

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING PROCEDURES FOR REMOTE PARTICIPATION AT CITY COUNCIL MEETINGS; AND FOR OTHER PURPOSES.

WHEREAS, from time to time, exceptional situations exist that restrict members of the North Little Rock City Council from being physically present at a scheduled meeting, but those Members desire to participate using a remote system that enables discussion, debate and voting; and

WHEREAS, in 1990, the Arkansas Attorney General published Opinion 90-034 expressing that, *inter alia*, city council members could not vote by telephone because the presence of each member was required by *Robert's Rules of Order*, Art. VIII, §46 (1973); and

WHEREAS, *Robert's Rules of Order Newly Revised*, 11th ed. (2011) authorizes the use of meetings through conference calls according to the rules of the governing body when all members can hear and communicate simultaneously, and recommends that rules should be adopted governing equipment to be used, seeking recognition, obtaining the floor, submission of written motions, presence of a quorum, and voting; and

WHEREAS, Arkansas law codified at A.C.A. § 14-43-501(a)(1)(C) specifically states that a city council "... shall determine the rules of its proceedings ..."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That members of the North Little Rock City Council ("Members") may discuss, debate and vote during an official City Council meeting without being physically present in the designated meeting room, according to the following rules that shall be generally referred to as "Remote Participation Rules":

- a) The Mayor, or other person serving as chair of the meeting, must be physically present in the designated meeting room to convene the meeting.
- b) Members who are not physically present in the designated meeting room will not be counted for purposes of a quorum.
- c) Any Member who wishes to participate in a meeting outside of the designated meeting room must file a request with the City Clerk describing the exceptional situation that restricts attendance, no less than six (6) hours prior to the designated meeting time.
- d) Immediately after calling the roll, City Council shall consider and vote upon all requests. Any Member whose request is approved shall thereafter be deemed present for the meeting.
- e) The Mayor shall designate, from time to time, the technology to be used to participate in a meeting by members who are physically absent. This technology shall allow members to hear and communicate simultaneously with members who are present in the meeting.
- f) Members who participate without being physically present in a meeting are permitted to:

- a. Request the floor by announcing "Mayor" or otherwise expressing the desire to speak;
 - b. Discuss any matter according to the order of business when recognized;
 - c. Debate the merits of any resolution or ordinance when recognized;
 - d. Vote, when called to do so; and
 - e. Submit written motions, amendments, or documents during the meeting by email to the City Clerk.
- g) When recording the vote of any member who is participating in a meeting without being physically present, the City Clerk shall call the name of the Member and record the response. If, for any reason, no response is received for a period of five (5) seconds, the City Clerk shall record that the Member abstained from the vote.
- h) The City Clerk shall immediately forward every motion, amendment, or document received to members of the media who are present at the meeting.

SECTION 2: That any and all approvals previously granted by City Council to participate in a meeting without being physically present at the meeting are hereby ratified without regard to compliance with this Resolution.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Joe A. Smith

Mayor Joe A. Smith

by ABF

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter

C. Jason Carter, City Attorney

by ABF

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:40</u>	A.M.	_____	P.M.
By	<u>C. Carter, City Attorney</u>			
DATE	<u>7/18/17</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>B. Doyle</u>			