

ORDINANCE NO. 01-2012

CITY OF DIAMOND, BOONE COUNTY, STATE OF ARKANSAS:

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

WHEREAS, A.C.A. §14-43-501 provides for the elected Aldermen to assemble and organize the City Council; and

WHEREAS, the elected Aldermen of the City of Diamond City, Arkansas believe that it is in the best interest of the City to establish the following rules and regulations regarding the proceedings of the monthly City Council meetings of Diamond City;

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, as follows:

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 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 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 concerning agenda items at the beginning of each regular or special meeting of the Council and topics not on the agenda at the end of each regular meeting to bring concerns for future consideration. 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. A tape recorder may be used to record the meeting for the Recorder's convenience. After the Council minutes are passed, Two (2) copies of the recorded meeting shall be kept; one in the Recorder's Office and one in the City Attorney's Office.

Section 3. Agenda. It shall be the responsibility of the Recorder/Treasurer to prepare the agenda. The Recorder will see that the agendas are distributed to the City Council members and other interested citizens. All items submitted to the Recorder/Treasurer for the agenda must be submitted in writing no later than the Wednesday 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 noon on the Friday prior to the regularly scheduled meeting. The agenda shall be posted prominently in the City Hall and other selected public places no later than noon the Friday prior to the regularly scheduled meeting.

Section 4. Regular Meetings. The regular meeting of the Diamond City Council will be held on the fourth Tuesday of each month at 7:00 PM in the Diamond City Community Center, unless otherwise announced. Such change will be posted in selected public places. 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 3 (three) Council members may call special meetings upon at least Six (6) hours notice. The notice of a special meeting shall specify the subject(s), date, time, and designated location of the special meeting. Only such business as was included in the notice may be considered. Every effort will be made to notify the citizenry of Diamond City through KHOZ radio stations, the Harrison Daily Times, the Public Notice locations designated by the Council, and the Meetings sign on Grand Avenue.
- (b) Notice of a special meeting given at any regular or special meeting of the City Council shall constitute due notice to the members. 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 three (3) of the Council members shall be accomplished by one member of the majority notifying the Recorder/Treasurer 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 Recorder/Treasurer shall notify the Mayor. The Recorder/Treasurer shall be responsible for notifying the Mayor and each Council member not 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 Six (6) hours notice shall be used 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 state laws.

Section 6. Public Notification of Meeting or Committee Meetings. In addition to all other duties required by law, the City Recorder shall be responsible for giving public notification required by Arkansas Freedom of Information Act of regular and special meetings of the City Council and committees thereof. Committee Chairpersons shall strive to 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, the Mayor and the public.

Section 7. Attendance at Meetings by City Treasurer

- (a) In addition to all other duties required by law, the City Recorder/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 Recorder/Treasurer.
- (b) In addition to all other duties required by law, the City Recorder/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 to the City Recorder/Treasurer giving the purpose for which the attendance is required.
- (c) The City Recorder/Treasurer shall be the Administrative Head of the Water Billing Department and its employees. The employees of the Water Billing Department shall also serve as Deputy Records and shall assist the Mayor, as they are able.
- (d) The operations of the Diamond City Community Center and the Library shall also be included as part of the City Recorder/Treasurer's responsibilities. The Community Center and the Library Boards shall include the Administrative Head, the Mayor, the Librarian, and two members of the Public to be confirmed by the Council.

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.

- (b) There are hereby established the following Standing Committees of the City Council:
- (1) Budget and Finance (consisting of the Council as a whole)
 - (2) Ordinance and Resolution
 - (3) Personnel and Employee Policy
 - (4) Road, Streets, Water and Sewer
- (c) The Ordinance and Resolution, the Personnel and Employee Policy, and the Roads, Streets and Sewer committees shall consist of Two (2) members of the City Council.
- (d) Appointments: The majority of the City Council 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 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. 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 a 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 to be available for public inspection and copying.

Section 9. Overseeing Boards, Commissions and Appointments.

- (a) Appointments. A majority of the City Council shall make appointments to all overseeing (advisory) boards and commissions constituted by the City Council.
- (b) The City Council, with the recommendation of the Mayor, hereby establishes the following boards, if any:

- (1) Parks and Recreation
 - (2) Community Library
 - (3) Special Projects and Grants
- (c) Terms of Members. The length of membership of each board member shall be two years. Members may be elected to serve successive terms.
 - (d) Election of Chairpersons. Board Chairpersons shall be decided by a majority of its members. No board Member shall serve as a 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.
 - (e) Additional Boards. The City Council, with the recommendation of the Mayor, as need arises, may form other boards with a majority vote to establish such boards.
 - (f) Meeting calls: Boards shall meet at the call of the Chairperson, two committee members or the Mayor.
 - (g) Nature of Meetings: Notice. All board meetings shall be open to the public. The Public will be notified of canceled meetings in the same manner special meetings are called.
 - (h) Reports: Each board shall report its progress, findings and recommendations, if any, to the City Council during regular and special meetings.
 - (i) 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 to 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 Six (6) 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 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 or verbally. The City Recorder 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 of the City Council called by any Two (2) Council members shall be accomplished by one member of the calling group to notify the Mayor in writing or verbally. 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 Mayor shall be responsible for notifying the City Recorder and each Council member not in the calling group of the hearing, meeting or session, in writing or verbally, and giving due public notice.
- (d) In order to protect the rights and interests of all city officials concerned and the general public, it is 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 Six (6) hours notice shall be given only under unusual circumstances.
- (e) All Public Hearings, Town Meetings and/or Work Sessions called by the Mayor, 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. 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 a special meeting with a Six (6) 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.

Section 12. 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 13. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

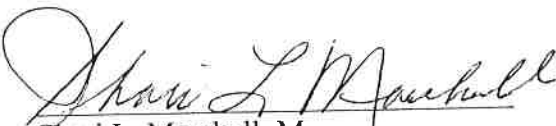
PASSED AND APPROVED this 22nd day of February 2012 in a regular continued meeting from January 24, 2012.

Aye 4 Nay 1 Absent 1 Abstain 0

ATTEST:


Cheryl Guthrie, Recorder/Treasurer

APPROVED:


Shari L. Marshall, Mayor