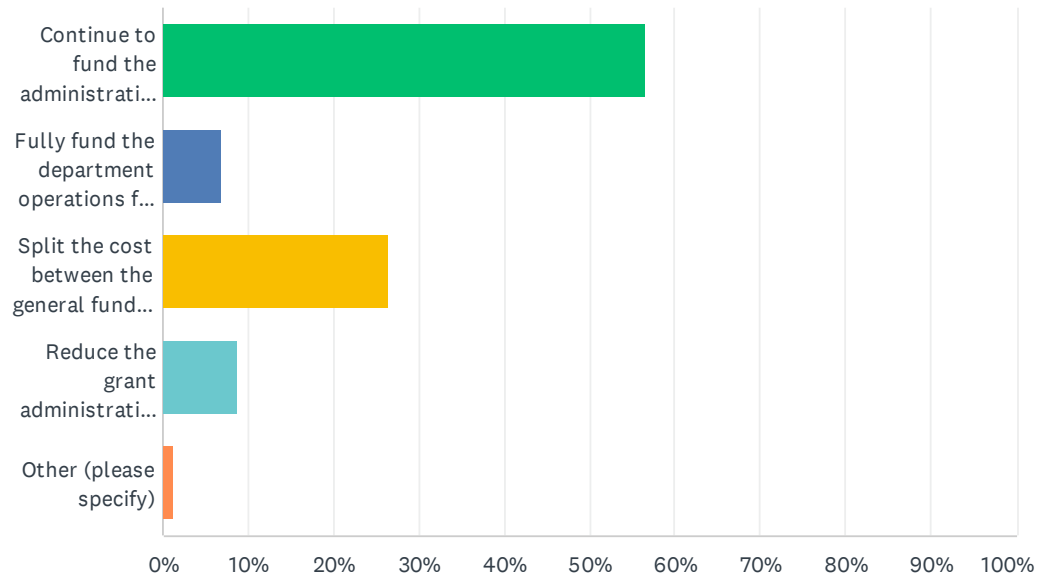
Answered: 142 Skipped: 12



	1	2	3	4	5	TOTAL	SCORE
New affordable single family home construction	26.06% 37	26.76% 38	18.31% 26	16.90% 24	11.97% 17	142	3.38
Acquire vacant existing single family homes, rehabilitate and sell	30.28% 43	16.90% 24	33.10% 47	11.97% 17	7.75% 11	142	3.50
Down payment assistance to purchase an existing affordable single family home	26.76% 38	28.87% 41	21.13% 30	18.31% 26	4.93% 7	142	3.54
Tenant Based Rental Assistance	12.68% 18	20.42% 29	17.61% 25	37.32% 53	11.97% 17	142	2.85
New multi-family construction	4.23% 6	7.04% 10	9.86% 14	15.49% 22	63.38% 90	142	1.73

**Q12 How would you fund the operating budget for administrative services?  
(Currently regulated at a 20% cap of grant allocation for CDBG, 10% cap  
for HOME funding.)**

Answered: 147 Skipped: 7



ANSWER CHOICES	RESPONSES	
Continue to fund the administration through the federal grant as it is presently.	56.46%	83
Fully fund the department operations from the general fund of the city	6.80%	10
Split the cost between the general fund of the city, CDBG & HOME	26.53%	39
Reduce the grant administration costs by half and charge each approved project a 10% direct fee	8.84%	13
Other (please specify)	1.36%	2
<b>TOTAL</b>		<b>147</b>

## Q13 What is the one specific thing that you would change about the way the CDBG and HOME programs are operated?

Answered: 71 Skipped: 83

#	RESPONSES	DATE
1	Our parks, and more jobs for the community.	12/3/2025 12:38 PM
2	None	12/3/2025 11:32 AM
3	More funding for SR. Citizens	12/3/2025 11:30 AM
4	I do not know of any changes I would make	12/3/2025 11:25 AM
5	Get rid of Trump	12/3/2025 11:22 AM
6	Close supervision on fund spent	12/3/2025 11:19 AM
7	Checking where the money goes	12/3/2025 11:17 AM
8	Close supervision!	12/3/2025 11:15 AM
9	For the Federal Gov. to put in more money	12/3/2025 11:12 AM
10	More of same	12/3/2025 11:01 AM
11	More help for senior center	12/3/2025 10:58 AM
12	Help Veterans	12/3/2025 10:52 AM
13	If CDBG funds will be less and less yearly-powers that will be have to find further funds.	12/3/2025 10:49 AM
14	No specific item.	12/3/2025 10:48 AM
15	No specific item.	12/3/2025 10:46 AM
16	Stop raising utility bills	12/3/2025 10:44 AM
17	I would make this easier for the public to understand	12/3/2025 10:32 AM
18	N/A	12/2/2025 1:43 PM
19	N/A	12/2/2025 1:15 PM
20	I think you are doing great!	12/2/2025 1:12 PM
21	Doing this survey was really informative I didn't realize how much research I had to do just to fill out this survey. I truly appreciate being a part of this because I had no idea what goes on with all of the grants the city receives.	12/2/2025 1:08 PM
22	N/A	12/2/2025 1:02 PM
23	affordable housing	12/2/2025 12:48 PM
24	Less barriers of entry for applicants-mobile application drives	12/2/2025 12:34 PM
25	There should be by a prescribed formula and be transparent.	11/21/2025 12:48 PM
26	Needs to be by prescribed formula only and transparent.	11/21/2025 9:57 AM
27	needs to be current formula and transparent	11/21/2025 9:45 AM
28	needs to be by prescribed formula only and transparent	11/21/2025 9:20 AM
29	Prescribed allocation formula only and transparent	11/21/2025 8:53 AM
30	Awards must be given based on the current formula and not allow an individual to arbitrarily decide one agency gets more funding than the formula for allocation indicates	11/21/2025 8:17 AM

