



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Nominating and Rules Committee

Tuesday, May 25, 2021

4:45 PM

Municipal Center

SPECIAL CALLED MEETING

1. Call To Order

2. Roll Call by City Clerk April Leggett

Present 5 - Chris Gibson; Ann Williams; Chris Moore; Charles Coleman and Brian Emison

Absent 1 - Charles Frierson

3. Approval of minutes

[MIN-21:031](#)

Minutes for the Nominating & Rules Committee meeting on April 14, 2021

A motion was made by Councilperson Chris Moore, seconded by Councilperson Dr. Charles Coleman, that this matter be Passed . The motion PASSED with the following vote.

Aye: 4 - Ann Williams; Chris Moore; Charles Coleman and Brian Emison

Absent: 1 - Charles Frierson

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-21:025](#)

AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL, ESTABLISHING CITY COUNCIL RULES AND PROCEDURES FOR 2021

Sponsors: City Council, City Clerk, City Attorney's Office and Mayor's Office

Attachments: [Council Rules FINAL 07062021 - Exhibit A](#)
[Citizen Comments ORD-21-025](#)

Councilmember Chris Moore motioned, seconded by Councilmember Brian Emison, to strike "or a public health emergency" from Sec. 2-84(e) on page 1. All voted aye. (Video timestamp of 21:57)

Councilmember Chris Moore motioned, seconded by Dr. Charles Coleman, to Recommend ORD-21:025 to Council awaiting the City Attorney's recommendation from the Arkansas Municipal League. All voted aye.

Patti Lack, 4108 Forrest Hill Road. Since this is an ordinance it is my hope that it goes through all three readings. I think this is a lot of information. I never knew that we had this article of establishing regulations, and I would like to have a copy of the old one. Because, when I look at this it says that it is ordinance 21:025, it says that the file was created on May 19, 2021. A lot of what is in this policy and procedure attachment is how we've been conducting the meetings for the last couple of months. City Attorney Carol Duncan explained that if you look in our Code of Ordinances and look at Section 2-84 that is where it will start. It is all in Division 2 of our Code of Ordinances. So, the old version, which is the part on here that is not redlined is there, and has always been there. Ms. Lack stated, I guess where I am confused is that some of the ways that meetings are being held right now are in black. I guess that is the way meetings should have been held because they weren't that way last year with the old administration. I am just kind of concerned as to how this is reading. I agree that there needs to be a limit as far as the voice of the people coming up to speak. But, sometimes when something is affecting those people, I don't know how any of us can put a limit on the number of people that are trying to voice their concerns. I think the issue of saying whether the subject is repeated or not, a good example of the repeating of concerns was back when we were fighting the 280 apartments out on Gladiola. This room was packed, every single one of those people had some type of issue with that, and they needed their voices to be heard. I think to limit those voices by stating there can only be four people and being able to only speak for three minutes is not fair to the citizens.

Chairman Chris Gibson said, anything within these rules can be overridden by the Mayor or the Committee. There is some discretion if there is a legitimate item on our agenda that bears more conversation, then we will be more than willing to waive that. Ms. Lack said, I hope that is the case. I think where the problem is that I remember fighting that even with the Harrisburg Road, there is an older gentleman that lives in the end house, he is 90-years old. His concerns are similar to mine. Neither one of ours should be limited. I hope that with this new administration, they do not deny us voicing our concerns on controversial issues that may arise in the future. Again, I hope that we can hold this at three readings. I know it is important that we have rules and regulations and we follow them, but this is a lot of information for me and I am here at most of the meetings. Also, the public needs to feel welcome to come to the meetings instead of having so many policies and regulations on us that they don't feel welcome. That is why, all of a sudden, you have no one. Those voices need to be heard. So, I hope that these aren't so strict that it takes away from those people because that is the reason all of you are here and the reason I am here, it is to be heard. Again, I hope that this is held for three readings and that it gets out to the public. I know I put it out on my 280 Facebook page. People need to read this and know what we can and what we can't do. Chairman Gibson stated, once information is posted and goes out to the public for review, they are free to contact anyone on this council to be their voice or they can contact the city at any point after that. Ms. Lack said, yes I realize that, and thank you for that. Another thing, as far as the rules and regulations go, I think it would be helpful if the city councilmembers would start having those neighborhood meetings again whether it is quarterly or twice a year. That is where the citizen's voices are heard. It is a lot easier for citizens to go to those meetings instead of coming here. I think that is going to be an important part of this, of how this runs compared to listening to the people you represent on that. So, thank you.

