

ORDINANCE NO. 1

AN ORDINANCE OF BY-LAWS ADOPTING RULES FOR THE
ORGANIZATION AND THE CONDUCT OF BUSINESS OF THE
TOWN COUNCIL OF BETHEL HEIGHTS, ARKANSAS

WHEREAS, it is necessary for the conduct of the business and the meetings of the Bethel Heights Town Council that rules and by-laws be adopted in order that procedures therefor shall exist; and

WHEREAS, it is in the public interest that the aforesaid rules and by-laws be adopted in order that the public may have knowledge of the procedures and rules by which the Council holds its meetings and conducts its business.

NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BETHEL HEIGHTS, ARKANSAS:

SECTION 1. Officers and Organization of Council:

The officers of the Town of Bethel Heights, Arkansas, shall consist of: one Mayor with a term of four years; one Recorder with a term of two years; one Treasurer with a term of two years; and five Aldermen at large, each with a term of two years. All officers shall be qualified electors residing within the limits of the corporation.

Officers shall hold their offices until their term expires or until their successors are elected and qualified. The Town Council shall consist of the Mayor, Recorder and the five Aldermen, any four of whom shall be a quorum for the transaction of business.

The Mayor (or, in case of his absence, the Recorder) shall preside at all meetings of the Council. The presiding officer may vote only in the event of a tie.

The Recorder shall serve as Town Clerk and shall attend all meetings of the Council and make a true and correct record of all their proceedings, laws, rules and ordinances which shall at all times be open to the inspection of the public.

In the absence of the Mayor and Recorder from any meeting of the Council, the Council shall have power to appoint any two of their number to perform the duties of Mayor and Recorder for the time being.

SECTION 2. Treasurer:

The elective office of Treasurer of the Town of Bethel Heights, Arkansas, is hereby created and established. The Town Treasurer shall be elected at the biennial election of Town officers and shall hold office for a period of two years in the same manner and for the same term as the Aldermen and Town Recorder, or until his successor is elected and qualified.

In the event that a vacancy occurs in the office of Treasurer, the vacancy may be filled by majority vote of the Council, but no such appointment shall endure beyond the period of the term of office of the Council making the appointment and one week after the qualification of the members of the succeeding Council.

To every person elected or appointed to the office of Treasurer, as a prerequisite to assuming the office, there shall be administered an oath of office in the same time and manner as provided by law for other municipal offices.

SECTION 3. Meetings of the Council:

A. Regular Meetings:

One regular monthly meeting of the Town Council shall be held at 7:00 P.M. on the second Monday of each month.

B. Special Meetings:

Special meetings may be called by the Mayor or by any three Aldermen by written notice served upon all of the Council members or by oral notice given in person or by telephone to all of the members of the Council. If notice is given in writing, a copy of the notice shall be made a part of the minutes of the special meeting so called and shall be signed by the officer or officers calling the meeting. If notice is given orally, the nature of the notice given, by whom the notice was given and to whom the notice was given shall be stated to and recorded by the Town Recorder as part of the minutes of the special meeting so called.

C. Place of Meeting:

All meetings shall be held in the home of the Mayor until a Town Hall may be constructed and thereafter in the Council Chamber

of the Town Hall, unless otherwise prescribed for a specific meeting by proper motion of the Council with notice thereof posted in writing in at least three public places not less than eight hours prior to the meeting for which the meeting place has been changed.

The place of meeting may be changed for a particular meeting during the course thereof by a majority vote of the Aldermen present and voting. If such a change should be made during the meeting, a responsible citizen shall be stationed at the original meeting place to inform anyone who may appear of the change of the meeting place and of the new meeting place.

D. Suspension and Rescheduling of Meetings:

The Council may, by a two-thirds vote of the membership present in attendance, suspend or reschedule to other times any future regularly scheduled meeting or meetings.

E. Attendance at Meetings:

Aldermen shall attend all meetings of the Council and may be forced to so attend by attachment of their body upon order of the Mayor. Continued failure to attend after service of the aforesaid attachment shall be punishable as contempt by a fine not to exceed \$10.00. Failure to attend three consecutive meetings without showing sufficient reason therefor may be deemed a resignation by the Alderman, and the Council shall proceed to fill the vacancy thereby created in the manner provided by law. No Alderman shall receive pay for any meeting which he failed to attend.