31	Require recipients to show need, have some investment in the program (e.g. match funding, time investment, etc.), and accountability after support from the program.	11/4/2025 2:20 PM
32	No input.	11/4/2025 10:49 AM
33	Not sure	11/3/2025 2:14 PM
34	None. I think the way it is set up is great	11/3/2025 9:17 AM
35	Not at the moment.	11/3/2025 8:27 AM
36	less red tape and administrative fees available	10/31/2025 5:04 PM
37	NA	10/31/2025 4:49 PM
38	Focus more on multi family home construction.	10/31/2025 4:30 PM
39	I would like to see the City contribute funds to make bigger projects attainable. I would also like to see the city fund the department so that expenses so that more grant funds are available to help citizens.	10/30/2025 9:13 AM
40	The people who can qualify for the home programs	10/28/2025 1:27 PM
41	Reduce paperwork and documentation. There are complex forms and layered eligibility rules that make it confusing for individuals. There should also be a one stop technical assistance or resource center that helps applicants from start to finish. To find which program is better for them	10/28/2025 11:07 AM
42	I would have them work more closely with the agencies focused on homeless services. These agencies have other grants that could work with the CDBG and Home programs to reach more people.	10/28/2025 10:37 AM
43	n/a	10/28/2025 10:27 AM
44	Need a less corrupt board	10/26/2025 10:21 AM
45	I simply know there are too many vacant older homes that could be fixed up and used for low income or homeless rehabilitation. We have too many drug addicts roaming the streets, too many citizens begging for bill help on public forums, and whole areas of town that are beautiful but uninhabitable thanks to crime (northside). Something needs to be done to flip some of those houses and put them to use, and we need less run down, crappy apartments. I am having trouble selling my own home currently because it's near some nasty apartments. Clean it up out here, get these people some help or get them out of here so families and taxpayers can enjoy the full city.	10/25/2025 1:32 AM
46	Nothing	10/25/2025 1:18 AM
47	Prioritize removing the homeless and the panhandlers from the community. Eliminate criminals and illegal aliens from the community.	10/24/2025 9:27 PM
48	Homeless is important to continue funding to help them get back on the right track	10/24/2025 8:04 PM
49	there is no accountability for the education of the Word of God, with that being our focal point- everything else will take care of itself	10/24/2025 4:58 PM
50	More funding should come from the City General Fund.	10/24/2025 12:32 PM
51	Less homeless services and more economic development.	10/24/2025 12:30 PM
52	More money for Homeless Services	10/24/2025 8:32 AM
53	Explain them in more detail and more often. Show the benefits they provide at every board meeting	10/24/2025 8:14 AM
54	More awareness to public about programs offered and how money is being spent.	10/24/2025 5:47 AM
55	They need to go to families that are trying to be better, can't be a handout for those who aren't willing to work	10/23/2025 10:24 PM
56	Better help for older people who may not have a computer.	10/23/2025 8:06 PM
57	Assess applicant's understanding of the terms of the loans and grants	10/23/2025 7:15 PM

58	Help folks pay the water bill and stop harassing people over their yard grass.	10/23/2025 6:06 PM
59	Hire responsible budget minded employees.	10/23/2025 2:27 PM
60	More homes elderly	10/23/2025 11:13 AM
61	Increase transparency and community input in the application review and funding allocation process. This change improves accountability, fairness, and responsiveness of the programs without requiring additional funding.	10/23/2025 11:09 AM
62	Insure is fairly distributed in lower income areas. Assist the needs of all areas accordingly	10/23/2025 9:46 AM
63	No changes. This is a great program.	10/23/2025 7:29 AM
64	Stop evicting people from their homes when they are actively paying their rent/mortgage. We the people are trying to do everything we can to survive. Cost of everything is going up and what we earn at work isn't matching with that. Please help your citizens. Help the people of Fort Smith.	10/23/2025 6:25 AM
65	Knowledge to all. Transparency	10/22/2025 9:08 PM
66	Greater outreach to non-profits that might have qualifying projects to encourage them to apply to participate. For the number of charities we have in areas that are related to the grants, the number of applications received each year feels way too low.	10/22/2025 8:43 PM
67	Short-term assistance will always be necessary, however, investing in long-term solutions that provide moderate financial support over a longer period of time for families - provide consistent, structural support at the same rate you provide emergency support. Milestone programs with initially heavy support (services, grants, caseworkers, ect.) and gradually lessening with each milestone met. Scaffolding independence for those who were never taught the steps to attain it without over restrictive gatekeeping and cut-offs. More of that.	10/22/2025 8:26 PM
68	Make it available to senior 55 and up, with fixed income	10/22/2025 8:22 PM
69	Allow more non profits to be able to apply for funds	10/22/2025 8:21 PM
70	N/A	10/22/2025 7:19 PM
71	Allocate resources on education. Set up multi location weekly meetings to go over credit, homeownership and finances to help.	10/22/2025 6:31 PM



## MEMORANDUM

**TO:** Honorable Mayor and Members of the Board of Directors  
**CC:** Danny Baker, Chief of Police  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** December 4, 2025  
**SUBJECT:** City policy on non-consent towing procedures

### **SUMMARY**

Frequently, the Fort Smith Police Department must arrange for the towing of a vehicle that becomes inoperable due to mechanical failure, damaged during an accident, if the driver has been arrested, or that is abandoned. The FSPD maintains a "wrecker rotation list" from which qualified wrecker companies will be contacted to tow a vehicle at the request of a member of the FSPD. There are currently 24 tow companies on this list. In order to be on the list for rotation, each company must meet minimum qualifications, which involves driver qualifications, tow truck inspections by the Arkansas State Police, and the FSPD inspecting their vehicle storage area security and lighting. This topic was last discussed at the August 13, 2024 study session, when there was some consideration of the FSPD doing an RFP process for selecting a single provider. There was much feedback from the local towing companies, and the result of the discussion was maintaining the rotation list.

Directors have recently indicated interest in revisiting this discussion, with Director Rego requesting at the October 21 regular meeting that the topic be placed on a study session for additional discussion. The topic is included on the December 9 study session agenda, and documents relevant to the current policy are attached. Chief Baker and representatives from the Police Department will be available to answer questions the Board may have.


