

EMERGENCY ORDINANCE NO. 2023 - 1

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF MILLER, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE ESTABLISHING THE RULES OF PROCEDURE OF
THE MILLER COUNTY QUORUM COURT.**

BE IT ORDAINED BY THE QUORUM COURT OF MILLER COUNTY:

Section 1. Rules of Procedure.

In the absence of specific rules of procedure, as set in this Procedural Ordinance, the rules of procedure for transacting business at all regular and special sessions of the Quorum Court and all committee meetings shall be Robert's Rules of Order, Newly Revised, except where they are in conflict with the general laws of the State of Arkansas. The Quorum Court may, at any regular meeting, revise or modify these rules or adopt new rules by a majority vote of the full membership.

State law references: Authority of Quorum Court to determine its own rules, A.C.A. § 14-14-904(e).

(a) *Modifications:*

1. Upon call for vote for passage of any ordinance or resolution, the County Clerk shall call roll in numerical order beginning with District One and record each vote. Each subsequent vote shall be called starting with the next district in numeral order.

2. A unanimous do pass recommendation from any committee shall serve as a second upon a motion for passage.

Section 2. Secretariat Designated.

The County Clerk shall serve as secretariat to the Quorum Court and shall perform all administrative and recordkeeping duties of secretariat of the Quorum Court. If the County Clerk is unable to attend a regular, special or committee meeting of the Quorum Court, he/she shall select a Deputy County Clerk to attend such meeting and shall perform the duties of the County Clerk at such meeting. Compensation will be minimum of 2 hours.

State law references: Secretariat, A.C.A. § 14-14-902(a).

Section 3. Counsel Designated.

The Prosecuting Attorney shall serve as legal counsel to the Quorum Court and shall perform all duties as may be required by the Quorum Court. If the Prosecuting Attorney is unable to attend a meeting of the Quorum Court, he/she shall select a Deputy Prosecuting Attorney to attend such meeting and shall perform the duties of legal counsel at such meeting.

State law references: Counsel, A.C.A. § 14-14-902(b).

Section 4. Regular Meetings.

The regular monthly meeting of the Quorum Court shall be held at 6:00 p.m. on the second Monday of each month at the Miller County Courthouse. When a regular meeting of the Quorum Court falls on a recognized county holiday, the meeting shall be held at the same time and place on the next day for which county government offices are open for business.

State law references: Authority to establish regular meeting times and places, A.C.A. § 14-14-904(a).

Section 5. Special Meetings.

(a) The County Judge or a majority of the elected Justices of the Peace may call special meetings upon at least 24 hours' notice. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting. Only such business as was included in the notice may be considered.

(b) Notice of a special meeting given at any regular or special meeting of the Quorum Court shall constitute due notice to the members present. The County Clerk shall be responsible for giving timely notice to absent members, as well as giving public notice, containing the information specified in subsection (a) of this section.

(c) Notice of a special meeting of the Quorum Court called by the County Judge at other than a meeting of the Quorum Court shall be accomplished by the County Judge notifying the County Clerk, in writing, if time permits, who shall be responsible for notifying each Justice of the Peace individually, in writing if time permits, and giving due public notice, containing information specified in subsection (a) of this section.

(d) Notice of a special meeting of the Quorum Court, called by a majority of the Justices of the Peace, shall be accomplished by one member of the majority notifying the County Clerk, in writing if time permits, who shall be responsible for notifying each Justice of the Peace individually, in writing if time permits, and giving due public notice, containing information specified in subsection (a) of this section.

(e) In order to protect the rights and interests of all county officials concerned and the general public, it is the intent of the Quorum Court that notice of a call for a special meeting shall be given as far in advance as possible, consistent with the nature and immediacy of the purpose of the special meeting. The minimum 24-hour notice should therefore be resorted to only under extreme and unusual circumstances.

State law references: Authority to establish procedure for calling of special meetings, A.C.A. § 14-14-904(c).

Section 6. Public Notification of Meetings

In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notification required by the Arkansas Freedom of Information Act (A.C.A. § 25-19-101 et seq.) of regular, special and committee meetings of the Quorum Court. The County Judge or his/her staff shall give the County Clerk notice of meetings in sufficient time for compliance with public notification of such meetings as required by state law.

State law references: Freedom of Information Act, A.C.A. § 25-19-101 et seq.

Section 7. Committees.

(a) Definitions.

(1) Wherever the term "standing committee" is used in this section, it shall mean a committee of the quorum court, constituted to perform in a continuing function, intended to remain in existence.

(2) Wherever the term "special committee" is used, it shall mean a committee of the quorum court constituted to complete a specified assignment to be dismissed upon completion of this task.

(3) Wherever the term "committee" or "committees" is used, it shall mean both standing and special committees of the quorum court. All committees shall be established by the County Judge and populated with an odd number of members.

(b) *Appointments.* In accordance with A.C.A. § 14-14-904 or other state law, the County Judge shall appoint all standing and special committees of the Quorum Court. The County Judge may consider seniority as a means of selecting committee members.

