CHAPTER 2 ADMINISTRATION

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ARTICLE I. In General

Sec. 2-1. City Designated as City of First Class.

The City of Searcy is hereby deemed and proclaimed to be a City of the first class. Hereafter, the City of Searcy, in the capacity of a City of the first class, shall take over the assets and resources and assume the obligations and liabilities of the City of Searcy, as it now stands and exists; and hereafter, said City shall exercise all of the rights and powers granted to cities of the first class under the Constitution and Statutes of the State of Arkansas. (Ord. No. 332, §§ 1, 2, 12-10-51)

Sec. 2-2. Purchases, Contracts; Procedure.

Purchases, Contracts; Procedure. The Mayor or his duly authorized representative shall have the authority and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes in and for the City of Searcy, and to make all contracts for labor or work to be performed or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature, within the limits of the Budget for Operations of the City then in effect, to the extent that the reasonably anticipated cost of such supplies, materials, work labor or equipment is equal to or less than the limits imposed by Ark. Code Ann. § 14-58-303 or Ark. Code Ann. § 22-9-203, each as may be amended from time to time, and as may be applicable to the proposed project, purchase or other expenditure of funds with in the Budget for Operations of the City, without the necessity of procuring competitive bids therefor; provided, however, the Mayor or his duly authorized representative shall have the authority to purchase fuel and other commodities and pay all utility expense of the City of Searcy without the requirement of competitive bidding and without further approval of the City Council to the extent that any such purchase of fuel or any utility expense payment shall be in an amount reflected in Ark. Code Ann § 14-58-303, as may be amended from time to time, or less; and provided, further, that in making such purchases, the said Mayor shall to the extent possible, secure telephone or informal written bids from as many sources of such supplies, materials, labor or equipment as shall, by such Mayor, be deemed reasonable to insure that such purchase made on behalf of the City is made at the lowest possible price. Except with respect to purchases of fuel, other commodities, and payment of utility expense as hereinbefore provided, notwithstanding anything to the contrary herein contained, the Mayor shall make no purchase of any such supplies, materials, apparatus, equipment, nor shall the Mayor contract for the performance of any work or labor to be performed if the reasonably anticipated cost of such purchase or contract is in excess of the sum set forth in Ark. Code Ann. § 14-58-303 or Ark. Code Ann. § 22-9-203, each as may be amended from time to time, and as may be applicable, in which

event the Mayor, or his duly authorized representative shall, after having first secured approval therefor from the City Council, invite competitive bidding as otherwise required by law. Further notwithstanding anything to the contrary herein contained, the City Council may, by Ordinance, waive the requirement of competitive bidding in exceptional situations where such procedure is deemed not feasible or practicable." (Ord. No. 441, § 1, 7-19-61; Ord. No. 687, 7-9-85; Ord. No. 87-11, 8-11-87; Ord. No. 88-26, 9-13-88; Ord. No. 89-04, 1-10-89; Ord. No. 2013-15, Ord. 2018-20)

Sec. 2-3. Depository Board.

Pursuant to the provisions of Arkansas Code Annotated §19-8-106(b) there is hereby created for the City of Searcy, Arkansas a Depository Board which shall be comprised of the Mayor and City Clerk and which shall have supervisory authority over the deposit of all funds of the City of Searcy; and shall be empowered to enter into such contracts of other agreements as are necessary or appropriate with approved banks or banking institutions respecting the deposit of public funds.

Sec. 2-4. Reserved.

Sec. 2-5. Treasurer.

The City Clerk-Treasurer shall be the custodian of all the funds of said City. He or she shall disburse the same only upon the warrant of the Mayor under the seal of said City. He or she shall render monthly statements of the affairs of the office and perform such other duties as are now required by law; shall execute bond in the minimum sum of two thousand dollars (\$2,000.00) or such other sum as may be fixed by the City Council, or as may otherwise be required by law, with good and sufficient sureties to be approved by the City Council. (Ord. No. 274, § 1, 4-22-40)

Sec. 2-6. City Holidays and Payment Therefor.

- (a) Effective December 28, 1993, the City of Searcy, Arkansas shall observe the following legal holidays: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Employee's Birthday.
- (b) Except as hereinafter provided, all employees of the City of Searcy, Arkansas shall be paid at their regular rate of pay for an eight hour day for each of the legal holidays identified in Sec. 2-6(a) hereof. Each member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be granted one compensatory day off for each day described in Section 2-6(a) hereof, regardless of whether such employee actually works on such day. Scheduling of such compensatory day shall be accomplished by the Police Chief and Fire Chief as soon as reasonably practicable after the occurrence of such holiday. In the event that the scheduling of compensatory days is not practicable or otherwise at the election of the respective departments heads in the Police Department and Fire Department, each such member of the Police Department, Fire Department and Police Department Radio Dispatchers shall be paid their base rate of pay for an eight hour period of time for each such holiday for which compensatory time is not granted; such payment for such

holidays to be accomplished on June 15 and December 15 in each year. (Ord. No. 89-24, 6-89; Ord. No. 90-08, 2-13-90; Ord. No. 93-39, § 1, 12-28-93)

Sec. 2-7. Benefits for Certain Municipal Employees and Officials.

- 2-7.1. <u>Eligible Persons</u>. A Retired employee or official may participate in and receive retirement benefits pursuant to Ark. Code Ann. §§ 24-12-101, et seq., as may be amended from time to time if he or she:
 - A. Satisfies all requirements of Ark. Code Ann. §§ 24-12-101, et seq.;
 - B. Is not receiving a retirement benefit from the Arkansas Local Police and Fire Retirement System, Arkansas Public Employees Retirement System, or other local pension fund; and
 - C. Notifies the City of Searcy within thirty (30) days after the official date of retirement or the date of separation of employment with the City of Searcy of his or her intent to participate in this retirement.
- 2-7.2 Extension of Benefits. A retired employee or official who is eligible under this section shall receive those benefits due to such employee or official under Ark. Code Ann. §§ 24-12-101, et seq., as may be amended from time to time; provided, however, that notwithstanding any provision in such section to the contrary, the benefits to be received by such employee or official shall increase at a rate not to exceed three percent (3%) per year as may be determined by the budget adopted by the Searcy City Council. Any surviving spouse of such employee or official shall receive the benefits set forth in Ark. Code Ann. § 24-12-123, as may be amended from time to time. (Ord. No. 2009-17, § 1, 6-9-2009; Ord. No. 2011-03, § 1, 1-11-2011)
- **Grant Applications**. The Mayor or his duly authorized representative shall have the authority and responsibility, but shall not be required, to make any applications for grant funding in any amount from any source that the Mayor may determine to be in the best interests of the City of Searcy, all within the sole and exclusive determination of the Mayor. The grant applications may be for the provision of any supplies, apparatus, equipment, materials and other things requisite for public purposes in and for the City of Searcy, or for the acquisition of or improvement to any services or other matters related to the operation of the City of Searcy. Upon the making of any such grant application, the Mayor shall notify the City Council of the City of Searcy at the next following regularly scheduled meeting the Searcy City Council and the

authority conferred herein shall not obligation the City of Searcy to expend any funds or to allocate any funds received by the City of Searcy and all such expenditures and appropriations shall be subject to the budgeting laws of the State of Arkansas or that are otherwise applicable to the City of Searcy. (Ord. No. 2020-29, § 1)

Sec. 2-9 -- 2-15. Reserved.

ARTICLE II. The Mayor

Sec. 2-16. Powers and Duties; Compensation.

The Mayor of the City of Searcy shall perform all of the duties prescribed by the laws of this State and Ordinances of the City of Searcy. He shall continue in office until his successor is elected and qualified; he shall receive as compensation the same emoluments as provided by the Ordinances of the City. (Code 1938, § 13)

Sec. 2-17. Accounts and Reports.

