

Legistar ID No.:

AGENDA REQUEST FORM

FOR: Council Meeting of April 21, 2020

FROM: Council Member Kyle Smith

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND ORDINANCE NO. 6292 WHICH GRANTED THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE

APPROVED FOR AGENDA:

Approved per email

Council Member Kyle Smith



City Attorney Kit Williams

April 20, 2020

Date

April 20, 2020

Date

Williams, Kit

From: Kyle Smith <citycouncil@kyle4fay.org>
Sent: Monday, April 20, 2020 11:21 AM
To: Williams, Kit
Cc: Norton, Susan; Batker, Jodi
Subject: Re: Mayor's Policies and Orders
Attachments: image001.png

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Perfect. Thank you for your edits And clarification on the policy vs. order issue. I also like the inclusion of approving all the prior issues at once.

On Mon, Apr 20, 2020, 11:18 AM Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Kyle,

Thanks for approving your proposed ordinance with several minor changes and the memo explaining what you are proposing. We will enter this into Legistar with your approving email as authority so you will not need to come in and sign the Ordinance Request form.

Kit

From: Kyle Smith <citycouncil@kyle4fay.org>
Sent: Monday, April 20, 2020 7:28 AM
To: Norton, Susan <snorton@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Re: Mayor's Policies and Orders

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Just following up on Friday morning's ordinance amendment email. I know the City Attorney's office has a lot on its plate. I heard back from Susan but just want to make sure Kit saw it. If it requires a walk-on agenda sheet, I'm free to come by and sign (mask and wet wipes, of course) anytime so it can be distributed to council members in advance.

My thanks to everyone for your help and feedback!



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton, Chief of Staff**

FROM: **Kit Williams, City Attorney**

DATE: **April 20, 2020**

RE: **Council Member Kyle Smith's walk-on proposed Ordinance for City Council review and approval of Mayoral Policies issued pursuant to Ordinance No. 6292**

Council Member Kyle Smith has proposed an Ordinance to require City Council review of all Policies issued by Mayor Jordan pursuant to your grant of temporary extraordinary powers in Ordinance No. 6292. Although Kyle had included "Orders" in this review process, the only two "Orders" issued by Mayor Jordan concerned the Civil Service Commission's Rules and Regulations which are not within the City Council's powers. Thus, the Mayor used his statutory powers pursuant to A.C.A. §12-75-108(3) for these Orders. It would be beyond the City Council powers to attempt to approve or reject these Orders, and so I have not included "Orders" in this proposed Ordinance.

It is certainly within the City Council's powers to review Mayoral Policies based solely upon the temporary extraordinary powers you granted to Mayor Jordan. Kyle's proposed Ordinance would give the Council such review authority to approve or reject any such Mayoral policy.

Attached are the Mayoral Policies still currently effective (until April 29, 2020) and issued pursuant to Ordinance No. 6292 that can be approved or rejected through Kyle's proposed Ordinance amending Ordinance No. 6292.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 6292 WHICH GRANTED THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE

WHEREAS, the City Council passed Ordinance No. 6292 on March 16, 2020, granting Mayor Lioneld Jordan temporary extraordinary powers to protect the public health and safety at a time when social distancing recommendations made uncertain our ability to conduct regular City Council business safely; and

WHEREAS, Mayor Jordan's swift and firm actions pursuant to Ordinance No. 6292 have set the standard for good practice in communities across the state; and

WHEREAS, Mayor Jordan issued Policy #4 pursuant to Ordinance No. 6292 establishing procedures for virtual meetings that have allowed the City Council to continue its legislative function without interruption; and

WHEREAS, the Covid-19 public health situation may necessitate the City Council's renewal of our confidence in Mayor Jordan's ability to respond quickly to changing circumstances over a protracted periods by extending the effective date of Ordinance No. 6292, but the City Council should continue to exercise its legislative role reviewing these policies.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Ordinance No. 6292 by adding the following subsections:

(5) All policies issued by Mayor Jordan pursuant to the powers granted by this Ordinance shall be immediately effective with prompt notification of the City Council, public and press.

(6) During the first City Council Meeting following the issuance of any new Mayoral Policy, the first order of New Business shall be a Resolution to approve or reject any or all Mayoral Policies not previously approved by the City Council. Any rejected Policy shall immediately be rendered ineffective and unenforceable.

(7) All Mayoral Policies issued pursuant to this Ordinance are terminated and made ineffective upon the ineffective date or repeal of Ordinance No. 6292 as amended.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the following Mayoral Policies issued pursuant to Ordinance No. 6292 and which are currently effective:

- (a) **Amended Policy #1** (limiting bars and restaurants to takeout, curbside or delivery, and suspending any regulations preventing restaurants from acting like grocery stores)
- (b) **Policy #2** (limiting funeral home's indoor services to family members)
- (c) **Policy #3** (limiting attendance in theaters, auditoriums, etc. and requiring social distancing)
- (d) **Policy #4** (allowing virtual City Council and Planning Commission meetings)
- (e) **Policy #5** (requiring social distancing in parks and suspending the expanded polystyrene foam single-use product ban until July 1, 2020)

Section 3. Emergency Clause

The Fayetteville City Council recognizes that Fayetteville and its citizens are under dire threat from the Covid-19 Pandemic and that our citizens' health and safety require that this ordinance granting the Mayors extraordinary temporary powers to protect our citizens constitutes an emergency such that this Ordinance must and will go into full force and effect immediately upon its passage and approval.

PASSED and **APPROVED** this 21st day of April, 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer