

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING TITLE III, SECTIONS 30.01-30.06 AND SECTIONS 30.26-30.29 OF THE MUNICIPAL CODE FOR THE CITY OF TONTITOWN, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council has determined that it is in the best interests of the City of Tontitown to amend Title III, Sections 30.01 through 30.06 and 30.26 through 30.29 of the Tontitown Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Tontitown, Arkansas:

Section 1: That Title III, Sections 30.01-30.06 of the Tontitown Municipal Code are hereby amended by the repeal of Sections 30.01-30.06, and by the adoption of Sections 30.01-30.06, as stated below:

“§ 30.01 MEETINGS; TIMES AND NOTICE.

(A) The date for the regular legislative meetings of the City Council shall be on the first Tuesday of each month. The City Council also meets as the Committee of the Whole on the Third Tuesday of each month.

(1) All regular meetings of the City Council shall commence at 7:00 p.m.

(B) The City Council shall provide the times and places of holding its meeting, which shall be open at all times 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 give cause of a

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

(1) Only the aldermen, who requested the special meeting, or the Mayor, if he requested the special meeting, may cancel the special meeting.

(2) At any special meeting, no other business shall be transacted other than that for which such meeting was called. All such meeting shall be open to the public, and all press and media that have requested notice must be given at least two hours advance notification. Outside of this advance notification requirement, there shall be no other time constraints on how soon a special meeting may be called after due notice is given to the aldermen.

(D) The Recorder/Treasurer shall prepare an informational packet for any regular meeting and post a copy to the internet no later than at least two 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 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.

(E) Delivery of the informational packet shall be delivered by placing a hard copy (paper form) of said materials in the Mayor's, all six Aldermen/women, and all Department Heads personal mail slot at City Hall.

(F) The Mayor and all City Council Aldermen/women may sponsor items on any meeting agenda.

§ 30.02 COMPENSATION.

(A) From and beginning the first Monday of May 1933, the Mayor of the incorporated City of Tontitown, Arkansas shall receive a compensation for his or her services to the City in an amount as determined by the City Council from time to time.

(B) The Recorder/Treasurer shall receive as compensation for his or her services to the City of Tontitown, Arkansas, in an amount as determined by the City Council from time to time.

(C) Each Council member shall receive as compensation for attending regular or special sessions of the Council of the City of Tontitown, Arkansas, in an amount as determined from time to time.

(D) Each Council member may miss one regular Legislative meeting and one regular Committee of the Whole meeting per year without being sanctioned. However, upon missing a subsequent regular meeting without good cause, shall be subject to such sanctions as the remainder of the Council shall deem reasonable by a two-thirds vote.

§ 30.03 MEETINGS; EXECUTIVE SESSION.

(A) The only time the City Council may meet and exclude the media and the public is in executive session. Executive sessions are permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplinary action or resignation of any public officer or employee. This may not include general discussion about making policies related to these subjects.

(B) An executive session may be convened on the request of any member of the city council or the mayor, but shall be preceded by an announcement made in public as to the general reason for which the session is to be held. The city Recorder/Treasurer shall not be in executive session.

(C) Actions taken in executive session shall become legal only after the city council ratifies the action with a public vote in open session.

§ 30.04 MEETINGS; QUORM.

The presence of a majority of the aldermen/women elected to the city council shall be necessary to constitute a quorum to conduct business; provided however, at any regular meeting of the city council, the mayor shall have a vote to establish a quorum of the city council. This provision shall not be applicable to establishing a quorum for a special meeting of the city council.

§ 30.05 MEETINGS; ORDER OF BUSINESS.

Regular sessions of the City Council shall proceed under the following pattern; which shall be reduced to writing in the form of an agenda distributed to council members prior to the meeting:

1. Public Comments;
2. Call to Order;
3. Pledge of Allegiance;
4. Roll Call;
5. Approval of the Minutes;
6. Departmental Reports;
7. Old Business; presentation of ordinances and resolutions;
8. New Business; presentation of ordinances and resolutions;
9. Mayor may address any items he or she feels necessary that were left off the agenda or any item that may need to be brought forth;
10. Announcements; and
11. Adjournment.

§ 30.06 MEETINGS; PUBLIC COMMENTS.

(A) There shall be one period before a regular meeting of fifteen (15) minutes which the city council shall receive public comments. The city council shall listen, but not enter into discussions or debate the person commenting. The

council will take note of comment by offering to make arrangements to speak further with that person after the council meeting concludes or a later date.

(B) Each speaker at each comment session shall be limited to three (3) minutes to make his or her remarks. If more than five (5) people desire to speak at either session, the mayor may reduce the time for each speaker to two (2) minutes.

(C) The mayor shall administer public comment periods and shall be responsible for enforcing time limits on speaker and prohibiting the use of obscene, abusive, personal attacks, or inflammatory language.

(D) Individuals who use obscene or abusive language or make obscene gestures under conditions likely to provoke a disorderly response from persons present at the meeting, or to disrupt the orderly conduct of the meeting, may be cited or arrested for disorderly conduct. The violator may be banned from speaking at council meetings for a period of no less than two (2) council meetings. However, no speaker is to be curtailed for remarks that are merely critical in nature.

(E) This section shall not affect statutorily required public hearing periods held during city council meetings.

§ 30.26 MEETINGS; RULES GOVERNING CONDUCT.

(A) The city council shall have the authority to adopt such rules governing its meetings as it may deem expedient. Except as provided by rules adopted by the City Council, in all matters of procedure the Procedural Rules for Municipal Officials as published by Arkansas Municipal League, newly revised, shall govern and apply.

(B) The city council's rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by any rule, and such motions must be seconded to entitle it to consideration.

(C) If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall, or any member can, call him to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the council if appealed to

shall decide the question without debate. If the decision is in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

(D) A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized.

(E) Every member while speaking shall confine himself to the subject under debate, refrain from personalities and shall not refer to any other member of the council except in a respectful manner.

(F) Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

(G) No member shall speak more than twice or for more than 5 minutes continuously to any one question, except that one or more additional periods of 5 minutes may be granted by majority consent. The reading of papers desired by any member shall be read by himself or by the city clerk within the member's time limitations unless permission for the recorder/treasurer to read such paper outside the time limitations is granted by a majority.

§ 30.27 CONDUCT OF SPECTATORS; PRESERVATION OF ORDER.

(A) It shall be the duty of the chief of police to be present and on official duty at all special and regular meetings of the city council.

(B) Except during such periods of time at such meetings as the City Council shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, actions, or otherwise.

(C) During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats, or any violent or abusive conduct by any person shall constitute

a violation of this section.

(D) It shall be the duty of the Chief of Police, 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 hall. Any such violation shall subject the offender, upon conviction thereof before the district court, to a fine and or imprisonment.

(E) No one but a member shall address the council except by the unanimous consent of all the members present.

§ 30.28 FILING OF PETITION FOR COUNCIL CONSIDERATION.

Any citizen desiring to submit a petition to the City Council concerning an item to be considered on the agenda, may present the petition to any alderman/woman.

§ 30.29 CONSIDERATION OF ORDINANCE BY COMMITTEE OF THE WHOLE.

(A) Any ordinance that has not been subject to a public hearing, such as a zoning ordinance, shall be considered by the Committee of the Whole before the ordinance is place on the regular meeting agenda of the City Council, unless such requirement is waived by two-thirds vote of the City Council;

(B) Nothing in this article shall prohibit any council member from presenting an ordinance to the full city council, after it has been reviewed by the Committee of the Whole, regardless of what the Committee of the Whole recommends concerning the ordinance.”

Section 2: The City Council has determined that an emergency is found to exist and this Ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 6th day of January, 2015.

PAUL COLVIN, Mayor

ATTEST:

ALICIA COLLINS, City Recorder/Treasurer