



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Nominating and Rules Committee

Tuesday, March 5, 2019

4:45 PM

Municipal Center

SPECIAL CALLED MEETING

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

3. Approval of minutes

[MIN-18:099](#) MINUTES FOR THE SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING ON OCTOBER 2, 2018

Attachments: [Special Called N&R Committee Meeting Minutes 10022018.pdf](#)

[MIN-19:010](#) Minutes for the Special Called Nominating & Rules Committee Working Session on Thursday, January 10, 2019

Attachments: [NandR Working Meeting 01102019.pdf](#)

[MIN-19:015](#) Minutes for the Special Called Nominating & Rules Committee Working Session on Thursday, January 31, 2019

Attachments: [N&R Working Session 013119](#)

4. New Business

RESOLUTIONS TO BE INTRODUCED

[RES-19:020](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN

Sponsors: Mayor's Office

5. Pending Items

ORDINANCES TO BE RECONSIDERED

[ORD-19:004](#) AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL; ESTABLISHING CITY COUNCIL RULES AND

PROCEDURES FOR 2019

Attachments: [2019 Council Procedures3.docx](#)

Legislative History

1/31/19	Nominating and Rules Committee	Recommended to Council
2/19/19	City Council	Referred

6. Other Business**7. Public Comments****8. Adjournment**



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #:	MIN-18:099	Version:	1	Name:	MINUTES FOR THE SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING ON OCTOBER 2, 2018
Type:	Minutes	Status:			To Be Introduced
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Date	Ver.	Action By	Action	Result
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MINUTES FOR THE SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING ON OCTOBER 2, 2018



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Nominating and Rules Committee

Tuesday, October 2, 2018

4:45 PM

Municipal Center

Special Called Meeting

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Present 5 - David McClain; Bobby Long; LJ Bryant; Mitch Johnson and John Street

Absent 1 - Joe Hafner

3. Approval of minutes

[MIN-18:083](#)

Minutes for the Special Called Nominating and Rules Committee meeting on August 21, 2018

Attachments: [NandR Minutes 08212018.pdf](#)

A motion was made by Councilperson John Street, seconded by Councilperson Bobby Long, that this matter be Passed . The motion PASSED with the following vote.

Aye: 4 - Bobby Long; LJ Bryant; Mitch Johnson and John Street

Absent: 1 - Joe Hafner

4. New Business

RESOLUTIONS TO BE INTRODUCED

[RES-18:161](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS TO THE AUDITORIUM COMMISSION AS RECOMMENDED BY MAYOR HAROLD PERRIN

A motion was made by Councilperson John Street, seconded by Councilperson LJ Bryant, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 4 - Bobby Long; LJ Bryant; Mitch Johnson and John Street

Absent: 1 - Joe Hafner

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment

A motion was made by Councilperson LJ Bryant, seconded by Councilperson Bobby Long, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 4 - Bobby Long;LJ Bryant;Mitch Johnson and John Street

Absent: 1 - Joe Hafner



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #:	MIN-19:010	Version:	1	Name:	Minutes for the Special Called Nominating & Rules Committee Working Session on Thursday, January 10, 2019
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Date	Ver.	Action By	Action	Result
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Minutes for the Special Called Nominating & Rules Committee Working Session on Thursday, January 10, 2019

Working Session for Nominating & Rules Committee

01/10/2019

5:00 p.m.

Attendance: Chris Gibson, Charles Frierson, Ann Williams, Bobby Long, John Street, Gene Vance, Chris Moore, LJ Bryant, Dr. Charles Coleman, Bill Reznicek, April Leggett. (David McClain arrived at 5:34 p.m.)

Chris Gibson: I've got copies of all of this coming through for everyone. Let's go ahead and get started. I apologize that you didn't get copies of this. I thought Donna was going to be distributing those. I have asked Bill to run point on this because he has been involved from the get go I believe. Bill, correct me if I am wrong, but I think you and David McClain met over the course of the last few months and identified some changes in our procedures that need to be taken into account so that is why I called the group together. At this point, I will turn the floor over to you.

Bill Reznicek: What I'm going to go off of is the redline version with some changes that were recommended. They were discussed previously by Roy Ockert, David McClain and myself. So, I'll probably start with that and if there is anything else that people think they may want to bring up at this time. The first one is really more grammatical than anything else, and then a couple of them get into specifically rules on discussions on the floor. There's been some conversation about what we allow and what we don't allow. Public comments, for example, in terms of not only the length of time, but when they're appropriate and the specific items. For example, when an ordinance is read and we have people come up and give both sides of the argument. Do we limited the time on that? We've had discussions about that. We wanted to talk to the group about whether we wanted to control people's time on coming up and giving a counterpoint on specific items that are on the agenda, as well as talk about public comments in general, such as a 15-minute time limit with three by five based on information we had got and talking to other people. Do we even want to have public comments be public in terms of the camera still being on and it being televised and rebroadcast or do we want to turn the camera off? So, no decisions were made. Ideas were just thrown out. We wanted to talk to the entire group and see if we can talk through some of these.

This may not be what the council wants to do. There are two sides to the issue. For example, public comments, we're giving three people five minutes to speak and do we want to limit people getting up and grandstanding and rehashing things over and over. Those are two sides to that argument, and it could be maybe that we don't want to do anything. We also want to address, like I said before, when ordinances are introduced or read on the floor, do we want to limit the time allotted of people standing up for or against those. Some of the suggestions there were that we have the discussion on the third reading. Do we limit it at that point or do we allow it to be determined by the chair of the meeting on how long the people speak because it wouldn't be fair for something that seems relatively mundane to give 10 minutes and then something like sidewalks to give only 10 minutes. There should be some weight given to with relative impact. Those are a couple of key things. There has been some discussion on the

procedure for calling meetings probably because of what happened at year-end.

Basically, the copy you have on Section 2-84 (g) (1), it says “the city clerk will, if necessary,” in the original document and it was suggested that to say the city clerk’s office. This way that would not limit it specifically to the city clerk, but someone else in the city clerk’s office could then inform the citizens and give out notice.

Chris Gibson: Does there need to be a vote taken in this forum?

Councilmember Charles Frierson motioned, seconded by Councilmember Chris Moore to approve the change to Section 2-84 (g)(1). All voted aye.

Bill Reznicek: The next recommendation was in Section 2-84 (g)(2). This is where we offer members of the audience to speak on all questions before the city council.

LJ Bryant: Are we missing a page 2 in the mayor-approved copy?

Chris Moore: Just give us the highlights.

Bill Reznicek: The conversation was whether or not we want to limit this. The way it is written, the person would be given a 10- or 15-minute time limit with the city clerk timing the speaker with the time clock provided in the council chambers. So, we wanted to open up the discussion on this. A couple of recommendations were that we only allow discussion on the third reading so on the first and second reading there would be no discussion. The other recommendation was on the first and second reading we have a time limitation that was significantly less than the third reading. If you think about it, if you’re well organized, you can say a lot in 60 seconds.

Gene Vance: The zoning ordinances is where we would really have the problem. I wish there was some way, myself, that the rule would say that if you get up on the first reading then you don’t get up on the second or third reading.

Chris Moore: We could put that in there.

Gene Vance: That’s the problem because you get the same people getting up and saying the same thing three different times. If you could limit it to where they could only speak at one or two readings instead of all three readings, then it would be something worth looking into. I have a problem with cutting citizens off, especially on a zoning ordinance.

Bobby Long: I think it’s a problem cutting them off on any ordinance. I wouldn’t mind putting it in there where if they speak on the first, second or third reading, then they don’t have the opportunity to speak again.

Chris Moore: I like that, too. Just a couple of thoughts. When I was on the council before, there was a public comments section. When I was first elected, the public was not allowed to speak at the council meeting and that was a complete disaster. Without allowing the people speak, then

we didn't have that additional information. That goes back to the problem of maybe only allowing the person to speak on only the third and final reading. The idea behind reading the ordinance on three separate readings is to afford people who can't come to a particular meeting the opportunity to speak. I would be opposed to limiting that you can only speak on one of three appropriate readings. I am in agreement with Councilmember Vance that should only be able to speak one time. You can submit anything you want in writing to the Mayor's office. The Mayor is in charge. He should have the authority to cut off the discussion at any point. If he decides that we had enough discussion, then he should be able to end it. He is in charge of the meeting and he does conduct the meeting, regardless if we like it or not. The rule is as long as you're not repetitive. For example, if Charles comes in and speaks on something and then Chris comes in and speaks on the same thing, the Mayor should be able to say, thank you. We have already heard those comments. Next. That should be the standing rule. As long as you have something new, then you should be able to speak.

Chris Gibson: But, only on one of the three readings.

Chris Moore: Only on one of the three readings. The idea behind that is that it gives everybody a chance. Especially, on controversial issues.

Chris Gibson: that's something else that came up in the discussions the other day, not only with citizens trying to rush things through and get an emergency clause adopted, but that goes for departments too. If they just don't do the paperwork, then that's on them.

Chris Moore: And, we can remember that with the grants department before Ms. Tiffny Calloway was in charge. I remember, specifically, about a year ago where I said if there's an emergency clause, then you're supposed to give an explanation of what the emergency is and I'll call that every single time.

Charles Frierson: Do we need to vote on that issue?

Chris Gibson: Yes. So, members of the audience will be offered an opportunity to speak on only one of the three readings per ordinances.

Charles Frierson: I don't think that is the correct wording. Maybe say individuals will be offered an opportunity to speak on only one of the three readings.

Chris Moore: And to avoid a debate we could say that they have one opportunity to voice their opinion, but you can submit written information at any of the other readings.

