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**CERTIFICATE OF RECORD
FAULKNER CO, AR FEE \$25.00**

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CRYSTAL TAYLOR

CIRCUIT CLERK

BY: NICOLE SPILLER, D.C.

ORDINANCE

3 Pages

**City of Conway, Arkansas
Ordinance No. O-19-35**

AN ORDINANCE PROVIDING FOR THE REMOVAL FROM OFFICE OF MEMBERS OF BOARDS, COMMISSIONS and COMMITTEES FOR GOOD CAUSE OF SAID BOARDS, COMMISSIONS AND COMMITTEES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the attendance by members of the boards/commissions/committees of the City of Conway is vital for proper administration of government functions; and

Whereas, there is no effective procedure for removing members of City boards/commissions/committees for failure to attend meetings or for other good cause; and

Whereas, it is necessary and indispensable that members of the City boards/commissions/committees be in attendance at the meetings of said boards/commissions/committees; and

Whereas, it is equally as important that members of boards/commissions/committees conduct themselves with professionalism and integrity at all times as to live up to the confidence placed in them by the City of Conway and the Conway City Council in appointing them to their respective positions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: The City of Conway will require members of boards/commissions/committees of the City of Conway be in attendance if possible at all meetings of said boards/commissions/committees.

Section 2: That inherent in the appointment to a board/commission/committee there is an expectation that the appointee will conduct themselves in a professional, honorable manner at all times so as not to impugn the integrity of the City Council who appointed them to the position they hold.

Section 3: That a member may be removed from service for Good Cause after notice and hearing.

Section 4: As used in this section "Good Cause" shall include, but not be limited to:

- (a) Chronic discourteous behavior to other board/commission/committee members, staff or the general public;
- (b) Conduct constituting a criminal offense;
- (c) Gross dereliction of duty;
- (d) Gross abuse of authority; or
- (e) Three (3) absences within any 12 month period.

Section 5: That the chairperson of each board/commission/committee of the City of Conway shall maintain attendance records on all members of his or her respective board/commission/committee, and upon any member having three (3) absences within any 12 month period, then the chairman shall set the issue of removal for a hearing on a regularly scheduled meeting of the board/commission/committee.

Section 6: That it shall be the responsibility of all members of the board/commission/committee to notify the chairperson or Mayor if they become aware of information that would be Good Cause grounds for removal of any member. Any member of the board/commission/committee may request a hearing for the removal of another member if they have a good faith belief Good Cause exists. The requesting member may make a motion for

a hearing for removal during a meeting of the board/commission/committee. The motion will require a majority vote to set the hearing.

Section 7: Concurrently with the hearing being schedule but in no event less than ten (10) days prior to the proposed hearing date, notice shall be sent to the board/commission/committee member who is the subject of the removal hearing.

The notice to the member shall include:

- i. The dates of the absences and/or other reasons or facts supporting Good Cause;
- ii. Inform the member of the date of the hearing;
- iii. Explain the process of the hearing including the member will have an opportunity to be heard and present evidence as to why they should not be removed from their position or refute the evidence presented against them;
- iii. Inform the member they have the option to waive a hearing by providing a written resignation at any time before the scheduled hearing.

Section 8: After a hearing, the board/commission/committee shall hold a vote. A two-thirds (2/3) vote of the remaining members in attendance at the hearing will be required for removal. If the vote for removal fails, the member cannot be brought to a hearing for removal again for the same set of circumstances and/or conduct.

Section 9: If the hearing results in removal, the former member can appeal the decision of the board/commission/committee to the Conway City Council within ten (10) days after the vote of removal. The appeal must be in writing addressed and delivered to the Mayor requesting to be placed on the Conway City Council agenda as soon as practical, but in no event later than 45 days. It must also state the reasons they should be reinstated to their former position. The Mayor will notify the chairperson of the board/commission/committee of the appeal and the date of the hearing in front of the Conway City Council.

The chairperson or the board/commission/committee's designated representative(s) will submit a written statement, which address the reason(s) for removal along with any supporting documentation, if any. The chairperson and one representative from the board/commission/committee will attend the hearing before the City Council.

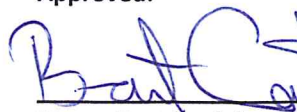
Section 10: It will take a two-thirds (2/3) vote of the City Council to reinstate the former member.

Section 11: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of that conflict.


Section 12: That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication.

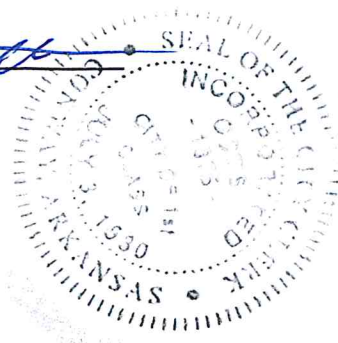
Passed this 12th day of March, 2019.

Approved:


Mayor Bart Castleberry

Attest:


Michael O. Garrett
City Clerk/Treasurer



CERTIFICATE

**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 12th day of March, 2019 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 15th day of March, 2019.


CITY CLERK-TREASURER

