



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Nominating and Rules Committee

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Tuesday, July 28, 2020

3:00 PM

Municipal Center

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### 1. Call To Order

### 2. Roll Call by City Clerk Donna Jackson

**Present** 6 - David McClain; Bobby Long; Joe Hafner; LJ Bryant; Mitch Johnson and John Street

### 3. Approval of minutes

[MIN-20:052](#)

Minutes for the Nominating & Rules Committee meeting on June 2, 2020.

**Attachments:** [Minutes](#)

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:** 5 - Bobby Long; Joe Hafner; LJ Bryant; Mitch Johnson and John Street

### 4. New Business

#### *ORDINANCES TO BE INTRODUCED*

[ORD-20:027](#)

AN ORDINANCE TO PERMIT THE SELECTION OF THE POSITION 1 COUNCIL MEMBER FROM EACH WARD TO BE VOTED ON BY ONLY THE CITIZENS OF THE WARD IN WHICH THEY SERVE

**Sponsors:** LJ Bryant

**Attachments:** [Casteel Email 07262020](#)  
[Casteel 07262020](#)  
[Dougan 07272020](#)  
[crail 07282020](#)

*Councilmember Bobby Long motioned, seconded by Councilmember LJ Bryant to amend ORD-20:027 to include both positions to be voted on by ward only and be effective with the 2024 general election. AYE-Long, Bryant; NAY-Hafner, Johnson, Street. The amendment to ORD-20:027 failed to pass.*

*Councilmember Bobby Long stated that when he was looking over this ordinance and believes that the arguments that were put forward deserve some credence, and would*

demand changes to the ordinance. Mr. Long explained that the amendments would be to make both positions ward only votes, and I think that the amendments would need to take place with the election of 2024.

Councilmember Joe Hafner asked Chairman David McClain if he could make a few comments. I think that the ordinance proposed is a good balance to what we currently have. I still feel since we have to live in the ward that we represent, even though we are elected by the entire city, it is still a little bit different than an at large election that some cities have where the district may not be represented at all. Councilmember Hafner said I feel like that having one position voted by ward only and having the other position voted on city wide is good checks and balances, and that is why I am in favor of keeping the ordinance the way it is. Councilmember Mitch Johnsons stated that he would have to agree with Councilmember Hafner. We all field a lot of calls outside of our ward, and we are still going to serve those citizens outside of our ward regardless of who they call.

Councilmember John Street agreed with Councilmembers Joe Hafner and Mitch Johnson. Councilmember Street stated that he's been on the council a number of years, and that this has come up several times, and explained that there is pro's and con's to this. I think it would not serve the city well to see how much pork this would bring before us. I think when we have to prioritize ourselves and our needs as a city we are going to do a better job. We all live in this city, it's all one city. Another way I believe that it is good is that it holds us accountable. When someone calls me I don't ask them what ward they live in, I asked them if they live in the city limits, and if they say yes, I tell them I am their Councilman. Councilmember Street went on to explain that he feels like that they all work in the best interest of the City of Jonesboro, and that he believes that the hybrid version is the best way to go. If the voters go for this then I believe it should be half of us elected by ward and the other half by the city at large. I think it produce less bickering between wards. We've grown one of the fastest growing cities in the state because we do things in the best interest of the city at large.

Councilmember Bobby Long said, Chairman McClain if I may. The arguments that are made for keeping it the same would be the same arguments being made to not change it at all. I agree, there is not one call that I get that I don't take as seriously as the one that I get from my ward. I do consider myself as a councilman for the ward that I live in. However, I do understand also that many or most of the decisions that we make affect the entire city. There is no filing fee to run, there is no limit to the number of people who can run in each ward. It's not necessarily that it is suppressing any voters, or that it any of the Councilmembers are not doing what they need to do for the city as a whole. If the amendment does fail I don't know that I could support it at all.

Roger Kidd, 3718 HWY 463 South. Why are you choosing such an ordinance during an election year, are there any wards that are not represented here? Do you guys not see this as a conflict of interest to even bring this up on an election year?

