

ORDINANCE NO. 2009-04-335

AN ORDINANCE, AMENDING SECTION 30.01 OF THE TONTITOWN CODE OF ORDINANCES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, City Ordinances require two days notice to all Aldermen prior to any special meeting; and

WHEREAS, recent events have confirmed a need for special meetings to be scheduled with less notice when personnel issues are involved; and

WHEREAS, the City Council of Tontitown, Arkansas, has determined it is in the best interest of the City to amend Section 30.01 of the Tontitown Code of Ordinances;

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF TONTITOWN, ARKANSAS, AS FOLLOWS:

Section 1: Section 30.01 of the Tontitown Code of Ordinances is hereby repealed.

Section 2: Section 30.01 the Tontitown Code of Ordinances is hereby adopted as shall read as follows:

§ 30.01 MEETINGS OF THE COUNCIL.

(A) The time for the regular meetings of the City Council shall be on the first Tuesday of each month, commencing at 7:00 p.m., beginning in April of 2005.

(B) The City Council shall provide the times and places of holding its meeting, which shall at all times be open to the public.

(C) The Mayor or any three Aldermen may call a special meeting when it is necessary for the transaction of any special business before the next regular meeting. It shall be the duty of the City Recorder/Treasurer to cause written notice of all special meetings to be served on each member of the City Council, at least two days before such meeting(s), specifying therein in general terms the particular business to be brought before the City Council. Provided, however, that if the matter to be considered at the meeting involves the reinstatement of department heads or other personnel whose employment has been terminated, it shall be the duty of the City

Recorder/Treasurer to cause actual notice, whether in writing, in person, by telephone, email, or fax of all special meetings to be served on each member of the City Council, at least two hours before such meeting(s), specifying therein in general terms the particular business to be brought before the City Council.

(D) (1) In order for any item of new or old business to appear on the agenda for a regular meeting of the City Council, the item must be sponsored by an Alderman or by the Chairperson of a Commission of the City. The person sponsoring the item must notify the City Recorder/Treasurer of the request to have the item placed on the agenda no later than 5:00 p.m. at least five business days prior to the meeting. Any related materials to be distributed must also be delivered to the City Recorder/Treasurer at least five business days prior to the meeting. For items of old business, only new materials not previously distributed as provided herein need be delivered to the City Recorder/Treasurer for distribution.

(2) Only those items of new or old business and related materials which are noticed and delivered to the Recorder/Treasurer as provided herein shall be placed on the official agenda and distributed as provided herein. For items of old business, only new materials not previously distributed as provided herein need be delivered to the City Recorder/Treasurer for distribution. New or old business items of which the Recorder/Treasurer is not notified at least five business days prior to the meeting shall be considered by the City Council at the meeting only if two-thirds of the duly elected Aldermen (whether appearing at the meeting or not) shall vote to amend the agenda to consider the item. It shall be the responsibility of the sponsor of any such late-noticed item (and not the Recorder/ Treasurer) to distribute any related materials to each Alderman, the Mayor and the City Attorney prior to the meeting.

(3) The Recorder/Treasurer shall prepare an informational packet and deliver a copy to each Alderman, the Mayor and the City Attorney no later than 5:00 p.m. at least three business days prior to the meeting. The informational packet should include, if applicable: an agenda, minutes to be approved from prior meeting(s), any documents relating to any agenda item submitted by the sponsor of said agenda item; any ordinance or written resolution to be considered; monthly or other periodic financial statements; any written committee reports; and any other item the Recorder/Treasurer deems appropriate.

(4) Delivery of the informational packet, or any other notice or information permitted or required to be delivered by this division, shall be accomplished by both electronic mail (e-mail) and in printed form. Any Alderman, the Mayor or the City Attorney who does not wish to receive information or notice by e-mail shall so notify the Recorder/Treasurer in writing, and, thereafter, any information or notice required or permitted by this division shall be delivered in printed form only. Materials in printed form shall be delivered by placing a copy of said materials in the person's mail slot at City Hall.

(5) All new agenda items and all ordinances and written resolutions to be considered at the meeting shall be reviewed by the City Attorney prior to the meeting. The sponsor of each item

shall be responsible for notifying the City Attorney a sufficient amount of time prior to the meeting to allow for proper review of the item, including any necessary drafting, by the City Attorney.

Section 3: Any Ordinance, or portion thereof, inconsistent with the provisions of this Ordinance is hereby repealed

Section 4: EMERGENCY CLAUSE: The City Council hereby determines that an emergency exists in that City Ordinances and procedures currently allow for critical positions within the city, which are essential to public peace, safety, health and welfare, to go unfilled for several days following termination of employees or department heads. Thus, being necessary for the protection of public health, safety, peace and welfare, this ordinance shall be in force and effect immediately upon its passage and approval.

PASSED AND APPROVED THIS 7th DAY OF April, 2009.

*Approved as to form only
not substance*

[Signature]
Mayor of the City of Tontitown

ATTEST:

Amy B. Piana lto
Recorder, Treasurer of the City of Tontitown

SPONSOR:

Ken Robertson