

ORDINANCE NO. 181

AN ORDINANCE OF THE CITY CODE REGARDING THE CITY COUNCIL,
ITS MEETINGS, AND RULES OF THEIR PROCEEDINGS

WHEREAS, Arkansas law vests substantial responsibilities, obligations, and authority with City Councils; and

WHEREAS, the current Code of Ordinances of the City of Goshen is deficient and lacking in its explanations of, and provisions for, the City Council's proper exercise of authority, and the manners and methods of carrying out its statutory responsibilities and obligations; and

WHEREAS, in the interest of good government, the City Council desires to amend the City Code to clearly and fully specify all matters relating thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOSHEN:

SECTION 1. That the Code of Ordinances of the City of Goshen is hereby amended to read as follows:

A. **If the mayor is unable to perform the duties of office or cannot be located**, under Ark. Code Ann. § 14-44-107, one (1) of the following individuals may perform all functions of a mayor during the disability or absence of the mayor: (i) the city clerk, (ii) another elected official of the city if designated by the mayor, or (ii) an unelected employee or resident of the city if designated by the mayor and approved by the City Council. A.C.A. § 14-44-106 governs when there is a vacancy in the mayor's office.

B. **City Council - Members and Duties.** City council members may also be referred to as aldermen. Under A.C.A. § 14-44-103, there shall be two (2) aldermen per ward, with respective positions designated as "alderman number one" (#1) or "alderman number two" (#2). Candidates for the position of alderman shall reside within the corporate limits and their respective wards at the time they file as candidates for alderman, and while holding that office. The election of all aldermen shall be at large.

i. City council members are officers and officials of the city. As prescribed by law, the city council:

a. Shall possess all of the legislative powers granted by law, as well as such other corporate powers and authority as is, or may be, provided by law.

b. Shall have the management and control of the city finances, and all real and personal property belonging to the city.

c. Shall receive from the mayor, on or before November 15th of each year, a proposed budget for the operation of the city from January 1st to December 31st of the forthcoming year.

d. Shall, no later than the January council meeting of each year, adopt a budget for the operation of the city.

e. Shall provide, by ordinance, the procedure for making all purchases that do not exceed the sum of twenty thousand dollars (\$20,000).

- f. May, by ordinance, waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.
- g. Shall provide the times and places of holding its meetings, which shall at all times be open to the public.
- h. Shall annually, at the meeting in January, assemble and organize the council.
- i. Shall determine the rules of their proceedings.
- j. Shall set the salaries of the mayor, council, and other municipal officials; provided salaries of an official may be increased during the term for which the official has been elected or appointed and may be decreased during the term only if requested by the official.
- k. Shall authorize, by resolution, all contracts to be entered into by the city. For purchases, A.C.A. §14-54-302 shall apply.
- l. May override the mayor's veto by a two-thirds (2/3) vote of all of the aldermen elected to the council.
- m. May prescribe the administrative framework of city government, including the establishment of departments, and fixing the responsibilities, compensation, and manner of employment for the employees thereof. Provided, persons appointed to fill any offices or to head any departments shall be responsible to the mayor and act under his/her direction, subject to applicable laws and ordinances.
- n. May override the mayor's appointment and removal of department heads by a two-thirds (2/3) vote of the total membership of the council.

C. Regular Meetings. All regular meetings of the city council shall be held on the second Tuesday of each month at 6:30 p.m. Should a holiday or conflicting event occur on any such Tuesday, the regular meeting shall be held the following day at the same time and place, or as otherwise designated by agreement of the City Council at the Council meeting before the holiday or conflicting event.

D. Special Meetings. The mayor shall have the power, when in his/her judgment it shall be for the best interests of the city, to call a special meeting of the city council. He/she shall fix the time of the meeting and issue, or cause to be issued, a notice to be filed with the city recorder (or authorized designee) requesting that notification be made to each alderman of the city to attend such meeting. The object for which such meeting shall be called shall be stated in general terms in the notice of such meeting.

Whenever three (3) aldermen shall request a special meeting of the council, stating therein the object of the meeting, said notice shall be filed with the recorder and shall constitute their request that the notification be made to each of the other aldermen of the city to attend such meeting.

The recorder's notification to aldermen of a special meeting shall be made by personal service, by telephone, or by e-mail (provided acknowledgment of receipt is given), and shall specify the time and place of the meeting, and the specific purpose for which it is being called.

Only the aldermen who requested the special meeting, or the mayor, if he/she requested the special meeting, may cancel the special meeting.

At any special meeting, no other business shall be transacted other than that for which such meeting was called. All such meetings 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.