It shall be the duty of the Mayor to keep accurate accounts between this City and all City officers and other persons, and make monthly reports of the standing of each. (Code 1938, § 18)

Sec. 2-18. Office.

The Mayor shall hold his office at the council chamber in this City, and have the control and custody of the corporate seal. (Code 1938, § 58)

Sec. 2-19. Payment of Claims and Disposition of Obsolete Property.

- 1. The Mayor of the City of Searcy, Arkansas, be and he is hereby authorized to approve or disapprove for payment out of funds previously appropriated for that purpose all claims asserted against the City of Searcy for bills, debts or liabilities to the extent that such claims do not exceed the sum of \$5,000.00. To the extent that such claims exceed the sum of \$5,000.00, prior confirmation for such payment shall be secured from the City Council of the City of Searcy, Arkansas.
- 2. The Mayor of the City of Searcy, Arkansas, or his duly authorized representative, may sell or exchange any excess, obsolete or damaged supplies, materials or equipment of the City of Searcy which has a value of less than \$5,000.00. To the extent that the value of any such supplies, materials or equipment exceeds \$5,000.00, competitive bids shall be taken and such sale shall be confirmed by the City Council of the City of Searcy, Arkansas. (Ord. No. 630, § 1 & 2, 9-9-80; Ord. No. 98-28, §1 & 2, 9-8-98).

Secs. 2-20--2-33. Reserved.

ARTICLE III. Committees of City Council

Sec. 2-34. Appointment of.

The Mayor shall appoint all standing committees of the Council. (Code 1938, § 26)

Sec. 2-35. Members.

Each committee shall consist of such members of the City Council as the Mayor shall appoint. (Code 1938, § 27)

Secs. 2-36--2-45. Reserved.

ARTICLE IV. The City Council

Sec. 2-46. City Council Meeting.

- **2-46-1** Regular Meetings. The City Council shall meet in regular session on the second Tuesday of each month at 7:00 p.m. When a holiday occurs on any such Tuesday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Mayor or City Council in special circumstances, but when done so the change must be made far enough in advance to allow normal public notification.
- **2-46-2** <u>Location</u>. The place of the City Council meetings shall be in the City Council Chambers at the Searcy City Hall building unless another place has been previously set by the Mayor or City Council.
- **2-46-3** Special Meetings. Special meetings may be called by three or more Aldermen, or by the Mayor. The agenda for special or called meetings shall be available to the City Council and news media as far ahead of the meeting as is practical. By law a minimum of two (2) hours notice must be given of a special called meeting and the agenda shall be set at least that far ahead of time. Every effort should be made to provide at least two days advance notice of a special or called meeting or the maximum time as is practical. Such notification shall be made by personal service to each member or by telephone, specifying time and place of the meeting.
- **2-46-4** Executive Session. An executive session may be convened on the request of any member of the City Council or the Mayor. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee. All executive sessions shall be conducted pursuant to the Arkansas Freedom of Information Act, (the "FOIA") as may be amended from time to time.
- **2-46-5** <u>Notice of Meetings</u>. Notice of any meeting conducted by the City of Searcy and subject to the notice of public meetings requirements of the FOIA, as may be amended

from time to time, shall in addition to the notice to be given to the public in general, be afforded to each member of the City Council. For the purposes hereof, notice may be given telephonically or via electronic mail communication to those numbers or electronic mail addresses reasonably available to the City of Searcy. Notice shall be sufficient hereunder in the event that such notice shall be given within the time required by the FOIA. Nothing herein shall serve to impair or void any action taken at any such meeting in absence of proper notice.

2-46-6 Quorum. A majority of the City Council shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those elected, providing a quorum is present, shall represent the acts of the City Council except where otherwise provided by law. The Mayor may vote to form a quorum at a regular meeting.

