



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Nominating and Rules Committee

Tuesday, September 6, 2022

4:45 PM

Municipal Center

SPECIAL CALLED MEETING

1. Call To Order

2. Roll Call by City Clerk April Leggett

Present 4 - David McClain;LJ Bryant;Mitch Johnson and John Street

Absent 1 - Joe Hafner

3. Approval of minutes

[MIN-22:049](#)

MINUTES FOR THE SPECIAL CALLED NOMINATING AND RULES COMMITTEE MEETING ON TUESDAY, MAY 31, 2022

Attachments: [NandR Minutes 05312022](#)

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

Aye: 3 - LJ Bryant;Mitch Johnson and John Street

Absent: 1 - Joe Hafner

4. New Business

RESOLUTIONS TO BE INTRODUCED

[RES-22:117](#)

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

Sponsors: Mayor's Office

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

Aye: 3 - LJ Bryant;Mitch Johnson and John Street

Absent: 1 - Joe Hafner

5. Pending Items**6. Other Business**

Councilmember L.J. Bryant said ultimately a matter for the full Council, but we have the time today. I don't know what the appetite's going to be in the Council to take action on what was Mr. Long's seat, but I went through that, obviously the last time, that's how I got on the Council in 2017. I know at that time the Council acted as a full body and they did not do it through Nominating & Rules, but just throwing that out there for a topic of conversation either for us or full Council. Chairman David McClain said maybe we need to outline something explicitly to say that if you move or leave and don't vacant it immediately then we need to have a rule where it automatically becomes vacant, because if I up and move by selling my home and everything to indicate that then we need to have something that kicks in and gets into play immediately instead of having to go through an ordeal to do what's right. Councilmember John Street said this has happened about four or five times since me and Ann has been on the Council and never been an issue until now, but dealing with this vacancy when the election is less than two months away, and like when we appointed you, we had a search, an amount of time to let people apply and then we voted those. I mean it isn't anything quick so by the time we would get through all of that the election would probably have occurred. It's bad that we got that empty a couple of months. He should have quit when he did move but he didn't, but I think it's such a short period of time I think it be an exercise and futility to put someone on there. I wouldn't dare put someone that is running because that would be seen as favoring somebody and unfavorably influence voters. I just think it's kind of late in the game and it was bad, but this is the only instance we've ever had that and such a short period of time before the election. Usually there's been almost a year or more. Chairman David McClain said if I'm not mistaken you would still have October, November and December. We would still have to approve the budget and still have some other stuff to do and if we have a vote. I think we should have equal representation. Councilmember John Street said it maybe something to bring up at Council that it's just a short period of time and I don't know realistically how much they can contribute because it takes a while to get familiar with everything and see what they think. Chairman David McClain said back to one of my original statements, should we have something that outlines the rules and the law. Councilmember John Street said I talked to an attorney in the past. It's kind of a legal thing that you get into is to what actually identifies residency. It's really vague, you can ask Carol. We've had candidates run that did not reside in the district. I think there should be something better too. Chairman David McClain said we can create a rule, right? Councilmember John Street said we can't create a rule that denies someone there legal rights. Councilmember Ann Williams said Carol had sighted at an Arkansas Supreme Court case and basically it is based on intent to resign. It's based on the ownership of property in that ward and the intent to live there. Councilmember L.J. Bryant said Chairman, to your point, maybe a way around that. Again, this situation may never happen again. Maybe, a rule where if you miss three consecutive committee meetings you're kicked off the committee or something. I'm just floating something out there to address something, because in his particular situation that would have helped maybe. Chairman David McClain said theoretically if I wanted to move to wherever. Councilmember John Street said if you moved and clearly left your residency and your house was sold there is a statue in there that says the Council can step in and go about their business in replacing that person. That's where you get into it a little bit. He told he wouldn't be leaving until December, does he still own that property? That would be more of a Carol or Municipal League question that could be

answered better. Chairman David McClain said we can ask tonight. I think it's a good conversation to have and then even again for us to look at. Councilmember John Street said we have never had one quit like that, most, even in advance have submitted their resignation. I remember when Tim McCall moved out of the city he let everybody know that he would be moving out of his ward and I'll be sending my letter of resignation. Councilmember Mitch Johnson said it's all about the method of communication. Chairman David McClain said yeah. Councilmember John Street said I know reading in the statutes there if someone gets married or moving and stands up and says I quit, they are not terminated, they have to turn in a letter of resignation. We can't fire them if they meet the residency but you would think most people would do the right thing. Most of the time in the past people have. Chris has been here longer than us. Chris Moore said I'm assuming you are talking about Bobby Long. I did the research this week and I intend to make some motions tonight governing that very thing. Chairman David McClain said we were just talking about whether or not that we should have a rule that explicitly outlines if someone's residency changes and we know it's changed. I think there should be something in place that that person's seat becomes vacated. Chris Moore said as you know state law gives the Council the right to organize themselves and set their own rules with the exception of state law and state law is particular about some of that. You're not required to resign to any person. There's no stipulated person in particular that an alderman would have to resign to so that is kind of sticky. Obviously he resigned to the Mayor but he could have resigned to the Clerk or City Attorney or one of us and that would have been duly noted also. State law also covers you living in your ward specifically so at any one time if somebody moved out of their ward we don't need another rule, all we have to have is the motion to declare the seat vacant and we can contest that, so there's already a state law in place.

7. Public Comments

Patti Lack, 4108 Forrest Hill Road, approached the podium, is this still about the Council seat? Chairman David McClain said not really we were just discussing if we should have something in place. Patti said I realize the city doesn't have a policy or an ordinance concerning the attendance of a Council person but the County actually does. They've kind of done the ground work for you, because this has brought up a situation that I believe that it's going to be important to have and not have this situation again in the future. Craighead County has an ordinance that's 2016-01 and it explains that the Justice of the Peace pay per meeting and explains a per diem compensation for absences that shall be paid in accordance, which states that when a quorum court member may receive per diem compensation from one meeting per year for which the member is absent due to an emergency or for personal reasons. They also have a policy already in place which is kind of doing your ground work, that states the information that what constitutes a vacancy in office for a county elective, a quorum court member, a court district, or a township office. I think with the elections coming up in November you guys still have enough time to work on this so maybe you can get a policy or ordinance in for the beginning of the year. I think it's important that we look at that, so I'll send this information to the Mayor and to Bill. Chairman David McClain said would you send that to April? Patti said I will. Thank you.

8. Adjournment

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

Aye: 3 - LJ Bryant; Mitch Johnson and John Street

Absent: 1 - Joe Hafner