

Updated 12-30-24

Additions are underlined

RESOLUTION 2025-1

**A RESOLUTION SETTING FORTH ORGANIZATION
FOR THE CITY OF MOUNTAIN HOME, ARKANSAS**

WHEREAS, A.C.A. 14-43-501 requires the members of the body elected for each city or town to assemble and organize the governing body annually during the month of January; and

WHEREAS, the Arkansas State Code provides latitude in municipal governing bodies in the establishment of rules and procedures;

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL FOR THE CITY OF MOUNTAIN HOME, ARKANSAS

1. City Council and Council meetings

1. A majority of the whole number of members of the governing body – five (5) Council members – normally constitutes a quorum for the transaction of business. A quorum may also be formed by four (4) Council members, plus the Mayor. (see A.C.A. 14-43-501(b)). Six (6) votes are required to approve an item requiring a two-third (2/3rd) majority.

2. Regular meetings of the City Council shall be held in Council Chambers, which are located at 720 South Hickory, on the first and third Thursday of each month at 5 p.m. Regular meetings that lack an agenda will be canceled. The date, time or location of any regularly scheduled meeting may be changed by the Mayor with consent of the majority of the City Council. The media and public will be notified of any changes in accordance with appropriate state laws.

3. Special meetings of the Mountain Home City Council may be called by the Mayor or any three Council members (see Ordinance No. 472). Unless a critical emergency exists, such a request shall be made at least two (2) days prior to the date and time requested for said meeting. The media and public will be notified of any special meetings in accordance with appropriate state laws.

4. All special meetings must have at least two (2) hours' notice. To protect the rights and interests of all City officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum two (2) hours' notice should therefore be resorted to only under extreme and unusual circumstances (see Ordinance No. 472).

5. A request for a special meeting shall include the topic to be considered and a reason that consideration of said topic cannot be delayed until the next regular meeting of the Council. However, this does not preclude the City from acting on, discussing or considering other matters which may appropriately come before the body at such a special meeting (see Ordinance 472).

6. The Mayor or any three Council members may schedule a working session or workshop for the Council at the time and location of their choosing. Voting by the Council is not permitted at work sessions or workshops. The Mayor and all Council members must be notified of any proposed working session or workshop. The media and public will be notified of any working session or workshop in accordance with appropriate state laws.

7. A journal of regular and special meetings shall be kept by the City Clerk and will be open to inspection by any citizen.

2. Meeting agendas and order of business

1. Regular sessions of the City Council shall proceed under the following, which shall be reduced to writing in the form of an agenda distributed to Council members and other interested parties prior to the meeting:

a. Call to Order

- b. Pledge of Allegiance
- c. Prayer
- d. Roll Call
- e. Approval of City Council minutes
- f. Written committee reports
- g. Financial statements/Bank reconciliations
- h. Agenda additions
- i. Announcements
- j. Old business
- k. New business
- l. Comments
- m. Adjournment

2. The governing body hereby adopts *Robert's Rules of Order* as a standard guide to parliamentary procedure.

3. The City Clerk shall prepare the agenda for Council meetings (see Ordinance No. 2024-20). The City Clerk shall place such matters upon the agenda as may be requested by the Mayor, City Clerk, City Attorney, any Council member or any department head. Anyone requesting an item be placed on the meeting agenda shall provide the City Clerk with the title of the matter and a written summary of the topic, along with any supporting material, no later than 12 p.m. (noon) on the seventh (7th) day prior to the meeting. Any matter presented to the City Clerk after the noon deadline shall be placed on the agenda for the next meeting at the City Clerk's discretion.

4. The Mayor or any Council member may bring a topic not on the published agenda to the floor for discussion. Such items shall be introduced under the "Agenda additions" portion of the meeting schedule, with no immediate discussion on the proposed issue. Discussion for the item added to the agenda will take place when the item is addressed under Old or New Business, as appropriate. If an item is proposed to be added to the agenda, the Council shall first vote to suspend the rules and place the proposed item on the agenda under Old or New Business as may be appropriate.