2-46-7 Public Notification and Participation.

The City will take steps to inform the public of the items to be considered by the City Council. Unless other notice is required by law, the City will publish notice of meetings in a newspaper with general circulation in the City of Searcy and provide special notice to citizens who have shown a direct interest in matters to be in consideration. The agenda for meetings of the Searcy City Council will be available on the city website, and agenda copies available at City Council meetings.

- 2-46-8 Public Comment. Citizens may request to speak during the Agenda Meeting of the Searcy City Council by signing in during the fifteen minute period prior to the beginning of the Agenda Meeting. A sheet will be placed on the podium in the City Council Chambers for this purpose. The sheet will contain a place for name, address and matter of business. Persons recognized by the Presiding Officer are requested to approach the lectern, provide their name and address for the record, and comment about the subject matter they have indicated. Each presentation shall be limited to five (5) minutes unless additional time is authorized by a majority of the Searcy City Council. The City Clerk shall be designated as the official time keeper for the purpose of citizen comment. All remarks shall be addressed to the City Council as a whole and not to any particular member of the City Council. Repetitive comments should be avoided. If there is a group attending interested in the same subject, comments should be limited to one spokesperson for the group, if possible. The Presiding Officer shall have the right to limit such discussion. All members of the public are requested to afford the utmost courtesy to members of the City Council, to other members of the public appearing before the City Council and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- **2-46-9 Smoking Prohibited.** There will be no smoking allowed in the Council Chambers, any committee meeting room, or in City Hall Building.

2-46-10 Cell Phones and Pagers.

With the exception of on-duty emergency services personnel, cell phones and pagers must be turned off or put in silent mode and not used within the Council chambers or committee meeting rooms during meetings.

2-47 Duties and Privileges of Aldermen at City Council Meetings.

2-47-1 Seating. Members shall occupy the respective seats in the Council Chambers assigned by the Mayor. The Presiding Officer (Mayor or designee) shall be seated in the center of the Council members table.

2-47-2 Conduct.

- **2-47-2.1** During City Council meetings, Aldermen shall preserve order and decorum and shall neither by conversation nor by otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Presiding Officer or the rules of the City Council.
- **2-47-2.2** Every member of the City Council desiring to speak shall address the chair and, upon recognition by the Presiding Officer shall confine herself or himself to the questions under debate and shall avoid all personalities and indecorous language.
- **2-47-2.3** A City Council member once recognized shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.
- **2-47-2.4** If a member is called to order while that member is speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be not in order, that member shall remain silent or shall alter that member's remark so as to comply with the rules of the City Council.
- **2-47-2.5** All members of the City Council shall afford the utmost courtesy to each other, to city employees, and to members of the public appearing before the City council, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- **2-47-2.6** City Council members shall confine their questions as to the particular matters before the City Council and in debate shall confine their remarks to the issues before the City Council.

2-48 Personal Interest. No member of the City Council with a direct or indirect financial or personal interest in any item before the City Council shall participate in the discussion of or voting on such matter.

2-49 Voting

- **2-49-1** Manner of Vote. Every member present when a question is put to a vote shall vote either "Yes" or "No", or a member may abstain from voting. An abstention shall have the effect of a vote of "No". The Aldermen will vote at City Council meetings in the order of their seating arrangement.
- **2-49-2 Roll Call.** Upon every vote the affirmative and negative votes shall be recorded on every motion, resolution and ordinance.
- **2-50 Presiding Officer.** The Mayor shall serve as the Presiding Officer at all meetings of the City Council. In lieu of unavoidable absence, the Mayor shall designate a Presiding Officer. If a City Council member is designated as Presiding Officer, the designee may move, second, and debate from the chair and shall not be deprived of the rights and privileges of being a member of the City Council by reason of her or his acting as the Presiding Officer.

