

**RULES OF ORDER AND PROCEDURE
MAYOR/CITY COUNCIL
CITY OF JONESBORO**

RIGBY

2.20.01 CITY COUNCIL MEETINGS

(A) Regular Meetings

The City council shall meet in regular session on the first and third Monday of each month at 6:30 p.m. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the city Council in special circumstances, but when done so the change must be made far enough in advance to allow normal public notification.

(B) Location

The place of the City Council meetings shall be in the City Council Chambers at the Huntington Building unless another place has been previously set by the City Council.

(C) Special Meetings

Special meetings may be called by three or more Aldermen, or by the Mayor. Notification of a special 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 her designee shall keep the record of the meeting. Only the Aldermen who requested the special meeting or the Mayor, if he requested the special meeting, may cancel the special meeting.**

(D) Executive Session

An executive session may be convened on the request of any member of the City Council or the Mayor. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

(E) Quorum

A majority of the City Council shall be necessary to constitute a quorum to do business. 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.

(F) Public Notification and Participation

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 **and the local public access channel,**

special notice to citizens who have shown a direct interest in matters to be considered, and copies of the agenda **and pertinent sections of the Rules of Order and Procedure** available at the entrance to the City Council meetings.

Members of the audience will be offered an opportunity to speak on all questions before the City Council. Any public member shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. 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 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.

(G) Smoking Prohibited

There will be no smoking allowed in the City Council chambers or in any committee meeting room.

(H) 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.

2.20.02 DUTIES AND PRIVILEGES OF ALDERMEN 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. **Aldermen shall be seated according to their ward beginning on the Presiding Officer's far right with Ward 1, Pos. 1; then Ward 1, Pos. 2 and ending on the Mayor's far left with Ward 6, Pos. 2.**

(B) Conduct

During City Council meetings, Aldermen 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.

Every member of the City Council desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine herself or himself 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, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.

If a 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 remark so as to comply with the rules of the City Council.

Aldermen 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 majority vote, reserves the right to remove from a Council meeting any individual who repeatedly violates this rule for conduct.**

(C) Personal Interest

No **Alderman 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.

(D) Voting

Every member present when a question is put to a vote shall vote either "Yea" or "Nay", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and that if that member briefly states the reason for the abstention. The Aldermen 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 Alderman may call for a roll call vote.

(F) President Pro Tempore

The City Council shall annually, at the time of organizing, in public session, elect one of its members as **President Pro Tempore**. Any Alderman may nominate any other member of the City Council for this position, and no second of a nomination is required. Each Alderman shall vote by naming his or 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. The Mayor shall preside at all meetings of the City Council; 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 Alderman. Designation shall be by majority vote of the Council **present** at any meeting where a clear designation of Presiding Officer has not been made.

(G) 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 her or his acting as the Presiding Officer.

2.20.04 PROCEDURES AND PARLIAMETARY RULES

(A) Order of Business

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:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Financial Report**
- V. City Attorney Business
- VI. New Business
 - By the Mayor
 - By the Aldermen
 - By the Public**
- VII. Announcements
- VII.* Adjournment

The **City Council delegates** collection, initial organization, and distribution of the final draft to the City Clerk; however, the **City Council** 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

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. **All items for discussion or action at the regular City Council meeting shall be included in a Tentative Agenda provided by the City Clerk to the Aldermen, the Mayor and the City Attorney via e-mail or fax by 4:00 p.m. on Thursday, or by delivery by 12:00 noon on Friday, immediately preceding the regular Council meeting.**

The City Clerk shall place the items on the Tentative Agenda in the order that each item is received in the Clerk's office. Before 12:00 noon on the day of the Council meeting, if requested by the Mayor or any three (3) Aldermen, the Chairman of the Nominating and Rules Committee, the Mayor and the City Clerk may change the final arrangement of the meeting agenda.

Any ordinance or resolution which the Mayor or any three (3) Aldermen wish to include on the Final Agenda that was not included on the Tentative Agenda may only be brought before the City Council after approval, by majority vote, of the Nominating and Rules Committee. The City Council, by majority vote, at the regular Council meeting, must then suspend the rules and bring the item to the floor for consideration.

The City Council shall provide fifteen (15) minutes during New Business of each regular Council meeting for public comment on non-agenda business. Each individual is required to limit his or her comments to five (5) 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 "Handbook for Arkansas 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 chair.

1. **Motions to be Stated by the Chair/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 waive the rules.

