

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING §§30.05 AND 30.06 OF THE TONTITOWN MUNICIPAL CODE; REVISING THE ORDER OF BUSINESS FOR REGULAR CITY COUNCIL MEETINGS; ESTABLISHING WRITTEN MONTHLY REPORTING REQUIREMENTS; MODIFYING PUBLIC COMMENT PROCEDURES; ESTABLISHING PROCEDURES FOR AGENDA ITEMS AND AGENDA AMENDMENTS; PROVIDING FOR CLOSING COMMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown finds that routine departmental reports may be more effectively communicated through written reports distributed electronically and included within publicly available council meeting packets; and

WHEREAS, the Tontitown City Council finds that public comments concerning agenda items are most effective when received prior to Council deliberation and action upon such items; and

WHEREAS, the Tontitown City Council desires to improve transparency, efficiency, public participation, public access to governmental information, and the orderly conduct of meetings by ensuring that matters considered by the City Council are properly noticed and supported by documentation available to both elected officials and the public; and

WHEREAS, the Tontitown City Council further finds that establishing clear procedures for agenda preparation, agenda amendments, public comments, and meeting order will improve the conduct of municipal business and reduce confusion regarding meeting procedures;

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

SECTION 1. Amendment of §30.05 – Order of Business.

Section 30.05 of the Tontitown Municipal Code is hereby repealed and replaced in its entirety to read as follows:

§30.05 ORDER OF BUSINESS.

(A) The order of business for regular meetings of the City Council shall be substantially as follows:

- (1) Call to Order.
- (2) Invocation and Pledge of Allegiance.
- (3) Roll Call.
- (4) Approval of Minutes.
- (5) Approval of Consent Agenda, if applicable.
- (6) Old Business.
- (7) Public Comments on Agenda Items.
- (8) New Business.
- (9) Closing Comments.
- (10) Adjournment.

(B) The presiding officer may alter the order of business when necessary for the efficient conduct of City business, provided such modification does not violate applicable law.

(c) Failure to strictly follow the order of business shall not invalidate any action taken by the City Council.

SECTION 2. Written Monthly Reports.

(A) Any provision of the Tontitown Municipal Code requiring the submission or presentation of reoccurring departmental reports on a monthly basis shall be satisfied by electronic submission in accordance with this section unless a specific ordinance expressly requires an in-person presentation. .

(B) Unless otherwise specifically required by ordinance, each department head required to provide a monthly report shall transmit such report by electronic mail no later than the fifteenth (15th) day of the month following the reporting period.

(C) Such report shall be transmitted to:

- (1) The Mayor;
- (2) Each member of the City Council;
- (3) The Clerk-Treasurer;
- (4) The City Attorney; and
- (5) Any other officials designated by ordinance or administrative policy.

(D) All monthly reports required by this section shall be included in the next available City Council meeting packet and shall be made available to the public in the same manner as other meeting packet materials.

(E) The electronic transmission and inclusion of such reports within the meeting packet for informational purposes shall satisfy any routine monthly reporting requirement unless the City Council specifically requests the attendance of a department head to answer questions regarding a submitted report.

(F) Routine monthly reports shall not be verbally presented during a regular City Council meeting unless specifically listed as a separate agenda item.

SECTION 3. Agenda Items and Agenda Amendments.

(A) Any department head, city official, employee, board member, commission member, contractor, consultant, or member of the public seeking consideration or discussion of a matter by the City Council shall provide supporting documentation sufficient to explain the nature, purpose, and requested action, if any, concerning the matter and shall obtain sponsorship from a member of the City Council for placement upon the agenda.

(B) No matter shall be placed upon the agenda for Council consideration without sponsorship by a member of the City Council. Sponsorship by the Mayor shall satisfy this requirement for matters submitted by the executive branch of city government, including City Staff.

(C) Following publication of an agenda, any proposed addition, deletion, or modification of an agenda item shall require a request by a member of the City Council and shall include supporting documentation describing the purpose and nature of the requested amendment.

(D) No report, presentation, informational item, discussion item, ordinance, resolution, motion, contract, agreement, expenditure, purchase, appointment, personnel matter, or other item of business shall be received, presented, or substantially considered for action by the City Council unless:

- (1) It appears upon the published agenda; or
- (2) It has been added through a council-sponsored agenda amendment.

(E) Nothing contained herein shall prohibit consideration of emergency matters when otherwise authorized by applicable law. Emergency matters may be added to the agenda upon a two-thirds vote of the members present.

SECTION 4. Amendment of §30.06 – Public Comments.

Section 30.06 of the Tontitown Municipal Code is hereby repealed and replaced in its entirety to read as follows:

§30.06 PUBLIC COMMENTS.

(A) Purpose.

The purpose of the public-comment period is to allow citizens an opportunity to provide comments concerning matters appearing upon the published agenda prior to Council consideration of New Business.

(B) Agenda Items Only.

Oral public comments shall be limited to matters appearing upon the published agenda for the meeting.

The City Council may provide a separate period for comments on non-agenda matters at its discretion and upon a two-thirds vote of the members present.

(C) Physical Presence Required.

Any person wishing to provide oral public comment must be physically present at the meeting location.

(D) Speaker Registration.

(1) Individuals wishing to address the City Council shall sign the speaker roster prior to commencement of the public-comment period.

(2) The speaker registration form shall require the speaker's name and physical residential address.

(3) By signing the registration form, the speaker certifies that the information provided is true and correct to the best of the speaker's knowledge.

(4) The speaker roster shall become part of the meeting record and shall be maintained by the Clerk-Treasurer in accordance with applicable records-retention requirements.

