O-21- 11

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 9079, WHICH ADOPTED RULES AND PROCEDURES FOR THE NORTH LITTLE ROCK CITY COUNCIL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Annotated Section 14-43-501 requires members of the governing body elected for each city to assemble annually in January and organize the governing body; and

WHEREAS, after said assembly of the Council in January 2019, the North Little Rock City Council adopted Ordinance No. 9079 on February 11, 2019, establishing the Rules and Procedures for the North Little Rock City Council; and

WHEREAS, the City Council had previously adopted Resolution No. 9243 on July 24, 2017, which provided for remote participation by Council members at City Council meetings; and

WHEREAS, the Rules and Procedures adopted by Ordinance No. 9079 did not provide for remote participation; and

WHEREAS, Act 2 of 2020, amended the Freedom of Information Act to specifically permit a public entity to assembly and conduct and open public meeting through electronic means; and

WHEREAS, as a result of the Covid-19 pandemic, the majority of Council members have been participating remotely in City Council meetings over the course of the past several months; and

WHEREAS, Act 2 of 2020 expired on December 31, 2020; however, Arkansas law recognizes the authority of public bodies to establish procedures for remote participation in public meetings; and

WHEREAS, it is in the best interest of the City and its residents to clarify and formalize the ability of Council members to participate remotely by amending the Rules and Procedures for the North Little Rock City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Ordinance No. 9079, which adopted the **City of North Little Rock Rules and Procedures for the City Council**, is hereby amended as set forth in Exhibit A, attached hereto and incorporated by reference.

Editor's Note: Added text is denoted by underline.

SECTION 2: That any and all approvals and actions taken by the City Council after the expiration of Act 2 of 2020 and prior to the adoption of this Ordinance are hereby ratified.

SECTION 3: All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the immediate passage of this Ordinance is necessary in order to insure immediate organization and regulation of City Council meetings, to comply with Arkansas law, and said immediate passage being necessary for the immediate preservation of the public confidence in the proceedings and operation of City Council functions; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Debi Ross

Council Member Debi Ross

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 11:00 (A.M.) ___ P.M.

By A Fields, City Atty

DATE 1-19-21

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY B Toyle

CITY OF NORTH LITTLE ROCK, ARKANSAS

Rules and Procedures
for the
North Little Rock City Council

EXHIBIT A

DIVISION 1. - GENERALLY

Section 1.01 Regular Meetings

(a) Except as provided in subsection (b), regular meetings of the city council ("council") shall be held on the second and fourth Mondays of each month, commencing at 6:00 p.m.

(b) If the regular meeting date falls on a holiday or other inconvenient time, the meeting shall automatically be postponed until the next night which is not a holiday, commencing at 6:00 p.m., or, after notice has been provided in accordance with the Arkansas Freedom of Information Act, until such time and place as may be agreed by a majority of the council.

Section 1.02 Place of Meetings

Except as otherwise provided, all meetings of the council shall be held in the council chambers located in City Hall.

Section 1.03 Calling of Special Meetings

(a) The mayor or any three regularly elected and qualified council members may call the council in special session by giving each member notice thereof. Notice shall be made:

(1) by delivering the call for a special meeting with copies of any and all proposed ordinances or resolutions to be considered by a duly qualified officer of the North Little Rock Police Department no less than 24 hours prior to the meeting; or

(2) by transmitting the call for a special meeting with copies of any and all proposed ordinances or resolutions to be considered through the city electronic mail system ("e-mail") no less than 72 hours prior to the meeting; or

(3) by waiver.

(b) The call for a special meeting shall disclose the subject or subjects to be considered by the council in such special session, and no other business than that mentioned in the call or notice shall be considered. The call shall have attached thereto a copy of any and all proposed ordinances or resolutions, without which the subject or subjects shall not be considered. No special meeting may be held unless all members shall have received notice in accordance with subsection (a). Evidence of service for special meetings shall be preserved in the record.

(c) Regardless of the method of service, a printed copy of any and all proposed ordinances or resolutions to be considered shall be placed on each member's desk prior to the special meeting.

DIVISION 2. RULES OF ORDER AND PROCEDURE

Subdivision I. General Provisions

Section 2.01. Rules Order

There is hereby adopted as the parliamentary rules of the council that publication known as *Procedural Rules for Municipal Officials* as published by the Arkansas Municipal League.

Section 2.02 Determination of Seniority

For the purposes of this division, seniority shall be based on the total amount of time served by a council member, with no distinction between continuous and noncontinuous periods of service. Council members of equal seniority shall be ranked alphabetically by surname.

Section 2.03 Calling of Roll

Council members shall be seated by ward. The senior council member of each ward shall have the privilege to choose his or her seat. Upon the calling of the roll for any purpose, the council member's name shall be called in the order seated by ward, beginning with Ward 1 and continuing in a series through Ward 4. If circumstances exist that restrict a Council member from being physically present at a scheduled meeting, Council members are authorized to attend, speak, and vote using Zoom or other virtual communication means. The technology used shall allow members to hear and communicate simultaneously with members who are present in the meeting. The Mayor, or other person presiding over the meeting, must be physically present in the designated meeting room.