E. Executive Sessions. The only time the city council may meet and exclude the media and the public is in an executive session. Executive sessions are permitted only to consider employment, appointment, promotion, demotion, disciplinary action or resignation of any public officer or employee, or as otherwise provided by law. This may not include general discussion about making policies related to these subjects.

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 attorney shall not meet in executive session with the mayor and city council unless the city attorney is being considered for employment, appointment, promotion, demotion, disciplinary action, or resignation; likewise the same shall apply to the recorder-treasurer. Action discussed in executive session shall become legal only after the city council ratifies the action with a public vote in open session.

F. Work Sessions and Committee Meetings. Work sessions and committee meetings of the city council shall be open to the public, and shall be subject to notification as required by law, and as provided herein.

G. Duty of Aldermen to Attend. It shall be the duty of each alderman to attend all meetings. An alderman must be physical present at a meeting in order to vote on any item; but, an alderman may participate, without voting, by electronic means, if the alderman is unable to attend said meeting.

H. Quorum. The presence of a majority of the aldermen elected to the city council shall be necessary to constitute a quorum to conduct business; provided, however, at any regular or special meeting of the city council, the mayor shall have a vote to establish a quorum of the city council.

I. Presiding Officer; Mayor's Vote. The mayor shall be ex officio president of the city council and shall preside at its meetings. In the absence of the mayor, the city council shall elect, from its membership, a president pro tempore. The mayor shall have a vote when his/her vote is needed to pass any ordinance, bylaw, resolution, order, or motion.

J. Appeal from Decision of the Chair. Any member may appeal to the council from the decision of the chair, but no decision of the mayor shall be reversed unless by a majority of two-thirds of all the members present.

K. Duty of Police Chief to Attend. It shall be the duty of the chief of police, or an officer assigned by the chief, to be present and on-duty at all regular and special meetings of the city council. He/she shall, upon order from the chair, remove and/or take into custody

any disorderly person(s) where there is probable cause to believe that such person has committed a criminal violation of the law or city ordinance.

L. Meeting Journal. The recorder shall, on behalf of the governing body, keep a journal of the proceedings of all regular and special meetings of the city council. Said journal (minutes) shall be kept in Goshen City Hall, and shall be open to the inspection and examination of any citizen.

M. 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 before the meeting:

- i. Call to order;
- ii. Roll call;
- iii. Approval of the agenda;
- iv. Approval of minutes;
- v. Approval of treasury report;
- vi. Reports
- vii. City business
- viii. Report/Comments by Mayor, Aldermen, City Attorney or Recorder
Treasurer
- ix. Public Input
- x. Adjournment

N. Rules of Procedure. Except as otherwise provided herein, Robert's Rules of Order, as amended and updated from time-to-time, shall serve as the rules of procedure governing meetings of the city council.

O. Time Allowed for Public to Speak. According to Ordinance No. 165, comment time for each providing public input may be limited by the Mayor, at a City Council meeting, or Chairman, at a Planning Commission or committee meeting, at the discretion of the Mayor or Chairman.

P. Ordinances and Resolutions to be Reduced to Writing. No ordinance or resolution coming before the city council shall be acted on until it shall have been reduced to writing.

Q. Procedure for Filing Ordinances and Resolutions.

i. An original ordinance or resolution must be filed with the recorder (or authorized designee) for consideration by the city council.

ii. Each ordinance or resolution must be sponsored by the mayor or an alderman.

iii. The city council shall not pass or consider at a regular meeting any resolution, ordinance, petition, contract, lease, appointment or any other matter, other than communications affecting the general public, that is not filed with the recorder, mayor or office manager on or before 5:00 p.m. Friday preceding the meeting.

iv. Notwithstanding the requirements outlined in subsection Q(iii) above, the city council may consider any ordinance, resolution, petition, contract, lease, appointment or other matter, at any regular or special session of the city council;

provided, the requirements outlined in said subsection Q(iii) are waived by a two-thirds vote of the council members present at any regular or special session of the council.

v. All ordinances or resolutions filed for consideration by the city council must conform to the form prescribed by the city attorney.

R. Agenda. The city council meeting agenda shall be prepared by the recorder (or authorized designee) and shall be emailed such that they are received by aldermen no later than the Saturday before the meeting.

S. Conflict-of-Interest. Should a member have a conflict-of-interest concerning any agenda item, he/she shall not participate in the presentation, discussion, and deliberation, and shall abstain from voting on the measure.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 14th day of January 2020.


Cathy Oliver, Mayor

ATTEST:


Linda Moore, City Recorder

ROLL CALL

Names of those voting YEA

Colton Martin
Birch Wright
Angie Driver
John Vaillancourt
Bill Hewat

Names of those voting NAY

Absent

Paula Anderson