Please contact me if you have questions related to this discussion item.

### **ATTACHMENTS**

1. [Assistance To Motorists.pdf](#)
2. [Towing Procedures.pdf](#)
3. [Regulations Specifications Authorizations for Approved Tow Companies.pdf](#)

# FORT SMITH POLICE DEPARTMENT

## POLICIES AND PROCEDURES

SUBJECT	Assistance to Motorists		
NUMBER	1107.08	EFFECTIVE DATE	November 1, 2001
SCHEDULED REVIEW DATE	Annually beginning February 1	ISSUE DATE	November 1, 2001
DATE REVIEWED	May 27, 2025	REVISION DATE	
APPROVED BY		CALEA STANDARDS	LE 61.4.1; LE 61.4.4

### I. Purpose and Scope

- A. The purpose of this policy is to establish guidelines for members of the Fort Smith Police Department pertaining to providing assistance to motorists.

### II. Policy

- A. It is the policy of the Fort Smith Police Department to provide all reasonable assistance to motorists. This assistance may include, but is not limited to providing directions to lost motorists, providing assistance to stranded or disabled motorists, or arranging for towing of disabled vehicles.

### III. Procedure

- A. Fort Smith police officers shall be alert for and, whenever possible, stop and provide assistance to motorists who are in need of help. Should an officer observe a motorist in need of assistance, but is unable to stop, the officer should notify the Communications Unit of the motorist's location so that another officer may be dispatched to render assistance.
- B. Examples of the types of assistance to motorists that officers of the Fort Smith Police Department can expect to provide include, but are not limited to the following: **[LE 61.4.1.a]**
1. Providing information or directions to lost motorists;
  2. Providing protection to stranded motorists from other traffic or hazards;
  3. Contacting someone through the Communications Unit to assist the stranded motorist.
  4. Transporting stranded motorists to another location, provided approval has been obtained from an on-duty supervisor;
  5. Changing flat tires;
  6. Pushing vehicles out of the roadway; and

Page 1 of 2	Effective Date: November 1, 2001
Subject: Assistance to Motorists	Number: 1107.08

7. Jump-starting vehicles.
- C. Under normal circumstances, police officers shall not provide the following types of assistance unless specifically authorized by the on-duty supervisor: **[LE 61.4.1.b]**
1. Providing mechanical repairs;
  2. Transporting gasoline or other petroleum products; and
  3. Unlocking vehicles unless conditions exist that jeopardize an individual's safety or welfare.
- D. If requested, officers shall provide assistance to disabled motorists in obtaining roadside repairs or towing services. The officer shall consider the following: **[LE 61.4.1.b]**
1. Determine if the motorist requests a specific towing service and, if so, have the Communications Unit contact that service.
  2. If the owner has no preference as to the wrecker company, the officer should request the Communications Unit notify a towing company from the Fort Smith Police Department's wrecker rotation list.
- E. Stranded motorists must not be abandoned when exposed to hazardous conditions. Police officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service, when providing assistance to stranded motorists. Officers should activate their emergency lights and position their vehicle in a manner that both alerts the oncoming traffic and protects the stranded motorist from the oncoming traffic. **[LE 61.4.1.c]**
- F. Police officers shall render all practical assistance to motorists who are involved in any of the following emergency situations: **[LE 61.4.1.d]**
1. Vehicle Fires – The officer should immediately notify the Communications Unit to request fire personnel be dispatched. The officer should identify his location, the vehicle's location, the type of vehicle and cargo, and any other pertinent information. The officer, if possible, should then make reasonable attempts to extinguish the fire prior to the fire department's arrival.
  2. Medical Emergencies – The officer should attempt to determine the nature of the emergency, provide all pertinent information to the Communications Unit and request that EMS personnel be dispatched. The officer may render first aid in accordance with the officer's level of training.

#### **IV. Traffic Safety Educational Materials**


- A. The ultimate goal of enforcement is to achieve voluntary compliance with traffic laws and regulations. To assist in achieving this goal, traffic safety educational materials shall be made available, upon request and availability, through the Fort Smith Police Department's Crime Prevention Office. The dissemination of these traffic safety educational materials supports enforcement efforts and enhances public understanding of traffic safety programs. **[LE 61.4.4]**

Page 2 of 2	Effective Date: November 1, 2001
Subject: Assistance to Motorists	Number: 1107.08



# FORT SMITH POLICE DEPARTMENT

## POLICIES AND PROCEDURES

SUBJECT	Towing Procedures		
NUMBER	1107.10	EFFECTIVE DATE	November 1, 2001
SCHEDULED REVIEW DATE	Annually beginning February 1	ISSUE DATE	November 1, 2001
DATE REVIEWED	May 27, 2025	REVISION DATE	January 22, 2016
APPROVED BY		CALEA STANDARDS	LE61.4.3; COM 6.3.4

### I. Purpose and Scope

- A. The purpose of this policy is to define the procedures to be followed by members of the Fort Smith Police Department when calling for and dispatching wreckers.

### II. Policy

- A. Frequently, the Fort Smith Police Department must arrange for the towing of a vehicle that becomes inoperable due to mechanical failure or damaged during an accident, or from which the driver has been arrested, or that is abandoned.
- B. It is the policy of the Fort Smith Police Department to maintain a “wrecker rotation list” from which qualified wrecker companies will be contacted to tow a vehicle at the request of a member of the Fort Smith Police Department. The Fort Smith Police Department will make reasonable efforts to contact a wrecker of the driver’s choosing whenever possible, unless circumstances make this effort impractical.