Councilmember Chris Moore stated that he had one brief question and it is probably more directed to the City Attorney for an answer. On page two, when we are talking about the legality of meetings, where it says presiding officer for the meeting to "see

and hear a member," is the "see" the part that was ruled on by the Attorney General? City Attorney Carol Duncan explained that was a part of it. I don't remember an AG opinion on it but, there could have been one. The Municipal League said that they thought it was very important that you could both see and hear. Councilmember Moore said, that is an important aspect, but, for instance, when we had the tornado, we had the ability to have a conference call, but we did not have the ability to have audio and video. My point might be to strike the "see" out of there. It's always going to be important to identify who you are talking to and to hear them, but, in the event of a true emergency, we may not have the capability of audio and video. Ms. Duncan said, I don't know that this is anticipating a disaster type emergency. Councilmember Moore said, if we have to make a short-term decision in a disaster emergency, it is going to be more likely that we could arrange a conference call and include the press. Ms. Duncan said, I don't think under FOIA, you just have to include the press. I think you have to include the public and that is where the problem comes in. The public has to be able to hear and that is why we didn't hold any meetings like that during that time because there wasn't a good way to facilitate the public being able to hear, especially with COVID happening at the same time. There are ways to inform the public, such things as setting up a room where they could come and listen to the conference call or you possibly could have a dial-in conference call where the public could hear but not speak. It just gets complicated. Councilmember Moore said, I would think that facilitating the audio part would be the easier of the two. Ms. Duncan said, you would think, but what this is anticipating is that at least two people will be in the council chambers. As long as there are a couple of people in the chambers, you should be able to see and hear something. Councilmember Moore said, that is assuming this building had no damage. We found ourselves having to scramble on that very day to meet and we ended up meeting at a hotel parking lot just trying to get a battle plan together with the emergency responders. Ms. Duncan said right, but that is not a council meeting. Councilmember Moore said, but, if a decision had to be made immediately with the Mayor and Council at that time over a particular item, it would have been impossible to have arranged audio. Ms. Duncan stated, I don't think it is allowable to do that. There may be an emergency circumstance that trumps that, but I can't think of one under FOIA right now that would make it allowable for council to vote on something.

Councilmember Dr. Charles Coleman asked if there could be an alternate statement added for disaster decision making powers. Ms. Duncan said, I think it's more likely that the rules would apply where the Mayor would have an opportunity to make an emergency unilateral decision then it would be likely to figure out a way where you can do audio only on a vote. I'd have to do more research on that, but the Arkansas Municipal League was very specific when they agreed under the "State of Emergency" that you had to be seen and heard. We can play "what if" all afternoon, but it is important that the rules, as we understand them, and even during the pandemic, the rule was you had to be seen and heard under the Governor's executive order. Obviously, natural disasters are unexpected. In the event that it took this council chamber out, then you would have to decide where to meet. I think if you recall at one time we did look at that. We looked at whether we could spread out and set up equipment at Embassy Suites or St. Bernards Auditorium temporarily to hold a meeting that would be open to the public. Councilmember Moore said, I just know on the day of the tornado, we were all scrambling and were all on-site calling each other on our cell phones just to try and figure out what services were available. Ms. Duncan said, an emergency management decision is totally different than a council meeting. This is talking about a council meeting. It states when during a "State of Emergency or Public Health Emergency" has been declared by the Governor of Arkansas or the Mayor of Jonesboro, and/or the Mayor has declared the meeting eligible for virtual

attendance, what the term "present" for purposes of the section of the Jonesboro City Code of Ordinances shall mean.

