

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING §§31.04 AND 52.005 OF THE TONTITOWN CODE OF ORDINANCES TO CLARIFY THAT THE CITY COUNCIL RETAINS DIRECT CONTROL AUTHORITY OVER THE MUNICIPAL WATERWORKS AND SEWER SYSTEM; ACKNOWLEDGING THE PRIOR ABOLISHMENT OF THE WATER AND SEWER COMMISSION; ESTABLISHING THE WATER AND SEWER MANAGER AS A DEPARTMENT HEAD REPORTING TO THE MAYOR; REQUIRING MONTHLY REPORTING TO THE CITY COUNCIL; CLARIFYING CONTRACT APPROVAL AUTHORITY; REMOVING OBSOLETE REFERENCES TO THE FORMER WATER AND SEWER COMMISSION; ESTABLISHING RECORDS RETENTION EXPECTATIONS; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown had previously created a Water and Sewer Commission for the operation and oversight of the municipal waterworks and sewer system; and

WHEREAS, subsequent action by ordinance and voter approval abolished the City of Tontitown's Water and Sewer Commission and returned direct authority and control of the municipal waterworks and sewer system to the Tontitown City Council; and

WHEREAS, the City Council finds that certain historical references within prior ordinances, resolutions, policies, organizational charts, or codified sections may create ambiguity regarding the present governing authority over the waterworks and sewer system; and

WHEREAS, the City Council desires to clarify and reaffirm that the municipal waterworks and sewer system are operated under the legislative authority and control of the City Council pursuant to Arkansas law and the Tontitown Code of Ordinances, while maintaining administrative supervision through the Mayor as chief executive officer of the city.

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

Section 1. Section 31.04 of the Tontitown Code of Ordinances is hereby amended to read as follows:

“§31.04 WATER AND SEWER DEPARTMENT.

(A) Establishment and Control Authority.

There is hereby continued and established a municipal Water and Sewer Department of the City

of Tontitown, Arkansas, which is, and shall continue to be, an administrative department of the city government and not as an independent commission or separate political entity.

The City Council shall retain full and complete control authority over all properties, facilities, infrastructure, equipment, revenues, operations, policies, rates, capital improvements, contracts, expenditures, and general affairs relating to the municipal waterworks and sewer system, whether located within or outside the corporate limits of the City, except as otherwise limited by state law or contractual obligations lawfully entered into by the City.

The City Council shall serve as the governing and legislative authority for the municipal waterworks and sewer system and shall approve utility-related contracts, capital expenditures, interlocal agreements, or any written agreement or other obligations that requires City Council authorization under Arkansas law or City purchasing ordinances or policies.

Any prior ordinance, resolution, policy, organizational chart, or reference suggesting that a separate Water and Sewer Commission retains governing authority over the municipal waterworks or sewer system is hereby repealed, revoked, and superseded.

(B) Administrative Supervision.

The Water and Sewer Department shall operate under the administrative supervision of the Mayor, subject to applicable ordinances, budgets, appropriations, and policies lawfully adopted by the City Council.

The Water and Sewer Manager shall be deemed a department head of the City of Tontitown and shall report directly to the Mayor regarding day-to-day administrative operations, personnel supervision, scheduling, and implementation of policies adopted by the City Council.

Administrative supervision by the Mayor shall not be construed to diminish or transfer the legislative, financial, contractual, or policy authority retained by the City Council as the designated control authority governing the municipal waterworks and sewer system.

Nothing contained herein shall be construed to alter or diminish the authority of the Mayor under Arkansas law regarding the appointment and removal of department heads.

(C) Monthly Reporting Requirements.

The Water and Sewer Manager shall prepare and provide a written monthly departmental report to the City Council and the City Clerk-Treasurer or if such office is subsequently separated pursuant to Arkansas law, to both the City Clerk and the City Treasurer, by electronic mail no later than the fifteenth (15th) day of each calendar month.

The monthly report shall summarize and reflect the activities, expenditures, projects, operational matters, and business conducted during the immediately preceding calendar month.

The report may also be included within the official council agenda packet for the next regularly scheduled City Council meeting.

Such report shall include, at minimum, the following:

- (1) A summary of departmental activities;
- (2) Current and pending infrastructure or construction projects;
- (3) Major maintenance activities and operational issues;
- (4) A summary of departmental expenditures and budget status;
- (5) Pending or anticipated utility contracts or professional service agreements;
- (6) Regulatory compliance matters presently affecting or reasonably anticipated to affect the City's water and sewer operations;
- (7) Significant customer service or operational concerns; and
- (8) Such additional information as may reasonably assist the City Council in exercising its oversight and control authority responsibilities.

(D) Records Retention.

Monthly reports and supporting documentation transmitted pursuant to this section shall constitute municipal records and shall be retained in accordance with applicable Arkansas records retention laws, City retention policies, and the Arkansas Freedom of Information Act requirements.

Whenever practical, reports shall be transmitted in searchable, electronic format, such as a PDF, together with any supporting financial summaries, project schedules, or attachments customarily maintained by the department.

(E) Existing Provisions.

Existing subsections and provisions of §31.04 not specifically amended herein shall remain in full force and effect unless in direct conflict with this Ordinance.”

Section 2. Section 52.005 of the Tontitown Code of Ordinances is hereby amended to read as follows:

“§52.005 CONTROL AUTHORITY.

For purposes of this chapter and all matters relating to the legislative, budgetary, regulatory, and

operational oversight of the municipal waterworks and sewer system, the City Council of the City of Tontitown shall constitute and serve as the ‘Control Authority.’

The term ‘Control Authority’ shall include the City Council acting through ordinances, resolutions, approved contracts, budgets, policies, and lawful directives administered through the Mayor and the Water and Sewer Department.

Any reference within this Code or prior ordinances to the former ‘Water and Sewer Commission’ as the Control Authority is hereby repealed, superseded, and replaced with the ‘City Council of the City of Tontitown.’”

Section 3. Savings Clause.

Nothing contained in this Ordinance shall be construed to impair, amend, supersede, invalidate, or otherwise affect any existing bond covenant, financing agreement, grant condition, interlocal agreement, consent order, permit obligation, utility service agreement, or other contractual obligation lawfully entered into by the City relating to its waterworks or sewer system or operations.

Section 4. Repealer.

All ordinances, resolutions, policies, organizational charts, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6. Emergency Clause.

It is hereby found and determined that there are present ambiguities in current City ordinances, and that the clarification of the lawful governing authority, administrative structure, reporting requirements, records retention expectations, and control authority relating to the municipal waterworks and sewer system is necessary for the immediate preservation of the public peace, health, safety, and welfare; therefore, an emergency is declared to exist, and this Ordinance shall become effective immediately upon its passage and publication.

PASSED AND APPROVED on this _____ day of June 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.