Charles Frierson: What we're trying to avoid is repetition.

Chris Moore: I think we should specifically say that the Mayor has the authority to limit debate.

Charles Frierson: We have to be very careful on limitations. There has to be a basis.

Chris Moore: I agree. You have to be able to limit debated based on things such as repetition and time constraints.

Ann Williams: The issue that you might run into is that if you are limited to one time, if the other side may say something in a subsequent meeting that that person may want to rebut. They should have an opportunity if the other side is saying something that is fairly incorrect, I feel like they need to be able to voice a response to the person who speaks against their point.

Charles Frierson: What if they had an opportunity to write it like we mentioned to put into writing?

Ann Williams: That is possible.

Bobby Long: I think the way that you word that is important. You might want to start off with citizens are welcomed to present their comments and opinions to the council as long as those opinions and comments are distinct from any other comment. That way you don't put the repetition in there, but then also, make sure those comments are welcome to present on one of the three readings and those comments need to be distinct and separate from other comments.

Charles Frierson: You could try that, yeah.

LJ Bryant: And to Ann's comments and I don't know how we would do this, sometimes there is an advantage as whether you get to go first or last, whether you are the proponent or whether you are opposed, I am not sure if there is a fair way to go about doing that.

Bobby Long: You are going to have three readings.

LJ Bryant: I am thinking more of the rezoning where you have the engineer and you have the neighborhood or something. I don't know if there is a fair way of going about doing that. I don't know.

Charles Frierson: It would be difficult.

Chris Moore: How does it typically go in a court case Charles? Typically, in a court case you have, the prosecution that makes a case and the defense and then don't you have a follow up.

Charles Frierson: In most of those cases where I have read, they really clamp down on it pretty much and don't allow anybody to say much of anything. And, we are not doing that.

Chris Moore: You obviously can't make your defense if you don't know what the proposal is. The proponents have to be able to speak first. You have to make your case. You can't let the other side go first. Then, the proponent should have a brief period to be able if so needed to be able to rebut.

Gene Vance: A lot of times, especially on zonings, that don't happen. The proponent don't go first.

Chris Moore: Yeah, that ought to be the order of business. If Ann has a rezoning, she is the proponent of it and she should make the case first because you can't rebut, if you are the neighborhood out there, you can't rebut what the proponent says until you have heard their proposition.

Bobby Long: We have had this happen before to where you have someone get up to speak for it and then someone comes up to speak against it. And then, that same person comes up and rebuts. The way we have got it, the proponent goes one time.

Chris Gibson: I think at the same meeting, they would be able to come up and rebut as long as they didn't get repetitive.

Gene Vance: On rezonings, proponents know what they are proposing because it has already gone through the system.

John Street: Some of this is technical though. Someone is always going to come up and say I've got too much drainage now. But, the engineer should be able to get up and say well, the city has approved the drainage plan and it is not an issue.

Bobby Long: Especially, if the council asks that person to retake the podium and speak on a certain issue. Just to get up and speak again, I think, maybe is the issue.

Chris Moore: That is why the Mayor, that is why state law gives the Mayor the authority to run the meeting. The Mayor has those discretions that he can, the Mayor and any member of the council can call to question of privilege at any time to stop right there.

Chris Gibson: At this point, since there is so much discussion on this, do we table this one until we can put some thought into it.

Chris Moore: I think we had a couple things that we could put on there. Such as, all citizens should be afforded the opportunity to speak one time at any reading, but not at all three.

Bill Reznicek: We need to look at it today as if it's broke. If it's not broke, is it an issue today with people taking up a lot of time, or maybe you don't address the time issue. Is it that big of an issue to put a time limit on it as long as the Mayor can invoke his opinion that the person has spoken long enough.

Chris Moore: I thought the time limit was already there. I think the time limit should be abolished in favor of separate guidelines, such as the opinion be non-repetitive and other restrictions.

Gene Vance: I thought the time limit was already there. I think the time limit should be abolished in favor of separate guidelines, such as the opinion be non-repetitive and other restrictions.

Chris Moore: You can't stop that. That's the whole goal of politics. I don't think we can limit

that.

Gene Vance: We could limit the first and second readings to those who are not physically able to be at the third reading. You might not be able to enforce it, but you could ask for that.

Chris Gibson: Mr. Reznicek will get together and work on the verbiage of this, but the motion is that individuals will be offered an opportunity to speak on only one of the three readings per ordinances, but can submit written information at any of the other readings.

Councilmember Chris Moore motioned, seconded by Councilmember Ann Williams to approve the changes to Section 2-84 (g)(2). All voted aye. All citizens will have one opportunity to speak out of three readings. Citizens who have additional comments must submit them in writing.

Bill Reznicek: The next recommendation was in 2-85 (i) regarding arriving late. For the purpose of proper voting and correct recordkeeping, each member of the council shall be recognized/dismissed by the presiding officer when they arrive late or leave early from all council and committee meetings. The recommendation was made that they be identified by the clerk. That way it's on the record if there's ever any dispute about the roll taken, and instead of going back and reviewing the video it states in the minutes if a person left, just in case the meeting ends up without a quorum.

Charles Frierson: I don't like the thought of having the Mayor or whoever announcing there he goes or here he comes. If you want to ask someone, like the city clerk, to be aware of that and to right the name down quietly then I agree with it.

Gene Vance: I don't want to have to ask for permission to go to the restroom in the middle of a meeting.

April Leggett: I think Donna keeps a record of that.

Bill Reznicek: There again, these are just recommendations that several people reviewed and this was a suggestion. So, that was just a recommendation.

April Leggett: I have that Councilmember McClain arrived at 5:34 p.m.

Chris Moore: I have all the faith in the world of the city clerk's office to keep up with the record.

April Leggett: I appreciate that.

Bill Reznicek: Now we jump over to page 5 of the redline version. There was a recommendation that it say, "place and date of all special meetings shall be given by the City Clerk's Office."

Chris Gibson: We need a motion on that. Councilmember Moore made a motion, seconded by Councilmember Frierson. All voted aye.

Bill Reznicek: The next one is Section 2-87 (k)(1) and this is changing the deadline for putting items on the agenda 10 a.m. on Thursday to 3 p.m. on Wednesday. This will change the procedure and allow the city clerk's office to enter all agenda items into Legistar. Ms. Jackson is concerned about the multitude of people who are entering things into Legistar today because things are not getting entered correctly. There have been issues with ordinances not being entered correctly and the publication costs, such as with the landscape ordinance, and we had the same issue with the professional services ordinance, where we'd like to change it to incorporate by reference to avoid paying a publication costs of \$1,500. The Mayor will still have a window of time where he can still override that deadline in case things come up late that we need to add to the agenda at 4 p.m. on Thursday.

Councilmember Bobby Long motioned, seconded by Councilmember LJ Bryant to approve the changes to Section 2-8 (k)(1). All voted aye. The deadline to enter items on to the agenda will be changed from 10 a.m. on Thursday to 3 p.m. on Wednesday.

Gene Vance: I have a question. You mentioned starting to do ordinances by reference. You've already bypassed that by the way that you publicized the landscape ordinance because you didn't publicize the landscape ordinance. So, why do we want to go through all of that when you're only going to publish the title?

Bill Reznicek: We didn't publish it because we just passed it.

Gene Vance: It was in the paper Sunday, but it was just the title, not the whole ordinance.

Bill Reznicek: That was the purpose of incorporating the ordinance by reference because it was a difference of a publication cost of \$50 rather than \$3,000.

April Leggett: It's 65 cents per word.

Gene Vance: How much it did it cost in the Sunday paper for the landscape ordinance.

April Leggett: I don't have the bill for that, but I would say it was probably around \$45 to \$50, where it would have been \$3,000.

Gene Vance: What I'm saying is that you've already set the standard with the landscape ordinance, so why do you want to change what you're doing.

Bill Reznicek: What Ms. Jackson is saying is that she probably would have caught that issue had she been the one controlling entering that ordinance into Legistar, rather than people in administration entering them. It was entered into Legistar without consideration to the publication cost. In fact, Ms. Jackson even went so far as to offer to do a little workshop for the

administration on basically how to right ordinances. I think she is either going to be doing that this Monday or next Monday. Ms. Jackson said there are components of it today that are not always correct and some ordinances require a lot of editing before actually making it to the agenda. It's not that she wants to stop the administration and people in other departments essentially drafting the depths of the ordinance or resolution, but she would like to at least train them on how to do it properly. Ms. Jackson or Ms. Leggett will have final control of it before it goes into Legistar. So, we think this will avoid some of the instances like the one with the landscape ordinance.

Chris Gibson: The next item is on page 7 on the redline version.

Bill Reznicek: This pertains to public comments. This is a recommendation that each person who wishes to speak be placed on the agenda prior to the meeting along with any details they intend to discuss.

Gene Vance: I don't think it would be bad for us to have a sign-in sheet for the meeting. It could be beside where the agendas are located and the people could write down their name, address and what they intend to address. I don't think that would be bad.

Chris Moore: We already ask them to give a name and address, so two of the three items are already addressed when they come to the podium.

Chris Gibson: Do we need to vote this down or just let it go.

Chris Moore: Just let it go.

Gene Vance: Can we get the procedure document emailed in color so we can actually see what was changed and what is existing.

Chris Gibson: The next change is 2-91 - Notice. It's just a housekeeping item. It states that the city clerk, not the city council, shall send notification to the parties involved of public hearings.

Councilmember Chris Moore motioned, seconded by Councilmember Gene Vance to approve the changes in 2-91. All voted aye.