### III. Procedure-Towing of Vehicles

- A. *Arkansas code annotated* § 27-50-1205(1) authorizes any law enforcement officer observing a vehicle on or near a public roadway which appears to be unattended or abandoned to order the immediate removal of any unattended, abandoned, disabled, or inoperable vehicle located within three feet (3’) of the traveled surface or a public roadway or if the vehicle appears to be creating a hazard to the public. Officers acting in accordance with this statute shall make attempts to contact the registered owner of the vehicle to have it removed from the roadway. If contact with the registered owner of the vehicle cannot be made, the officer will have the Communications Unit notify the next available wrecker from the wrecker rotation list to respond. If a violation of the law is observed, the officer should issue a traffic citation to the registered owner of the vehicle with an appropriate charge for the situation. A copy of the citation will remain with the vehicle upon towing.
- B. If an unattended or abandoned vehicle is discovered, but does not pose a hazard to the public, the officer will tag the vehicle with a notice advising that the vehicle will be towed if not moved within seventy-two (72) hours. This requirement complies with both A.C.A. § 27-50-1205(2), which requires the tagging of unattended or abandoned vehicles with a notice that the vehicle will be towed, and Fort Smith City Ordinance 24-108, which allows the owner of the tagged vehicle seventy-two (72) hours to remove same.

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- C. Police officers are authorized to tow and impound vehicles when one or more of the following conditions exist. In circumstances other than those listed below, when a police officer believes it necessary to tow a vehicle, the officer should contact a supervisor for guidance.
1. Abandoned Vehicle - If by virtue of its location, an abandoned vehicle is in violation of a state statute or city ordinance, then the officer is authorized to tow the vehicle. Prior to towing the vehicle, officers shall make a reasonable attempt to contact the owner of the vehicle to have it moved. If no contact can be made, officers are authorized to cause the vehicle to be towed by contacting the Communications Unit for the next available wrecker from the wrecker rotation list.
  2. Inoperable Vehicle – In cases in which a vehicle is disabled as a result of a collision or mechanical failure, officers should advise the Communications Unit to notify the wrecker company requested by the owner, consistent with section II.B of this policy. If the owner has no preference as to the wrecker company, the Communications Unit will contact the next available wrecker from the wrecker rotation list.
  3. Recovery of Stolen Vehicle - After processing the vehicle for any potential evidence, the Communications Unit should attempt to contact the owner to take possession of the vehicle. If unable to contact the owner, the next available wrecker from the rotation list will be utilized.
  4. Vehicle as Evidence - Officers shall have the Communications Unit notify Jody's Wrecker to have the vehicle secured. *The towing company should be advised that the vehicle is to be secured as evidence and informed of any other special instructions by the towing officer.*
  5. Arrests – *If the driver of a vehicle is also the owner* and is arrested by a member of this Department, the driver may choose one of the following four options:
    - a. The driver may wish that the vehicle be towed. He or she may designate a particular wrecker company to perform the tow and the Fort Smith Police Department will make reasonable efforts to contact that wrecker, consistent with section II.B of this policy. If the driver has no preference as to a wrecker company, the Communications Unit will contact the next available wrecker from the wrecker rotation list.
    - b. The driver may elect to release the vehicle to another qualified driver, provided that the custody transfer would not excessively delay the arrest process. In all cases, the designated driver must be legally capable of operating the motor vehicle.
    - c. In certain situations, the arresting officer may permit the arrested person to drive the car to the detention facility or police department, and then process the driver into the Detention Center. In such cases, the officer must consider the likelihood of the driver complying with this request. If the officer feels that the driver will not comply, then obviously this option should not be considered. *The arresting officer may not consider such an option if the driver is suspected of DWI or a similar offense, if the driver has no valid operator's license or automobile insurance; or if in the judgment of the officer, considering this option would in any way be unsafe.*

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- d. The driver may be permitted to leave his vehicle legally parked at the scene of the arrest when (1) the vehicle has no value as evidence; and (2) the vehicle will remain legally parked should the driver be unable to remove it within a short period of time. *The arresting officer must make sure that the driver understands that the Fort Smith Police Department accepts no responsibility for the vehicle and its contents while it is parked at the designated location, and that they are responsible for securing transportation back to the vehicle once they are released from the Detention Center. If the vehicle is parked on a private parking lot without the owner's immediate knowledge, the driver should be reminded that it is possible that the owner will not want the vehicle parked there and arrange for its removal once its presence is discovered.*
  - e. ***If in the judgment of the arresting officer, the driver is unable to render a rational decision as to any of the above options because of a physical or mental impairment, the officer shall tow the vehicle. Consistent with section (a) of this section, the driver shall be permitted to indicate a wrecker preference. If the driver has no preference, or if the driver refuses to name a wrecker company, then the next available wrecker will be contacted from the Department's wrecker rotation list.***
  - f. If the arrested driver is not the owner, the officer should make a reasonable effort to contact the registered owner of the vehicle. If the registered owner cannot be contacted and the officer reasonably believes the arrested driver to be an authorized agent of the registered owner, the arrested driver should be given the same options outlined in sections a-e of this section. If the officer reasonably believes the arrested driver may not be an authorized agent of the registered owner, the officer should tow the vehicle, with approval from a field supervisor, consistent with section II.B of this policy.
6. No Proof of Insurance – Per § 27-22-109, if an operator of a motor vehicle is unable to present proof of insurance coverage as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if the officer issues a citation for a traffic violation for any of the following offenses:
- a. Racing on a public highway;
  - b. Reckless driving;
  - c. Driving with lights off to avoid detection, identification, or apprehension;
  - d. Hazardous driving;
  - e. Leaving the scene of an accident involving property damage only;
  - f. Driving the wrong way on a one-way street;
  - g. Speeding in excess of fifteen miles per hour (15 m.p.h.) over the posted speed limit;
  - h. Using nitrous oxide in a motor vehicle or motorcycle on a street or highway as prohibited under § 27-37-803;
  - i. Observing a drag race as a spectator on a public highway;
  - j. Committing more than three (3) violations in a twelve-month period, **AND**
  - k. The operator has:
    - 1. Received three (3) or more warnings for a violation of § 27-22-104;
    - 2. Pleaded guilty or nolo contendere to or been found guilty of three (3) or more violations of § 27-22-104; **or**

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3. Received a total of three (3) or more warnings for a violation of § 27-22-104 or convictions for a violation of § 27-22-104. (Warnings for No Proof of Insurance will appear on the operator's driver history when the officer conducts a check of the driver's license).

