

1 present. If a quorum is not present, all the group can do is fix a time for another meeting
2 and 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
25 be 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 a
31 Member participating electronically;

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

33 **Section 2. *Effective Dates.*** This ordinance shall be in full force and effect for a period of ninety (90)
34 days after the date of its passage.

1 **Section 3. Severability.** In the event any title, section, subsection, subdivision, paragraph,
2 subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid
3 or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance
4 which shall remain in full force and effect as if the portion so declared or so adjudged invalid or
5 unconstitutional was not originally a part of this ordinance.

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7 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

8 **Section 5. Emergency.** Because the restrictions of Arkansas State Law and the City's Code of Ethics
9 sometimes makes it difficult or impossible for a majority of the Elected Members to act on a measure,
10 particularly when one (1) or more Members of the Board cannot attend because of illness or other
11 obligations, business vital to the citizens and in the best interests of the City cannot always proceed in an
12 appropriate manner. In an age when electronic communications means make it possible and practical for a
13 person within the City to participate in a Board Meeting, particularly when that person can view the Board
14 Meeting by means of the City's dedicated Government Access Cable Channel, and to be involved in the
15 discussion and voting on a particular issue, the Board should enact a measure which permits such
16 participation. At the time of this ordinance, the Board is facing several crucial issues that are hampered by
17 absences and recusals, one of which could unnecessarily cost the City several hundreds of thousands of
18 dollars if it is not quickly resolved. The inability to timely deal with City business and the unnecessary
19 expenditure of resources is not in the best interests of the citizens. Indeed, the ability to vote on measures
20 and save the citizens substantial tax dollars is essential to the public health, safety and welfare. An
21 emergency is therefore declared to exist and this ordinance shall be in full force and effect from and after
22 the time of its passage.

23 **PASSED: March 25, 2020**

24 **ATTEST:**

APPROVED:

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26 _____
27 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

28 **APPROVED AS TO LEGAL FORM:**

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

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