Bobby Long: An idea for public comments could be to reduce the time to three minutes for each speaker and then more people would have more time to comment. You can say a lot of stuff in three minutes.

Gene Vance: If people were respectful of others they would get up there and say what they needed to say in less than five minutes and that would allow time for more people to speak. I don't think our time limit is really hurting anybody.

Bill Reznicek: Do you all have any interest in turning off the camera during public comments.

Gene Vance: I don't think so. I think it needs to be public record.

Chris Moore: The video is important from start to finish.

Dr. Charles Coleman: I was just wondering if it had been discussed about someone being the parliamentarian.

Chris Moore: I always preferred the city attorney's opinion. Even if there was a parliamentarian selected, I would probably ask the city attorney to give me a ruling on an issue. We all have the right to call a point of order during a meeting because according to the rules, all discussion has to stop. So, if somebody cuts somebody else off, any of us at any time can stop right there and call a point of order.

Dr. Charles Coleman: I was just curious.

April Leggett: I will say that when we are typing minutes, if someone talks over someone else it is very hard to get the discussion of what each person was saying. It's hard to determine what each person is saying because they get cutoff and don't finish the sentence.

Chris Moore: Let me just read the rule for you. If this rule is violated, it's up to use to call a point of order.

Chris Gibson: I think that's it for the redline version.

Bill Reznicek: There was some conversation about special called meetings. I know there was an issue with the one we did for the Finance Committee and there was a question on who had the authority to call or cancel special called meetings.

April Leggett: I believe the chair can call it or two members of the committee can call it.

Bill Reznicek: It requires either the chair or the same two members to cancel the meeting, as well.

April Leggett: Yes.

John Street: Not everybody sits in front of the computer all the time. We used to say that the city clerk would call the members that the meeting applies to. If it hasn't changed, can we start doing that? I think there'd be more chance for a quorum that way.

L.J. Bryant: I want to address that special called meeting. It seemed to me that there was an issue about the special called meeting being for specific items. I don't know if it was not clear or not in the rules.

Bill Reznicek: Yes. There was an issue on that. One of the emails that was sent was not specific enough on the item to be discussed.

Chris Moore: I can't believe I'm going to quote this off the top of my head, but I didn't look it up. The special called meeting can only address the items that were specifically listed in the request.

April Leggett: Right.

Bill Reznicek: The other aspect of that was when we have special called meetings, they have to be by unanimous vote. I don't know if we ran into the issue recently, but that was something that needed to be included on the next council agenda.

Chris Moore: In order for an item to be walked on, it has to be passed unanimously.

Gene Vance: If it passes, but not unanimously, it still goes to the council, at the next regular meeting, but it's not walked on that night.

Bill Reznicek: Let me just read this paragraph from Section 2-87 (k)(4) real quick. Any ordinance or resolution which was not included on the final agenda may only be brought before the city council after approval by unanimous vote of any city council committee with four or more council members. The councilmember moving to suspend the rules and bring the item to the floor for consideration must state, as part of his/her motion, the nature of the emergency requiring immediate action on the item.

Gene Vance: We're doing that except the last part in the sentence. We're not saying it's an emergency. My only question is, how would the Finance Committee work if it wasn't unanimous because Finance Committee doesn't meet on council nights. If they have a meeting on a Tuesday evening and City Council is the next Tuesday. Does it go to the council meeting that next Tuesday or does it wait until the next meeting?

I want to read the redline in its entirety. Send us the redline and the other copy, too. I want to read it in its entirety and I might have a bunch of suggestions.

Chris Gibson: Councilmember Joe Hafner called today and said he wasn't going to be able to make it tonight, but he has requested that the committee chair review the agenda prior to it being published. I think we discussed this the other day. Didn't we, Mr. Reznicek?

Bill Reznicek: Correct.

Gene Vance: There's nothing worse than walking into a committee meeting not knowing what the meeting is all about.

Chris Gibson: I'm sorry for not getting those out. I was under the impression they were going to be sent out. So, do we need any action to be taken on that. I don't know if we can take any action on that. Send me your feedback and we'll go from there.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

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Minutes for the Special Called Nominating & Rules Committee Working Session on Thursday, January 31, 2019

Nominating and Rules Committee working session
5:00 p.m. Thursday, January 31, 2019

Attendance: Charles Frierson, Dr. Charles Coleman, Ann Williams Chris Gibson, John Street, Joe Hafner, David McClain, Donna Jackson and Bill Campbell.

City Clerk Donna Jackson: It was my understanding that at the last work session, it was recommended that we limit whomever from talking at all three readings. The only input I would have here is I think you should just leave it as is. What I'm trying to avoid for whoever is presiding is not to show favoritism. We have to be very careful of that. Maybe the best thing to do is leave it as is and let Mayor Harold Perrin take care of it. I say Mayor, but it's anyone who is conducting the meeting.

Councilmember Joe Hafner: Can councilmembers say, "hey, I think they have already said this before," and then the Mayor stop them or the presiding officer stop them?

City Clerk Donna Jackson: Well, the problem with members, and I'm saying this in the kindest way I know how is that, whoever is presiding over that meeting is the one conducting that meeting, and members of the committee should address the presiding officer if they want to ask somebody to come to the podium. I'm hearing this from other people. Because, if you have several members of Council calling people up there, they are conducting the meeting, and not the presiding officer.

Councilmember Dr. Charles Coleman: I think the presiding officer needs to have a little bit more stronger opinion. It's kind of like the last council meeting we had and maybe the presiding officer is not watching what they're doing. Like I was trying to speak, but I couldn't get a muzzle on Councilmember Street for a few minutes.

Councilmember John Street: I don't think he heard you.

City Clerk Donna Jackson: Well, I can tell you that, sitting in the middle, with the way our council is right now and that it's curved, it's hard to tell who's speaking. Used to, I could tell exactly who spoke.

Councilmember Dr. Charles Coleman: This might be taking it too far, but have we ever thought about the button deal.

City Clerk Donna Jackson: We looked at that, but it's very expensive. I don't mean this in a derogatory way, but I would like to see us get on a more professional level.

Councilmember Dr. Charles Coleman: I don't have a problem with that statement.

City Clerk Donna Jackson: It's hard because we started out with like 20,000 people and it was kind of laid back, but we're getting to be a bigger city. Robert's Rules of Order is a big pain and I know that, but I'd like to see us start getting more professional. As many meetings as we're

having, it's easy to make a mistake. You're trying to conduct all of the city's business and the people who are there are interested in one or two issues.

Councilmember Dr. Charles Coleman: Could there be a time limit placed on how long a councilmember speaks.

City Clerk Donna Jackson: You can do anything you want, but the question is can you actually enforce it.

Councilmember Dr. Charles Coleman: We put that limit on those who come up and speak, so, what's the difference.

Councilmember John Street: I think that goes back to the Mayor is the presiding officer of the council meeting and he can pretty much run it. If he wants to extend time, it's his prerogative.

Councilmember Joe Hafner: I think, in regards to rule #2, it goes by consistency because if you grant time to one person, but you don't grant it to another person, then you're looked at as showing favoritism or not being fair to this person. If you make a rule stricter, but you're not enforcing the original rule, then you're probably not going to enforce the stricter rule. I'm not calling shots at the Mayor. It's hard up there when you have people wanting to talk. We have to be consistent. If you turn the timer on for one person, then you have to turn the timer on for the other.

Councilmember Charles Frierson motioned to strike the red-letter version of Section 2-84 (g) (2), seconded by Councilmember Ann Williams. All voted aye.

Chairmember Chris Gibson: Since we have struck that down, do we need to add something so if the presiding officer is not adhering to the rules that are written that we can interject and call a point of order.

City Clerk Donna Jackson: One of the recommendations that was put in earlier and taken out, and you may not want this, was to allot 10 minutes per side.

Councilmember Dr. Charles Coleman: That's what I was talking about a few minutes ago. There needs to be some type of time limit. We have the time limit right for public comments at the end. It would be 10 minutes per side, who's for it and whose against it. It would be an automatic 10-minute allotment.

Councilmember Ann Williams: I think that's good because if there is a group opposed to something, they can send up someone to be their spokesperson and I think that works out better as far as time. It's more effective and really to their benefit to do that.

City Clerk Donna Jackson: I think so, too.

Councilmember Dr. Charles Coleman motioned to allot a 10-minute per side time limit for discussions, seconded by Councilmember Ann Williams. All voted aye.

Chairmember Chris Gibson: I think Section 2-85(i) is pretty cut and dry. No chief concerns with this one.

City Clerk Donna Jackson: This became an issue because we had a situation where we were required to have so many votes, and a person left and it affected the vote. I was telling Councilmember Frierson that some of our meetings start at 4:00 p.m. and go until 8:00 p.m., and we may need a bathroom break, but the problem is, in order to keep the record, when I see someone leave, I certainly don't want to embarrass anybody.

Councilmember John Street: We could ask for a recess. You could ask whoever the presiding officer is if there could be a 5-minute recess. That should take care of that.

City Clerk Donna Jackson: I have also seen where people will come in and, this is councilmembers, and they are supposed to be sitting in their chair, but they're over somewhere else. I don't know whether to count them as present or whether to count them as voting. This is committee and council.

Councilmember John Street: If I come in and I'm not on a committee, I don't sit there.

City Clerk Donna Jackson: It's only committee members that I'm talking about. It's rare and it doesn't happen often, but it does happen, and I'm not sure how to handle that.

All voted to leave Section 2-85(i) as written.

Chairmember Chris Gibson: Regarding Section 2-87(k) (1), the deadline for agenda items will be changed from before 10:00 a.m. Thursday to 3:00 p.m. on Wednesday.