1. If an operator of a motor vehicle is unable to present proof of insurance coverage as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if one (1) or more of the following occur:

1. The driver is operating a motor vehicle on a cancelled, suspended, or revoked driver's license in violation of § 27-16-303;

2. The driver is operating the motor vehicle without a driver's license in violation of § 27-16-602; or

3. The driver is operating a motor vehicle:

(i) Without a license plate in violation of § 27-14-304;

(ii) With an unofficial license plate in violation of § 27-14-305;

(iii) With improper use of evidence of registration in violation of § 27-14-306; or

(iv) With false evidences of title or registration in violation of § 27-14-307.

m. Per Arkansas State Statute 27-22-109, the legal authority to tow a vehicle based on the operator having no insurance applies under the above-mentioned conditions even if the owner has insurance but fails to present proof of insurance. The decision whether or not to tow a vehicle for lack of insurance will be at the discretion of the officer.

n. The Office of Driver Services posts warning citations for Failure to Show Insurance onto drivers' records. The record, which will read, "WARN-FL SHOW INS," will be posted on the driver's history. It is visible only to law enforcement and will not be released to employers or insurance companies. Should a Fort Smith Police Department officer encounter a driver who is unable to provide proof of insurance and elects to issue a warning rather than a citation, those warnings will also need to be forwarded to the Office of Driver Services. Any officer who issues a warning for Failure to Show Insurance will turn it in along with any other warnings. The employee who is responsible for entering warning tickets into the records management system will make sure that any warnings for Failure to Show Insurance are delivered to the Office of Driver Services by mailing them to: Traffic Violation Records, P.O. Box 1272, Little Rock, AR 72203.

D. Arkansas law permits private property owners to remove abandoned or unattended vehicles from their property *at the owner's expense* and, as such, officers generally are not authorized to tow these vehicles from private property. However, if the vehicle is stolen, if the vehicle is evidence in a crime or for some other reason should be towed at the direction of the Fort Smith Police Department, the officer is authorized to do so.

E. When a vehicle is removed or towed at the direction of an officer of this Department as result of non-consensual circumstances, it shall be responsibility of the officer authorizing the tow to complete an Auto Storage Report. Non-consensual circumstances may include, but are not limited to physical arrests, incapacitated driver or abandoned vehicles that pose a road hazard and need to be removed immediately. *A vehicle inventory will only be performed on vehicles taken into "custody" by an officer during a police action. "Custody" means a vehicle that*

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*the officer must have towed and stored by a wrecker company, or a vehicle driven or towed to the police department for further processing. No vehicle inventory will be performed on vehicles that are to be released or left lawfully parked at the responsible party's request as the department does not assume any liability in these circumstances. Note: An arrest is considered a non-consensual tow even if the arrested party requests a particular towing company. As such an inventory will be required to protect the department and/or private contractor from liability.*

- F. The Auto Storage Report shall serve as a written record of the incident and copies of the report distributed as follows:
1. Whenever possible, the white copy, which is labeled "Office Copy" should be given to the vehicle's owner or operator;
  2. The yellow copy should be given to the towing company; and
  3. The hard copy shall be submitted to the Communications Unit by the towing officer before the end of his or her tour of duty. Copies of all Auto Storage Reports will be filed within the Communications Unit.
- G. Consistent with the Fort Smith Police Department's Vehicle Inventory Policy (FSPD Policy # 1101.09) when a non-consensual tow is conducted, a description of any valuables found within a vehicle being towed must be included on the Auto Storage Report.

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# FORT SMITH POLICE DEPARTMENT

## POLICIES AND PROCEDURES

<b>SUBJECT</b>	<b>Regulations, Specifications, &amp; Authorizations for Approved Tow Company Rotation List Participants</b>		
<b>NUMBER</b>	<b>1107.11</b>	<b>EFFECTIVE DATE</b>	<b>October 6, 2014</b>
<b>Scheduled Review Date</b>	<b>Annually beginning February 1</b>	<b>ISSUE DATE</b>	<b>October 6, 2014</b>
<b>Date Reviewed</b>	<b>May 12, 2025</b>	<b>REVISION DATE</b>	<b>May 12, 2025</b>
<b>APPROVED BY</b>		<b>CALEA STANDARDS</b>	

### I. Purpose and Scope

- A. The purpose of this policy is to set forth regulations required of tow companies to participate in the Department's Tow Company Rotation List and articulate specifications that must be met by tow companies who are authorized to participate in the Tow Company Rotation List.
- B. The scope of this policy affects the following written directives:
  - 1. Policies & Procedures:
    - a. 1107.08 Assistance to Motorists
    - b. 1107.09 Vehicle Inventory
    - c. 1107.10 Towing Procedures
  - 2. Operational Memorandums:
    - a. 04-01 Towing Company Inquiries
  - 3. Communications Unit Standard Operating Procedures:
    - a. 2-06 Tow Call Procedures

### II. Policy

- A. It is the policy of the Fort Smith Police Department to utilize services of licensed and permitted non-consent tow companies who are in compliance with Arkansas state statutes pertaining to towing and who abide by rules and regulations promulgated by the Arkansas Towing and Recovery Board. Compliance with these regulations and requirements will provide a level of safety to the motoring public, law enforcement and first responders on the scene as well as the tow operator. These standards are also intended to protect motorists from potential unethical or unfair business practices.

