

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING MEETING PROTOCOL FOR THE CITY OF BRYANT DURING TIMES OF NATIONAL OR STATEWIDE EMERGENCY

WHEREAS, because of health concerns regarding the COVID-19 virus, and following a declaration of national and state emergency due to the same, limits to the number of persons physically present in public groups have been put in place by the Governor of Arkansas; and

WHEREAS, due to these state mandated changes in a time of pandemic emergency, protocol must be established for holding public meetings in the City of Bryant, in order to conduct business while safely utilizing all means possible to adhere to the Arkansas Freedom of Information Act (FOIA); and

WHEREAS, the state legislature passed House Bill 1082 which temporarily amends Arkansas Code Annotated 25-19-106 concerning open public meetings under the Freedom of Information Act of 1967 to allow for meeting via electronic means; and

WHEREAS, declaration of a pandemic constitutes an emergency, which shall invoke the Mayor or his/her designee to declare a state of local emergency and thereby establish a policy for modified conduct of all of its public meetings, including electronic participation and changes to physical presence requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, THAT THE FOLLOWING PROTOCOL BE FOLLOWED IN HOLDING COUNCIL, COMMISSION, OR ANY OTHER PUBLIC MEETING AS REQUIRED BY FOIA FOR GOVERNING BODIES OF ARKANSAS MUNICIPALITIES:

Section 1: Rules and Order of Business:

The Council of the City of Bryant will follow its procedural rules adopted annually and all established commissions will follow adopted bylaws, and proper advance notification to the media will be performed as required by FOIA law.

“Electronic Means” shall be defined as by a telephone, cell phone, electronic tablet, computer or other electronic device which allows video call or chat and that provides evidence of the communication and is recordable and audible to all parties participating in and attending or viewing the meeting.

Section 2: Physical Presence at Meetings Requirement

- (A) The Mayor, City Clerk, City Attorney, and Commission Chair, if applicable and possible, will be physically present at the place where the meeting is being held.

- (B) Council and Commission Members shall be entitled to participate in the meeting via electronic means, including discussion, debating and voting, as if they were physically present at the meeting, provided that the electronic means that they are communicating by is audible and recordable.

Section 3: Public Participation

- (A) During times of declared public pandemic emergency, all public meetings will be conducted with a city administered virtual web conferencing application. When possible, all such public meetings will also be aired via a public website such as “Youtube live” or “Facebook live” as a means of allowing public access viewing of its meetings. The public website that will be used will be advertised in each meeting notice to the public.
- (B) To ensure protection and social distancing, the City encourages the public to watch these live-streamed internet broadcasts on an electronic device, rather than physically attending, as protective measures remain in place with the closure of the City facilities, preventing public access.
- (C) All City of Bryant public meetings shall be recorded via audio and/or video, as mandated A.C.A. 25-19-106 and will be available for public viewing, listening and access by the custodian of records.

Section 4: Effective Date and Expiration

This Resolution shall take effect immediately and shall expire the earliest of when the state of emergency is declared to have ended or December 31, 2020

PASSED BY A MAJORITY OF THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS ON THIS _____ DAY OF APRIL, 2020.

Mayor

ATTEST:

City Clerk