Chairman David McClain said he would do his best to answer the questions and asked City Attorney Carol Duncan for her input as well. We are not the ones that will make the decision, Chairman McClain explained that what is before them right now is to send it to the voters to make that decision. There is only six wards in the city, and each ward is represented by two people. That is the form of government we've had for years, we have not decided to change that, and I don't know if we would. The voters in the City Limits of Jonesboro can decide that. Councilmember Mitch Johnson stated that what we can reiterate is that the decision will not be made today, this is just simply sending it on to the full council.

Larry Hagar, 900 Oriel Drive, and I am running for City Council, ward 6, position two. The way this is written now, this would not affect me at this time. It seems like to me that some of you are scared that you can't win a city wide election. You all have made enough controversial votes that it may be right. You might be better off running in ward only votes. My main concerns are with ward voting is it opens the door in my opinion to more corruption. For example an Alderperson in their ward that wants a pet project of some kind, then that Alderperson goes to the other side and tells the opposite Alderperson, you help me get my project passed, then I will help you get your project passed. That is the "Good old Boy System". We've had enough of that. The majority of the voters in the city would have no recourse over the Alderperson who is not in their ward. The majority of the people in the city may want that person out, but there is enough support that will keep that person in. Mr. Hagar went on to explain that that suppresses the voter's voices. Chairman David McClain explained that the amendment to have both positions ward based voting only failed. We are still talking about a hybrid method where one position would be ward based and one would be at large voting. Mr. Hagar, said I understand. But, what I don't understand is, what is the advantage of this to the citizens of the City of Jonesboro? The only advantage I see is for the ones that don't have to run city wide anymore. Chairman David McClain explained that the only thing before us right now is to send this before the whole council, and for them to decide whether or not we forward this on to the voters. If the full council decides that we don't want to send this to a vote then it would be defeated, it wouldn't happen, and things would continue as is.

Councilmember Joe Hafner asked Chairman McClain if he would make a couple of comments, and that Carol Duncan the City Attorney could correct him if he was wrong I actually think if we wanted to as a council we could make this decision ourselves. I think the conflict of interest is being avoided by if this makes it to the full council, and the full council decides to pass it on to the citizens to vote on it. City Attorney Carol Duncan said, that is correct Mr. Hafner. Under the State law you can actually as a council vote to change the way you are elected. That is not the way they asked me to draft this. Councilmember Bobby Long said to Chairman McClain we do have one more person coming up to speak. While we are waiting on her to get to the podium, I do think it's important that there is more to it than just us sending it to full council. In my opinion we are charged to send the best form of whatever we think this ordinance needs to look like to the full council. This is why we have discussions, debate things, talk about things, and why we may have differences in opinions. It's just not about forwarding something to the full council to forward on to a vote. It's about sending a good product and that is what debate is for. That is why we had the amendment, the discussion, and that is why we continue the discussion here.

Patti Lack, 4108 Forrest Hill Road. I just wanted to say that Councilmember LJ Bryant forwarded this to me, and I got a lot of responses on my face book page. I think there are pros and cons to this. What I am hearing is that you all don't want to do this, and you are not going to forward it to make both positions ward only votes. The pros of this that I really see is that it's going to be an open opportunity to a lot of the citizens in Jonesboro to become active in our community. The reason I say that is because I know a couple of you have said something about the cost. The cost of running for a position in this town is expensive. Running in a ward is going to be less expensive so that might open it up to more people who live in that ward and want to run. Now, the cons of this is if you have one person being elected by the ward, and one person being elected by the city, I notice that Councilmember LJ Bryant had said that it is difficult to learn and to know what is going on in the ward that you live in, and the whole city at the same time. I don't know how difficult that is because, you guys actually have six

weeks to look at what's going on in the city. If you are living in your ward you can drive around, and see what it is going on. As far as city wide you have six weeks to look at what the ordinances are. You can look at it, you can ask questions, you can have people contact you.

I see two of my ward people here, and I go to the one that was elected by the ward, every once in a while I might fight some apartments. I come to you and I bring a lot of people, petitions, and the reason why we shouldn't have those apartments. Because, you are supposed to be representing that ward you were elected by those people, and you need to listen to those people. Then all of a sudden the other person that ran as city wide might have different objectives. They may be looking at the same thing but that the projects will bring jobs, we need more apartments, something like this could lead to a tie vote, and the person to break the tie vote is going to be the Mayor. What I see is this is going to start causing a divide between you all. Half of you all are going to be elected by the ward, and half of you are in favor of the city part of it.

I know a couple of years ago you had ward meetings and those were very beneficial. I really think all of you, whether or not this is passed you all need to have a ward meeting at least twice a year. You need to get to know those people in that area. Because, this is exactly what you are trying to say is that you want to get closer to those people that you represent. You need to get to know what their needs are and you can't get to know them through city council. There are so many people that would like to speak up but, they don't come here. I wish you would say both positions are elected by the people of the ward, or keep it the way that it is. Otherwise I think there is going to be a real divide among you all.

Skip Kelley, 3700 South Caraway. I like Councilmember LJ Bryant's proposal. I listened to him on the radio yesterday. My only question about the ordinance would be how much is it going to cost the city for ballots for each district? Councilmember LJ Bryant said, Mr. Kelley I can't give an official answer on that, but I can tell you that I have asked the Election Commissioner, and I think the cost will be nominal to nothing is my understanding. City Attorney Carol Duncan might know a little something more, and can correct me if I am wrong. City Attorney Carol Duncan said, that was my understanding as well. What we were advised is that it would not cost much if any at all because it is the general election. Mr. Kelley said, so you are saying because we have electronic voting basically it is a zero cost to the city. Attorney Duncan said, I think as long as you are with the general election that is the case. Obviously they print a few paper ballots for those that want them, and maybe a few absentee ballots but the cost is nominal compared to what it used to be.

Councilmember Bobby Long asked Chairman David McClain how it was determined which position would be ward only vote and which would be city wide? Chairman McClain said, I will let Councilmember Bryant speak to that, and maybe the City Attorney has some insight on that as well. City Attorney Carol Duncan said, when Alderman Bryant asked me if I would draft the legislation he honestly did not ask which position it would be. I am going to tell you all the truth, I have no clue which one of you are position one or position two unless I go on the website to look. I assumed that if council wanted to make a change to it they could. There really is no good way to pick one or the other. It was not asked of me to pick one over the other.

Councilmember Joe Hafner said, one of my initial thoughts was when I read this ordinance is exactly what people are saying. Position one may have an advantage because it would be less expensive to run because it is ward only vote. As a position two person having to run a city wide race it kind of concerned me. But, then again it

*may not be less expensive for the position one if it drives more people to run for that position. I just don't think it will be necessarily less expensive. City Attorney Carol Duncan said that it could also lead to a run-off. Councilmember Hafner said as a position two if I am elected city wide I am still going to do everything I can to represent the people of my ward.*

*Patti Lack 4108 Forrest Hill Road. The way I see that is that position two is probably not going to have a big turnover, and that's not good or bad. I just don't see that position having the turnover. The way I see it is that you guys need to make it as all city wide voting or all ward voting. City Attorney Carol Duncan said, I honestly do look at the wards, and I know which ward each of you are in, I just don't know which position you hold. I really don't know a better way to be elected, as far as cost, expense and dedication goes. I don't have a vote on this, so it doesn't really matter to me which way it goes. Again, I picked position one, I sent the e-mail and said I randomly picked position one if you all want it to be a different position, or if you want council to make that decision then obviously you need to change it. I wasn't trying to have the authority to make that change on my own.*

*Sherry, 1100 W. Monroe apartment C, Jonesboro. I agree with the ordinance the way it is written.*

**A motion was made by Councilperson Joe Hafner, seconded by Councilperson Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 4 - Joe Hafner;LJ Bryant;Mitch Johnson and John Street

**Nay:** 1 - Bobby Long

[ORD-20:028](#)

AN ORDINANCE TO CALL AN ELECTION DURING THE 2020 GENERAL ELECTION ON THE ISSUE OF PERMITTING THE SELECTION OF THE POSITION 1 COUNCIL MEMBER FROM EACH WARD TO BE VOTED ON BY ONLY THE CITIZENS OF THE WARD IN WHICH THEY SERVE