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### III. Definitions

- A. VEHICLE means a device by which persons or things may be transported upon a public highway and which is of the type subject to registration in Arkansas.
- B. TOW VEHICLE means a motor vehicle or related equipment subject to registration in the State of Arkansas that is used to tow, recover, upright, transport, or otherwise facilitate the movement of vehicles on public highways.
- C. EQUIPMENT means any vehicle or related equipment used by a tow business or tow vehicle to perform towing or storage services; or personal property commonly used to facilitate a business or farming operation for which a possessory lien is granted to a tow business under Arkansas Code §27-50-1208 through §27-50-1210.
- D. NON-CONSENT means the towing, storage, or recovery of any unattended or abandoned vehicle, any disabled or inoperative vehicle or a vehicle subject to impound or removal by law enforcement without the expressed or implied permission of the vehicle owner, operator, agent or person in charge of the vehicle.
- E. CONSENT means towing, storage, or recovery of a vehicle, which towing, storage, or recovery is done with the permission of the owner or other person in charge of the vehicle. Consent does not include the repossession of a vehicle by the vehicle lienholder, agent, or other person working on behalf of the lienholder.
- F. TOW VEHICLE SAFETY PERMIT means a decal issued annually by the Arkansas Towing & Recovery Board to be affixed to the windshield of any tow vehicle operated by a licensed tow business displaying the annual period by year and month for which the permit is valid.
- G. STORAGE means a daily fee charged by a towing business to secure and safely store a vehicle, and includes the release of a vehicle during normal or reasonable business hours.
- H. PERSON means any individual, partnership, corporation, association, or other entity.

### IV. Regulations and Specifications

- A. This policy reflects requirements of the Arkansas Towing and Recovery Board rules and regulations, insofar as establishing reasonable licensing, safety equipment requirements, and insurance for any person, individual, firm, association, company, partnership, corporation, non-profit organization, institution, or other similar legal entity engaging in towing and/or related services and participating in the Department's Tow Company Rotation List.
  - 1. The Arkansas Towing and Recovery Board receives its authority from A.C.A. §§ 27-50-1201 *et seq.*
- B. These regulations and specifications are not intended to limit application to the list by any towing company; however the Fort Smith Police Department reserves the sole right to determine which regulations and specifications are in the best interest of the citizens of the City of Fort Smith, and to exclude those which are not deemed suitable. It is the responsibility of all interested tow company owners to be knowledgeable of all pertinent State and City laws and current regulations of the Arkansas Towing and Recovery Board.
- C. Each towing company who wishes to apply for inclusion to the Fort Smith Police Department's "Tow Company Rotation List", must agree to conform to the following regulations and

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specifications. Failure to conform to these regulations and specifications within this policy will constitute grounds for removal of a tow company from the Fort Smith Police Department Tow Company Rotation List.

1. This rule applies to all tow requests except requests that arise as a result of an owner's private request of tow services, when allowed by time and circumstances.
  2. Any tow vehicle responding to an owner's request must be properly licensed and permitted through the Arkansas Towing and Recovery Board.
- D. Prior to being included on the Fort Smith Police Department's Tow Company Rotation List, all tow company facilities, vehicles and equipment shall be subject to inspection by an officer assigned to the Special Operations Division. All requirements pertaining to the operation of the tow service as detailed in the regulations or those requirements mandated by state law or local ordinances will be considered during this inspection.
1. Proof of having successfully passed the State of Arkansas Towing & Recovery Board's "Tow Vehicle Safety Equipment Inspection Form" completed by the Arkansas State Police shall suffice as having had all vehicles and equipment inspected. A completed inspection form for each vehicle intended for use on the Fort Smith Police Department's Tow Company Rotation List must be provided.
- E. Each tow company at the time of application to the Police Department shall provide the Police Department with telephone number(s), at least one of which is answered 24-hours a day, and a physical address within the corporate city limits of Fort Smith, Arkansas at which representatives of their firm can be contacted. Each tow company shall provide a valid email address through which notices can be communicated.
- F. Licensing and Permitting
1. Before tow vehicles are eligible to participate in the TOW COMPANY ROTATION LIST, they must display a valid Tow Vehicle Safety Permit issued by the Arkansas Towing and Recovery Board for that vehicle. Tow vehicles displaying a non-consent permit may also perform consent tow services.
    - a. The Tow Vehicle Safety Permit shall be displayed in the lower left corner of the windshield and a business license number permanently placed on both sides of the tow vehicle near the business name issued by the Arkansas Towing & Recovery Board.
  2. All tow companies participating in the Tow Company Rotation List must possess a valid City business license.
  3. All tow vehicles shall be properly licensed as a motor vehicle and have the Motor Vehicle Registration Certificate available for inspection.
- G. Insurance
1. Tow companies must obtain and keep in continuous effect insurance in sufficient amounts to cover any claim against them resulting from property damage or injury to persons occurring while they are rendering service at the request of the Fort Smith Police Department in compliance with Rules 9 through 9.6 of the Arkansas Towing and Recovery Board's *Rules and Regulations*.

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2. Prior to the inclusion of the tow company to the rotation list, the tow company must present to the Fort Smith Police Department insurance certificates demonstrating the tow company is carrying the above described insurance. This certificate shall further provide that said insurance will not be canceled or other material changes made to the policy by the operator without the insurer first giving written notice to the Fort Smith Police Department.
3. Tow companies shall hold the City of Fort Smith harmless for damages to towed vehicles, theft of towed vehicles, and items missing from towed vehicles from the time that the tow company takes control of the vehicle. The tow company agrees to hold the City of Fort Smith harmless of and from any and all liability negligence or from any damage occurring to towed vehicles while the vehicles are in the tow company's possession or control regardless of tow company's negligence.

#### H. Equipment

1. Tow vehicles used by participating tow companies shall meet the equipment requirements established by the Arkansas Towing and Recovery Board. Tow vehicles shall have successfully passed the State of Arkansas Towing & Recovery Board's "Tow Vehicle Safety Equipment Inspection Form" completed by the Arkansas State Police. Proof of the passed inspection must be provided for each vehicle intended to be used by the participating tow company.
  - a. Each tow vehicle shall have permanent lettering on both sides showing the name, address, and phone number of the towing company. Lettering shall be no less than three (3) inches in height and shall have a professional appearance. Magnetic signs are prohibited.
  - b. Any equipment employed in the tow or recovery of a vehicle shall be in good working condition and free of excessive wear, leaks, or breaks and must bear a current vehicle inspection certification when required by law.
2. Any operator of a tow vehicle is expected to have the working knowledge necessary to operate safely and maintain all equipment required in this section.
3. Any tow vehicle driver or employee of the tow company working outside of the tow vehicle shall wear high visibility safety vests or clothing and gloves, leather or mechanics type that resist oil and grease.