Councilmember Moore asked Ms. Duncan if she could specifically ask that question to the Municipal League one more time for clarification before this appears at the council? Ms. Duncan said, yes, but, what I would like to do in keeping with the rules is hold it at committee level and I'll get back to you all. Councilmember Moore said that it seems like the thing to do. Most of the other changes are just housekeeping changes and I am okay with them. But, this one section just kind of bothers me. Ms. Duncan replied by saying, and honestly what we were initially going to do is just clarify in our rules that we would be able to follow the Governor's emergency declarations. The Governor of Arkansas declared a State of Emergency when COVID hit. As part of that, he allowed you to have virtual meetings. We did not adopt a rule locally that mirrored that rule. Some cities did which is what this does. It gives the Mayor the authority to also say, "yes" we are in a State of Emergency and "yes" we are mirroring the Governor's State of Emergency and we are going to go to virtual meetings. We did not do that. The AML said you can, but I don't think it's necessary because the Governor has already declared it. But, when the Governor ends the emergency declaration, ours ends as well. So, we wanted to be able to give the Mayor short-term authority with council. We know it can't last very long anyway with your rules to do that as well. If the Mayor wanted to act prior to the Governor or if there was an emergency that effected Jonesboro where we needed to act without the Governor, the Mayor could. We added the and/or because of the circumstances of a natural disaster or if important business needed to be addressed that is not related to a disaster or pandemic, but is an emergency that business be conducted, there was a way to do that and the public still be informed with some people appearing virtually. Councilmember Moore said, I am all about the Mayor having that authority. I just want to streamline it as much as possible for when we might have some type of catastrophic event. Ms. Duncan said, I understand what you are trying to do. I just think the law is going to limit you on what you can and cannot do because of FOIA. I definitely will ask what their opinion is on it.

Councilmember Moore said, I would like to strike the word "see" and just for it to say "hear." Ms. Duncan said, if we get our new voting system where you are the only one that can log in under your identification and push the button, we know that, okay, Chris Moore voted. And, then that might make it a little bit more acceptable. But, without that, we are relying on our recognition of your voice and the public doesn't necessarily recognize everybody's voice. Councilmember Moore said, the only other item I had other than that was on page one, item E. I would think you could strike "or a public health emergency" and just leave "state of emergency there." Chairman Chris Gibson said, before I open it up to public comment, staying along with Councilmember Moore's thought process, could we just put some type of verbiage at the end of this that waives this rule in the event of a true on-site emergency situation? Ms. Duncan said, maybe, but I don't know that your rules can trump FOIA.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Dr. Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 4 - Ann Williams;Chris Moore;Charles Coleman and Brian Emison

Absent: 1 - Charles Frierson

5. Pending Items

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

Bill Campbell, 1110 South Church Street, said, as Director of Communications for the City of Jonesboro, I just want to make sure that everyone understands that the Directors, the Elected Councilmembers and the Mayor's staff is always available to the city. You don't have to come to a council meeting. You are welcome too, but this is not your only opportunity to speak to the people who represent you. I saw a post on a website recently about someone being outraged because they have to pay \$200 to speak to their councilmember. That is not true. There is no charge for that. This is America and this is Jonesboro. I think our people spend long hours of every day, probably a lot more than 40 hours a week answering questions, helping people in the city. So, whatever rules you make, are rules for handling meetings, it has nothing to do with the access of people to be able to speak to city officials.

Councilmember Dr. Charles Coleman asked Chairman Chris Gibson, how much emergency equipment do we have for city communication during any type of travesty? Is that something that we already know? Chairman Gibson said, I would assume that would be a question for the E-911 Director to check into. We do have an Emergency Command Center that is staffed by the E-911 employees. It is a mobile command center that has communication equipment in it. Chief Administrative Officer Brian Richardson said, in addition to the mobile response command center, the city also recently merged a lot of its platforms into the AT&T First-Net System, which is linked into the Emergency Broadcast System and should allow us to maintain cellular communications among city personnel even in the event of a catastrophic event. We are doing everything we can. We do still have an analog radio system in addition to the technological advancement systems.

8. Adjournment

A motion was made by Councilperson Chris Moore, seconded by Councilperson Brian Emison, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 4 - Ann Williams;Chris Moore;Charles Coleman and Brian Emison

Absent: 1 - Charles Frierson