

ORDINANCE NO. 2016-07-585

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING SECTION 30.06 PUBLIC COMMENTS, SECTION 30.26 RULES GOVERNING CONDUCT IN MEETINGS AND SECTION 30.27 CONDUCT OF SPECTATORS OF CHAPTER 30: CITY COUNCIL AND CITY OFFICIALS OF THE TONTITOWN MUNICIPAL CODE IN IN ITS ENTIRETY OF THE CITY COUNCIL MEETINGS OF THE CITY OF TONTITOWN**

**WHEREAS**, the City Council of Tontitown has adopted Section 30.06 PUBLIC COMMENTS, Section 30.26 RULES OF GOVERNING CONDUCT IN MEETINGS and SECTION 30.27 CONDUCT OF SPECTATORS of Chapter 30: CITY COUNCIL AND CITY OFFICIALS et seq., as amended in its entirety; and

**WHEREAS**, on or about February 5, 2013, the City Council of Tontitown adopted Ordinance No. 2013-02-406 to provide regulations during city council meetings within the city and said Ordinance No. 2013-02-406, as it has been amended and was thereafter codified within Chapter 30: CITY COUNCIL AND CITY OFFICIALS in the Tontitown Municipal Code; and

**WHEREAS**, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 30.06 PUBLIC COMMENTS, Section 30.26 RULES OF GOVERNING CONDUCT IN MEETINGS and SECTION 30.27 CONDUCT OF SPECTATORS the Tontitown Municipal Code; and

**WHEREAS**, having fully reviewed the proposed amendment, the Tontitown City Council as determined that Section 30.06 PUBLIC COMMENTS, Section 30.26 RULES OF GOVERNING CONDUCT IN MEETINGS and SECTION 30.27 CONDUCT OF SPECTATORS of Chapter 30: CITY COUNCIL AND CITY OFFICIALS, of the Tontitown Municipal Code should be revised and amended, as set forth herein below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, as follows:

**Section 1.** Section 30.06 PUBLIC COMMENTS, Section 30.26 RULES OF GOVERNING CONDUCT IN MEETINGS and SECTION 30.27 CONDUCT OF SPECTATORS of Chapter 30: CITY COUNCIL AND CITY OFFICIALS, of the Tontitown Municipal Code is hereby revised, and as attached hereto as Exhibit "A".

**Section 2.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 3. Declaration of Emergency.** It is hereby found and determined that Section 30.06 PUBLIC COMMENTS, Section 30.26 RULES OF GOVERNING CONDUCT IN MEETINGS and SECTION 30.27 CONDUCT OF SPECTATORS of Chapter 30: CITY COUNCIL AND CITY OFFICIALS, of the Tontitown Municipal Code should be immediately amended in order to clarify and amend the conduct of the City Council meetings of the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

**PASSED AND APPROVED** this 5th day of July, 2016.

  
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Paul Colvin, Jr., Mayor

ATTEST:

  
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Rhonda Ardemagni, City Recorder-Treasurer

EXHIBIT "A"

**§ 30.06 PUBLIC COMMENTS.**

(A) There shall be a public comment period during regular meetings of the City Council of not more than 15 minutes in which the City Council shall receive comments from members of the public. The City Council shall listen, but not enter into discussions or debate the person commenting. The Council may take note of any comment and offer to make arrangements to speak further with that person after the Council meeting concludes or a later date.

(B) Each speaker during public comment session shall be limited to three minutes to make his or her remarks. If more than five people desire to speak at either session, the Mayor may reduce the time for each speaker to two minutes. The Mayor may also provide for an extension of the 15-minute public comment period, upon the receipt of a motion and majority consent of the City Council, if good cause exists.

(C) The Mayor or presiding officer shall administer public comment periods and shall be responsible for enforcing time limits on speakers and shall direct and insure that speakers during public comment period refrain from the use of obscene, abusive, personal attacks, inflammatory language or other improper or disruptive conduct.

(D) Individuals who use obscene or abusive language or make obscene gestures under conditions likely to provoke a disorderly response from persons present at the meeting, or to disrupt the orderly conduct of the meeting, may be cited, or if deemed necessary by the Chief of Police or his/her designee, arrested for disorderly conduct or other appropriate criminal violations. Violators who persist in the use of the use of obscene, abusive, personal attacks, inflammatory language or other improper or disruptive conduct may be prohibited from speaking during public comment period. However, no speaker is to be curtailed for remarks that are merely critical in nature.

(E) This section shall not affect statutorily required public hearing periods held during City Council meetings. During such statutorily required public hearing periods, the Mayor or the presiding officer shall administer and set forth the rules of the public comment period in a manner to insure that all person wishing to be heard have their opportunity to speak.

**§ 30.26 RULES GOVERNING CONDUCT IN MEETINGS.**

(A) The City Council shall have the authority to adopt such rules governing its meetings as it may deem expedient. Except as provided by rules adopted by the City Council, in all matters of procedure the Procedural Rules for Municipal Officials as published by Arkansas Municipal League, newly revised, shall govern and apply.

(B) The City Council's rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by any rule, and such motions must be seconded to entitle it to consideration.

(C) If any Council member, in speaking or otherwise, transgresses the rules of the Council, the Mayor or presiding officer shall call him or her to order; in which case the Council member so called to order shall immediately cease discussion unless permitted by the presiding officer to

explain; and the Council, if appealed to, shall decide the question without debate. If the decision is in favor of the Council member so called to order, he or she shall be at liberty to proceed; if otherwise, he or she shall not proceed without leave of the Council to proceed in order.

(D) A Council member about to speak shall respectfully address the Mayor or presiding officer, and shall not commence to speak until recognized by the Mayor or presiding officer. When two or more Council members request to speak at the same time, the Mayor or presiding officer shall determine which one is recognized. The Mayor or presiding officer shall have the authority and discretion to recognize City officers, agents, contractors or employees to address the City Council to speak about topics related to the business before the City Council.

(E) Every Council member, while speaking, shall confine himself or herself to the subject under debate, refrain from personalities and shall not refer to any other Council member except in a respectful manner.

(F) Unless a Council member who has the floor yields for that purpose, no other Council member shall interrupt another while speaking.

(G) If a Council member speaks more than twice or for more than five minutes continuously to any one question, the Mayor or presiding officer upon motion and majority consent of the City Council. The reading of papers desired by any member shall be read by himself or herself or by the City Clerk within the member's time limitation unless permission for the Recorder/Treasurer to read such paper outside the time limitations is granted by a majority.

#### **§ 30.27 CONDUCT OF SPECTATORS.**

(A) It shall be the duty of the Chief of Police or his or her designee to be present and on official duty at all special and regular meetings of the City Council.

(B) Except during such periods of time at such meetings as the City Council shall set aside for public comment, members of the public shall not interrupt or disturb the proceedings in any manner by voice, actions, or otherwise.

(C) During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats, or any violent or abusive conduct by any person is prohibited.

(D) It shall be the duty of the Chief of Police or his or her designee to evict any person violating the provisions of this section from the Council Meeting chambers.

(E) No member of the public shall address the Mayor or Council during a regular meeting, outside of the public comment period, unless properly recognized by the Mayor or the presiding officer, or upon a motion and majority consent of the Council.