

**ORDINANCE NUMBER O-2023-01**  
**CITY COUNCIL RULES AND PROCEDURES**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE O-2022-01;  
ESTABLISHING THE RULES AND PROCEDURES TO BE USED BY THE WARD CITY  
COUNCIL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;**

**WHEREAS, A.C.A. § 14-43-501** requires City Councils to organize itself annual during the month of January; and,

**WHEREAS,** Rules and Procedure for the Ward City Council are hereby established as Attachment "A" of this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARD, ARKANSAS THAT;**

**SECTION 1:** The Rules and Procedures contained in Attachment "A" thereto, are hereby adopted by a majority vote and shall be controlling from the date on which this Ordinance shall take effect.

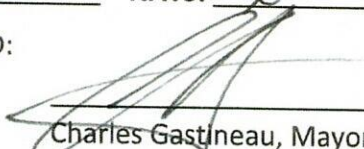
**SECTION 2: SEVERABILITY:** If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, and that such valid portions shall be and remain in full force and effect.

**SECTION 3: EMERGENCY:** Pursuant to A.C.A. § 14-43-501 et al., the members of this governing body shall assemble and organize annually; therefore, this governing body has done so to ensure the City of Ward has a well-organized City Council in order to protect the property and lives of the citizens of our city. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate protection of the public peace, health and safety shall take effect immediately up its passage and approval.


**PASSED AND ADOPTED THIS** 16 **DAY OF** January, 2023

**YEAS:** 5 **NAYS:** 0

**APPROVED:**

  
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Charles Gastineau, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Krystal Rummel, City Clerk

CITY SEAL

**ORDINANCE O-2023-01, ATTACHEMENT 1**  
**RULES OR ORDER AND PROCEDURES OF THE WARD CITY COUNCIL**

**1. City Council Meetings:**

- a. **Regular:** The City Council shall meet in regular session on the 3<sup>rd</sup> Monday of each month at 6:30 pm in the City Council/Court Room unless otherwise announced.
- b. **Special:** Special Meetings may be called by three or more members of the City Council or by the Mayor. The press, according to the Freedom of Information Act (FOIA), must be notified of Special Meeting, including specific item(s) to be considered, at least 2-hours prior to the meeting. Council members shall be notified by telephone and/or email at least 2-hours prior to the meeting. No additional agenda item can be added to the agenda within 2-hours prior to the meeting or during the meeting.
- c. **Executive Session:** An Executive Session may be requested by any member of the Council or the Mayor. A majority vote of the Council is required to convene an Executive Session. Executive Sessions may only be called for the purpose of considering personnel action (i.e. considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee) or to discuss security of the city's water and wastewater system (§ 25-19-106 (c)(6)). Executive Sessions will be conducted in the Mayor's Office unless otherwise stated.
- d. **Quorum:** Each Council meeting requires a Quorum to conduct City business. A.C.A. 14-43-501. The Mayor<sup>1</sup> may be counted to establish a Quorum.
- e. **Voting:** Each Council member present must be afforded the opportunity to vote on any business requiring a vote. The Mayor may cast a vote if needed to pass

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<sup>1</sup> In the absence of the Mayor, the City Clerk must fill in with all the powers of the Mayor to include establishing a quorum (A.C.A 14-53-501).

an Ordinance, Resolution, or other action. The Mayor may not vote to pass the Emergency Clause. Passage of an Ordinance or Resolution requires a Roll-Call vote in which each Council member is called upon to vocalize their vote individually as called by the City Clerk. An affirmative Yes or Yea, No or Nay, or by announcing they abstain<sup>2</sup> from voting, is required. To ensure fairness, the order of vote will rotate among the members to ensure the same members do not vote first or last each time. Other measures and/or action requiring a vote, may be done so by voice-vote only. The Mayor or any Council member may request a Roll-Call vote for any measure/action being voted upon.

**f. Cancelling or Postponing Council Meetings**

- i. The Mayor is authorized to cancel or postpone any Regular and Special City Council meeting without prior approval of the City Council because circumstances would prevent the meeting from being held, or for the safety and well-being of all.
- ii. The Mayor (or designee) shall notify all council members and the local press representative as soon as possible after the decision has been made with the reason for the cancelation or postponement and the date/time of the makeup meeting (if any). Notification may be via any normal means available (i.e. phone, cell phone, text, email, in person, etc.).
- iii. The Mayor (or designee) shall also make notification to the general public via any city social media and website site available.

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<sup>2</sup> Any member abstaining must state their reasons for abstain. (i.e. conflict of interest, etc.)

**g. Attendance Policy, Determination, Enforcement<sup>3</sup>:**

- i. Attendance: Council members are expected to attend all monthly regular council meetings, called special council meetings, and scheduled working sessions. A council member unable to attend a particular meeting shall notify the City Clerk as soon as possible.
- ii. Determination: The Council governs itself in term of attendance and has the power to determine if a council member's absence is "Excused" or "Unexcused" based on the reason the council member is absent.
- iii. Enforcement:
  1. Excused: No action taken
  2. Unexcused: The Council has the sole authority to impose sanctions on fellow council members as noted below. Any action or no action requires a motion and a 2/3 majority
    - a. No action taken if an unexcused absence is recorded not more than once per calendar year.
    - b. If a council member has more than one unexcused absence in a calendar year, the following may be imposed by the "senior council member<sup>4</sup>" on the absent council member at the next regular meeting in which the absent council member attends:
      - i. Public Reprimand:
        1. Verbally reprimand the member. A summary of which shall be entered in the meeting minutes.
        2. Presentation of a written reprimand to the member. A copy of which shall be attached

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<sup>3</sup> A.C.A. 14-53-501(a)(2)(c)(ii): The governing body may also compel the attendance of absent members in such a manner and under such penalties as it prescribes.

<sup>4</sup> The member who has been on the council the longest. If two or more members have been on the council the same amount of time, they will determine who is considered the "senior" for this action

to the meeting minutes and filed in the member's employee file.

- ii. Imposition of a Voluntary Fine (Donation): (NOTE: The payment of any "fine" is not mandatory as it is merely a suggested amount to be paid as noted below.)

1. 2<sup>nd</sup> Unexcused Absence in a calendar year: \$50.00 donation to the City of Ward Animal Shelter or Park and Recreation as determined by the absent member.
2. 3<sup>rd</sup> and Subsequent Unexcused Absences: \$100.00 donation to the City of Ward Animal Shelter or Park and Recreation as determined by the absent member

**h. Virtual Meetings<sup>5</sup>**

- i. If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, it may become necessary to hold City Council (and other public meetings) virtually utilizing electronic means. "Electronic Means" shall be defined as by a telephone, cell phone, electronic tablet, computer, or other electric device which allows video calls or chat that provides evidence of the communication and is recordable and audible to all parties participating in or attending or viewing the meeting. Virtual Meeting are the EXCEPTION and must only be utilized during times of declared emergencies.
- ii. Freedom of Information Act (FOIA) Requirements: All current FOIA requirements must be adhered to.

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<sup>5</sup> Section 1h is only applicable if the Governor declares an Emergency as noted.

iii. Physical Presence at Meetings Required:

1. The Mayor, City Clerk, and City Attorney, if possible, should be physically present at place where the meeting is to be held.
2. Council Members should also be physically present, if possible. If not possible to physically attend, Council Members are entitled to participate in the meeting via electronic means including discussion, debating, and voting as if they were physically present at the meeting.

iv. Public Participation:

1. Allowing the public to attend and participate in Public Meetings is not only required by current FOIA laws, it is a hallmark of our governance. To the extent possible, virtual Public Meetings must be open to the public
2. A means for the public to participate will be announced via social media and other outlets as soon as possible.
  - a. Means for the public to participate may include but not be limited to, live streaming the meeting and/or creating an audio conference call.
  - b. Anyone wishing to be heard directly on a non-agenda item must email, text or otherwise contact the City Clerk no later than 30-minute prior to the start of the meeting. The City Clerk may be contacted at 501-259-1273 or via email at [cityclerk@cityofward.com](mailto:cityclerk@cityofward.com).
  - c. Anyone wishing to comment on a Resolution or Ordinance DURING THE MEETING, may call, text, or email the City Clerk as noted above. Adequate time will be allowed to receive comments.

- d. Ordinance 2022-01, Attachment 1, Paragraph 9 applies.
- v. The policies and procedures concerning Virtual Meetings expire when the declared emergency has ended, been repealed, or is allowed to expire by order of the Governor.

## **2. Meeting Order**

### **a. Regular:**

- i. Call to Order
- ii. Prayer
- iii. Pledge of Allegiance
- iv. Roll Call
- v. Approval of Prior Council Meeting Minutes
- vi. Approval of Department Reports
- vii. Special Reports (if provided)
- viii. Old Business
- ix. New Business
- x. Mayor's Report
- xi. Public Comment on Non-Agenda Items
- xii. Announcements
- xiii. Adjournment

### **b. Special:**

- i. Call to Order
- ii. Prayer
- iii. Pledge of Allegiance
- iv. Roll Call
- v. Item(s) needed to be discussed
- vi. Announcements
- vii. Adjournment

3. **Agenda:** The City Clerk, in conjunction with the Mayor, is responsible for developing and distributing the agenda
  - a. All items, (i.e., reports, communications, ordinances, resolutions, contract documents, etc.) or other matters requiring Council consideration or action should be delivered to the City Clerk prior to 4:30 pm on Friday at least fourteen (14) days before a regular Council meeting.
  - b. The City Clerk will then assemble all appropriate documents and provide same to each City Council member via electronic means or if requested, cause them to be electronically delivered at least seven (7) days before a regular scheduled council meeting. Reports and the like delivered to the City Clerk after the deadline, will be distributed as soon as possible. Council member needing documents printed and hand-delivered must contact the City Clerk.
  - c. All items which need to be presented to the Council after the deadline (paragraph 3a) has passed, must be approved by the Mayor. Amended agenda and items submitted should be distributed as noted above as soon as possible to include the day of the meeting.
4. **Committees:** As needed, Ad hoc committees will be established and appointed by the Mayor or by a majority of the City Council to study special problems and projects of the city. There are no Standing Committees.
5. **Seating:** Members shall occupy the respective seats as assigned by the City Clerk and approved by the Mayor.
6. **Conduct:** All members of the Governing Body to include the City Clerk, shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Council, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statement as to motives and personalities. Council Members shall confine their questions as to the particular matters before the Council and in debate shall confine their remarks to the issues before the Council.



7. **Conflict of Interest for Members and Officials:** Per Resolution R-2016-01, each City Council Member and Official must sign the City's Conflict of Interest Policy for Members and Officials upon commencement of employment, election, or appointment acknowledging they have read, understand, that they and follow the terms of the Policy.

8. **Arkansas Freedom of Information Act (FOIA):**

a. The Arkansas FOIA is a very broad law that encompasses many aspects of city and city council busy. Council members are highly encouraged understand the FOIA rules by familiarizing themselves with the Arkansas FOIA Handbook provided to each council member. In particular:

- i. Council members must understand that a meeting is "any meeting, formal or informal, regular or special, of a governing body including sub-bodies. A quorum of the governing body need not be present for the meeting to be subject to the FOIA. If two or more members meet informally to discuss past or pending business, that meeting is subject to the FOIA."
- ii. "Any person who "negligently violate" the FOIA is guilty of a Class C misdemeanor. (A.C.A. § 25-19-104)

9. **Social Media Policy:**

- a. Elected and appointed members of the Governing Body, the Mayor and the City Clerk are asked to read and sign the city's social media policy which is contained in the City of Ward Employee's Handbook, Attachment 2. Signing the Policy is a simple acknowledgement of the Policy as elected and appointed members are not subject to disciplinary actions outlined in the Policy.
- b. Council members are cautioned about using their own social media accounts to discuss city business as it may subject them to review under FOIA laws.

**10. Vacancy of a City Council Member:**

- a. Vacancies will be filled according to applicable State Law.
- b. Members of the public who wish to apply, must live within the Ward where the vacancy occurred, be eligible to take office and fill out an Affidavit of Eligibility. Affidavits of Eligibility must be provided to the City Clerk not later than 12 noon the day of the next regularly scheduled Council meeting. The City Clerk, in turn, will compile a listing of eligible candidates and provide same to each remaining Council Member upon their arrival at the meeting.

**11. Public Comments:** It is the policy of the Ward City Council to allow Public Comment during City Council Meetings as noted below. All speakers must address the Council at the microphone provided and must identify themselves for the record.

**a. Agenda Items:**

- i. The Mayor will offer comments from the Public after the Council has discussed each Ordinance or Resolution and before the Council votes.
- ii. Members of the public will have three (3) minutes in which to state their views. The Governing Body is not required to engage in conversation with the speaker.

**b. Non-Agenda Items:**

- i. If a member of the public wishes to speak to the Council on any subject, they must signup with the City Clerk before the start of the Council meeting.
- ii. Members of the public will have three (3) minutes in which to state their views. The Governing Body is not required to engage in conversation with the speaker.

**c. Courtesy and Respect:** All members of the public, all city staff members and employees, and all elected and appointed officials shall afford the upmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to the integrity, abusive comments and statements about motives or personalities. Any member of the public who

violates these standards shall be ruled out of order by the Mayor and must immediately cease speaking and return to their seat. Any outbursts, derogatory comments, and such by the public sitting in the audience may result in that individual(s) being asked to leave the Council proceeding. Failure to leave after being asked may be grounds for the Ward Police to intervene.

**12. Electronic Devices and Emails:**

- a. Each council member shall be issued a laptop or tablet for city use only. This device should be used to receive city email and to review council documents and other such mater provided by the city. Council members must return the laptop/tablet and all associated items upon leaving office.
- b. Each council member shall be issued a city email account based on the Ward and Position held. It is the responsibility of the council member to ensure they have access to their city email account.
- c. City council member are not issued city provided cell phones. The use of a member's personal cell phone or other electronic device for city business may subject that device to be viewed under FOIA laws.

Adopted January 16, 2023 by Ordinance O-2023-01