2-51 Procedures and Parliamentary Rules

- **2-51-1** Order of Business The City Council's agenda order shall be coordinated by the Mayor. All items for discussion or action at the regular council meeting shall generally be organized under the following headings:
 - a. Call to Order
 - b. Invocation & Pledge
 - c. Roll Call
 - d. Approval of Minutes of Previous Meeting
 - e. Treasurer's Report
 - f. Special Presentations
 - g. Business
 - h. Announcements
 - i. Adjournment

The Mayor may delegate collection, initial organization, and distribution of the final draft of an agenda to the City Clerk; however, the Mayor shall maintain responsibility for and control of the agenda. At the regular meeting of the Council, the City Council, by majority vote, may rearrange the order of the agenda and make additions to or deletions from agenda by a vote of $\frac{2}{3}$ of all members of the City Council to make this modification.

2-51-2 Agenda Items.

The deadline for agenda items shall be close of business on Tuesday (day of meeting) preceding each City Council meeting. Searcy citizens wishing to address the City Council regarding any issue unrelated to published agenda items will follow the procedure established herein:

- a. Step 1 D is cuss their concerns or situation with the Mayor or the Mayor's designee.
- b. Step 2 If the Mayor is unable to rectify the situation or satisfy the concerns of the citizen, the Mayor will refer the issue to the appropriate City Council member or committee.
- c. Step 3 If the committee is unable to rectify the situation or satisfy the concerns of the citizen, the citizen is to request in writing, to the Mayor, to be placed on the agenda of the next regularly scheduled meeting of the City Council.
- **2-51-2.1** Aldermen are requested to advise citizens of the procedure when they are approached to allow a citizen to address the City Council.
- **2-51-2.2** Any Council member may place any item on the agenda if it is presented to the Mayor and the City Clerk in time for the necessary ordinance or resolution to be provided by the agenda deadline.
- **2-51-2.3** Items which are recommended by a Council Member shall be listed on the agenda and shall be identified on the agenda as recommended by the Council Member or Members.
- **2-51-2.4** The agenda shall be completed by the City Clerk and distributed to the Council members in written form or email by the close of the business day on Thursday the week prior to the regular scheduled City Council Meeting.
- **2-51-2.5** Items not on the regularly scheduled agenda will be scheduled for a future agenda to give the City Council an opportunity to review the matter.

2-51-3 Additions to the Agenda.

Items may be added to the agenda after the agenda has been closed with the approval of the Mayor. In those cases where the Mayor determines that there is a necessity for the benefit of the City, the Mayor shall have an addendum to the agenda prepared by the City Clerk and transmitted to the City Council Members not later than close of business on Monday prior to the City Council meeting. Addendum items should then be approved to be considered by a majority vote of the City Council members.

2-51-4 Agenda or Pre-Council Meeting

In order to hold discussion of agenda items, an agenda/pre-council meeting shall be called for the Thursday prior to the regularly scheduled meeting of the City Council at 5:00 p.m. The meeting will be held in the Council Chambers of the Searcy City Hall Building. All items of business that are to be considered at the next scheduled City Council meeting shall be available for discussion, as well as documentation provided to each Council member and media as requested.

2-51-5 Precedence of Motions

The City Council shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's "Handbook for Arkansas Municipal Officials" or successive publications. In the event the Handbook does not cover the matter, the most recent edition of "Robert's Rules of Order" shall apply. On questions of appeal, a majority of the members of the City Council present is required to overturn a ruling of the chair.

2-51-6 Motions to be Stated by the Chair/Withdrawal.

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. After being stated by the Presiding Officer, a motion may not be withdrawn by the Mover without the consent of the member seconding it and approval of the City Council.

