

**RESOLUTION NO. 2026-\_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**A RESOLUTION REPEALING RESOLUTION 2015-01-505R, ESTABLISHING A CITY ATTORNEY CONTACT POLICY, AND REAFFIRMING THE AUTHORITY OF THE CITY TO SEEK LEGAL ADVICE AND COUNSEL FROM THE CITY ATTORNEY**

**WHEREAS**, Arkansas Code Annotated § 14-43-313 provides that a City Attorney in a city of the first class "shall perform the duties.... as is prescribed by ordinance in each of these cities"; and

**WHEREAS**, on January 6, 2026, the City adopted Resolution 2026-01-1243R and incorporated Legal Services Agreement, which proscribe that the duties of Tyler R. Farrar as the City Attorney "shall [be to] act as legal counsel to the City, Mayor, City Council, and municipal officers in their official capacities on all civil, administrative, municipal, and regulatory matters affecting the City"; and

**WHEREAS**, on January 6, 2015, the City adopted Resolution No. 2015-01-505R, which established a protocol designating the Mayor as the sole city official authorized to contact or communicate with the City Attorney, or attorneys, regarding City business. The Resolution further requires that any other city officials, department managers, engineers, city employees, or citizens submit a written request to the Mayor, who retains discretion to grant or deny such request, before any communication with the City Attorney or attorneys may occur; and

**WHEREAS**, Resolution No. 2015-01-505R is no longer deemed practical, deemed to have any legal effect, or in the best interest of the City of Tontitown; and

**WHEREAS**, the City Council finds it necessary to formally repeal, revoke, and replace Resolution No. 2015-01-505R and to adopt this Resolution to establish a policy authorizing city officials and city employees to contact and communicate with the City Attorney, or attorneys, for the purpose of seeking legal advice or requesting legal services pursuant to the Legal Services Agreement; and

**WHEREAS**, the City Council finds it to be in the best interest of the City to restate and reaffirm its powers as it relates to seeking legal advice and counsel under Arkansas law.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council and the City of Tontitown, as follows:

**Section 1. Repeal of Resolution 2015-01-505R**

Resolution 2015-01-505R is hereby repealed, revoked, and replaced in its entirety by this Resolution. Any restrictions imposed upon the City Council to communicate with the City Attorney, or attorneys, is hereby revoked and abolished.

## **Section 2. City Attorney Contact Policy**

1. **Policy.** It shall be the policy of the City of Tontitown that all city officials are expressly authorized to contact and engage the City Attorney, or attorneys, for the purpose of requesting and obtaining legal advice or legal services on behalf of the City or relating to matters directly relating to their official duties.

It shall further be the policy of the City that city employees shall coordinate routine requests for legal advice or services, and requests for legal service on matters that do not appear to be urgent or time sensitive, through the Mayor but direct request for legal services may be made by department heads for urgent or specialized matters, including but not limited to the authority of the Chief of Police to contact attorney(s) hired to handle criminal prosecutions and ordinance violations.

This policy shall not interfere with the rights of the City Council, or individual council members, to seek legal advice and counsel as granted by Arkansas law and reaffirmed herein

2. **City Officials.** While Arkansas law provides no uniform definition of a “city official”, for purposes of this Resolution, city officials shall include: the Mayor, the City Council, any member of the City Council, any member of the Planning Commission, any municipal department head, any individual appointed to a special committee by the City Council, or any full-time employee of the City with the permission of the full-time employee’s relevant department head.
3. **Oversight.** The Mayor, in the exercise of the duties of chief executive of the City, shall provide regular updates to the City Council regarding legal services, attorney workload as it relates to the management of the city’s spending, and in order to ensure public transparency and fiscal accountability. However, the Mayor’s responsibility of oversight as to the management of legal services shall not impede, limit, or restrict the rights of the City Council, or its individual councilmembers, to request legal services from the City Attorney, or attorneys.

## **Section 3. Affirmation of Authority**

The City of Tontitown finds it to be in its best interest to restate and reaffirms its authority under Arkansas law.

The City Council hereby affirms:

- i) Under A.C.A. § 14-43-502, the City Council shall possess “all the legislative powers granted [under Arkansas law] and other corporate powers of the city not prohibited [by Arkansas law].”

- ii) That seeking advice and counsel of the City Attorney, or attorneys, is an indispensable part of the City Council's granted legislative powers and may not be limited or prohibited by law.
- iii) Any future resolution or legislation passed by the City to limit the ability of that body or its members to seek legal advice and counsel from the City Attorney, or attorneys, is contrary to Arkansas law and void as a matter of law.
- iv) That the express and unrestricted power to seek legal advice and services is similarly granted to the Mayor, and that the duty of oversight granted herein is consistent with A.C.A. § 14-43-504, and its grant of authority to the Mayor as the city's chief executive and elected official responsible for supervising the conduct of officers of the City, which includes the City Attorney or attorneys.

**Section 4. Effective Date**

This Resolution shall be effective immediately upon passage and approval.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.**

**APPROVED:**

\_\_\_\_\_  
Angela Russell, Mayor

**ATTEST:**

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Rhonda Ardemagni – Recorder

**APPROVED AS TO LEGAL FORM:**

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Tyler R. Farrar, City Attorney