

ORDINANCE NO. 2020 - 12

AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES; PROVIDING FOR THE CONDUCT OF MEETINGS IN TIMES OF EMERGENCY; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Searcy, Arkansas, has a need to provide for the conduct of public meetings in times of emergency; and

WHEREAS, the City Council for the City of Searcy, Arkansas, has determined that in light of amendments to Ark. Code Ann. §§ 25-19-101, et seq., and the current global pandemic that an emergency exists and that, absent the adoption of this ordinance and its immediate implementation, the life, health and safety of the citizens of Searcy, Arkansas, may be placed at risk.

WHEREAS, Arkansas Code Annotated, Section 25-19-106, provides for the conduct of public meetings by electronic means.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a section to be numbered Section 2-54, which said section reads as follows:

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

2-54-1. Public Access to Meetings. 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. Notice of Meetings. 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.”

Section 2. All ordinances, resolutions or other actions adopted by the City of Searcy in conflict with the provisions of this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Emergency Clause. The City Council finds that in light of the need to provide for the public peace, health, safety and welfare, that an emergency exists and that this ordinance shall be in full force and effect immediately upon its passage.

PASSED AND ADOPTED this 12th day of May, 2020.

/s/ Kyle Osborne
Mayor of Searcy

ATTEST:

/s/ Jerry Morris
City Clerk