

**ORDINANCE NO. 20-823**

**CITY OF GENTRY, ARKANSAS**

**AN ORDINANCE ALLOWING FOR VIRTUAL ATTENDANCE AT COUNCIL MEETINGS DURING TIMES OF EMERGENCY; AUTHORIZING THE PLANNING COMMISSION TO PERMIT REMOTE PARTICIPATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the world is dealing with a pandemic in the form of the novel coronavirus known as COVID-19;

WHEREAS, federal and state authorities have declared an emergency, implemented various restrictions on commerce and social gatherings, and have encouraged the public to limit in-person interaction in an attempt to slow the spread of the coronavirus;

WHEREAS, Arkansas Code Annotated § 25-19-106(a) provides that, subject to certain exceptions, “all meetings . . . of the governing bodies of all municipalities . . . shall be public meetings”;

WHEREAS, Arkansas Code Annotated § 14-43-501(a)(2)(C) authorizes the governing body of a city of the first class to “determine the rules of its proceedings . . .”; and

WHEREAS, the City of Gentry, a city of the first class, recognizing that physical presence is generally the preferred method of participation at council meetings, desires to provide a way for the mayor, councilmembers, and citizens to participate in council meetings remotely, while still abiding by the provisions of the Freedom of Information Act of 1967;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gentry, Arkansas:

Section 1: During times of emergency, as declared by the Governor of the State of Arkansas, the Benton County Judge, or the Mayor of Gentry, one or more members of the Gentry City Council and/or the Mayor (or the presiding officer in the absence of the Mayor) who desire to participate remotely (collectively, the “remote participants”) may participate in City Council meetings via telephone, video, or other live connection, so long as reasonable provision is made for the public to hear the remote participants and so long as any participation in the meeting by the public can be heard by all councilmembers.

Section 2: Remote participants shall be deemed to be present at the meeting for all purposes, including for determining a quorum and voting, and shall have the same right to participate in any matter, including any executive session, as if physically present.

Section 3: Absent extenuating circumstances, remote participants shall notify the Mayor of their election to participate remotely no later than the Thursday before a regularly scheduled council meeting, and as soon as reasonably possible before any special council meeting. Reasonable efforts shall be made to make available to any remote participant the agenda and all pertinent materials that are to be discussed and/or acted upon.

Section: 4: If the Mayor of Gentry declares the emergency that triggers the application of these remote participation rules, the City Council may, by majority vote at the next meeting of the Council, decline to permit remote participation as contemplated herein.

Section: 5: The Gentry Planning Commission is also authorized to provide for remote participation by Commissioners during times of emergency, as defined in Section 1 of this Ordinance.

Section 6: In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

Section 7. All ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: Emergency. In light of the current public health crisis and the recommendations and directives of state and federal authorities, the Council finds that this Ordinance is necessary for the immediate protection of the public peace, health and safety of the citizens of the City of Gentry, Arkansas, and shall take effect immediately on its passage and approval.

PASSED and APPROVED in regular session this 6th day of April, 2020.

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Kevin Johnston, Mayor

ATTEST:

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Tonya Carney, Director of Finance