The following guidelines for waiving the rules are recommended to be followed:

- The first discussion of an issue by the City Council may be conducted following the first reading.
- **If the issue is heard at a previous meeting or hearing or if there is no opposition to the ordinance. The Council may waive the rules and go to the second or third reading.**
- **Annexation or Rezoning Ordinances will be read aloud on at least two different meetings, unless there is clearly no opposition to the ordinance.**

2.20.12 INTERNAL BOARDS, COMMITTEES, COMMISSIONS, AND APPOINTMENTS

(A) Membership

The only standing internal committee of the City Council shall be the Nominating and Rules Committee. The Nominating and Rules Committee shall determine the number of City Council committees, their function, and membership of such committees. Any Alderman 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 Aldermen who have expressed a preference for any particular committee to that 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 Alderman dissatisfied with committee assignments can appeal to the whole City Council.

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) Notification and Attendance

All Aldermen, 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**.

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. Aldermen who are not members of a particular City Council committee may participate in the meeting of that committee except for voting on committee recommendations. It is the responsibility of the committee chair to file with the City Clerk the **minutes of the meeting and** a record of any activities from the meeting **before the next regular City Council meeting**, and to present recommendations of the committee to the full council.

(C) 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) Voting

Every member present when a question is put to a vote shall vote either "Yea" or "Nay", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and/or if that member briefly states the reason for the abstention. Pursuant to "Robert's Rules of Order", in the absence of a recommendation by the "Handbook for Municipal Officials", the chair 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 an Alderman to an external board, commission, or committee, selection of that Alderman shall be made by a majority vote of the City Council. That selection shall be made by nomination and vote in public session. Any alderman may nominate any other member of the City Council, and no second is required. Each Alderman shall vote by naming his or her choice by voice vote if there is more than one nominee for a position. A majority vote of the City Council shall be required for election.

2.20.13 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 to 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 city employee and may overturn the hiring or removal of a city employee by the Mayor upon two-thirds vote by the City Council.**

(B) Definition of Responsibilities

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 this 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.

The Mayor also has the principal responsibility to ensure that the city's administrative officers and department heads 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.

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 and department heads to abide by the city's Code of Ethics.

(C) City Council/Mayor Cooperation

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 or 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.

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 aldermen and city employees is encouraged and expected to guarantee sound decisions based upon the free flow of information.**

2.20.14 CODE OF ETHICS

(A) General

Aldermen, other elected city officials and the city's administrative officers and department heads 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

Aldermen, other elected officials and the city's administrative officers and department heads shall refrain from making use of special knowledge or information gained by virtue of their elected office 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 Jonesboro citizens.

(C) Responsibility of All Citizens

Aldermen, other elected officials and the city's administrative officers and department heads 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. **Aldermen, other elected officials and the city's administrative officers and department heads** 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, or the economic or social position of individual citizens.

(D) Responsibility to Disclose

In an effort to allow the public full knowledge of financial and personal interests, **Aldermen and other elected city officials** are expected to file an annual statement of financial interest as required in Ark. Code Ann. 21-8-701. **Aldermen, other elected officials and the city's administrative officers and department heads** are also expected to disclose **all real estate holdings within the city limits of Jonesboro 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 or department heads. 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.**

Aldermen, other elected officials and the city's administrative officers and department heads 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 or department head.

The financial and familial disclosures should be made in writing and filed with the City Clerk before February 1st of each year.

2.20.15 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 and the Nominating and Rules Committee 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:

- To provide a broad cross-section of qualified individuals for service on the appointed bodies
- To provide an opportunity for participation in city affairs by interested citizens, and
- 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.

2.20.16 NOMINATING AND RULES COMMITTEE

(A) Duties

The Nominating and Rules Committee shall be a standing committee of the City Council. It shall determine the number of City Council committees, their function, and membership of such committees. It, in cooperation with the Mayor, shall have the responsibility of nominating members to special ad hoc committees, citizens advisory committees or other boards, committees or commissions, except as otherwise required by state law. It shall review and recommend changes to the City Council's Rules of Order and Procedure. It shall select the chairperson of a committee if the committee cannot select a chairperson.

(B) Selection of Committee

The City Council shall select the members of the Nominating and Rules Committee at its first meeting in January each year. Two members shall be chosen from the Position 1 Aldermen and two members shall be chosen from the Position 2 Aldermen. In selecting the Committee members, each Alderman shall cast a total of four (4) votes, one for each one of the four (4) positions on the Committee. If more than two aldermen are nominated from Position 1 or 2, then the two aldermen receiving the most votes shall be selected. One Alderman may not cast more than one vote per nominee.