Councilmember Dr. Charles Coleman: Is that state law?

City Clerk Donna Jackson: It is not state law. My office prepares the agenda and right now, the deadline is 10:00 a.m. on Thursday, except for Mayor Perrin, who has another deadline at 4:00 p.m. on Thursday. If there are any changes to be made, this gives the Mayor the chance to request those changes. We then make those changes before sending the agenda out to the public.

Councilmember Dr. Charles Coleman: Not so much taking up for your office, but it just seems like there's not enough time. It's like you don't have enough time to correct something.

City Clerk Donna Jackson: The way it is right now, departments can enter their own agenda items and they have access to my software, the Legistar system. What we are finding is that there are a lot of new employees who have never written ordinances. If this goes through, I'm going to do a training session and I will ask that each of you keep in mind that I may come back and ask for this to be amended if it isn't fitting the time right. I'm hoping to eventually take their Legistar ability away other than the ability to look on the internet and find the ordinance, but we're going to enter the legislation for them. In the process, I want permission from the Council, the Mayor and everybody because I don't have the authority to rule over any employee, but what I'm

finding is that we're not getting the contracts. We're not getting complete information. It's incomplete or it's incorrect. It will be another filter. I won't catch it all. There will be typos and there will be mistakes, but we're going to do the best we can to try and stop that.

Councilmember Dr. Charles Coleman: Will councilmembers be able to attend the training sessions?

City Clerk Donna Jackson: Yes. Mayor Perrin and I discussed this and we're wanting to do one with all the department heads, but also the Council. We want to provide training on how to write an ordinance or a resolution.

Councilmember Dr. Charles Coleman: That's the reason I have them come to you is because I don't know the process. Someone asked me about that in public the other day and I might have spoken out of turn, but I said if you don't know then you strictly need to see the City Clerk's office.

City Clerk Donna Jackson: I don't act as an attorney. There are just some basic rules that I learned as a clerk on how to write legislation. It's not that I have a legal opinion. This will give them some tools so whenever they're writing something to know how to explain it better. It was very helpful. I have done this for the Chamber of Commerce a number of times.

Councilmember Joe Hafner: It seems like not too long ago there was an issue where City Attorney Carol Duncan was out and something didn't get approved and it couldn't be placed on the agenda. Is there something here where it has to be approved by the City Attorney?

City Clerk Donna Jackson: We all sat down together when Legistar was designed and the whole purpose of this was to make it more transparent to the public and give the Mayor full control of the agenda. I'm not referring to a councilmember, but it has to go to the Mayor first. Once he approves it, it goes straight to the City Attorney and then she has to review it. She always says she does it "as to form." That's not necessarily a legal opinion. If she sees something glaring, she'll say that.

Councilmember Joe Hafner: If she's out of town or on vacation, then who would approve that?

City Clerk Donna Jackson: I guess the Assistant City Attorney Jessica Coleman. The City Attorney would look at it and say go ahead and approve it.

Councilmember Joe Hafner: I have another question on Section 2-87(k) (2). Is this referring to anybody from the public or any councilmember would have to have it turned in by 3:00 p.m. on Wednesday or they can't have it at the meeting?

City Clerk Donna Jackson: How many times have you got to your seat before a meeting and there's something lying there and you don't know what it goes to? That is what we're talking about here.

Councilmember Joe Hafner: We also have where someone is coming up to speak and they'll say I have some handouts I want to give the Council. I know you ask for a copy.

City Clerk Donna Jackson: But, I don't always get it.

Councilmember Joe Hafner: I think that's what that is trying to address here. Whose job is it to let them know if they have any presentations or handouts that they have to be submitted by 3:00 p.m. on Wednesday?

City Clerk Donna Jackson: That should come through the City Clerk's office because, ultimately, if it's a Council meeting and it pertains to the Council, I keep those records, and we scan it in and make an attachment. It may be something that 10 years from now somebody is going to want a copy of it and the first person they are going to call is me.

Councilmember Joe Hafner: In regards to the consistency thing, if someone comes up for a rezoning and they haven't turned in their information and the Mayor says it's okay, then right there the rule loses its validity. I'm fine with it being 3:00 p.m. on Wednesday, but when it comes to no material should be handed out in Council meetings, I want to make sure that the people who might be presenting know they have to have it in by 3:00 p.m. on Wednesday.

Councilmember Charles Frierson: I don't see how that's workable. I really don't.

Chairmember Chris Gibson: Could it be reworded to where it's presented to the clerk prior to the meeting and then be distributed by the clerk?

Councilmember Charles Frierson: If she is missing it, it's because she hasn't asked for it because they'll give it to her if she needs it. I know the clerk has a few other things to do at the meeting, but it's partly her job to say, "Hey, I haven't got that."

City Clerk Donna Jackson: I do, and they look at me like whatever.

Councilmember Dr. Charles Coleman: That's why I asked that question a little bit ago because is it enough time.

Councilmember Joe Hafner: I think in this case, it's too much time because they would have to be turning the documentation in almost a week ahead of the meeting.

City Clerk Donna Jackson: Another issue that has come about with this is that things have been given to another person. They come up and hand it to the Council. I don't know where it has come from and it hasn't been reviewed by an attorney.

Councilmember Joe Hafner: I understand the reason. I just don't know if the deadline is a reasonable deadline.

Councilmember John Street: A lot of times people are there to talk at public comments and it doesn't have anything to do with what's on our agenda, but they'll get up and say that they have

a ditch they have been after the city to fix. The water is running down the hill and here are pictures, and they pass them out to everybody, but that's not on the agenda and anything we're going to take action on. Would it apply to any of that?

Councilmember Joe Hafner: It just says agenda items right now.

City Clerk Donna Jackson: We've never had this happen, but my concern is protecting the Council and the Mayor at this point because you don't know when someone is going to give a zip drive to Communications Director Bill Campbell that get plugged in and it may contain a virus with something awful that could be sent out.

Councilmember Joe Hafner: If it could simply be reworded to say that any presentation materials to be presented must be turned in by 10:00 a.m. on the day of the meeting.

Councilmember Charles Frierson: I could go for that.

City Clerk Donna Jackson: It really needs to come to us first.

Communication Director Bill Campbell: It really needs to go to the City Clerk first and, appropriately, it needs to be checked by information systems to make sure someone is not giving us malware or anything like that.

City Clerk Donna Jackson: We need to talk with Chief of Staff Bill Reznicek.

Councilmember David McClain: I get where you all are coming from and what you're saying, but you may get into a situation where we're looked at like we're trying to limit what the public is saying or what type of presentation they are going to make.

City Clerk Donna Jackson: Just scanning for viruses isn't approving it.

Councilmember Dr. Charles Coleman: Can't those terms be put in this, such as to scan for viruses.

City Clerk Donna Jackson: To give an explanation of it?

Councilmember Dr. Charles Coleman: Yes, to give an explanation of it.

Chairmember Chris Gibson: That's all already in the next paragraph.

City Clerk Donna Jackson: That would help a lot in keeping an accurate record because a lot of times people are nervous when they come to that microphone and they may state their name and address, but you don't always get it.

Councilmember Joe Hafner: I think it would help avoid is someone's flash drive is not working and then information systems has to come out and fix the issue. If Ms. Jackson already has everything cued up, it should help the meeting run smoother. I can't make the motion, but I

would simply ask that all presentation materials must be submitted to the City Clerk's office by 10:00 a.m. the day of the meeting.

Councilmember Charles Frierson motioned that Section 2-87(k)(2) be changed to read that all presentation items must be turned into the City Clerk's office by 10:00 a.m. on the day of the meeting to be scanned for viruses, seconded by Councilmember Ann Williams. All voted aye.

Councilmember Joe Hafner: The 3:00 p.m. still applies to items on the agenda. The 10:00 a.m. is for presentation items.

City Clerk Donna Jackson: This is really for the benefit of the department heads who are going to be bringing us ordinances because we have to enter it into Legistar for them.

Councilmember Joe Hafner: Do you all see an issue with department heads not being able to enter stuff into Legistar?

Communications Director Bill Campbell: I don't think it's the best practice because of the type of stuff I have seen that I have to edit just for grammar purposes.

Councilmember Joe Hafner: You don't think the current way is the best way.

Communications Director Bill Campbell: I think it should be sent to the City Clerk.

City Clerk Donna Jackson: Let me clarify something. Department heads will still be writing their own legislation. My training is only to help them get better at it. I will be looking to see if we will be adopting this by reference. If so, has it been publicized and do we have three copies in my office. If not, it doesn't go. I'm not going to try and interfere with what they are trying to do. We are really trying to help them.

Councilmember Joe Hafner: Like the landscape ordinance. You would have caught that up front and we wouldn't have had to appeal and then redo.

City Clerk Donna Jackson: That's another thing that I want to show them is that when we're writing something we need to keep in mind that it is 65 cents per word. That was a 15-page ordinance. That was going to run \$4,000, and I didn't catch it because it's put into Legistar and all I see is the title, unless I open it up. Those are the type of things I want my office to catch.

Councilmember Charles Frierson: What's on page eight?

Chairmember Chris Gibson: Page 8 paragraph 6, I believe this is just clerical stuff, as well. I think it's just housekeeping stuff. Unless anyone sees any reason to change anything, then I think we are good. On page 9, again, I think it's just housekeeping stuff. I think those are all the changes we discussed the last time. There were a few other concerns that were brought to my attention, including that walk-ons being proposed by department heads must be requested by the Mayor or Chief of Staff. Any comments on this?

