

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 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. 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.
- (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.
 - (2) 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.

- (3) 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.
- (4) 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.

(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 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 shall also be notified at least two hours before the meeting takes place.

(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:
 - a. Call to order by the mayor;
 - b. Pledge of Allegiance and Invocation;
 - c. Roll Call by the City Clerk;
 - d. Special Presentations;
 - e. Consent Agenda;
 - f. Unfinished Business;
 - g. New Business;
 - h. Mayor's Report;
 - i. City Council Reports;
 - j. Public Comment;
 - k. 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) The deadline for agenda items shall be at the city clerk's office on or before 10:00 a.m. 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. 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.
- (2) 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 the day of the submission deadline described above in (b)(1).
- (3) 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

- (4) 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.
 - (5) The city council shall provide 15 minutes during each regular council meeting for public comment on non-agenda business. 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.
- (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 council shall notify the party appealing by certified mail, return receipt requested, of the date of hearing. The notice shall contain the following statements:

- (1) The appealing party shall be entitled to counsel at the hearing;
- (2) The appealing party shall be able to discuss their proposal with the council;
- (3) The appealing party may introduce any information they might have concerning the matter;
- (4) The rules of evidence and the rules of procedure established for the judicial system of the state shall not be applicable at said hearing;
- (5) 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.