

ORDINANCE NO. 192

AN ORDINANCE OF THE CITY CODE REGARDING THE CITY COUNCIL, ITS MEETINGS, AND RULES OF THEIR PROCEEDINGS

WHEREAS, Arkansas law vest substantial responsibilities, obligations, and authority with City Councils; and

WHEREAS, the current Code of Ordinances of the City of Bethel Heights is deficient and lacking in its explanations of, and provisions for, the City Council's proper exercise of authority, and the manners and methods of carrying out its statutory responsibilities and obligations; and

WHEREAS, in the interest of good government, it is the desire of the City Council that the City Code be amended to clearly and fully specify all matters relating thereto.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, ARKANSAS:

SECTION 1. That the Code of Ordinances of the City of Bethel Heights is hereby amended to read as follows:

**A. Reserved.**

**B. City Council – Members and Duties.** City council members may also be referred to as aldermen. There shall be two (2) aldermen per ward, with respective positions designated as #1 or #2. Candidates for the position of alderman shall reside within the corporate limits and their respective wards at the time they file as candidates for alderman, and while holding that office. The election of all aldermen shall be at large.

City council members are officers and officials of the city. As prescribed by law, the city council:

- (1) Shall possess all of the legislative powers granted by law, as well as such other corporate powers and authority as is, or may be provided by law.
- (2) Shall have the management and control of the city finances, and all real and personal property belonging to the city.
- (3) Shall receive from the mayor, on or before November 1<sup>st</sup> of each year, a proposed budget for operation of the city from January 1<sup>st</sup> to December 31<sup>st</sup> of the forthcoming year.
- (4) Shall, during the December council meeting of each year, adopt a budget for operation of the city.
- (5) Shall provide, by ordinance, the procedure for making all purchases that do not exceed the sum of ten thousand dollars (\$10,000).
- (6) May, by ordinance, waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.
- (7) Shall provide the times and places of holding its meetings, which shall at all times be open to the public.
- (8) Shall annually, at the meeting in January, assemble and organize the council.

- (9) Shall determine the rules of their proceedings.
- (10) Shall set the salaries of the mayor, council, and other municipal officials; provided salaries of an official may be increased during the term for which the official has been elected or appointed and may be decreased during the term only if requested by the official.
- (11) Shall authorize, by resolution, all contracts to be entered into by the city. For purchases, A.C.A. §14-54-302 shall apply.
- (12) May override the mayor's veto by a two-thirds (2/3) vote of all of the aldermen elected to the council.
- (13) May, in an effort to assist in the administration of fiscal affairs, pursuant to A.C.A. §14-58-301 et seq., and to facilitate the proper and efficient execution of their duties and responsibilities, appoint committees, to be composed from its membership.
- (14) May prescribe the administrative framework of city government, including the establishment of departments, and fixing the responsibilities, compensation, and manner of employment for the employees thereof. Provided, persons appointed to fill any offices or to head any departments shall be responsible to the mayor and act under his direction, subject to applicable laws and ordinances.
- (15) May override the mayor's appointment and removal of department heads by a two-thirds (2/3) vote of the total membership of the council.

**C. Regular Meetings.** All regular meetings of the city council shall be held in the city hall at 530 Sunrise Dr. on the third Tuesday of each month at 7:00 p.m. Should a holiday or conflicting event occur on any such Tuesday, the regular meeting shall be held the following day at the same time and place, or as otherwise designated by agreement of the City Council at the Council meeting prior to the holiday or conflicting event.

**D. Special Meetings.** The mayor shall have the power, when in his judgment it shall be for the best interests of the city, to call a special meeting of the city council. He shall fix the time of the meeting and issue, or cause to be issued, a notice to be filed with the city clerk-treasurer (or authorized designee) requesting that notification be made to each alderman of the city to attend such meeting. The object for which such meeting shall be called shall be stated in general terms in the notice of such meeting.

Whenever three (3) aldermen shall sign a notice to the other members of the city council of a special meeting of the council, stating therein the object of the meeting, such special meeting may be held at the time designated in the call. Said notice shall be filed with the city clerk-treasurer (or authorized designee), and shall constitute their request that the notification be made to each of the other aldermen of the city to attend such meeting.

The city clerk-treasurer's notification to aldermen of a special meeting shall be made by personal service, by telephone, or by e-mail (provided acknowledgment of receipt is given), and shall specify the time and place of the meeting, and the specific purpose for which it is being called.

Only the aldermen who requested the special meeting, or the mayor, if he/she requested the special meeting, may cancel the special meeting

At any special meeting, no other business shall be transacted other than that for which such meeting was called. All such meetings shall be open to the public, and all press and media that have requested notice must be given at least two hours advance notification. Outside of this advance notification requirement, there shall be no other time constraints on how soon a special meeting may be called after due notice is given to the aldermen.

**E. Executive Sessions.** The only time the city council may meet and exclude the media and the public is in executive session. Executive sessions are permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplinary action or resignation of any public officer or employee, or as otherwise provided by law. This may not include general discussion about making policies related to these subjects.

An executive session may be convened on the request of any member of the city council or the mayor, but shall be preceded by an announcement made in public as to the general reason for which the session is to be held. The city attorney shall not meet in executive session with the mayor and city council unless the city attorney is being considered for employment, appointment, promotion, demotion, disciplinary action, or resignation; likewise the same shall apply to the city clerk-treasurer. Action discussed in executive session shall become legal only after the city council ratifies the action with a public vote in open session.

**F. Work Sessions and Committee Meetings.** Work sessions and committee meetings of the city council shall be open to the public, and shall be subject to notification as required by law, and as provided herein.

**G. Duty of Aldermen to Attend.** It shall be the duty of each alderman to attend all meetings.

**H. Penalty for Absence.** If it so chooses, the city council may, pursuant to A.C.A. §14-43-501, compel the attendance of absent members in such a manner and under such penalties as they shall think fit to prescribe.

**I. Quorum.** The presence of a majority of the aldermen elected to the city council shall be necessary to constitute a quorum to conduct business; provided however, at any regular meeting of the city council, the mayor shall have a vote to establish a quorum of the city council. This provision shall not be applicable to establishing a quorum for a special meeting of the city council.

**J. Reserved.**

**K. Presiding Officer; Mayor's Vote.** The mayor shall be ex officio president of the city council and shall preside at its meetings. In the absence of the mayor, the city council shall elect, from its membership, a president pro tempore. The mayor shall have a vote when his vote is needed to pass any ordinance, bylaw, resolution, order, or motion.

**L. Appeal from Decision of the Chair.** Any member may appeal to the council from the decision of the chair, but no decision of the mayor shall be reversed unless by a majority of two-thirds of all the members present.

**M. Duty of Police Chief to Attend.** It shall be the duty of the chief of police, or an officer assigned by the chief, to be present and on-duty at all regular and special meetings of the city council. He shall, upon order from the chair, remove and/or take into custody any disorderly person(s) where there is probable cause to believe that such person has committed a criminal violation of the law or city ordinance.

**N. Meeting Journal.** The city clerk-treasurer shall, on behalf of the governing body, keep a journal of the proceedings of all regular and special meetings of the city council. Said journal (minutes) shall be kept in the city clerk-treasurer's office, and shall be open to the inspection and examination of any citizen.

**O. Order of Business.** Regular sessions of the city council shall proceed under the following pattern; which shall be reduced to writing in the form of an agenda distributed to council members prior to the meeting:

- (1) Call to order;
- (2) Roll call;
- (3) Approval of Agenda;
- (4) Approval of minutes;
- (5) Approval of treasury report
- (6) Public Forum;
- (7) Comments on written reports of Department Heads;
- (8) Presentation of ordinances and resolutions;
  - A. Old Business
  - B. New Business
- (9) Adjournment

**P. Rules of Procedure.** Except as otherwise provided herein, *Robert's Rules of Order*, as amended and updated from time-to-time, a copy of which shall be on file in the office of the city clerk-treasurer, shall serve as the rules of procedure governing meetings of the city council. Rulings of the chair regarding matters of procedure shall be final, unless reversed by the council as provided in section 1,1.

**Q. Who may Address the Council.** No one but a member shall address the council except by the unanimous consent of all the members present, or as provided by the rules governing public comment.

**R. Addressing the Council.** No member shall address the council until he has addressed the chairman, and been recognized by the chair as entitled to the floor.

**S. Participation in Discussions.** Participation in the discussion of any question before the city council shall be limited to members; provided the mayor may participate if there are no objections made by members.

**T. Time Allowed to Speak.** No member shall be allowed to speak more than twice on one subject, nor for a longer period than three minutes at one time.

