

ORDINANCE NO. 6407

AN ORDINANCE AMENDING ORDINANCE NO. 6391 REGARDING ATTENDANCE OF BOARD MEMBERS BY ELECTRONIC MEANS; DECLARING AN EMERGENCY; 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 could 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; and

WHEREAS, COVID-19 and the recent variants thereof could impact the Board's ability to conduct business as usual.

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

SECTION 1: Ordinance No. 6391 is hereby amended by adding the following underlined 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 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.

Notwithstanding the forgoing, or anything herein to the contrary, the Mayor or any member of the Board of Directors may appear and be present at any meeting of the Board of Directors by electronic means for the next ninety (90) days, and thereby 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.

SECTION 2: EMERGENCY CLAUSE. The adoption of this Ordinance is essential to the public health, safety, and welfare of the inhabitants and visitors of the City of Hot Springs. An emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after the time of its passage.

PASSED:

January 11, 2022



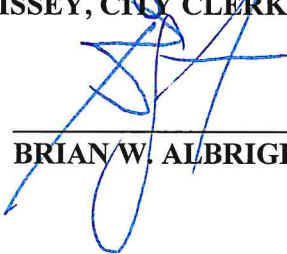
PAT MCCABE, MAYOR

ATTEST:

Harmony Hurst Morrissey

HARMONY HURST MORRISSEY, CITY CLERK

APPROVED AS TO FORM:



BRIAN W. ALBRIGHT, CITY ATTORNEY