**Sponsors:** LJ Bryant

*Councilmember Joe Hafner said to Chairman David McClain I do have a question. If this does make it to full council and is passed what is the time line to make sure it gets on the ballot in time for the general election? Councilmember LJ Bryant said I had e-mailed with the County Election Coordinator, I am unable to find that correspondence right now.*

*I want to say it is August 15th. Attorney Carol Duncan said I know it was in August too, I don't have that exact date in front of me. But, we will know it by the first reading at council. If it is by August 15th that will only give us one reading because the first council meeting is August 4th, and the 2nd meeting is August 18th. City Attorney Carol Duncan said I don't recall in our conversation that we would have to wave two readings. Councilmember LJ Bryant said, in the e-mail it kind of looks like it says August 25th. But, we will get a clear answer on that. Councilmember Joe Hafner said, I would hate to have to skip two readings on this.*

*Councilmember Bobby Long said, I would have to skip one reading if it has to go to council. There is not a money emergency, this could have been brought forth to this committee several months ago. We don't need to get in the habit of waiting to the last minute to pass an ordinance, then have to waive one or two readings on something as pivotable as this. We are changing the way our city is represented to me. This is a three ordinance read. Councilmember LJ Bryant said the voters would have a couple of*

months to consider it, hopefully we will not have to skip any readings. Again, the voters are ultimately the ones to decide it. Chairman David McClain called for comments from the public. Councilmember Joe Hafner explained to Chairman David McClain that the comments needed to be about whether or not this ordinance needed to be voted on by the citizens of Jonesboro.

Roger Kidd, 3718 HWY 463 South. Before Mr. Kidd spoke, Councilmember Bobby Long explained to Mr. Kidd that the comments being made are strictly about whether the ordinance should be placed on the ballot for the citizens of Jonesboro to vote on it. Mr. Kidd stated that he understood that. Mr. Kidd said this does pertain to voting and the ordinance itself. I can't quote it. But, I encourage you all to look up the Arkansas Constitution, and probably within the first six articles of reading, I do not find any equality at all with your ward one only voting, on this second ordinance or with citizens. Where is the equality for all of the wards?

Chairman David McClain said, Mr. Kidd was breaking up during his comments. Councilmember Bobby Long explained to Chairman McClain what Mr. Kidd said. Councilmember Long said that in Mr. Kidd's review and understanding of the Arkansas State Constitution, and wants to know where is the equality in the wards if you had one ward only voting and the other city wide, there is no equality within the wards. Chairman David McClain explained the matter at hand, and the motion is to forward this to the full council, and let the citizens decide. We are not talking about anything other than that. I am not familiar with the first six articles of the Arkansas Constitution. But, at the same time this is allowing the citizens to make that decision. Mr. Kidd said in the ordinance itself, you just read it whether or not you find it unconstitutional or not. Deputy Clerk April Leggett said, I believe that is section six.

Chairman David McClain said okay and read section 6 again. Chairman McClain said, so if a court found it unconstitutional we would not be able to do this correct. City Attorney Carol Duncan explained that this is language that we put in many of our ordinances so that if they found one section unconstitutional for some reason the other sections would still be good law. Because, they had already been approved by the council or by the voters. Again, that is pretty standard language, and I don't think there is any consideration that this is unconstitutional. As we pointed out before, technically the council could make this change on their own without it going to the voters. What you all are doing is letting the people choose.

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Joe Hafner, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 5 - Bobby Long; Joe Hafner; LJ Bryant; Mitch Johnson and John Street

### **RESOLUTIONS TO BE INTRODUCED**

#### **[RES-20:101](#)**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD PERRIN

**Sponsors:** Mayor's Office

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

**Aye:** 5 - Bobby Long;Joe Hafner;LJ Bryant;Mitch Johnson and John Street

**5. Pending Items**

**6. Other Business**

**7. Public Comments**

*Roger Kidd, 3718 HWY 463 South. Again I would like to ask the committee "Where is the Equality with the Wards", on everything you've done this evening. Councilmember Mitch Johnson said Mr. Chairman as Point of Order that is business that we have already discussed this evening.*

**8. Adjournment**

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

**Aye:** 5 - Bobby Long;Joe Hafner;LJ Bryant;Mitch Johnson and John Street