



- 1 (c) (i) A Board Member is present telephonically with a member of City Staff present to  
2 verify the identity of the Member; or,  
3 (ii) The Board member participates by electronic or other means which allows the  
4 Mayor, other members of the Board of Directors, and the public to see and hear the  
5 Member participating electronically and voting on the procedural issue.  
6 (d) A procedural matter includes, but is not limited to, the approval of an emergency clause.

7 **Section 2. Boards and Commissions – Attendance.**

- 8 (a) Members of all City Boards and Commissions duly instituted pursuant to Arkansas State Law  
9 or City Ordinance other than the Board of Directors, which is addressed elsewhere, shall be  
10 allowed to attend the regular, recessed, called, or other meetings of their respective Boards  
11 and Commissions via electronic means provided a quorum is present.  
12 (b) A quorum is a requirement to transact business during a meeting of City Boards and  
13 Commissions. A quorum is the requisite number of Members of the Board or Commission,  
14 present at a regular, recessed, called, or other meeting in order to transact business legally.  
15 Before a Chair calls the meeting to order, he should be reasonably sure that a quorum is  
16 present. If a quorum is not present, all the group can do is fix a time for another meeting and  
17 adjourn or recess.  
18 (c) For purposes of this section, the word "Present," means:  
19 (i) That the Chair or Board or Commission Member is physically located at the place the  
20 Board or Commission Meeting is being held; or,  
21 (ii) That a Board or Commission Member is within the corporate limits of the City, but  
22 is appearing by electronic means; provided that, for a Board or Commission Member  
23 to be present by electronic means, the Chair or the Member who is presiding over  
24 the meeting is physically present at the place where the Board or Commission  
25 Meeting is being held. Board or Commission Member appearing at meetings  
26 pursuant to this Subsection shall be entitled to participate by electronic means in  
27 matters coming before the Board or Commission, including discussion, debate, and  
28 voting, as if they were physically present at the meeting as long as a City Staff person  
29 is with the Member in order to confirm the Member's identity and location, or the  
30 Member participates by electronic or other means which allows the Chair, other  
31 Members of the Board or Commission, and the public to see and hear the Member  
32 participating electronically; or,  
33 (iii) That if it is necessary to approve a measure that is deemed by the Chair to be vital of  
34 the interests of the City and a Board or Commission Member is located outside the  
35 corporate limits of the City on City business, but is appearing by electronic means;

1 provided that, for a Board or Commission Member to be present by electronic means,  
2 the Chair or the Member who is presiding over the meeting is physically present at  
3 the place where the Board or Commission Meeting is being held. Board or  
4 Commission Members appearing at meetings pursuant to this subsection shall be  
5 entitled to participate by electronic means in matters coming before the Board or  
6 Commission, including discussion, debate, and voting, as if they were physically  
7 present at the meeting as long as a City Staff person is with the Member in order to  
8 confirm the Member's identity and location; or, the Member participates by  
9 electronic or other means which allows the Chair, other Members of the Board or  
10 Commission, and the public to see and hear the Member participating electronically;

11 (d) A quorum shall be defined by the by-laws or other governing document of the respective  
12 Board or Commission.

13 (e) This resolution shall supersede the by-laws or other governing documents of the Boards and  
14 Commissions to which this resolution applies only in respect to the matters contained herein  
15 and shall have no other affect upon such by-laws or other governing documents.

16 **Section 3. Boards and Commissions - Voting.** Members of all City Boards and Commissions duly  
17 instituted pursuant to Arkansas State Law or City Ordinance, other than the Board of Directors which is  
18 addressed elsewhere, not present in person at the time an item has been approved by the respective Board  
19 or Commission that will not be vetoed by the Chair of that Board or Commission may vote by telephonic  
20 or electronic means on a procedural issue that impacts the approved item provided:

21 (a) The Chair has publicly declared the item is approved will and not be vetoed;

22 (b) The meeting, or special meeting, at which the item was approved has not adjourned; and,

23 (c) (i) The member is present telephonically with a member of City staff present to verify  
24 the identity of the member; or,

25 (ii) The member participates by electronic or other means which allows the Chair, other  
26 Members of the Board or Commission, and the public to see and hear the member  
27 participating electronically and voting on the procedural issue;

28 (d) A procedural matter includes, but is not limited to, the approval of an emergency clause.

29 **Section 4. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
30 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or  
31 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and  
32 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the  
33 ordinance.

34 **Section 5. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent with  
35 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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

16 **ADOPTED: April 1, 2020**

17 **ATTEST:**

**APPROVED:**

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19 \_\_\_\_\_  
20 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

21 **APPROVED AS TO LEGAL FORM:**

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

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