#### I. Operations

1. The tow company shall be in possession of a current "Non-Consent Permit" as issued by the Arkansas Towing and Recovery Board, as mandated by Arkansas Code Annotated § 27-50-1201. The tow company shall also hold any and all permits that may be required by other state laws or city ordinances. A copy of the Non-Consent Permit shall accompany the tow company's application to the Police Department. Such permits shall be displayed at the place of business or on the tow truck as prescribed by law.
2. Each tow company must provide twenty-four hour continuous *priority* service for all requests for service by the Fort Smith Police Department. All tow companies must have a telephone number in the name of the business published in the local telephone directory or that number must be accessible through directory assistance or the internet. This telephone number must be answered twenty-four hours a day. Tow companies must respond to calls for service from the Police Department at any hour. Failure to respond to

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the Police Department's requests for service or refusal to respond to a request without a reasonable explanation shall be considered grounds for removal from the Tow Company Rotation List.

3. All tow companies participating in the Tow Company Rotation List must carry valid insurance for all tow vehicles in compliance with this rule and the Arkansas Towing and Recovery Board requirements.
4. All tow companies participating in the Tow Company Rotation List shall have a base of operations and a storage lot facility located within the corporate City limits of Fort Smith, Arkansas, which shall be easily accessible to the public.
  - a. Each tow company shall have a separate and distinct place of business and be properly licensed by the City of Fort Smith.
  - b. Appropriate signage identifying the tow company by name and address shall be easily visible from the road on which the business is located, notwithstanding City zoning requirements. Business hours and telephone numbers shall be identified on the sign.
  - c. Storage facilities shall be in compliance with these rules as outlined in Section I.15.a-c.
5. Each tow company must be a distinct business entity with separate City issued business licenses. Their base of operations must be distinctly separate from the base of operations of any other tow service on the Tow Company Rotation List. Insurance policies and any permits must be issued to the individual tow company.
6. Any tow company appearing on the Fort Smith Police Department's Tow Company Rotation List shall be subject to inspection at any time by an officer of the Fort Smith Police Department to ensure compliance with all regulations contained in this policy or in applicable state laws or local ordinances.
7. Beyond normal business hours, which shall be defined as Monday through Friday between 8:00 am and 5:00 pm, the tow company must allow for the release of vehicles towed for the Fort Smith Police Department seven days per week. The tow company must have a telephone number in the name of their business published in the local telephone directory or accessible through directory assistance or the internet. This number must be answered twenty-four hours a day.
8. Tow operators shall make all reasonable efforts to be at the location requested by the Police Department within twenty-five (25) minutes of the time the Police Department request is received. If for any reason the tow vehicle is delayed in route due to traffic, weather or other adverse highway conditions police dispatch shall be contacted immediately. The response time begins upon notification by the Fort Smith Police Department that tow services are needed. In the event the tow vehicle does not arrive in a timely manner, the Fort Smith Police Department may, at its discretion, call another tow company of its choosing from the Towing Company Rotation List. During emergencies, disasters, inclement weather, or other times when the tow company is unable to provide timely service, the City reserves the right to use an alternate tow service.
9. No tow vehicle shall proceed to the scene of an accident unless requested to do so by the Fort Smith Police Department or by the owner or driver of the wrecked or disabled vehicle. *Violations of this regulation are grounds for immediate removal from the Tow Company Rotation List.* Should a tow company or any of its employees receive

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notification of an accident from a source other than the Fort Smith Police Department, they shall immediately notify the proper police agency.

10. Upon arrival at an accident scene, the tow operator will stand by so as not to disturb the scene of an accident during the investigative process and will not proceed to work on or remove any vehicle until authorized to do so by a police officer. All tow operators shall conduct themselves in a professional manner.
11. It shall be the responsibility of every tow operator to remove or provide for the removal of all debris from the street before leaving an accident scene in accordance with Arkansas Code Annotated § 27-51-1405. If vehicle parts or debris are left at the scene of an accident the tow company will be notified and will be required to dispatch a clean-up crew immediately at no additional cost to the vehicle owner or the insurance company.
12. Each tow company shall maintain a record of all vehicles towed at the request of the Fort Smith Police Department. Every tow record shall include the date, time, location, make, model, license, vehicle identification number (VIN), and police officer's name who authorized the tow. Tow records shall be made available at any time upon request by a Fort Smith Police Department employee.
13. All tow companies shall obey all traffic regulations unless otherwise directed to do so by a police officer. All tow operators shall possess a valid motor vehicle driver's license with the proper commercial driver's license designation required by law to operate the tow vehicle in use.
14. Any tow vehicle utilizing a platform based tow surface such as a rollback or car carrier must comply with the four-point tie down law, excluding use of a winch.
15. All tow companies must maintain a lighted and fenced storage area within the corporate City limits of Fort Smith (as specified below) to prevent entrance by unauthorized person(s) and must hold itself responsible for any theft or vandalism to vehicles or other property within its control. The storage area shall be kept free from obstacles and hazards so as to provide safe access to the stored vehicles. The tow company shall ensure that all storage lots remain in compliance with the City of Fort Smith Building and Zoning Codes, as well as any other applicable law or ordinance. This storage area may not be shared with any other company or individual.
  - a. STORAGE AREA LIGHTING - Storage areas must be equipped with sufficient lighting so as to allow adequate security at all times. Lighting fixtures must be placed so that the entire storage is evenly illuminated.
  - b. STORAGE AREA FENCING - The perimeter of all storage areas used by the tow company shall have fencing installed. The fencing shall be of a chain-link type or equivalent six (6) feet or higher in height and mounted on standard steel pipe with a steel pipe top rail and topped by no fewer than three (3) strands of barbed or razor wire.
  - c. STORAGE AREA SURVEILLANCE - Tow companies shall maintain storage areas equipped with video surveillance capabilities and shall make available all video surveillance recordings to any Fort Smith Police Department officer upon request.
16. The owner of the towing service shall provide to the Fort Smith Police Department a list of all employees and their dates of birth that will have access to the storage facility and shall continue to update the list upon the hiring or termination of any employees. The

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City of Fort Smith shall reserve the right to reject individuals for hire by tow companies who have been convicted of a felony or a misdemeanor involving theft, fraud, or false statement.