5. The governing body recognizes the following committees:
 - a. Administrative (As needed)
 - b. Parks & Recreation
 - c. Personnel (As needed)
 - d. Public Safety
 - e. Street
 - f. Water & Wastewater
 - g. Short-term ad hoc committees to be organized as needed
(*see Ordinance No. 2009-27, Section 1*)
6. The governing body recognizes the following commissions:
 - a. Planning & Zoning (*see Ordinance No. 2006-23*)
 - b. Advertising & Promotion (*see Ordinance No. 2013-14*)

3. Mayor and Council meetings

1. In the Mayor-Council form of government, the mayor shall be the ex-officio president of the City Council and shall preside at its meetings (*see Mountain Home City Code 2.24.03 and A.C.A. 14-43-501(b)(1)(a)*).
2. The Mayor shall preserve order and conduct all City Council meetings in a structured and organized manner.
3. If the Mayor is unable to perform the duties of office or cannot be located, one of the following individuals may perform the functions of a mayor during the disability or absence of the Mayor:
 - a. The City Clerk;
 - b. An elected official of the City designated by the Mayor; or
 - c. An unelected official of the City designated by the Mayor and approved by the City Council.

4. Bylaws, Ordinances and Resolutions

A. Reading requirements

1. All Bylaws and Ordinances shall be read three (3) different days unless two-thirds (2/3) of the members of the City Council vote to suspend this rule (see A.C.A. 14-55-202).

2. On first readings, all Bylaws or Ordinances shall be read in their entirety, unless two-thirds (2/3) of the total members of the City Council – six (6) Council members -- vote to suspend this rule. Second and third readings shall generally be by title only unless the Mayor, City Clerk, City Attorney or a member of the City Council requests otherwise.

3. Resolutions are not required to be read aloud, either in their entirety or by title only.

B. Voting requirements

1. The Mayor shall have a vote to establish a quorum of the City Council and when his or her vote is needed to pass any Ordinance, Bylaw, Resolution, Order or Motion (see A.C.A. 14-43-501(b)).

2. To pass any Bylaw, Ordinance, Resolution or Council Order, a majority of the whole number of members elected to the Council shall be required (see A.C.A. 14-55-203(b)). This requires either five (5) Council members, or four (4) Council members and the Mayor casting a vote to break a 4-4 tie.

3. With passage of every Bylaw, Ordinance, Resolution, or Council Order, the yeas and neas shall be individually recorded (see A.C.A. 14-55-203(a)).

C. Emergency clauses

1. If it is necessary for preservation of the public peace, health and safety that an Ordinance become effective immediately, then such a necessity shall be stated in one section and shall require the approval of six (6) Council members (a two-thirds majority). It shall be necessary, however, to state the fact which constitutes such emergency (see Article 5, Section 1 of the Arkansas Constitution).

2. An Ordinance containing an emergency clause shall go into effect immediately upon passage or at the time specified by the emergency clause, but an emergency clause shall not be effective to impose any fine, penalty, forfeiture, or deprivation of liberty or property until after the ordinance has been published or posted as is otherwise required by law. (see A.C.A. 14-55-203(c)).

3. If a referendum is filed against any emergency measure such measure shall be a law until it is voted upon by the people, and if it is then rejected by a majority of the electors voting thereon, it shall be thereby repealed (see Article 5, Section 1 of the Arkansas Constitution).

D. Mayoral veto (see A.C.A. 14-43-504(d)(1))

1. The Mayor may veto within five (5) days (Sundays excepted), after the action of the City Council thereon, any Ordinance, Resolution or Order adopted or made by Council, or any part thereof, which in his or her judgement is contrary to the public interest.

