

ORDINANCE NO. 6391

**AN ORDINANCE AMENDING ORDINANCE NO. 6324 REGARDING ATTENDANCE OF BOARD MEMBER BY ELECTRONIC MEANS; 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.

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

Ordinance No. 6324 is hereby amended by deleting the following provision in Section 1 thereof:

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.

And substituting the following:

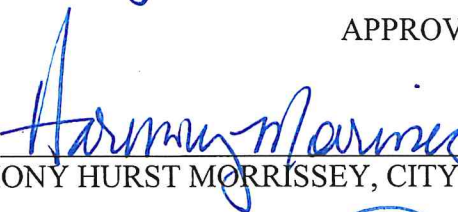
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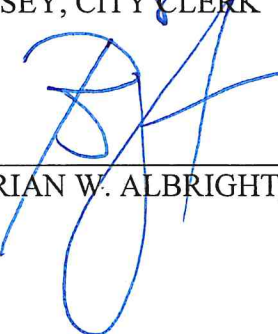
- (i) That the Mayor or Board member is physically located at the place the Board meeting is being held and conducted; or
- (ii) That the Mayor or a Board member is appearing by electronic means during any public health emergency as declared by Executive Order of the Governor. Board members appearing 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. The term “electronic means” shall be limited to the City’s telecommunications platform established for such purpose.

In the event a member of the Board is not present at the time his or her name is called for a vote, the City Clerk shall call for such member of the Board three (3) distinct times, after which quorum will be reduced accordingly, and the City Clerk shall proceed with the roll. However, no business may be transacted by less than four (4) members of the Board.

PASSED: August 3, 2021

APPROVED:   
PAT MCCABE, MAYOR

ATTEST:   
HARMONY HURST MORRISSEY, CITY CLERK

APPROVED AS TO FORM:   
BRIAN W. ALBRIGHT, CITY ATTORNEY