2-51-6 Reconsideration

After the decision of any question, any member of the majority may request a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

- **2-51-7 Readings.** All ordinances shall be read aloud at three different meetings unless the City Council votes to suspend the rules in accordance with Arkansas Code Ann. § 19-24-02, as may be amended from time to time. The following guidelines for waiving the rules are recommended to be followed:
 - a. The first discussion of an issue by the City Council may be conducted following the first reading.
 - b. The Council may waive the rules and go to the second or third reading, whenever deemed appropriate by a two-thirds vote of City Council.
 - c. The reading of an ordinance's title shall constitute a complete second or third reading of the ordinance unless objected to by

a majority of the City Council in which case the ordinance shall be read in its entirety.

2-52 **Rules Governing Motions.**

2-52-1 Order of Precedence. The order of precedence for motions shall be in the manner incorporated in a table annexed to the Code of Ordinances which may be amended from time to time by a vote of ½ of all members of the City Council.

2-53 Code of Ethics.

2-53-1 General. Members of the City Council occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly must be subject to the scrutiny of public opinion both to the legality and to the propriety of such transactions.

2-53-2 City Council/Mayor Cooperation

Efficient management of the city can exist only through mutual understanding and complete cooperation between the City Council and the Mayor. While open communications between the City Council and city personnel is encouraged, it shall be understood that administrative authority for the management of the city rests with the Mayor. Members of the City Council should refrain, as individuals, from giving specific direction or instruction to city personnel pertaining to the discharge of assigned duties.

2-53-3 Conflict of Interest. Aldermen shall refrain from making use of special knowledge or information gained by virtue of their elected office before it is made available to the general public; shall refrain from making or influencing decisions involving business associates, customers, clients, competitors and immediate family members and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of these municipal officers. Nothing herein, however, shall serve to deny Aldermen of the legal rights and privileges available to all Searcy citizens.

2-53-4 Responsibility of All Citizens

Aldermen shall conduct themselves so as to bring credit upon the city as a whole and so as to set an example of good ethical conduct for all citizens of the community. Aldermen shall bear in mind at all times their responsibility to the entire electorate, shall refrain from actions benefitting special interest groups at the expense of the city as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the city without respect to race, creed, color, or the economic or social position of individual citizens.

2-53-5 Statement of Financial Interest.

In an effort allow the public full knowledge of financial and personal interests, Aldermen shall file an annual statement of financial interest as required in Ark. Code Ann. § 21-8-701, as may be amended from time to time.

(Ord. No. 2006-14, § 1, 6-13-2006, Amended by Ord. No. 2010-07, § 1, 3-9-2010)

Sec. 2-54. Conduct of Meetings in Emergency Circumstances.

- 2-54-1. <u>Public Access to Meetings</u>. All meetings of the Searcy City Council or any other board, commission or other body of the City of Searcy (collectively, "Public Meetings") shall be open to the public.
- 2-54-2. Conduct of Meetings Upon Declaration of Emergency. If the Governor of the State of Arkansas declares a disaster emergency under the Arkansas Emergency Services Act of 1973, Ark. Code Ann. § 12-75-101, and following, and as may be amended or replaced from time to time, then Public Meetings may be held through any means that the Mayor may determine to be necessary and advisable under the then-current circumstances and including, without limitation, by: (a) telephone; (b) video conference; or (c) video broadcast.
- 2-54-3. Public Access to Public Meetings In Times of Emergency. In the event that the Mayor shall elect to employ the means to engage in Public Meetings under Sec. 2-53-2 hereof, the Mayor shall provide for access to the Public Meetings by electronic means as may be reasonable under the circumstances.
- 2-54-4. <u>Notice of Meetings</u>. The Mayor or his designee shall provide notice of any Public Meetings to the media and the public as required by law.
- 2-54-5. **Recording of Public Meetings**. The conduct of any Public Meeting shall be recorded, and this recording retained, as may be required by operation of then-current Arkansas law. (Ord. No. 2020-12,§1)

Sec. 2-55.--2-59. Reserved.

[Secs. 2-60 — 2-65 (Ord. No. 333, No. 89-01, No. 93-22) Repealed by Ord. No. 97-28, 8-12-97]

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