Section 2.04 Opening of Each Meeting

(a) For the purpose of solemnizing the official meetings of city council, each meeting may be opened with brief words of thoughtfulness, prayer, or encouragement intended to reflect upon the important duty undertaken by the council to fairly represent all people within the community. The privilege of speaking at this time shall be rotated evenly among the council members, who may invite other persons to speak on their behalf. In order to affirm the City's impartiality and commitment to fair and equal treatment of all persons, a statement shall be affixed to all city council agendas and video transmissions indicating that the city welcomes people of diverse cultures and beliefs, and that any religious viewpoints expressed during the meeting are personal in nature to the speaker and not intended to proselytize, advance, or disparage any religious belief.

(b) For the purpose of reflecting upon the lawful authority and limitations of the city, each meeting will be opened with the Pledge of Allegiance to be led by the council member scheduled to speak as described in subsection (a), or a person invited by such council member to lead the Pledge of Allegiance.

Section 2.05 Public Comment

Persons who attend city council meetings may be afforded the privilege to communicate their opinions on public matters, *provided that* the persons desiring to speak:

(a) *On Agenda Items:*
(1) Comply with the reasonable record-keeping and procedural requirements of the City Clerk;
(2) Limit their topic of discussion according to the agenda; and
(3) Limit the duration of their comments to three (3) minutes.

(b) *Non-Agenda Items:*
(1) Comply with the reasonable record-keeping and procedural requirements of the city clerk;
(2) Address their remarks to the Mayor or City Council as a whole and not to any individual member of the Council; and
(3). Limit the duration of their comments to three (3) minutes.

Public comment on agenda items will be heard at the beginning of the meeting. Public comment on non-agenda items will be heard at the end of the meeting.

Subdivision II. Legislation

Section 2.06 Filing of Matters for the City Council Agenda

(a) *Communications*. Any elected official of the city may submit a document to be considered by the city council for filing in the permanent records of the city. Such documents shall only be read aloud upon the request of a member of city council. Communications may be accepted for filing individually, collectively or both, by majority vote of the council that is present and participating as indicated by *viva voce* or roll call vote.

(b) *Ordinances and resolutions*. The city council shall not pass or consider at the next city council meeting any proposed ordinance-or resolution filed with the city clerk after 12:00 noon on Tuesday of the week prior to the regular city council meetings. All such ordinances and resolutions must conform with the form prescribed by the city attorney, and in such cases where the deadline falls on a holiday, the filing date shall then be 24 hours subsequent to that time. Except as provided in subsection (c) below, ordinances and resolutions shall only be approved individually by roll call vote. All requests for legislation must be submitted to the City Attorney by noon on Thursday prior to a filing deadline.

(c) *Consent agenda*. Resolutions which do not require a public hearing as a condition precedent to approval may be placed on the consent agenda. The consent agenda shall be considered prior to new business. Resolutions on the consent agenda may be approved individually, collectively or both, by unanimous approval

of the council members present as indicated by *viva voce* or roll call vote. Upon motion or request of any member of city council, a resolution shall be removed from the consent agenda and placed on the regular agenda.

(d) *Reading requirement.* Where the law imposes a duty to read ordinances aloud, such ordinances shall only be read by title. When approved by a 2/3rds vote, a motion to "waive readings" may be used to satisfy all reading requirements for a particular ordinance, or for all ordinances on the agenda, as may be desired by the movant.

Section 2.07 Sponsoring

All proposed ordinances or resolutions may be offered to the city council by one of its members including the mayor. The person or persons who initiate the request for the preparation of an ordinance or resolution by the city attorney shall be the principal sponsor or cosponsors; a principal sponsor or cosponsor, or any council member designated by the principal sponsor or cosponsor to do so, may call an ordinance or resolution for consideration by the city council. Only the principal sponsor or cosponsor may sign the ordinance or resolution; however, another member of the city council may sign as an additional sponsor, provided such member has first obtained the principal sponsor's permission to sign as a cosponsor.

Section 2.08 Drafters of ordinances, resolutions to sign copy.

(a) Each ordinance and resolution to come before city council, except those prepared by the city attorney's office, shall have the typed name and signature of the author prominently displayed at the end of the ordinance or resolution similar to the following manner:

"DRAFTED BY:

_____

JOHN SMITH:

(b) Legislation prepared by the city attorney's office shall so indicate at the bottom of the ordinance or resolution.

(c) Any legislation lacking indication of authorship shall be deemed to be improper in form and shall nether be accepted for filing by the city clerk nor approved as to form by the city attorney.

Section 2.09 Removal of ordinances and resolutions remaining on agenda.

Any and all ordinances and resolutions remaining on the city council's calendar and agenda after 90 days from filing or six regular meetings of the city council, whichever occurs first, shall be removed from the council's calendar and agenda by the city clerk.