SECTION 4. Organization of the Council:

Annually on the second Monday of the January following their election, the Aldermen shall assemble and organize the City Council, approving or disapproving the election returns and the qualifications of each newly elected or reelected member. This shall be accomplished by voting on each of the such Aldermen in turn, beginning with Seat 1 and proceeding chronologically through Seat 5.

SECTION 5. Rules of Procedure:

A. Motions:

Motions may be used to conduct all business affecting the operation of the Council or administration of municipal business

within the scope of existing ordinances and state laws. Motions must be introduced (or moved) and seconded and need be read but one time. They may be passed at the same meeting at which they were made and become effective immediately unless otherwise provided.

B. Resolutions:

A resolution is appropriate for: recommendations; commendations; statements of policy; establishment of procedures and precedents; for carrying out ordinances; creation of temporary or ex-officio governmental machinery.

Resolutions need only to be introduced and read one time and may be passed at the same meeting at which they are introduced. They require a second to the motion of introduction. They require a majority vote of the whole Council for enactment. They become effective from and after the date of their passage unless otherwise provided.

C. Ordinances:

Generally, ordinances are required to exercise the police powers and certain other general powers and specific powers enumerated in Arkansas Statutes 19-2401 et seq., or where permitted or required specifically by statutes granting special powers to cities. For the most part, ordinances are employed to exercise a municipalities' governmental powers as contrasted with its proprietary powers which are well defined and much more limited than its governmental authority. They ordinarily deal with subjects of a general or permanent nature and impose penalties for their violation.

Ordinances must be introduced but do not require a second for their introduction. They must be read three times, once each on separate days, unless such rule shall be suspended by a two-thirds vote of the Council. They must receive a majority vote of the whole Council to be enacted. Voting on passage must be conducted by roll call. After passage, ordinances must be signed by the presiding officer and the Clerk, enrolled in the ordinance book and published in a newspaper of general circulation within the corporation. Ordinances come into effect at the expiration of thirty days from and after the date of their passage unless an emergency clause is

attached by a two-thirds vote of the whole Council. If an emergency clause is attached, the ordinance comes into effect from and after the date of its passage and publication or thereafter as provided by the ordinance.

Ordinances must be limited to a single subject and must bear a title which succinctly and clearly summarizes its subject.

D. By-Laws:

By-laws govern and prescribe the general and permanent rules for organization of the Council and the conduct of its business. They require a roll call and a majority vote of the whole Council for enactment.

By-laws of a general and permanent nature must be introduced and be given three readings, one each on separate days, before being voted upon, unless such rule shall be suspended by a two-thirds vote of the Council. They are limited to one subject and must bear a clear, concise and descriptive title. A majority vote by the whole Council is required for passage. By-laws must be enrolled and published in the same manner as ordinances and come into effect at the expiration of thirty days after their passage unless an emergency clause is attached as heretofore set out for ordinances.

E. In General:

By-laws, resolutions and ordinances or orders to contract require a majority vote of the whole Council and must be voted upon by roll call.

F. Petition for Referendum:

Any petition to secure a referendum election on any resolution or ordinance passed by the Town Council, in order to be effective, shall be filed within thirty days after the passage of such resolution or ordinance.

G. Rules of Procedure in General:

Unless otherwise provided herein, the organization of and the conduct of the business of the Council shall be governed by the Handbook for Arkansas Municipal Officials published by the Arkansas Municipal League. Insofar as the said Handbook for Municipal Officials

and the by-laws set out above do not apply, the organization and conduct of business of the Council shall be governed by "Robert's Rules of Order."

SECTION 6. Severability Clause:

Any part or parts of these by-laws which conflict with the Statutes or Constitution of the State of Arkansas and are therefore invalid shall be and the same are severable herefrom and shall not affect the validity of any other part or parts hereof.

SECTION 7. Violations - Penalties:

Violation of any of the provisions hereof shall constitute a misdemeanor and be punishable by a fine not to exceed \$25.00 or be less than \$5.00.

SECTION 8. Emergency Clause:

It is hereby determined that conditions exist within the corporate limits of the Town of Bethel Heights, Arkansas, which require correction in the interest of the health, safety and welfare of the community of the Town of Bethel Heights, Arkansas, and therefore that an emergency exists and is hereby declared; and for the preservation of the public peace, health, safety and general welfare, this ordinance shall be in full force and effect from and after the date of its passage.

APPROVED:



Mayor

PASSED: Sept. 30, 1968

ATTEST: Louana K. Parsons
Town Clerk and Recorder