Councilmember Dr. Charles Coleman motioned that walk-ons must be requested by the Mayor or Chief of Staff, seconded by Councilmember Charles Frierson. All voted aye.

Chairmember Chris Gibson: The next concern was committee chairs approving an agenda prior to it being published in Legistar.

Councilmember Joe Hafner: That's one of the things I mentioned to the City Clerk. The Council meetings are ran by the Mayor and he controls that agenda. I just feel like the committee chair should have some sort of heads up or input into why an item is on the agenda. In the past year, when we had a finance meeting, I had no idea the elected official compensation was going to be on the agenda and when I saw it on there, I thought this is going to be fun. Sometimes it looks like we're the ones presenting the stuff, but we're actually seeing it at the same time the public sees it.

Chairmember Chris Gibson: You and I had this conversation prior to the last meeting and I did bring it up. I defer to Councilmember Charles Frierson and Councilmember Ann Williams, but I believe that it is state law that the Mayor sets the agenda. Is that correct?

Councilmember Joe Hafner: Even for committee meetings?

Councilmember Charles Frierson: I doubt that it applies to committee meetings.

City Clerk Donna Jackson: Actually, the Mayor is setting committee meetings. That was something the Mayors did, but there should be some consideration for the person having to conduct that meeting.

Chairmember Chris Gibson: I agree.

Councilmember Charles Frierson: I agree with this. Let's do it.

City Clerk Donna Jackson: We will check on this.

Chairmember Chris Gibson: Do we need to change the verbiage from approve to something else?

City Clerk Donna Jackson: I do think that the committee chair should know what is going to be on that agenda. I want committee chairs to start looking at this. If it just has a set of minutes on there, somebody needs to be letting us know.

Councilmember Charles Frierson: I'm ready to adopt this. You don't have to sell it.

Chairmember Chris Gibson: I think we need to change the verbiage to review instead of approve.

Councilmember John Street: Will it be a check box?

City Clerk Donna Jackson: We can set it up to where you all have to approve it before it goes to the City Attorney.

Councilmember Joe Hafner: If we have a question about why is this item on the agenda, we just need to have enough time to call Mayor Perrin or call Bill Reznicek.

City Clerk Donna Jackson: These are done the Thursday before the meeting. We'll send you a notice and you will approve it or not. If you hold it, it doesn't make the agenda.

Councilmember Charles Frierson motioned that committee chairs review the agenda prior to it being published in Legistar, seconded by Councilmember Ann Williams. All voted aye.

Chairmember Chris Gibson: Process for councilmembers to be able to add legislation to agendas.

Councilmember Joe Hafner: Kind of give us the background on that. Last year or two years, when I kind of wrote the sidewalk ordinance, I sent it to the City Clerk and others to review and it was entered into Legistar. It wasn't actually placed on any agendas, but it was put in Legistar. So, what would change?

Chairmember Chris Gibson: I don't recall discussion on this one at all.

City Clerk Donna Jackson: One of the things that has happened is that we'll have a committee and councilmember will want to present something. We put it on the agenda and it doesn't get approved. It goes to the Mayor and then to the City Attorney. I'm just asking for a process because it's left kind of in limbo, and it's very rare that a councilmember brings anything that they haven't already discussed with the Mayor.

Councilmember Joe Hafner: Back to my sidewalk ordinance, you're saying that if I asked for that to be put on the Public Works Committee and the Mayor said no, then he could have shot it down right then and I wouldn't have had any say on getting it back on the agenda.

City Clerk Donna Jackson: I guess you could suspend the rules and walk it on, but then that individual is accused of rushing it through.

Councilmember John Street: What about Section 2-87(k) (5)? Does that not address that? If it came to your office just like the rest of this will, wouldn't that fix that? I mean it's already in place here.

Councilmember Ann Williams: I assumed that if we drafted something whether it was brought to us by a citizen or our own initiative that once we got the language approved by the City Attorney that we could put it directly on the committee agenda. That was my understanding.

City Clerk Donna Jackson: It's kind of been silent. I have run into this situation before where someone would want it on there and it wouldn't be approved.

Councilmember Ann Williams: Approved by whom?

City Clerk Donna Jackson: The Mayor.

Councilmember Ann Williams: I was not aware that the Mayor had to approve something if we put it on the committee agenda.

City Clerk Donna Jackson: That's what I'm asking for clarification on because I do think it's questionable.

Councilmember Charles Frierson: It doesn't need to be clarified any more than what Councilmember Street just read.

Councilmember Ann Williams: If someone comes to us and wants us to sponsor something, then my understanding is that we could either on their behalf or our own initiative place it on the committee agenda once it's been approved by the City Attorney. That was my understanding.

City Clerk Donna Jackson: That was my understanding, too, but we've had situations that come up that it didn't work that way.

Councilmember Joe Hafner: Then we need to go back to refreshing people's memory on Section 2-87(k)(5).

Councilmember John Street: Could you insert reviewed "by form" so that is all the review would detail. If you inserted "by form" after review because you said the City Attorney just reviews them by form anyway then she wouldn't have anything about the content. It would just be whether it's in correct form for the legislation proposed.

City Clerk Donna Jackson: Would you want her to not say anything if there was something glaring?

Councilmember John Street: Well sure. I would hope she would do that anyway.

Councilmember Joe Hafner: I think it's fine the way it is, honestly.

Councilmember Charles Frierson: I do, too.

City Clerk Donna Jackson: So, just leave it the way it is?

Councilmember Ann Williams: The way this language is stated, it doesn't say anything about this being approved by the Mayor. I would have objected, if the incident occurred, that there was a problem doing it this way because, to me, this line speaks for itself.

City Clerk Donna Jackson: I would think so, too, but all the agendas go through that process. I'm going to see if we can't get a councilmember to approve it for committees in the process.

Councilmember Ann Williams: Once it's been approved by the City Attorney.

City Clerk Donna Jackson: I do think the Mayor needs to be included in on that and then the City Attorney would approve it.

Councilmember Joe Hafner: I think it's key to show who the correct sponsor is.

City Clerk Donna Jackson: But keep in mind that we're on a tight schedule here. You can't just not approve it or not deal with it.

Councilmember Ann Williams: When you say approve, whom are you talking about?

City Clerk Donna Jackson: I was asked to add the chairs of the committees on the Legistar process for their committee agendas. If you are a chair, you have to remember. You can't just ignore it or it won't be on the agenda.

Chairmember Chris Gibson: Is there anything else before we try to move this on to full council?

Councilmember John Street: The notification of members for the special-called meetings. It says that notification must be made by personal service to each member or by telephone specifying time and place of meeting. I know it's a pain, but I would love to have a telephone call because I'm not always sitting at my computer. I know it's an inconvenience, but if I'm out and not sitting in front of my computer, I have no way of knowing that a meeting is coming up, and I've missed a few because of that. It aggravates me. I know it's a pain, but if I can get a phone call for a special meeting, I'll be there, unless I'm out of town.

City Clerk Donna Jackson: We've been doing that since you requested it.

Councilmember Joe Hafner: Where does it talk about if special-called meetings need to be cancelled?

Councilmember John Street: Whoever calls it has to cancel it.

Councilmember Joe Hafner: What was it at the end of the year when we kept calling a special finance meeting and cancelling the special finance meeting?

Councilmember John Street: That was Councilmember L.J. Bryant and I because the terminology from the staff was not correct. I didn't like that either. I had some harsh words with Bill Reznicek over that.

City Clerk Donna Jackson: There was a legal opinion given and it was the kind of thing where it was amending something. I'm trying to remember the issue.

Councilmember Joe Hafner: It was over the budget change.

City Clerk Donna Jackson: They called for a reconsideration, and the City Attorney told them they could do a reconsideration, which is in our rules. It had already been voted on and was

denied, I believe, and they wanted a reconsideration of that. That's what we were told and that's why my office requires the chair to call it and to put it in writing. I believe the chair was out or something and didn't call the meeting, but it also says that two members of that committee can call it and it was Councilmember Street and Councilmember Bryant. I gave them fits because I wanted it in writing and that's for a reason.

Councilmember Charles Frierson: Which is what?

City Clerk Donna Jackson: Because I have had situations where I get a call to put an item on the agenda and we do just that, and then it comes out to not be really politically correct and it comes back that that's not what was asked for. On that particular one, they wanted a reconsideration. To do that, you have to reconsider exactly what you considered before. Then it was changed because they wanted something else. They made an amendment. So, the City Attorney had told them to just start over.

Councilmember John Street: So, it has to be cancelled and then called again.

City Clerk Donna Jackson: Then, after we sent out that second notice, it was decided that they wanted to amend it again.

Councilmember Joe Hafner: Just to be clear, I wasn't out, but I told them that I already had my meeting, but if someone wants it heard again, then they can call the meeting.

City Clerk Donna Jackson: I do appreciate what each one of you have to deal with, and I have my issues, too. It's just trying to find a good working relationship.

Councilmember Joe Hafner: It goes back to consistency.

Chairmember Chris Gibson: We need a motion to forward these changes to full council.

Councilmember Dr. Charles Coleman motioned to recommend the procedure changes to full council, seconded by Councilmember Ann Williams. All voted aye.

Councilmember Ann Williams motioned that the meeting be adjourned, seconded by Councilmember Charles Frierson. All voted aye.



Legislation Details (With Text)

File #:	RES-19:020	Version:	1	Name:	MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	2/27/2019	In control:		In control:	Nominating and Rules Committee
On agenda:		Final action:			
Title:	RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN				
Sponsors:	Mayor's Office				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
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RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN

WHEREAS, the following appointments/reappointments have been recommended by Mayor Harold Perrin

NOW Therefore BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS, that the following appointments/reappointments be confirmed:

BUILDING FACILITIES

Reappoint Tiffny Calloway, Chief Rick Elliott, Danny Kapales, Craig Light, Chief Kevin Miller, Mayor Perrin, Barry Phillips, Tim Renshaw, Bill Reznicek, Ronnie Shaver, Derrel Smith, Trever Harvey, and Gene Vance to one year terms expiring February 28, 2020

CAPITAL IMPROVEMENT COMMITTEE

Reappoint Joe Hafner, Bill Reznicek, Ronnie Shaver, Trever Harvey, Mayor Perrin to a one year term expiring February 28, 2020

REVENUE ENHANCEMENT COMMITTEE

Reappoint Michael Black, Tiffny Calloway, Joe Hafner, Trever Harvey, Danny Kapales, Craig Light, Mayor Perrin, Tim Renshaw, Bill Reznicek, Becky Sharp, Derrel Smith to one year terms expiring February 28, 2020

ADVERTISING AND PROMOTIONS

Reappoint Chris Gibson to a four year term expiring December 31, 2022

Appoint Tracey Owens to a four year term expiring February 28, 2023

CITY WATER AND LIGHT BOARD

Reappoint Barry Phillips to a three year term expiring February 28, 2022

Reappoint John Street to a three year term expiring February 28, 2022

Appoint Al Heringer to a three year term expiring February 28, 2022

COMMUNITY TRANSPORTATION ADVISORY BOARD (JET)

Reappoint Ricky Greer to a three year term expiring February 28, 2022

Appoint Kassie Williams to a three year term expiring February 28, 2022 (at-large)

JONESBORO URBAN FORESTRY COUNCIL

Reappoint Thomas Lindsey to a three year term expiring February 1, 2022

Appoint Grant Newkirk to a three year term expiring February 28, 2022

JONESBORO URBAN RENEWAL HOUSING

Reappoint Deborah Agnew to a four year term expiring October 13, 2023

Reappoint Elizabeth Stafford to a three year term expiring October 31, 2022

RESIDENTIAL HOUSING AND HEALTH CARE FACILITIES BOARD

Reappoint Dr. Susan Hanrahan to a five year term expiring October 16, 2023



Legislation Details (With Text)

File #:	ORD-19:004	Version:	1	Name:	AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL; ESTABLISHING CITY COUNCIL RULES AND PROCEDURES FOR 2019
Type:	Ordinance	Status:			In Committee
File created:	2/1/2019	In control:			City Council
On agenda:		Final action:			
Title:	AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL; ESTABLISHING CITY COUNCIL RULES AND PROCEDURES FOR 2019				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	2019 Council Procedures3.pdf				

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council		
1/31/2019	1	Nominating and Rules Committee	Recommended to Council	Pass

AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL; ESTABLISHING CITY COUNCIL RULES AND PROCEDURES FOR 2019

WHEREAS, it is the desire of the Jonesboro City Council to establish the organization of the 2019 Jonesboro City Council in accordance with Arkansas Code Annotated 14-43-501; AND

WHEREAS, The 2019 Nominating and Rules Committee has reviewed and recommends Exhibit "A" in its entirety.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION 1: That the Jonesboro Code of Ordinances, Chapter 2 Article 3, entitled City Council, Sections 2-84 through 2-98 are hereby repealed and, replaced according to Exhibit "A" hereto attached.

SECTION 3: All ordinances or part of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 4: The provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, each invalidity shall not affect the remainder of the sections, phrases or provisions.

DIVISION 2. - MEETINGS^[1]

Footnotes:

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State Law reference— Authority to provide rules of procedure, A.C.A. § 14-43-501.

Sec. 2-84. - City council meetings.

- (a) *Regular meetings.* The city council shall meet in regular session on the first and third Tuesday of each month at 5:30 p.m. The regular session may be rescheduled for reasons of holidays, inclement weather, or any other special circumstances beyond the city council's control. When such special circumstances occur, the regular meeting shall be held on the following Thursday at the same hour. This change will include regularly scheduled committee meetings as well.
- (b) *Location.* The place of the city council meetings shall be in the city council chambers unless another place has previously been set by the city council.
- (c) *Special called council meetings.* Special called council meetings may be called by three or more council members or by the mayor. The city clerk shall be notified of the special called meeting by an email sent to all city clerk staff at least three hours prior to the meeting. Notification of a special meeting, including specific items to be considered, shall be given by the city clerk at least three hours prior to the meeting. Such notification shall be made by personal service to each member or by telephone specifying time and place of the meeting. The city clerk or his/her designee shall keep the record of the meeting. Only the council members who requested the special meeting or the mayor, if he/she requested the special meeting, may cancel the special meeting.
- (d) *Special called committee meetings.* Special called committee meetings may be called by two or more committee members or by the chair of the committee. The city clerk shall be notified of the special called meeting by an email sent to all city clerk staff at least three hours prior to the meeting. Notification of a special called committee meeting, including specific items to be considered shall be given by the city clerk at least two hours prior to the meeting. Such notification shall be made by personal service to each member or by telephone specifying time and place of the meeting. The city clerk or his/her designee shall keep the record of the meeting. Only the committee members who requested the meeting or the chair, if he/she requested the special meeting, may cancel the special meeting.
- (e) *Executive session.* An executive session may be convened on the request of any member of the city council or the mayor. Executive session will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee. A.C.A. § 25-19-106(c)
- (f) *Quorum.* A majority of the city council shall be necessary to constitute a quorum to do business. The mayor shall have a vote to establish a quorum of the city council at any meeting of the city council. The concurring vote of a majority of those elected, providing a quorum is present, shall represent the acts of the city council except where otherwise provided by law.
- (g) *Public notification and participation.*
 - (1) The **city clerk's office** will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the city council. The means used will include publication in a local newspaper, publication via the internet, special notice to citizens who have shown a direct interest in matters

to be considered, and copies of the agenda will be placed at the entrance to the city council meetings.

- (2) Members of the audience will be offered an opportunity to speak on all questions before the city council. After being recognized by the presiding officer, **proponents for or against an issue will be given a total of ten minutes (10 minutes) per side to speak.** Individuals shall provide his/her name and address immediately after being recognized by the presiding officer. Repetitive comments should be avoided; this applies to comments made previously either to the city council or to the planning commission when those planning commission minutes have been provided to the council members. All remarks shall be addressed to the city council as a whole and not to any particular member of the city council. No person other than the city council members and the person having the floor shall be permitted to enter into any discussions without permission of the presiding officer. No questions shall be asked of a city council member or city employee except through the presiding officer. All members of the public are requested to accord the utmost courtesy to members of the city council, to other members of the public appearing before the city council, and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
 - (3) **Consent Agenda items are usually routine items such as resolutions and minutes. Consent Agenda items are adopted in one motion with no discussion. However, anyone wishing to discuss an item on the Consent Agenda must request a motion for removal of that particular item from the Consent Agenda. Upon passage of the motion for removal from the Consent Agenda, the presiding officer shall proceed with that item following the same procedure as in Sec 2-84 (g)(2) above, affording an opportunity for discussion of the item.**
- (h) *Smoking prohibited.* There will be no smoking allowed in the city council chambers or in any committee meeting room.
- (i) *Cell phones and pagers.* With the exception of on-duty emergency services personnel, cell phones and pagers must be turned off or put in silent mode and not used within the council chambers or committee meeting rooms during meetings.

(Ord. No. 09:001, § 1(2.20.01), 1-20-2009; Ord. No. 13:001, § 1, 1-22-2013; Ord. No. 14:005, § 1, 2-6-2014)

State Law reference— Calling special meetings, A.C.A. § 14-43-502; purposes of executive sessions, A.C.A. § 29-19-106; quorum, A.C.A. § 14-43-501.

Sec. 2-85. - Duties and privileges of and other city officials at city council meetings.

- (a) *Seating.* Members shall occupy the respective seats in the council chambers assigned by position number. The presiding officer (mayor, president pro tempore, or designee) shall be seated in the center of the council members table. Seated to either side of the presiding officer shall be the city clerk and the city attorney or, in their absence, their designees. Council Members shall be seated according to their ward beginning on the presiding officer's far left with Ward 1, Pos. 1; Ward 1, Pos. 2; Ward 2, Pos. 1; Ward 2, Pos. 2; Ward 3, Pos. 1; Ward 3, Pos. 2; then beginning on the presiding officer's far right with Ward 4, Pos. 1; Ward 4, Pos. 2; Ward 5, Pos. 1; Ward 5, Pos. 2; Ward 6, Pos. 1 and Ward 6, Pos. 2.
- (b) *Conduct.*
 - (1) During city council meetings, council members shall preserve order and decorum and shall neither by conversation nor by otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the presiding officer or the rules of the city council.

- (1) Every member of the city council desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine himself/herself to the questions under debate and shall avoid all personalities and indecorous language. A city council member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, or unless a point of order is raised by another council member or unless the council member chooses to yield to questions from another council member.

- (2) If a council member is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with the rules of the city council.
 - (3) Council members and other elected city officials shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the city council, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. City council members shall confine their questions as to the particular matters before the city council and in debate shall confine their remarks to the issues before the city council. To keep or restore order and dignity to a council meeting, the city council, by a majority vote, reserves the right to remove from a council meeting any individual who repeatedly violates this rule for conduct.
- (c) *Personal interest.* No council member or other elected city official with a direct or indirect financial or personal interest in any item before the city council shall participate in the discussion of or voting on such matter. If a council member knows a conflict exists on an item on the agenda they should immediately state they have a conflict and refrain from discussion or voting on the matter. Should a council member determine during the discussion of an item that they have a conflict in the matter they should immediately disclose such and refrain from further discussion or voting on the matter.
 - (d) *Voting.* Every council member present when a question is put to a vote shall vote either "Yea" or "Nay," except that a council member may abstain from voting: (a) if he/she has not participated in the preceding discussion of the question, and (b) if that council member briefly states the reason for the abstention. The council members will vote at city council meetings in the order of their position number, with a different position voting first, as determined by the city clerk, on each vote taken.
 - (e) *Roll call.* Upon every vote, a voice vote of the affirmative and negative votes shall be called and be recorded on every motion, resolution, and ordinance. The presiding officer or any council member may call for a roll call vote. A roll call vote shall be taken when enacting an emergency clause, repealing an initiated measure, or when otherwise required by law.
 - (f) *Presiding officer.*
 - (1) The mayor shall be ex officio president of the city council and shall preside at its meetings.
 - (2) The mayor shall have a vote when his vote is needed to pass any ordinance, bylaw, resolution, order, or motion. Per A.C.A. § 14-43-501.
 - (g) *President pro tempore.* The city council shall annually, at the time of organizing, in public session, elect one of its council members as president pro tempore. Any council member may nominate any other member of the city council for this position, and no second of a nomination is required. Each council member shall vote by naming his/her choice by voice vote if there is more than one nominee for the position. A majority vote of the city council shall be required for election. In the absence of the mayor, the presiding officer duties shall be performed by the president pro tempore; in the absence of the president pro tempore, those duties shall be performed by a designated council member. Designation shall be by majority vote of the council members present at any meeting where a clear designation of presiding officer has not been made.
 - (h) *Privileges of the president pro tempore.* The president pro tempore or designee acting as the presiding officer may move, second, and debate from the chair and shall not be deprived of the rights and privileges of being a member of the city council by reason of his/her acting as the presiding officer.
 - (i) *Arriving Late - Leaving Early From Council/Committee Meetings.* For benefit of an accurate quorum, it is best if council members notify the Presiding Officer when they will be arriving late or leaving early from Council and Committee meetings.

(Ord. No. 09:001, § 1(2.20.02), 1-20-2009)

State Law reference— Selection of president pro tempore, A.C.A. § 14-43-501(b)(2).

Sec. 2-86. - Freedom of information procedure.

All meetings of the city council shall be public meetings. Notice of the time, place and date of all special meetings shall be given **by the City Clerk's Office**, to representatives of the newspapers and radio stations located in Craighead County which have requested to be notified at least two hours before the special meeting takes place. Any news media located elsewhere that regularly covers the meetings of the council and which have requested **notification from the City Clerk's Office, shall also be notified at least two hours before the meeting takes place. The City Clerk's Office shall maintain the official notification list.**

(Ord. No. 09:001, § 1(2.20.03), 1-20-2009)

State Law reference— Open meetings required and exceptions thereto, A.C.A. § 25-19-106.

Sec. 2-87. - Procedures and parliamentary rules.

(a) Order of business.

- (1) The city council's agenda order shall be coordinated by the city clerk. All items for discussion or action at the regular council meeting shall be organized under the following headings:
 - Call to order by the mayor;
 - Pledge of Allegiance and Invocation;
 - Roll Call by the City Clerk;
 - Special Presentations;
 - Consent Agenda;
 - Unfinished Business;
 - New Business;
 - Mayor's Report;
 - City Council Reports;
 - Public Comment;
 - Adjournment.
- (2) The mayor shall delegate collection, initial organization, and distribution of the final draft to the city clerk; however, the mayor shall maintain responsibility for and control of the agenda. At the regular meeting of the council, the city council, by majority vote, may rearrange the order of the agenda.

(b) Agenda items and public comment.

- (1) Agenda items submitted by the Administration's staff shall be presented to the Mayor and/or designee at an agenda setting session on Wednesday at 9:00 am. Administration agenda items, found to be complete shall be entered into Legistar by the City Clerk's Office in a timely manner to allow for the approval process of the mayor, city attorney, prior to 10:00 am on Thursday, except when the regular meeting time has changed due to holidays or rescheduling of the meeting. In such cases, the deadline for agenda items will be adjusted to accommodate the meeting.*
- (2) The deadline for agenda items shall be submitted to the city clerk's office on or before 10:00 am on Thursday immediately preceding each regular city council meeting, except when the regular meeting time has changed due to holidays or rescheduling of the meeting. In such cases, the deadline for agenda items will be adjusted to accommodate the meeting. The City Clerk's Office shall be responsible for entering all agenda items into Legistar. All original legislation and attachments must be submitted in order to be placed on the agenda. All items for discussion or action at the regular city council meeting shall be included in an agenda

provided by the city clerk to the council members, the mayor, and the city attorney via internet by 4:00 p.m. on Thursday, immediately preceding the regular council meeting.

- (3) The City Clerk's Office shall enter all items for discussion or action by citizens wishing to address city council members regarding agenda items. All attachments shall be submitted in word format, and, all electronic material shall be scanned for viruses. The deadline for submitting such items by the public shall be provided to the City Clerk's Office by 10:00 A. M. the day of the meeting. No handouts or presentations shall be permitted without first being provided to the City Clerk's Office by the 10:00 A.M. deadline.
- (4) The city clerk shall place the items on the agenda in the order that each item is received in the clerk's office. The mayor reserves the right to add or remove items submitted by the administration before the agenda is provided to the council members and the public. The mayor must submit the changes to the agenda in writing to the city clerk by 4:00 p.m. on Thursday following the day of the submission deadline described above in (b)(1).
- (1) Any ordinance or resolution which was not included on the final agenda may only be brought before the city council after approval by unanimous vote of any city council committee with four

or more council members. The city council, by two-thirds vote, at the regular council meeting, must then suspend the rules and bring the item to the floor for consideration. A council member moving to suspend the rules and bring an item to the floor for consideration must state, as part of his/her motion, the nature of the emergency requiring immediate action on the item. A.C.A. §14- 55-202. **All walk-ons being proposed by city staff must be requested by the Mayor or Chief of Staff.**

- (5) Any citizen living within the city limits of Jonesboro desiring to place legislation on the city council agenda may do so by submitting the desired legislation in writing to the mayor or any of the council members and engage them to sponsor the item. Once the mayor or council member has agreed to sponsor the legislation, it will be reviewed by the city attorney before being placed on the appropriate committee agenda prior to going to the full council.
 - (6) The city council shall provide 15 minutes during each regular council meeting for public comment on non-agenda business. **A total of three (3) citizens will be allowed to speak at each council meeting.** Each individual is required to limit his/her comments to five minutes. The city council reserves the right to suspend the rules for extra time, if necessary. **The City Clerk will time each individual using the time clock as provided in Council Chambers.**
- c) *Precedence of motions.* The city council shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's "Procedural Rules for Municipal Officials" or successive publications. In the event the handbook does not cover the matter, the most recent edition of Robert's Rules of Order shall apply. On questions of appeal, a majority of those present is required to overturn a ruling of the presiding officer.
- (1) *Motions to be stated by the presiding officer/withdrawal.* When a motion is made and seconded, it shall be stated by the presiding officer before debate. After being stated by the presiding officer, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the city council.
 - (2) *Reconsideration.* After the decision of any question, any member of the majority may request a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.
 - (3) *Readings.* All ordinances shall be read aloud at three different meetings unless the city council votes to suspend the rules by a two-thirds majority. A.C.A. §14-55-202

(Ord. No. 09:001, § 1(2.20.04), 1-20-2009; Ord. No. 13:001, § 1, 1-22-2013; Ord. No. 15:058, § 1, 11-17-2015)

State Law reference— Authority to provide rules of procedure, A.C.A. § 14-43-501.

Sec. 2-88. - Reserved.

Editor's note— Ord. No. 15:058, § 1, adopted Nov. 17, 2015, repealed § 2-88, which pertained to absence from council meetings and derived from Ord. No. 09:001, § 1(2.20.05), adopted Jan. 20, 2009.

Sec. 2-89. - Appeals to council.

Appeals to the city council of decisions of commissions and boards shall be in writing signed by the party appealing, dated, and filed with the clerk within 30 days following the decision of the board and/or

commission. The appeal shall set forth the objection to the decision rendered by said commission and/or

board. Decisions shall be considered final if no appeal is perfected within the 30-day period. (Ord. No. 09:001, § 1(2.20.06), 1-20-2009)

Sec. 2-90. - Hearings.

Appeals shall be heard by the city council meeting in official session. The city council may call a special meeting to hear said appeal.

(Ord. No. 09:001, § 1(2.20.07), 1-20-2009)

Sec. 2-91. - Notice.

The **City Clerk's Office** shall notify the party appealing by certified mail, return receipt requested, of the date of hearing. The notice shall contain the following statements:

- (a) The appealing party shall be entitled to counsel at the hearing;
- (b) The appealing party shall be able to discuss their proposal with the council;
- (c) The appealing party may introduce any information they might have concerning the matter;
- (d) The rules of evidence and the rules of procedure established for the judicial system of the state shall not be applicable at said hearing;
- (e) The appealing party shall be entitled, upon request, to a written statement from the city council which shall state the facts and reasons for denying the appealing party's appeal if same is denied.

(Ord. No. 09:001, § 1(2.20.08), 1-20-2009)

Sec. 2-92. - Action.

The city council shall either approve or reject the appealed decision by a majority vote. Failure to act on the appeal within 60 days after same is filed will be deemed approval of the decision of the board and/or commission. Decision not approved by the city council may be resubmitted through proper channels not less than six months following the council's action or sooner if there is a material change in circumstances or conditions.

(Ord. No. 09:001, § 1(2.20.09), 1-20-2009)

Sec. 2-93. - Bring ordinances before council.

- (a) Once an item is brought before the city council, there shall exist a three month time limit within which to obtain a ruling by the city council. Failure to meet the deadline will result in the item not being brought before the council again for a one-year period, and starting the procedural process over.
- (b) Once an item has been tabled or pulled three times, the item may not be brought before the council again for a one-year period, and must start the procedural process over.
- (c) Once the Metropolitan Area Planning Commission has granted approval, there shall exist a six-month time limit for bringing the matter before the council.

(Ord. No. 09:001, § 1(2.20.10), 1-20-2009)

State Law reference— Ordinances, A.C.A. § 14-55-101 et seq.

Sec. 2-94. - Publication reimbursement cost.

- (a) The publication cost shall be set by the finance department at a flat rate to cover costs for the publication of ordinances and notices. These rates may fluctuate based on current publication pricing.
- (b) The publication cost shall be collected by the city collector prior to an item being placed on the agenda. Failure to pay the publication cost shall result in the item not being placed on the agenda.
- (c) Should an ordinance be denied by the city council, the publication cost shall be reimbursed by the finance department. Reimbursement shall not include public hearing or appeal hearing notices, since these must be published prior to an ordinance being adopted.

(Ord. No. 09:001, § 1(2.20.11), 1-20-2009)

Sec. 2-95. - Internal boards, committees, commissions, and appointments.

(a) *Committee Membership.*

- (1) The only standing internal committee of the city council shall be the nominating and rules committee. The nominating and rules committee shall be made up of council members from Wards 1, 2, and 3 on odd-number years and council members from Wards 4, 5, and 6 on even-numbered years. The nominating and rules committee shall determine the number of city council committees, their function, and membership of such committees. Any council member who desires to serve on any particular committee shall so inform the nominating and rules committee. The nominating and rules committee shall, at its discretion, attempt to assign council members who have expressed a preference for any particular committee to the committee. The members of each committee shall designate the member who is to serve as chairperson of each committee. In the case of a tie for committee chairperson, the nominating and rules committee shall appoint the chairperson from those nominated by the committee. Any council member dissatisfied with committee assignments can appeal to the whole city council.
- (2) Ad hoc committees to study special problems and projects of the city may be created by a majority vote of the city council. The mayor and the nominating and rules committee shall recommend to the city council appointees for ad hoc committees. The city council, by majority vote, shall appoint members to ad hoc committees.

(b) *Committee Meetings.*

- (1) All council members, representatives of the news media who have requested notification, and all other persons who have requested notification of committee meetings shall be notified of city council committee meetings by the city clerk's office.
- (2) Committee meetings shall be held when possible at times that allow all members of the committee to attend. In order for a committee to make an official recommendation to the city council, a majority of the committee must agree on that recommendation. Council members who are not members of a particular city council committee may participate in the meeting of that committee except for voting on committee recommendations. Minutes of meetings involving the city council shall be the responsibility of the city clerk or his/her designee. The minutes shall reflect recommendations of the committee to the full council.
- (c) *Committee Quorum.* A majority of the committee shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting, providing a quorum is present, shall represent the acts of the committee.
- (d) *Committee Voting.* Every committee member present when a question is put to a vote shall vote either "Yea" or "Nay", except that a committee member may abstain from voting if he/she has not participated in the preceding discussion of the question and that member briefly states the reason for the abstention. Pursuant to "Robert's Rules of Order", in the absence of a recommendation by the

"Procedural Rules for Municipal Officials" the chairperson of the committee will not vote unless his/her vote is necessary to break a tie.

- (e) *City council representation on other governmental groups.* When it is necessary to appoint a council member to an external board, commission, or committee, selection of that council member shall be made by the mayor and a majority vote of the city council shall be required for confirmation of the mayor's appointment.

(Ord. No. 09:001, § 1(2.20.12), 1-20-2009)

Sec. 2-96. - Mayor relationship.

- (a) *Defining authority.* In exercising its management responsibilities, the city council reserves its authority to approve policy which represents broad statements of its intentions, approves plans and programs, and delegate authority of administration to the mayor, except those rights that are by law conferred upon or reserved to the city council. The city council delegates the authority of the mayor to hire capable personnel within an approved wage and salary policy, to plan and establish schedules and to train, supervise and terminate employees. Per A.C.A. § 14-42-110, the city council reserves the authority to review the hiring or removal of a department head and may overturn the hiring or removal of a department head by the mayor upon two-thirds majority of the total membership of the city council.
- (b) *Definition of responsibilities.*
 - (1) The mayor has the principal responsibility for directing the operations of the city government and for advising and assisting the city council in its deliberations. In connection with the latter responsibility, the city council expects and requests the mayor to furnish it with whatever data, information, and material it may need to properly carry out its functions in an informed manner.
 - (2) The mayor also has the principal responsibility to ensure that the city's administrative officers, department heads, and directors understand and obey all local, state, and federal laws pertaining to the city's operations, and when a violation of any law is discovered, that immediate disclosure is made to the city council and proper and adequate disciplinary measures are taken against the responsible employee or employees.
 - (3) The city council also expects the mayor to abide by the city's Code of Ethics, the city council also expects the mayor to require the city's administrative officers, department heads, and directors to abide by the city's Code of Ethics.
- (c) *City council/mayor cooperation.*
 - (1) Efficient management of the city can exist only through mutual understanding and complete cooperation between the city council and the mayor. The mayor's performance cannot be of the best unless he/she is given the latitude to exercise independent judgment in executing policies of the city council. The city council acknowledges that obligation and gives the mayor the latitude of judgment and discretion, and expects faithful performance in carrying out the policies of the city council.
 - (2) It shall be understood that administrative authority for the management of the city rests with the mayor. Members of the city council should refrain, as individuals, from giving specific direction or instruction to city personnel pertaining to the discharge of assigned duties, however, open communication between council members and city employees is encouraged and expected to guarantee sound decisions based upon the free flow of information.

(Ord. No. 09:001, § 1(2.20.13), 1-20-2009)

Sec. 2-97. - Citizen committees.

- (a) *Authorization by the city council.* The city council may authorize citizen advisory boards, committees, and commissions to assist the city council in discharging its responsibilities more effectively. Authorization will be made by a majority vote of the city council.
- (b) *Selection guidelines.* The mayor shall have the responsibility of coordinating the selection process of members for the citizen advisory groups prior to the final city council approval. The objectives of the selection process shall be as follows:
 - (1) To provide a broad cross section of qualified individuals for service on the appointed bodies;
 - (2) To provide an opportunity for participation in city affairs by interested citizens; and
 - (3) To provide a means for involvement of all city council members in the selection process.

The city council will act officially on all appointments in public session.
- (c) *Vacancy policy for boards and commissions.* In cases in which this division is not in conflict with state or federal law, any city board or commission position which term has expired for a period longer than 60 days shall be declared vacant. (Ord. No. 09:001, § 1(2.20.15), 1-20-2009)

Sec. 2-98. - Code of ethics.

- (a) *General.* Council Members, other elected city officials and the city's administrative officers, department heads, and directors occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly must be subject to the scrutiny of public opinion both to the legality and to the propriety of such transactions.
- (b) *Conflict of interest.* Council Members, other elected officials, and the city's administrative officers, department heads, and directors shall refrain from making use of special knowledge or information gained by virtue of their elected office or position before it is made available to the general public; shall refrain from making or influencing decisions involving business associates, customers, clients, competitors, and immediate family members and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of these municipal officers. Nothing herein, however, shall serve to deny any of the above-mentioned of their legal rights and privileges available to all citizens of the city.
- (c) *Responsibility to all citizens.* Council Members, other elected officials, and the city's administrative officers, department heads, and directors shall conduct themselves so as to bring credit upon the city as a whole and so as to set an example of good ethical conduct for all citizens of the community. Council Members, other elected officials, and the city's administrative officers, department heads, and directors shall bear in mind at all times their responsibility to all Jonesboro citizens, shall refrain from actions benefiting special interest groups at the expense of the city as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the city without respect to race, creed, color, sex, or the economic or social position of individual citizens.
- (d) *Responsibility to disclose.*
 - (1) In an effort to allow the public full knowledge of financial and personal interests, council members, and other elected city officials are expected to file an annual statement of financial interest as required in A.C.A. § 21-8-701. Council Members, other elected officials, and the city's administrative officers, department heads, and directors are also expected to disclose all real estate holdings within the city limits and any business or financial interest which could affect or be affected by decisions of the city council, other elected city officials, or the city's administrative officers, department heads, or directors. This language shall be interpreted to include real estate holdings and business or financial interests held by the individual, his/her spouse, children, parents or siblings or beneficial interests in a partnership, corporation or any other legal entity.

- (2) Council Members, other elected officials, the city's administrative officers, department heads, and directors, shall also disclose any familial relationships with any other city official or employee which could affect or be affected by decisions of the city council, the mayor, a city administrative officer, department head, or director.
- (3) The financial and familial disclosures should be made in writing and filed with the city clerk before February 1 of each year; any changes in disclosure information during the year must be filed with the city clerk's office within 30 days of such change.
- (4) No non-elected city officials and employees are required to include his/her home address on disclosure documents, per Act 213 of 2003 (A.C.A. § 25-19-105).

(Ord. No. 09:001, § 1(2.20.14), 1-20-2009)

Secs. 2-99—2-122. - Reserved.