

EMERGENCY ORDINANCE
ORDINANCE NO. 1-06

“BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DIAMOND CITY,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:”

AN EMERGENCY ORDINANCE ESTABLISHING THE ORGANIZATION,
MANAGEMENT, AND RULES OF PROCEDURE FOR THE AFFAIRS OF
THE DIAMOND CITY CITY COUNCIL, AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF
DIAMOND CITY, STATE OF ARKANSAS:

SECTION 1: Procedural Rules

In the absence of specific rules of procedure, as set out in this procedural ordinance, the rules of procedure for transacting business at regular and special sessions of the City Council shall be the “**Procedural Rules for Municipal Officials**” published by the Arkansas Municipal League in 1987, except the Recorder shall commence a roll call vote with a different member of the City Council on a rotating basis or by motion of a City Council Member, seconded and passed by a majority vote of the Council, and except any citizen attending a meeting of the DIAMOND CITY City Council shall be given a reasonable opportunity to participate at the end of discussion on the second reading of an ordinance at hand but before the final vote, by allowing each citizen three minutes to discuss the matter at hand, and the public shall be afforded a reasonable opportunity to voice comments at the end of each regular or special meeting of the Council on matters that have not been discussed during said meeting. Likewise, each citizen shall be afforded three minutes in total for this discussion.

SECTION 2: City Council Administration

The City Recorder or Deputy Recorder shall serve as secretariat of the City Council. The Recorder or Deputy Recorder shall perform all administrative and record-keeping duties of the Council in accordance with Arkansas Law.

SECTION 3: Agenda

It shall be the responsibility of the Recorder to prepare the agenda and to distribute the agenda of the City Council to its members and other interested citizens. All items submitted to the City Recorder for the agenda must be submitted in writing no later than seven (7) days prior to the regularly scheduled meeting. The name of the sponsor of each agenda item shall be attached to the ordinance, the resolution, or other item before it is placed on the agenda. A packet containing items that have been placed on the agenda shall be delivered to the City Council members no later than Friday prior to the regularly scheduled meeting. The agenda shall be posted prominently in the City Hall no later than the Friday prior to the regularly scheduled meeting.

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SECTION 4: Regular Meetings

The regular monthly meeting of the Diamond City Council will be held on the third Monday of each month at 7:00pm in the Diamond City Community Center. When a regular meeting of the Council falls on a recognized City holiday, the meeting shall be held the same time and place on the next day for which city government offices are open for business.

SECTION 5: Special Meetings

(a) The Mayor or a majority of the Council members may call special meetings upon at least twenty-four (24) hours notice. The notice of a special meeting shall specify the subject, date, time, and designated location of the special meeting. Only such business as was included in the notice may be considered.

(b) Notice of a special meeting given at any regular or special meeting of the City Council shall constitute due notice to the members given. The City Recorder shall be responsible for giving a timely notice to absent members, as well as giving public notice, containing the information specified in section (a) of this section.

(c) Notice of a special meeting of the City Council called by the Mayor at other than a meeting of the City Council shall be accomplished by the Mayor notifying the City Recorder, in writing, who shall be responsible for notifying each City Council member individually, in writing or verbally, and give due public notice, containing information specified in subsection (a) of this section.

(d) Notice of a special meeting of the City Council called by a majority of the Council members shall be accomplished by one member of the majority notifying the City Recorder in writing. In addition to the information specified in subsection (a) , the notice shall also include the name of each Council member making up the majority calling the meeting. The City Recorder shall be responsible for notifying the Mayor and each Council member not in the majority calling the special meeting, in writing or verbally, and giving due public notice.

(e) In order to protect the rights and interests of all city officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum of twenty-four (24) hours notice should be resorted for only under extreme and unusual circumstances.

(f) All special meetings of the City Council or any of its committees shall be in conformance with the Arkansas Freedom of Information Act and all other states laws.

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SECTION 6: Public Notification of Meetings; Notification of Meeting of Committees

In addition to all other duties required by law, the City Recorder shall be responsible for giving public notification required by the Arkansas Freedom of Information Act of regular and special meetings of the City Council and committees thereof. Committee Chairpersons shall give the City Recorder forty-eight (48) hours notice, in writing, of meetings of their committees in order to give the Recorder time to notify all City Council members and the public.

SECTION 7: Attendance at Meetings by the City Treasurer

(a) In addition to all other duties required by law, the City Treasurer shall attend all regular meetings of the City Council for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the City Council by the City Treasurer.

(b) In addition to all other duties required by law, the City Treasurer shall attend all special meetings of the City Council where members of the City Council or the Mayor deem such attendance necessary. Timely notice of such need for the attendance shall be furnished the City Treasurer giving the purpose for which the attendance is required.

SECTION 8: Committees

(a) Definitions

(1) Wherever the term "standing committee" is used in this section, it shall mean a committee of the City Council, constituted by the City Council, meant to perform in a continuing function, and intended to remain in existence.

(2) Wherever the term "special committee" is used in this section, it shall mean a committee of the City Council, constituted by the City Council, meant to complete a specific assignment, and to be dismissed upon completion of its task.

(3) Wherever the term "committee" or "committees" is used, it shall mean both standing and special committees of the City Council.

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(b) There are hereby established the following Standing Committees (if any) of the City Council:

- (1) Budget And Finance
- (2) Personnel and Employee Policy
- (3) Ordinance and Resolution

(c) Each committee shall consist of three (3) members of the City Council.

(d) Appointments. The Mayor shall appoint all standing committees constituted by the City Council.