**U. Unwarranted Interruptions.** Any member or members interrupting another who has the floor, without the consent of such member or who shall otherwise interrupt or obstruct the business of the council, may be called to order by the chairman; and for a second offense expelled, by a two-thirds vote of the council, from the meeting.

**V. Failure to Obtain Leave.** No alderman shall absent himself from the council, while in session, without permission from the chair.

**W. Amendments to be in Writing.** No amendment to any action to be acted upon by the city council shall be offered except in writing, and the question shall first be put on the last amendment offered.

**X. Action on Motions.** All motions shall be seconded and stated by the chair before they shall be subject for debate. Unless otherwise provided by law, the passage of any ordinance, resolution, bylaw, or motion of any kind, shall be by an affirmative vote of a majority of the total membership of the city council; provided the mayor shall have a vote as provided in section 1 k.

**Y. Ordinances and Resolutions to be Reduced to Writing.** No ordinance or resolution coming before the city council shall be acted on until it shall have been reduced to writing.

**Z. Procedure for Filing Ordinances and Resolutions.**

- (1) An original ordinance or resolution must be filed with the city clerk-treasurer (or authorized designee) for consideration by the city council.
- (2) Each ordinance or resolution must be sponsored by the mayor or an alderman.
- (3) The city council shall not pass or consider at a regular meeting any resolution, ordinance, petition, contract, lease, appointment or any other matter, other than communications affecting the general public, that is not filed with the city clerk-treasurer or her authorized designee) on or before 5:00 p.m. on Tuesday preceding the meeting. Should the regular Tuesday filing date fall on a holiday, the filing date will then be twenty-four (24) hours prior to that date.
- (4) Notwithstanding the requirements set forth in subsection Z (3) above, the city council may consider any ordinance, resolution, petition, contract, lease, appointment or other matter, at any regular or special session of the city council; provided, the requirements set forth in said subsection Z (3) are waived by a two-thirds vote of the council members present at any regular or special session of the council.
- (5) All ordinances or resolutions filed for consideration by the city council must conform to the form prescribed by the city attorney.

**A.A. Agenda.** The city council meeting agenda shall be prepared by the city clerk-treasurer (or authorized designee), and shall be mailed or delivered such that they are received by aldermen no later than the Saturday before the meeting.

**B.B. Public Comments; Procedure.**

(1) There shall be one (1) period of fifteen (15) minutes during which the city council shall receive public comments. The city council shall listen, but not enter into discussions or debate the person commenting. Persons desiring to speak on a particular agenda item will be given the opportunity to do so during public forum. Persons desiring to speak on an issue or item not on the meeting agenda shall also be given an opportunity to do so during public forum of the city council meeting. No person making a public comment shall speak more than once to make a public comment at a council meeting.

(2) Each speaker shall be limited to three (3) minutes to make his or her remarks. Persons interested in commenting at a council meeting shall indicate their desire by signing the public comment sheet at the entry door to the courtroom by 7:00 p.m. on the day of the meeting. Persons wishing to address an agenda item shall designate whether they are "for" or "against" the item, so that speakers and positions may be alternated. Provided, the city council may, by two-thirds vote of the members present, waive the sign-up or time limitation requirements for a speaker.

(3) The mayor shall administer the public comment period and shall be responsible for enforcing time limits on speakers.


(4) Where there is probable cause that an individual addressing the council has committed a criminal violation of the law, which shall include disorderly conduct, pursuant to A.C.A. §5-71-207, such individual may be removed as provided in section 1,m. However, no speaker is to be curtailed for remarks that are merely critical in nature.

(5) This section shall not affect statutorily required public hearing periods held during city council meetings.

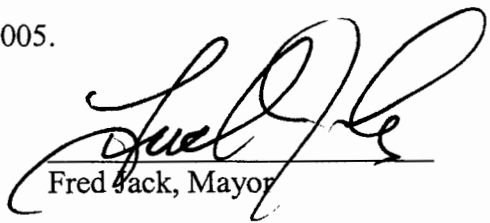
**C.C. Conflict-of-Interest.** Should a member have a conflict-of-interest with regard to any agenda item, he/she shall not participate in the presentation, discussion, and deliberation, and shall abstain from voting on the measure.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 15<sup>th</sup> day of March 2005.

  
Tom Dee, City Clerk-Treasurer



  
Fred Jack, Mayor