

ORDINANCE NO. 0324

AN ORDINANCE AMENDING TITLE 2 OF THE HOT SPRINGS CODE TO DEFINE THE WORD PRESENT TO INCLUDE ATTENDANCE BY ELECTRONIC MEANS; ADOPTING TEMPORARY BOARD PROCEDURES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City is required by law to have a majority of the elected members of the Board of Directors vote on a particular issue in order to adopt a measure presented for consideration; and

WHEREAS, the City maintains the ability to provide electronic means which would permit a Board member to view a particular meeting as it is being held and also enable that member to actively participate in the meeting despite the fact they are not physically present within the Board Chambers, or such other location where a Board meeting is being conducted; and

WHEREAS, due to health concerns regarding the COVID-19 virus, public health officials recommend limiting the number of persons physically present at public meetings; and

WHEREAS, the City maintains the ability to broadcast Board meetings so the meeting may be viewed electronically without physical presence at the meeting; and

WHEREAS, the City desires to provide a method for members of the public to present comments on agenda items without physically attending the meeting during this period of health concern.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS, THAT:

SECTION 1: Title 2, of the Hot Springs Code is hereby amended by deleting the following provision:

"2-1-6.2. Voting.

Any member who is not present and at his or her seat, may not have his or her vote counted. In the event a member or members find it necessary to absent themselves from the board chambers for any reason, the quorum will be reduced accordingly. However, no business may be transacted by less than four (4) members of the board. In the event a member is absent from the board chambers, the mayor may call three distinct times for the member to return, after which the vote is to be immediately called."

And substituting the following:

2-1-6.2 Voting. Any Board member who is not present may not have his or her vote counted. For purposes of Title 2 of the Hot Springs Code, the word "present" means:

- (i) That the Mayor or Board member is physically located at the place the Board meeting is being held and conducted; or
- (ii) That a Board member is appearing by electronic means for the purpose of providing the requisite membership attendance for matters coming before the Board; provided that the Mayor, or assistant mayor, the City Manager, or acting city manager, the City Clerk, or deputy city clerk, and the City Attorney, or the deputy city attorney, are physically present and located at the place where the Board meeting is being held and conducted, and who confirm such electronic appearance by such Board member(s) upon roll call.

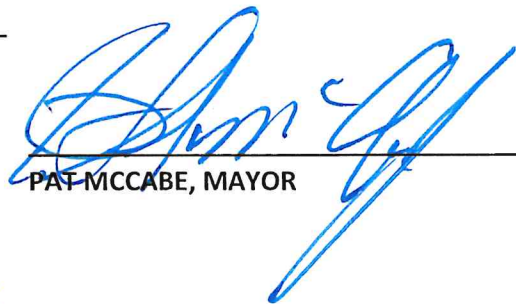
Board members appearing at meetings pursuant to this subsection shall be entitled to participate by electronic means in matters coming before the Board, including discussion, debate, and voting, as if they were physically present at such meeting.

SECTION 2: On a temporary basis through the date of June 30, 2020, the following supplemental procedures are adopted for meetings of the Hot Springs Board of Directors:


- (a) Due to public health concerns regarding the COVID-19 virus, the public is encouraged to watch the video broadcast or live-streaming internet broadcast of the Board meetings rather than physically attending Board meetings; and
- (b) Any member of the public may comment on any item of business on the published agenda of the meeting by delivering a written comment (no longer than 200 words) to the City Clerk no later than thirty (30) minutes prior to the start of such meeting. Electronic delivery to hmorrissey@cityhs.net is encouraged. Written comments timely so delivered will be read at the meeting.
- (c) The foregoing provisions in this Section 2 do not prohibit actual attendance or comments at the meeting in accordance with the rules and procedures for the Board's meetings.

SECTION 3: Emergency Clause. At the time of adoption of this Ordinance, public health concerns regarding the COVID-19 virus create an emergency calling for efforts to limit the size of public gatherings. Adoption of this Ordinance is essential to the public health, safety, and welfare of the inhabitants of the City of Hot Springs. An emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after the time of its passage.


PASSED: March 31, 2020



PAT MCCABE, MAYOR

ATTEST: 

HARMONY HURST MORRISSEY, CITY CLERK

APPROVED AS TO FORM: 

BRIAN W. ALBRIGHT, CITY ATTORNEY