

1   **ORDINANCE NO.** \_\_\_\_\_  
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3                   **AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REV. CODE § 2-50**  
4                   **(1988) TO DEFINE THE WORD PRESENT TO INCLUDE ATTENDANCE**  
5                   **BY ELECTRONIC MEANS; TO DECLARE AN EMERGENCY; AND FOR**  
6                   **OTHER PURPOSES.**

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8           **WHEREAS**, the City is required by law to have a majority of the Elected Members of the Board of  
9 Directors present to vote on a particular issue in order to adopt the measure; and,

10          **WHEREAS**, under normal circumstances it is common that a member of the Board of Directors has to  
11 recuse, or cannot be physically present at a regular, recessed, special, or other meeting of the Board with  
12 the result that a measure, which may be in the best interests of the citizens, or which may be appropriate to  
13 defeat cannot finally be acted upon it is physically impossible to have a sufficient number of affirmative  
14 votes either to deal with procedural issues, or to make a final vote on the measure; and,

15          **WHEREAS**, the City has a dedicated Government Access Cable Television Channel which would  
16 permit a Board Member within the City to view a particular meeting as it is being held and, through other  
17 electronic means, there are other means for a member to participate in a Board Meeting voluntarily despite  
18 the fact the member is not physically present within the Board Meeting room; and,

19          **WHEREAS**, if this ordinance is approved, a Member could be deemed present for purposes of  
20 discussion and voting; and,

21          **WHEREAS**, the City Attorney has been unable to find any law that prohibits a municipal corporation  
22 from amending its bylaws to permit such a definition of the word present; and,

23          **WHEREAS**, it is important to read this ordinance in a liberal fashion to achieve its purposes and to  
24 enable to use of different technologies as to participation, while at the same time assuring that the public  
25 can view the action of a member not physically present in the meeting room of the Board of Directors.

26          **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
27 **OF LITTLE ROCK, ARKANSAS:**

28          **Section 1.** Little Rock, Ark., Rev. Code Â§ 2-50 (1988) is hereby amended to read as follows:

29                   (a) A quorum is a requirement to transact business during a meeting of the Board  
30                   of Directors. A quorum is the minimum number of members of the Board of Directors,  
31                   including the Mayor for this purpose, present at a regular, recessed, called, or other  
32                   meeting of the Board of Directors in order to transact business legally. Before a Mayor  
33                   calls the Board Meeting to order, he should be reasonably sure that a quorum is present.

1 If a quorum is not present, all the group can do is fix a time for another meeting and  
2 adjourn or recess.

3 (b) For purposes of this section, the word "present," means:

4 (i) That the Mayor or Board Member is physically located at the place  
5 the board meeting is being held; or,

6 (ii) That a Board Member is within the corporate limits of the City,  
7 but is appearing by electronic means; provided that, for a Board Member  
8 to be present by electronic means, the Mayor, or the Member who is  
9 presiding over the meeting, is physically present at the place where the  
10 board meeting is being held. Board Members appearing at meetings  
11 pursuant to this subsection shall be entitled to participate by electronic  
12 means in matters coming before the Board, including discussion, debate  
13 and voting, as if they were physically present at the meeting as long as a  
14 City Staff Person is with the Member in order to confirm the Member's  
15 identity and location, or the Member participates by electronic or other  
16 means which allows the Mayor, other Members of the Board of Directors,  
17 and the public, to see and hear a Member participating electronically; or,

18 (iii) If necessary to approve a measure that is deemed by the Mayor to  
19 be vital of the interests of the City, a Board Member is located outside the  
20 corporate limits of the city on City business, but is appearing by electronic  
21 means; provided that, for a Board Member to be present by electronic  
22 means, the Mayor, or the Member who is presiding over the meeting, is  
23 physically present at the place where the Board Meeting is being held.  
24 Board Members appearing at meetings pursuant to this subsection shall be  
25 entitled to participate by electronic means in matters coming before the  
26 Board, including discussion, debate and voting, as if they were physically  
27 present at the meeting as long as a City Staff Person is with the Member  
28 in order to confirm the Member's identity and location; or, the Member  
29 participates by electronic or other means which allows the Mayor, other  
30 Members of the Board of Directors, and the public, to see and hear  
31 Member participating electronically.

32 (c) A majority of the Board, including the position of Mayor, is a quorum.

33 **Section 2. Severability.** In the event any title, section, subsection, subdivision, paragraph,  
34 subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid

1 or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance  
2 which shall remain in full force and effect as if the portion so declared or so adjudged invalid or  
3 unconstitutional was not originally a part of this ordinance.

4 **Section 3. Repealer.** All ordinances and resolutions, or parts of ordinances or resolutions, inconsistent  
5 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

6 **Section 4. Emergency.** Because the restrictions of Arkansas State Law and the City's Code of Ethics  
7 sometimes makes it difficult or impossible for a majority of the Elected Members to act on a measure,  
8 particularly when one or more members of the Board cannot attend because of illness or other obligations,  
9 business vital to the citizens and in the best interests of the city cannot always proceed in an appropriate  
10 manner. In an age when electronic communications means make it possible and practical for a person within  
11 the City to participate in a Board Meeting, particularly when that person can view the Board Meeting by  
12 means of the City's dedicated Government Access Cable Channel, and to be involved in the discussion and  
13 voting on a particular issue, the Board should enact a measure which permits such participation. At the time  
14 of this ordinance, the Board is facing several crucial issues that are hampered by absences and recusals, one  
15 of which could unnecessarily cost the City several hundreds of thousands of dollars if it is not quickly  
16 resolved. The inability to timely deal with City business and the unnecessary expenditure of resources is  
17 not in the best interests of the citizens. Indeed, the ability to vote on measures and save the citizens  
18 substantial tax dollars is essential to the public health, safety and welfare. An emergency is therefore  
19 declared to exist and this ordinance shall be in full force and effect from and after the time of its passage.

20 **PASSED: March 17, 2020**

21 **ATTEST:**

**APPROVED:**

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23 \_\_\_\_\_  
24 **Susan Langley, City Clerk**

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**Frank Scott, Jr., Mayor**

25 **APPROVED AS TO LEGAL FORM:**

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28 **Thomas M. Carpenter, City Attorney**

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