

## **ORDINANCE NUMBER 05-2020**

### **CITY COUNCIL RULES AND PROCEDURES**

#### **AN ORDINANCE ESTABLISHING THE RULES AND PROCEDURES TO BE USED BY THE AUSTIN CITY COUNCIL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;**

**WHEREAS**, Arkansas law and city policy require the City Council for the City of Austin, Arkansas to meet monthly; and,

**WHEREAS**, as a result of the COVID-19 crisis, the Governing Body of the City of Austin has determined there needs to a procedure for the Mayor to cancel or postpone any regular or special meeting due to circumstance that would prevent the meeting from being held as scheduled, or for the safety and well-being of all.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ARKANSAS THAT:**

#### **SECTION 1: PARAGRAPH 1F (ADDED): CANCELLING OR POSTPONING COUNCIL MEETINGS**

- a. The Mayor is hereby 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.
- b. 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. cell phone, text, email, in person).
- c. The Mayor (or designee) shall also make notification to the general public via any city social media and website site available.

#### **SECTION 2: PARAGRAPH 1G (ADDED): VIRTUAL MEETINGS**

- a. During times of National, State, or locally declared emergencies, 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.

- b. Virtual Meeting are the EXCEPTION and must only be utilized during times of declared emergencies.
- c. Freedom of Information Act (FOIA) Requirements: All current FOIA requirements must be adhered to.
- d. Physical Presence at Meetings Required:
  - a. The Mayor, City Clerk, and City Attorney, if possible, should be physically present at place where the meeting is to be held.
  - b. 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.
- e. Public Participation:
  - a. 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
  - b. A means for the public to participate will be announced via social media and other outlets as soon as possible.
    - i. Means for the public to participate may include but not be limited to, live streaming the meeting and/or creating an audio conference call.
    - ii. 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 501 941-2648 or via email at [rmckenzie@austin-ar.com](mailto:rmckenzie@austin-ar.com).
    - iii. 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.

**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:** Because of the nature of the current crisis, and with the understanding that emergencies and other issues hamper scheduled meetings, 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 27<sup>th</sup> DAY OF April, 2020

YEAS: 6 NAYS: \_\_\_\_\_

APPROVED:



ATTEST: Mayor

  
City Clerk

CITY SEAL