

CITY OF TONTITOWN, ARKANSAS

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION 2015-01-505R, RESTATING THE CITY COUNCIL'S STATUTORY AUTHORITY OVER THE CITY ATTORNEY, AND ADOPTING A LEGAL-CONTACT POLICY FOR CITY EMPLOYEES

WHEREAS:

Arkansas Code Annotated § 14-42-112 provides that the City Council of a mayor–council municipality shall appoint the City Attorney and shall fix the City Attorney's compensation; and

WHEREAS:

The Tontitown City Council, through Resolution 2018-12-822R, last appointed legal counsel for the City and approved the accompanying attorney engagement letter; and

WHEREAS:

On January 6, 2015, the City adopted Resolution 2015-01-505R, which purported to authorize only the Mayor to contact the City Attorney and restricted City Council members, staff, consultants, and citizens from communicating with legal counsel without mayoral permission; and

WHEREAS:

A municipal resolution may not restrict or modify the statutory powers of the City Council or its members to perform legislative duties under A.C.A. § 14-43-502, nor may it impair the Council's authority over the appointment and supervision of the City Attorney; and

WHEREAS:

The restriction on City Council members contained in Resolution 2015-01-505R is contrary to Arkansas law and is therefore void and without effect as applied to elected members of the City Council; and

WHEREAS:

The City may lawfully regulate employee communication with legal counsel under the Mayor's administrative authority provided in A.C.A. § 14-43-504(a); and

WHEREAS:

The City Council finds it necessary to formally repeal the invalid portions of Resolution 2015-01-505R and to adopt a clear legal-contact policy applicable to municipal employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

SECTION 1. Repeal of Resolution 2015-01-505R

Resolution 2015-01-505R is hereby repealed in its entirety as it pertains to the City Council and the City Attorney.

The restrictions imposed upon City Council communications with the City Attorney are declared void and of no effect.

SECTION 2. Reaffirmation of Council Authority Over the City Attorney

The City Council hereby reaffirms:

1. That under A.C.A. § 14-42-112, the City Council alone shall appoint the City Attorney and shall fix all compensation for legal services;
2. That no contract for legal services shall be valid unless approved by vote of the Council; and
3. That the Mayor shall not execute, amend, or extend any attorney engagement letter or contract without prior Council approval.

SECTION 3. Employee Legal-Contact Policy Adopted

The following legal-contact policy is hereby adopted as the official policy of the City of Tontitown:

City employees, department heads, contractors, consultants, and engineering personnel shall not contact or request legal services directly from the City Attorney.

Routing of Employee Legal Requests.

All requests for legal services by any City employee or department head shall be routed as follows:

A. Administrative Matters

Requests relating to administrative operations, personnel matters, departmental authority, HR issues, code enforcement, or day-to-day municipal operations shall be routed through the Mayor.

B. Legislative or Policy Matters

Requests relating to ordinances, resolutions, contracts requiring council approval, budget matters, legal interpretation of city code, or matters relating to Council authority shall be routed through the Chairman of City Council or another elected alderman designated by the City Council.

SECTION 4. City Council Access to Legal Counsel

Nothing in this Resolution shall limit, restrict, or interfere with the right of any City Council member to directly request legal advice from the City Attorney regarding matters related to official city business.

SECTION 5. Publication and Effective Date

This Resolution shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 2025.

CITY OF TONTITOWN, ARKANSAS

Mayor

ATTEST:

City Clerk