

ORDINANCE NO. 23- 12

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS, AN ORDINANCE ENTITLED:

“AN ORDINANCE SETTING FORTH RULES FOR GOVERNING PROCEDURE FOR MEETING OF THE OZARK CITY COUNCIL AND FOR OTHER PURPOSES”

**Section 1: RULES GOVERNING CITY COUNCIL MEETINGS**

- a) **Regular Meetings:** The city council shall hold one regular meeting per month on the second Monday of each month at 5:30 pm in the City Council Chambers/Police Training Room located in Ozark City Hall. Special meetings of the city council may be called by the mayor or by two thirds (2/3) of the council members, provided that the notice requirements of the Arkansas Freedom of Information Act are complied with. When a holiday or general election occurs on any such Monday, the regular meeting shall be held on the following Thursday 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 so done the change must be made far enough in advance to allow normal public notification.
- b) **Location:** The place of City Council meetings shall be in the City Council Chambers in the City Hall unless another place has been previously set by the City Council
- c) **Special Meetings:** Special meetings may be called by the mayor or by two thirds (2/3) of the council members, provided that the notice requirements of the Arkansas Freedom of Information Act are complied with. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.
- d) **Executive Session:** An executive session may be requested by any member of the City Council or the Mayor. A majority vote by the City Council is required to convene in executive session. 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) **Public Notification:** The City will go further than legally required to inform citizens of the items to be considered by the City Council, and the same shall be carried out by the City Clerk/Recorder. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, and agenda copies available at City Council meetings
- f) **Quorum:** A majority of the City Council shall be necessary to constitute a quorum to do business at a City Council meeting. The concurring vote of a majority of those attending a meeting shall be sufficient to pass procedural motions. Ordinances and Resolutions require four affirmative votes to pass. The mayor may vote when the mayor’s vote is needed to pass any ordinance, bylaw, resolution or motion (A.C.A. §§ 14-43-501; 14-44-107; 14-45-105). Mayors also have a vote to establish a quorum.

- g) Agenda: An agenda is required to be presented in time to make the local newspaper circulation schedule and will be submitted no later than one week before the scheduled meeting, by 12:00 noon on Monday prior to the Monday meeting to the press and council. Council Members should also strive to include any agenda item a Council Member wishes the City Council to consider within the Agenda
- h) Submission Agenda Items: Any person desiring to be placed on the city council agenda for the purpose of conducting business with the city or requesting action by the council shall make their request and submit all pertinent information to the Clerk/Recorder no later than 12:00 pm the Monday prior to the council Meeting. Parties that wish to speak or present information must be sponsored by a council member or the mayor, and must state the subject matter which appertains to the request.
- i) Ordinances and Resolutions. Any party desiring to present ordinances and resolutions to the city council shall provide a copy to the city attorney who will validate and provide a final version for the council to consider. Nothing in this article shall prohibit any council member or the mayor from presenting an ordinance requiring council action to the full city council, after it has been reviewed by the city attorney, by adding this to the city council agenda prior to the meeting. However, this is discouraged and may be tabled by the council until their next regular meeting or a called special meeting if they require additional time to review the ordinance or gather further information before acting.
- j) Agenda Additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard after the Council Agenda.
- k) Meeting Procedure. Agenda items at a City Council meeting shall be introduced by the mayor and, if an ordinance, read by the City Attorney or Clerk upon motion approved by the City Council. The City Department Heads may present reports during the meeting to the council either by written report submitted in the time lines set forth for Agenda items or in person. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time. Commission chairpersons may conduct briefings of their respective Commissions to the council at the city council meetings. Committee reports may likewise submit written or oral reports to the Council.
- a. Public Comments. Public comment at a City Council meeting shall be allowed for all members of the audience who have signed up prior to the beginning of the City Council Meeting. The sign up sheet shall be closed at or immediately before the Mayor's gavel to begin the meeting. Speakers shall be limited to a maximum of three (3) minutes to discuss a topic which falls within the City Council's powers to address. The Public attendees of the meeting shall not be allowed to speak during the Council's consideration and debate of agenda items being considered by the City Council.

b. Courtesy and Respect. All members of the public, all city staff and elected officials shall always accord the utmost courtesy and respect to each other. All shall refrain from comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any member of the public who violates these standards shall be ruled out of order by the mayor, must immediately cease speaking and shall leave the podium.

l) Cell Phones and Pagers. Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

m) Virtual City Council Meetings authorized. After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings

### **CONDUCT OF SPECTATORS AND PRESERVATION OF ORDER**

- a) During City Council meetings, Council Members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the mayor or the rules of the City Council.
- b) It shall be the duty of the Chief of Police to be present and on official duty at all regular and special meetings of the city council. In the case of his inability to attend, the chief shall designate a certified officer to be present.
- c) Every member of the City Council desiring to speak shall address the chair and, upon recognition by the chair, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A Council Member once recognized shall not be interrupted while speaking unless called to order by the chair, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.
- d) If a member is called to order while he or she is speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the member shall remain silent or shall alter his or her remark to comply with the rules of the City Council.
- e) All members of the City Council shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the City Council and shall always refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Council Members shall confine their questions as to the matters before the City Council and in debate shall confine their remarks to the issues before the City Council.

- f) It shall be the duty of the Chief of Police or designated representative, upon the order of the presiding officer at any such meeting to forcibly, if necessary, evict any person violating the provisions of this section from the council meeting chamber. Any such violation shall subject the offender, upon conviction thereof before the district court, to a fine and/or imprisonment as prescribed by applicable law.
- g) Financial Interests. No member of the City Council with a direct or indirect financial interest in any items before the City Council shall participate in the discussion of or voting on such matter as according to State law.
- h) Voting. Every member present when a question is put to a vote shall vote either "yes" or "no", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question. Except for a question necessary to clarify the meaning of the motion, resolution or ordinance being voted upon, no questions or comments by members of the City Council including the Mayor shall be made during the voting on the pending motion, resolution or ordinance. The Council Members will vote at City Council meetings in the order of their position number, but with a progressively different position voting first at each meeting.
- i) Roll Call. Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, resolution and ordinance; however, items which may be approved by motion, or contracts and leases which can be approved by resolution, may be grouped together and approved simultaneously with one roll call, under a "Meeting Agenda"
- j) Mayor and Council Members
  - a. The mayor is the presiding officer and ex officio president of the City Council. The mayor may vote to establish a quorum or to pass an ordinance, resolution or motion if the mayor's vote is needed for passage. The mayor does not have the right to vote for an Emergency Clause on an ordinance. An Emergency Clause requires six affirmative votes by the City Council to pass. The mayor has the power to veto any ordinance, resolution or order, or part thereof, adopted by the City Council within five (5) days (Sundays excluded) of the City Council vote. Before the next City Council meeting, the mayor shall file in the City Clerk's office a written statement of reasons for the veto. At the first City Council meeting following the veto, the City Council can override the veto by two-thirds majority (4 affirmative votes).
  - b. Council Members Sets the time and place for regular city council meetings, may override the mayor's appointment and removal of department heads by a two-thirds vote of the total membership, may override the mayor's veto by a two-thirds vote and call for a special election in cities of the first class to fill the vacancy of the unexpired mayor's term of office if the unexpired term is for more than one (1) year. Council Members enact ordinances and bylaws concerning municipal affairs that are consistent with state law in order to promote the health, safety and welfare of the public, adopts a budget by ordinance or resolution for operation of the city or town by February 1 of each year, have the management and control of the city finances and all real and personal property belonging to the city, sets the rates for city utilities and establishes fees for city services and may establish (and abolish) various commissions to manage and operate such services as parks, utilities, an airport, advertising and promotion, planning and others, as provided by state law.

k) PROCEDURES AND PARLIAMENTARY RULES.

- a. 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 Arkansas Municipal Officials.' In the event a matter is not covered by the 'Procedural Rules for Arkansas Municipal Officials,' 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 by the chair."
- b. Motions to be Stated by the Chair/Withdrawal. When a motion is made and seconded, it shall be stated by the mayor before debate. After being stated by the mayor, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the City Council.
- c. Reconsideration. After the decision of any question, any member of the prevailing side 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.

l) Readings. All ordinances shall be read aloud at three different meetings unless the City Council votes to suspend the rules. The following guidelines for reading ordinances are recommended:

- a. After the ordinance's first reading, a Council Member may briefly point out potential concerns or benefits from the proposed ordinance but should refrain from attempting to persuade each other or arrive at a final consensus.
- b. Unless there is clearly no opposition or concern about the ordinance, it should be read and open for public discussion during at least two City Council meetings.
- c. Complex ordinances that need further clarification or drafting work should be referred to the Ordinance Review Committee.

m) Items Tabled Indefinitely. Any item tabled indefinitely may be taken from the table by majority vote of the City Council during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the City Council in the future unless brought forward as a new item

n) Notification and Attendance. All Council Members, representatives of the news media who have requested notification, and other persons who have shown a direct interest in matters to be considered at a committee meeting shall be notified of City Council committee meetings. 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 members must agree on that recommendation. Council Members who are not members of a particular City Council committee may generally participate in the meeting of that committee except for voting on committee recommendations, but the chairperson may rule otherwise.

o) 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 confirmed by majority vote of the City Council. That selection shall be made by nomination and vote in a public session. Any Council Member may nominate himself or herself or (any other member of the City Council), and no second is required. Each Council Member 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.

p) Mayor and Council relationship.

- a. Definition of Authority. In exercising its legislative responsibilities, the City Council may approve policy which represents broad statements of its intentions, approve plans and programs, and manage the financial aspects of the city through its budgetary powers. The mayor is empowered to hire capable personnel within the approved wage and salary policy, to plan and establish schedules and to train, supervise and terminate employees.
- 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 shall furnish the City Council with whatever data, information and material it may need to properly carry out its functions in an informed manner. The City Council also expects the mayor to abide by the Arkansas 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 the mayor 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. While open communication between the City Council and City personnel is encouraged, 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.

q) Code of Ethics. As the governing authority of the City of Ozark, Arkansas we, the Mayor and Council Members, adhere to the following ethics principles and pledge to conduct our affairs accordingly:

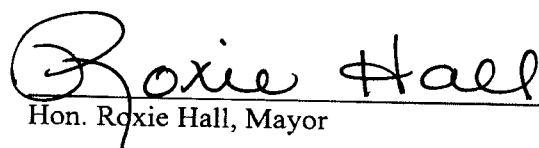
- a. Serve others, not ourselves.
- b. Use resources with efficiency and economy.
- c. Treat all people fairly.
- d. Use the power of our position for the well-being of our constituents.
- e. Create an environment of honesty, openness, and integrity.

r) Business Transactions. Members of the City Council and the Mayor 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 as to the legality and to the propriety of such transactions.

- s) Conflict of Interest. Members of the City Council and the Mayor shall refrain from making use of special knowledge or information 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 the members of the City Council and the Mayor of the legal rights and privileges available to all Ozark residents.
  
- t) Responsibility to All Citizens. Members of the City Council and the Mayor 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. The members of the City Council and the Mayor shall bear in mind at all times that their responsibility is to the entire electorate, citizens and residents of Ozark, shall refrain from actions benefiting special interest groups at the expense of the citizens, residents and 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, gender, sexual orientation, religion, gender identity or the economic or social position of individual citizens. In an effort to allow the public full knowledge of financial and personal interests, the Members of the City Council and the Mayor are expected to disclose annually all real estate holdings in Ozark and the Ozark planning area, and any business or financial interest which could affect or be affected by decisions of the City Council. Such disclosure should be made in writing to the City Clerk in January of each year.
  
- u) Orientation of New Council Members. The City Council, Mayor, City Attorney, City Clerk/Treasurer and appropriate City Staff shall meet with and conduct one or more orientation sessions with newly elected Council Member's in January after each General Election or within one month after a Special Election in which a new Council Member is elected. Each newly elected Council Member shall attend the orientation session(s).
  
- v) Ongoing Orientation. New council members will be made aware of and provided the opportunity to attend the Arkansas Municipal league training and conference events and provided training opportunities relevant to their committee assignments and general council duties.
  
- w) Citizen Committees, boards, and commissions. 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 two-thirds (2/3) majority vote of the City Council. Members of the boards, committees, and commissions will be in accordance with State statute, established ordinance, or by mayoral nomination and council approval.

PASSED THIS 9 DAY OF ~~September~~ <sup>October</sup>, 2023.

APPROVED:

  
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 Hon. Roxie Hall, Mayor

ATTEST:

*Susan Stevens*  
Susan Stevens, City Clerk/Recorder