2. In case of a veto, before the next regular meeting of the Council, the Mayor shall file in the office of the City Clerk, to be presented at that meeting, a written statement of his or her reasons for doing so.

3. Any Ordinance, Order or Resolution (or part thereof) vetoed by the Mayor is invalid unless, after the written statement is presented, the Council by a vote of two-thirds (2/3) of all Council members elected, votes to override the veto.

4. The Mayor does not have veto power pertaining to the yearly organization of the governing body (see A.C.A. 14-43-501(a)) or when the Council votes to fill a vacant Council seat (see A.C.A. 14-43-411(a)).

E. Referendum petitions

Any person taking issue with an Ordinance enacted by the City Council may, within thirty (30) days of adoption of said Ordinance, file a referendum petition requesting reconsideration of said Ordinance. Said petition must state the reasons the Ordinance should be reconsidered (see Amendment 7 of the Arkansas Constitution and Chapter 1.36 of the Mountain Home City Code).

5. Executive sessions (A.C.A. 25-19-106)

An executive session of the City Council will be permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplining, or resignation of any municipal employee.

A. Either the mayor or any City Council member may request an executive session. A vote of the City Council is not required to enter or exit an executive session.

B. The specific purpose of the executive session shall be announced in public before going into executive session.

C. Only the person holding the top administrative position in the department or office involved, the immediate supervisor of the employee involved, and the employee may be present at the executive session when requested by the City Council.

D. Any person being interviewed for the top administrative position in the department or office involved may be present at the executive session when requested by the City Council.

E. The mayor may always attend an executive session if they choose to do so.

F. Executive sessions must never be called for the purpose of defeating or circumventing the Arkansas Freedom of Information Act or the spirit of open, public meetings.

G. No Resolution, Ordinance, Rule, contract, regulation, or motion considered or arrived at in executive session will be legal unless, following the executive session, the City Council reconvenes in public and votes on the resolution, ordinance, rule, contract, regulation, or motion.

6. Public input and comments

1. While public comments and feedback are encouraged at City Council meetings, speakers must be recognized by the Mayor and granted the floor. A time for public comments is not mandated under the Arkansas State Code, and the decision of who may speak during public comments is solely the discretion of the Mayor.

2. Should a particular issue generate a large amount of public comment, preference shall be given to City residents over nonresidents. In addition, the Mayor may, at his or her discretion, limit each public comment to a prescribed amount of time. A sign-up sheet for public comments, or a similar such device, may be employed to better organize the public comment time period.

7. Manners and Decorum

All members of the public, City staff, and elected officials shall always show courtesy and respect towards others. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and/or statements about motives or personalities. Violations of these standards shall be ruled out of order. Egregious or multiple violations of this standard shall be grounds for removal from the meeting.

8. Recording of public meetings (A.C.A. 25-19-106)

All officially scheduled, special, and called open public meetings shall be recorded in a manner that allows for the capture of sound, including without limitation:

- A) A sound-only recording;
- B) A video recording with sound and picture; or
- C) A digital or analog broadcast capable of being recorded.

Any recording of an open meeting shall be maintained by the City Clerk for a minimum of one (1) year from the date of the open public meeting. The recording shall be maintained in a format that may be reproduced upon request.

This requirement does not apply to executive session portions of public meetings.

9. Meeting through electronic means (A.C.A. 25-19-106)

If the governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, A.C.A. 12-75-101 *et seq.*, the City Council may assemble, gather, meet and conduct an open public meeting through electronic means, including without limitation by:

- A) Telephone;
- B) Video conference; or
- C) Video broadcast.

If an open public meeting is held under these conditions:

- A) The public may attend the open public meeting using electronic means;
- B) Notice of the method the public may attend the meeting shall be published with the notice of the open public meeting;
- C) Physical presence of the public or of each Council members is not required.

10. Severability

If any part of this Resolution shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts.

PASSED AND APPROVED THIS 2ND DAY OF JANUARY, 2025.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK