

**Mick Wagner**  
**409 Penzo**  
**Tontitown, AR 72762**  
**9/16/2025**

**To:**

Members of the Tontitown City Council  
City of Tontitown  
235 E. Henri de Tonti Blvd.  
Tontitown, AR 72770

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**Re: Unauthorized Payments to City Attorney – Demand for Council Action**

Dear Members of the Tontitown City Council:

I write as a taxpayer and citizen of Tontitown regarding serious concerns with the payments being made to the City Attorney under the **Letter of Engagement (LOE) dated January 29, 2025**.

**1. Lack of Council Authorization**

- Arkansas law requires that the compensation of the City Attorney be set by ordinance of the City Council (see **A.C.A. § 14-43-313**).
- To date, there has been **no ordinance or resolution** adopted by the City Council approving the LOE or its terms.

**2. Failure to Perform Contractual Obligations**

- The LOE specifies that the City Attorney is to attend **two regular monthly council meetings** for a monthly retainer of **\$4,500**.
- From **January 1, 2025, through July 31, 2025**, the City Attorney attended only approximately **50% of the regular council meetings**, failing to fulfill the agreed scope of services.

**3. Improper Expenditure of Public Funds**

- Payments made under an unauthorized or unperformed agreement may constitute an **illegal exaction** under **Article 16, § 13 of the Arkansas Constitution**, which gives taxpayers the right to challenge unlawful expenditures of public funds in court.
- Continuing to make such payments without council authorization or adequate performance exposes the City to significant liability.

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**Demand for Action**

I respectfully demand that the City Council:

- (1) Immediately review and vote on the City Attorney's engagement agreement by ordinance or resolution, as required by law;
  - (2) Investigate and publicly account for payments already made under the LOE;
  - (3) Suspend further payments until proper council authorization and performance compliance are established.
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### **Notice of Further Remedies**

If no corrective action is taken within **30 days**, I reserve the right, as do all taxpayers under **Article 16, § 13 of the Arkansas Constitution**, to pursue an **illegal exaction lawsuit** in Washington County Circuit Court. I also intend to file a formal complaint with the **Arkansas Division of Legislative Audit** to review this matter and refer it to the Prosecuting Attorney if warranted.

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I urge the Council to act swiftly to protect taxpayer funds and restore accountability in city governance.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mick Wagner". The signature is written in a cursive, flowing style.

**Mick Wagner**

**Tontitown Taxpayer & Citizen**