(e) Terms of Members. The length of membership of each committee member shall coincide with the Councilman's term of office.

(f) Election of Chairpersons. Committee Chairpersons shall be elected by each individual committee, provided that no Councilman serve as the Chairperson of more than one standing committee. The term of the office of the Chairperson shall be one year, but a Chairperson may be elected to serve successive terms.

(g) Meeting calls. Committees shall meet at the call of the Chairperson or two committee members or by the request of the Mayor.

(h) Nature of Meetings; Notice. All committee meetings shall be open to the public. Media representatives shall be given at least four (4) hours notice of all committee meetings.

(i) Reports. Each committee shall report its progress, findings and recommendations to the City Council during regular and special meetings. The formal committee report in the regular or special session of the City Council shall provide opportunity for both a majority and minority report, if and when such a situation exists.

(j) Minutes. Each committee shall require written minutes of the proceedings in each meeting. Copies of committee minutes shall be furnished to the City Recorder for inclusion in City Council meeting packets, and for a file of committee minutes be available for public inspection and copying.

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SECTION 9: Overseeing Boards, Commissions and Appointments

(a) Appointments. The Mayor shall make appointments to all overseeing (advisory) boards and commissions constituted by the City Council.

(b) The City Council hereby establishes the following boards if any:

- | | |
|--------------------------|---------------------------------|
| (1) Parks and Recreation | (2) Community Library |
| (3) Community Center | (4) Special Projects and Grants |

(c) The City Council hereby establishes the following commissions, if any:

- (1) Planning and Zoning

(d) Terms of Members. The length of membership of each board member shall be two years.

(e) Election of Chairpersons. Board chairpersons shall be decided by the Mayor. No board member serve as the Chairperson of more than one board. The term of the office of the Chairperson shall be one year, but a Chairperson may be elected to serve successive terms.

(f) The Mayor shall, as need arises, form other and sundry boards with a majority vote of the Council to establish such boards.

(g) Meeting calls. Boards shall meet at the call of the Chairperson or two committee members or by the Mayor.

(h) Nature of Meetings; Notice. All board meetings shall be open to the public.

(i) Reports. Each board shall report its progress, findings and recommendations, if any, to the City Council during regular and special meetings.

(j) Minutes. Each board shall require written minutes of the proceedings in each meeting. Copies of board minutes shall be furnished to the City Recorder for inclusion in City Council meeting packets.

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(10) Public Hearings, Town Meetings and/or Work Sessions:

(a) The Mayor or two members of the City Council, may call a Public Hearing, Town Meeting and/or Work Session upon at least forty-eight (48) hours notice. The notice of a hearing, meeting or session shall specify the subject, date, time, and designated location of the hearing, meeting or session. Public Hearings, Town Meetings and/or Work Sessions shall be used for a means of information gathering or the hearing of evidence on a particular subject or action and only such business as was included in the notice may be considered and no conclusions or votes mandating the City Council to act or take action will be taken or recognized by the City Council at such hearings, meetings or sessions.

(b) Notice of a Public Hearing, Town Meeting and/or Work Session maybe given at any regular or special meeting of the City Council shall constitute due notice to the members given. The City Recorder shall be responsible for giving a timely notice to absent members, as well as giving public notice, containing the information specified in section (a) of this section.

(c) Notice of a Public Hearing, Town Meeting and/or Work Session of the City Council called by the Mayor at other than a meeting of the City Council shall be accomplished by the Mayor notifying the City Recorder, in writing, who shall be responsible for notifying each City Council member individually, in writing or verbally, and give due public notice, containing information specified in subsection (a) of this section.

(d) Notice of a Public Hearing, Town Meeting and/or Work Session of the City Council called by any two Council members shall be accomplished by one member of the calling group to notify the City Recorder in writing. In addition to the information specified in subsection (a), the notice shall also include the name of each Council member making up the called hearing or meeting. The City Recorder shall be responsible for notifying the Mayor and each Council member not in the calling group of the hearing, meeting or session, in writing or verbally, and giving due public notice.

(e) In order to protect the rights and interests of all city officials concerned and the general public, it is the intent of this body that notice of a call for a Public Hearing, Town Meeting and/or Work Session shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the hearing, meeting or session. The minimum of forty-eight (48) hours notice should be resorted for only under extreme and unusual circumstances.

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(f) All Public Hearings, Town Meetings and/or Work Sessions of the City Council or any of its committees shall be in conformance with the Arkansas Freedom of Information Act and all other states laws.

SECTION 11:

If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance, and to such end the provisions of this ordinance are declared to be severable.

SECTION 12:

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict

SECTION 13: Emergency. As pursuant to Arkansas Law adopted by the Arkansas General Assembly and Amendments thereto, requires the City Council to meet monthly at a specified time and place, and whereas the City Council and/or Mayor may call special meetings with twenty-four (24) notice, and whereas certain notices must be given under certain circumstances by order of law, and whereas, the City Council and/or Mayor has authority to require certain persons to attend the special and regular meetings of the City Council and to give, record and store certain information and records pertaining to the state, status and condition of the City, and whereas certain committees ordained by the City shall function responsively and immediately for the benefit for the City. Therefore, in order to comply with the laws of the state and the workload of this governing body, an emergency is hereby declared to exist for the City of Diamond City, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

DATE PASSED: 1-16-06 FOR: 6 AGAINST: 0

DATE APPROVE: 1-16-06 Troy Burk
MAYOR

ATTEST Sandy Beamer SUBMITTED BY: _____
CITY RECORDER