

ORDINANCE NUMBER: 01-09

BRIDGEMAN #CLEX

PLAINTIFF'S
EXHIBIT

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**"BE IT ENACTED BY THE CITY COUNCIL OF DIAMOND CITY, STATE OF
ARKANSAS, AND ORDINANCE ENTITLED"**

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

*Amended
05-09*

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF DIAMOND CITY, 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 Officers" 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 on the Council, and except that the public may have a reasonable opportunity to voice comments at the end of each regular or special meeting on matters that have not been discussed during the meeting. Each citizen will be afforded a total of three minutes in total for this discussion.

Section 2: CITY COUNCIL ADMINISTRATION: The City Recorder or the Deputy Recorder shall serve as secretariat of the City Council. The Recorder or Deputy Recorder shall perform all administration and record-keeping duties of the Council in accordance with Arkansas Law.

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Section 3: AGNDA: 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 three (3) 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 on later than the Friday prior to the regularly scheduled meeting.

Section 4: REGULAR MEETINGS: The regular meeting of the Diamond City Council will be held on every Monday night of each week 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 the city government offices are open for business.

*Amended
05-09*

Section 5: SPECIAL MEETINGS:

(a) The Mayor or three Council members may call special meetings upon at least twenty-four (6) hours notice. The notice of a special meeting shall specify the subject, date, date time, and designated location of the 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 regular meeting of the City Council shall be accomplished by the Mayor notifying the City Recorder in writing. Who shall be responsible for notifying each 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 at least three (3) of the Council members shall be accompanied by one member of the three notifying the City Recorder in writing. In addition to the information specified in subsection (a) of this section, the notice shall also include the name of each Council member making up the three who called for the meeting. The City Recorder shall be responsible for notifying the Mayor and each Council member not included in the Three calling the special meeting, in writing or verbally, and giving due public notice.

(e) In order to protect the rights and interest 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 unusual circumstances. (6)

(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 state laws.

(g) Cancellations of a regular meeting of the City Council may be enacted by at least three (3) of the Council members. Notice of cancellation shall be accompanied by one member of the three notifying the City Recorder in writing. The City Recorder shall be responsible for notifying the Mayor and each Council member not included in the Three calling the cancellation of the regular meeting, in writing or verbally, and giving due public notice. This

called cancellation of a regular meeting shall be made no later than three days prior to the date of the regular meeting.

Section 6: PUBLIC NOTIFICATIONS OF MEETINGS: NOTIFICATION OF COMMITTEES:

In addition to all other duties required by law, the City Recorder shall be responsible for giving public notice 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 twenty-four (24) hours, 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 attendance is necessary. Timely notice of such need for the attendance shall be furnished the City Treasurer and also said notice shall state 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 task or 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.
- (b) There hereby established the following Standing Committees of the City Council:

- (1) Budget and Finance
- (2) Personnel and Employee Policy
- (3) Ordinance and Resolution
- (4) Police Oversight and Procedures Policy
- (5) Roads and Streets

- (c) Each committee shall consist of three (3) members of the City Council.
- (d) Appointments: The majority of the City Council shall appoint all standing committees constituted by the City Council.
- (e) Term of Members: The length of membership of each committee member shall coincide with the Councilman's term in office.
- (f) Election of Chairpersons: Committee Chairpersons shall be elected by each individual committee, provided that no Councilman serves as the Chairperson of more than two standing committees. The term of 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.
- (h) Nature of Meetings, Notice. All committee meetings shall be open to the public. Media representatives shall be given at least (6) six hours notice of all committee meetings.
- (i) Reports: Each committee shall report on 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 the inclusion in City Council meeting packets, and for a file of committee minutes be available for public inspection and copying.

Section 9: OVERSEEING BOARDS, COMMISSIONS AND APPOINTMENTS

- (a) Appointments: The majority of the City Council shall make appointments to all overseeing (advisory) boards and commissions constituted by the City Council.
- (b) The City Council hereby establishes the following boards:
 - (1) Parks and Recreation
 - (2) Community Library

(3) Special Projects and Grants

- (c) The City Council hereby establishes the following commissions:
 - (1) Planning and Zoning
- (d) Terms of Members: The length of membership of each board member shall be two years. Members may be elected to serve successive terms.
- (e) Election of Chair Persons: The Board Chairperson shall be decided by a majority of the City Council. No board member shall serve as a chairperson of more than one board or commission. The term of the office of the Chairperson shall be one year, but a Chairperson may be elected to serve successive terms.
- (f) The City Council, as need arises, may form other boards with a majority of the City Council to establish more boards.
- (g) Meeting Calls: Boards shall meet at the call of the Chairperson or two committee members.
- (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 the inclusion in City Council meeting packets, and for a file of board minutes be available for public inspection and copying

Section 10: PUBLIC HEARINGS, TOWN MEETINGS and/or WORK SESSIONS

- (a) The Mayor or two (2) members of the City Council, may call a Public Hearing, Town Meeting and/or Work Session upon at least (48) forty-eight hours notice. The notice of the hearing, meeting or session shall specify the subject, date, time and designated location the meeting will be held. 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 called by the Mayor at other than a regular meeting of the City Council shall be accomplished by the Mayor notifying the City Recorder in writing. Who shall be responsible for notifying each Council member

- individually, in writing or verbally, and give due public notice, containing information specified in subsection (a) of this section.
- (c) Notice of a Public Hearing, Town Meeting and/or Work Session called by at least three (3) of the Council members shall be accompanied by one member of the two notifying the City Recorder in writing. In addition to the information specified in subsection (a) of this section, the notice shall also include the name of each Council member making up the three who called for the meeting. The City Recorder shall be responsible for notifying the Mayor and each Council member not included in the Two calling the Public Hearing, Town Meeting and/or Work Session in writing or verbally, and giving due public notice.
- (d) In order to protect the rights and interest 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 Public Hearing, Town Meeting and/or Work Session. The minimum of forty-eight (48) hours notice should be resorted for only under unusual circumstances.
- (e) All Public Hearings, Town Meetings and/or Work Sessions called by the Mayor or City Council or any of its committees shall be in conformance with the Arkansas Freedom of Information Act and all other state laws.

Section 11: PROVISIONS:

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: OTHER ORDINANCES REPEALED:

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

Section 13: EMERGENCY:

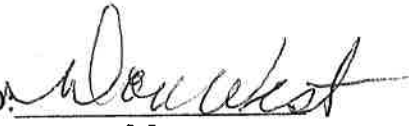
As pursuant to the Arkansas Law adopted by the Arkansas General Assembly and Amendments thereto, requires the City Council to meet at least monthly at a specified time and place, and whereas the City Council and/or Mayor may call special meetings with a (6) six hour notification, and whereas certain notices must be given under certain circumstances by order of law, and whereas, the City Council and/or Mayor has the 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 of the City; Therefore, in

order to comply with laws of the state and the workload of the governing body, an emergency is hereby declared to exist for the City of Diamond City, and this ordinance being necessary for the immediate perseveration of the public peace, health and safety shall be in full force and effect from and after the passage and approval.

Passed: 4/13/09 Yeas 5 Nays 0 1 absent
Date

Engleman yes
Umek yes
Hollingsworth yes
Center yes
Mosley absent
Mallory yes

ATTEST: 
Recorder

APPROVED: 
Mayor

DATE: 4/13/09