17. All requests for tows received from a Fort Smith Police Department employee will be at no charge to the City of Fort Smith from the scene of the accident or hook-up point to the final disconnect location. All fees are to be collected from the vehicle owner, his agent, or representative. This section is not intended to conflict with Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations § 27-50-1204 (C)(2)(b).
18. Each tow company must, upon request for service by the Police Department, either immediately make available a suitable tow vehicle and qualified operator, or else immediately inform the requesting police department employee that no suitable tow vehicle is available so that service may be obtained from another participating tow company if necessary. A tow company may not summon the services of another tow company to respond to a police call.
19. The Fort Smith Police Department reserves the right to summon the nearest Tow Company Rotation List participant to an incident when a police officer at the scene deems the need to be an emergency. In such cases, the Police Department will call any tow companies that were bypassed when tow services are required.
20. A price sheet, with large and legible print, for all services charged in the towing or recovery of a vehicle must be placed in a conspicuous place in the office area where a customer would commonly be present. An 8½" X 11" copy on company letterhead must be provided each year (January 1<sup>st</sup>) to the Fort Smith Police Department. The police department should be notified immediately of any changes in pricing before the new fees are employed. All fees for towing and storage must be reasonable and reflect the market. Charging a fee higher than what is posted will result in termination from the rotation list.
21. Any change of ownership or change in company name shall require the company to reapply for inclusion to the Tow Company Rotation List.
22. Complaints from the public concerning overcharging for non-consensual towing or storage fees, alleged violations of applicable state law, or alleged violations of the provisions of the Arkansas Towing and Recovery Board *Rules and Regulations* will be referred immediately to the Arkansas Towing and Recovery Board for investigation. Sustained complaints against a participant of the Tow Company Rotation List by the Arkansas Towing and Recovery Board may be cause for removal of the tow company from the list.
23. Any tow company found in violation of any provisions of this policy may be immediately removed from the Tow Company Rotation List after being notified by the Fort Smith Police Department. This notification may take place via telephone, but shall immediately be followed up in writing (letter or email) by the Fort Smith Police Department specifying the reason(s) the tow company has been removed. If the tow company corrects deficiencies and comes into compliance with these requirements, the Fort Smith Police Department may re-inspect the tow company to ensure full compliance with regulations before consideration for reinstatement will be given. A pattern of falling out of compliance may result in the permanent removal of the tow company's name from the Fort Smith Police Department Tow Company Rotation List.

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J. Tow Company Rotation List Application and Approval

1. Under no circumstances will tow companies be added as a participant to the Tow Company Rotation List without first completing and submitting an application and receiving written approval by the Special Operations Division Commander.
2. The application shall consist of the following documents to be completed and submitted to the Fort Smith Police Department by a tow company's representative:
  - a. Fort Smith Police Department Tow Company Rotation List Application (pages 1-3).
  - b. Fort Smith Police Department Tow Company Operations and Storage Facility Inspection Report.
3. Upon receipt of the completed application, an officer assigned to the Special Operations Division shall conduct an inspection of the tow company applicant's storage facility, offices (if applicable), and tow equipment to verify the information and compliance with all requirements.
4. Following the onsite inspection of facilities, the officer shall indicate on the Tow Company Rotation List application whether to recommend adding the applicant to the Department's Rotation List.
  - a. If the officer does not recommend adding the applicant to the Department's Rotation List, the officer shall articulate the reason(s) why.
5. The Special Operations Division Commander shall prepare a letter notifying the Tow Company Rotation List applicant whether or not they will be added to the Rotation List and the effective date. The letter shall either be mailed to the applicant via the U.S. Postal Service, or emailed to the applicant's email address.

K. Annual Inspections

1. Annually, the Fort Smith Police Department will ensure that all companies on the Fort Smith Police Department's Tow Company Rotation List be inspected to ensure compliance with these regulations and specifications.
2. The Fort Smith Police Department's Tow Company Rotation Check List shall be utilized by the inspecting officer to ensure that all required documentation is received and that the official representative of that company has received a copy of the above regulations and specifications and has signed acknowledging them.
3. A file shall be maintained for each company on the rotation list which may consist of, but not limited to, all required documentation, applications, yearly inspections, and all complaints made to the State of Arkansas Towing and Recovery Board against that company.

L. Complaints

1. All complaints against companies on the Fort Smith Police Department's Tow Company Rotation List shall be directed to the Arkansas Towing and Recovery Board. All complaints, no matter the finding by the Arkansas Towing and Recovery Board, shall be maintained in the company's file.

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2. Sustained complaints by the Arkansas Towing and Recovery Board shall result in the following:
  - a. The first complaint sustained by the Arkansas Towing and Recovery Board shall result in the tow company being suspended from the rotation list for a period of three months.
  - b. The second complaint sustained by the Arkansas Towing and Recovery Board shall result in the tow company being suspended from the rotation list for a period of six months.
  - c. The third complaint sustained by the Arkansas Towing and Recovery Board shall result in the tow company being suspended from the rotation list for a period of one year.
  - d. The fourth complaint sustained by the Arkansas Towing and Recovery Board shall result in the tow company being suspended permanently from the rotation list.

M. Additions and Changes to the Policies and Procedures

1. A sixty-day notice will be provided to participants on the rotation list, giving companies adequate time to comply with any updates to the rules governing the rotation list or tow vehicle policies. During this sixty-day period, tow companies may submit feedback to the Special Operations Division Commander.

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