(c) *Term.* The length of membership for each committee member shall coincide with the Justice's term of office.

(d) *Chairperson.* Committee chairpersons shall be appointed by the County Judge. The term of office of chairperson shall be one year, but a chairperson may be selected to serve successive terms. The County Judge shall also appoint a vice chairperson to preside in the absence of the chairperson. Vice Chairpersons shall serve in the same manner as the chairperson.

(e) *Calling of meetings.* Committees shall meet at the call of the chairperson, or any two committee members.

(f) *Scheduling of meetings.* Committees shall make every effort to coordinate scheduling of meetings in order to allow attendance by any interested individual at any committee meeting. Committee meetings shall be coordinated through the administrative staff of the County Judge's office. The County Judge shall notify the County Clerk of all committee meetings. The County Clerk shall notify all Quorum Court members of any meeting.

(g) *Nature of meetings; notice.* All committee meetings shall be open and public. Representatives of the media shall be given at least two hours' notice of all committee meetings.

(h) *Reports.* Each committee shall report its progress, findings, and recommendations to the quorum court during regular or special meetings.

(i) *Overlapping issues.* If an issue, problem, or program is referred to a committee, which is deemed to be overlapping with another committee's responsibility, both committees shall be entitled to report findings and recommendations.

(j) *Minutes.* Each committee shall require written minutes of the actions taken in such meeting. Copies of committee meeting minutes shall be sent to the County Clerk to be included in Quorum Court meeting packets. A.C.A. § 14-14-109

(k) *Appointment of additional committees.* The County Judge, in accordance with A.C.A. § 14-14-703 or other state law, may appoint other standing and special committees, which shall function in accordance with the procedures as set forth in this section.

Section 8. Agenda

- (a) It shall be the responsibility of the secretariat of the Quorum Court to prepare and distribute the agenda of the Quorum Court to its members and other interested citizens. The name of the sponsor of each agenda item will be attached to the ordinance or resolution before it is placed on the agenda.
- (b) The agenda will close at 12:00 p.m. on the Wednesday preceding the next Monday's meeting and will be available at 4:00 p.m. the following day (Thursday), unless otherwise specified by the County Judge.
- (c) Notwithstanding the foregoing sections of this Ordinance, the Quorum Court may, by a majority vote of the members present, elect to place any matter before the Quorum Court for consideration at that meeting.
- (d) No matter may be placed on the agenda for presentation to the Quorum Court by anyone other than a Quorum Court member
- (e) The agenda shall be prepared by the office of the County Clerk according to the following format:

- (a) Call to Order
- (b) Prayer and Pledge
- (c) Approval of Consent Agenda
- (d) Approval of Agenda
- (e) Report of Constitutional Officers
- (f) Committee Reports
- (g) Comments from the Public
- (h) Old Business
- (i) New Business
- (j) Announcements
- (k) Adjournment

Section 9. Public Participation.

- (a) The Quorum Court will not only comply with the letter of state law but with the spirit of state law, the Constitution of the United States of America and the principles on which this great nation was founded.
- (b) The Quorum Court recognizes that the laws regarding public participation are the same for special and committee meetings as they are for regular meetings.
- (c) The Quorum Court will never intentionally call a regular, special or committee meeting with the intention or result of denying or unfairly limiting public participation, but rather always will encourage the citizens of this county to take an active part in their government.
- (d) At the beginning of each Quorum Court meeting there shall be a period during which citizens may comment on any agenda issue that is relevant to the Quorum Court meeting. Each citizen must sign in to be recognized and no individual may speak longer than three (3) minutes.
- (e) Additional time may be added to any of the public comment periods by a majority vote of the Quorum Court or committee holding the meeting.

(f) In instances where there is extensive public interest and the need to allow for substantial public comment, the Quorum Court may call for a public hearing before the appropriate committee of the Quorum Court.

State law references: Participation by citizens in meetings, A.C.A. § 14-14-109.

Section 10. Compensation

Justices of the Peace serving as Quorum Court members shall receive per diem compensation in the sum of four hundred fifteen dollars (\$415.00) for attending the regular meeting of the Quorum Court. There will be no compensation for attendance or expense for any special or committee meeting of the Quorum Court.

Section 11. Severability Clause

In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 12. Emergency Clause

An emergency is hereby declared to exist for the continuance of the operation of county governance and this ordinance necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage.

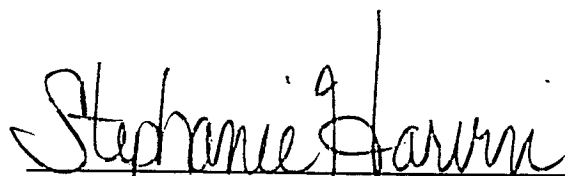
Dated this 2nd day of January 2023.


Cathy H. Harrison, Miller County Judge

FILED

JAN 06 2023

MILLER COUNTY CLERK
 D.C.


Stephanie Harvin, Miller County Clerk

This publication was paid for by the Quorum Court of Miller County, Arkansas in the amount of \$_____.