(E) Time Limits.

(1) Individual speakers shall be limited to three (3) minutes.

(2) No speaker may transfer, assign, or yield his or her time to another person.

(3) The total public-comment period shall not exceed fifteen (15) minutes unless extended by majority vote of the City Council.

(4) Upon expiration of the fifteen-minute period, no additional speakers shall be recognized unless additional time is authorized by majority vote of the City Council.

(F) Decorum and Conduct.

(1) Speakers shall address the City Council as a body and shall not engage in debate with council members, city officials, city employees, or other members of the public.

(2) No person shall disrupt the orderly conduct of the meeting through shouting, repeated interruptions, threatening conduct, refusal to yield the floor upon expiration of allotted time, physical intimidation, or other conduct that materially interferes with the ability of the City Council to conduct its business.

(3) A person who materially disrupts the meeting after receiving a warning from the presiding officer may be directed to cease the disruptive conduct and, upon continued disruption, may be removed from the meeting.

(4) Nothing contained in this section shall be construed to prohibit criticism of governmental policies, governmental actions, elected officials, appointed officials, or city employees.

(5) These rules shall be applied uniformly and without regard to the speaker's viewpoint or position on any issue.

(G) Relevance.

The presiding officer may rule comments out of order when such comments are unrelated to the published agenda item being addressed. Such determination shall be content-neutral and based solely upon relevance to the agenda item under discussion.

(H) Non-Agenda Matters.

Persons wishing to communicate with the City Council concerning matters not appearing upon the published agenda shall submit such comments in writing to the Clerk-Treasurer.

(I) Distribution of Written Comments.

Written comments received by the Clerk-Treasurer shall be distributed to the Mayor and each member of the City Council and retained in accordance with applicable public-records retention requirements.

(J) Remote Participation.

Participation through Zoom, telephone, video conference, social media platform, electronic messaging platform, or any other electronic means shall not constitute oral public comment unless specifically authorized by ordinance or by action of the City Council for a particular meeting.

(K) Written Comments Permitted. Nothing contained herein shall prohibit the submission of written comments by any person regardless of attendance at the meeting.

SECTION 5. Closing Comments.

(A) The Mayor and each member of the City Council shall be permitted closing comments not exceeding three (3) minutes per person.

(B) Closing comments shall be limited to:

- (1) Announcements;
- (2) Expressions of appreciation;
- (3) Recognition of accomplishments;
- (4) Requests for future agenda consideration; and
- (5) Other informational remarks.

(C) No debate, deliberation, questioning of another member, response to public comments, discussion of matters requiring immediate Council action, or legislative action shall occur during Closing Comments. Closing comments shall not be used to circumvent agenda requirements established by this Ordinance.

SECTION 6. Repealer. All ordinances, resolutions, policies, procedures, and parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage, approval, and publication as required by law.

PASSED AND APPROVED on this _____ day of July 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.

ORDINANCE NO. _____

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WHEREAS, the Tontitown City Council desires to improve transparency, efficiency, public participation, public access to governmental information, and the orderly conduct of meetings by ensuring that matters considered by the City Council are properly noticed and supported by documentation available to both elected officials and the public; and

WHEREAS, the Tontitown City Council further finds that establishing clear procedures for agenda preparation, agenda amendments, public comments, and meeting order will improve the conduct of municipal business and reduce confusion regarding meeting procedures;

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(6) Old Business.

(7) Public Comments on Agenda Items.

(8) New Business.

(9) Closing Comments.

(10) Adjournment.

(B) The presiding officer may alter the order of business when necessary for the efficient conduct of City business, provided such modification does not violate applicable law.

(c) Failure to strictly follow the order of business shall not invalidate any action taken by the City Council.

SECTION 2. Written Monthly Reports.

(A) Any provision of the Tontitown Municipal Code requiring the submission or presentation of reoccurring departmental routine monthly reports on a monthly basis shall be satisfied by electronic submission in accordance with this section unless a specific ordinance expressly requires an in-person presentation. ~~to be verbally presented during a regular City Council meeting is hereby amended to permit such reports to be submitted electronically.~~

(B) Unless otherwise specifically required by ordinance, each department head required to provide a monthly report shall transmit such report by electronic mail no later than the fifteenth (15th) day of the month following the reporting period.

(C) Such report shall be transmitted to:

(1) The Mayor;

(2) Each member of the City Council;

(3) The Clerk-Treasurer;

(4) The City Attorney; and

(5) Any other officials designated by ordinance or administrative policy.

(D) All monthly reports required by this section shall be included in the next available City Council meeting packet and shall be made available to the public in the same manner as other meeting packet materials.

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(B) No matter shall be placed upon the agenda for Council consideration without sponsorship by a member of the City Council. Sponsorship by the Mayor shall satisfy this requirement for matters submitted by the executive branch of city government, including City Staff.

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(1) It appears upon the published agenda; or

(2) It has been added through a council-sponsored agenda amendment.

(E) Nothing contained herein shall prohibit consideration of emergency matters when otherwise authorized by applicable law. Emergency matters may be added to the agenda upon a two-thirds vote of the members present.

SECTION 4. Amendment of §30.06 – Public Comments.

Section 30.06 of the Tontitown Municipal Code is hereby repealed and replaced in its entirety to read as follows:

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(B) Agenda Items Only.

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SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after its passage, approval, and publication as required by law.

SPONSORED BY:

Alderman _____

CO-SPONSORED BY:

Alderman _____

ROLL CALL VOTE

AYE:

NAY:

ABSENT:

ABSTAIN:

PASSED AND APPROVED this _____ day of _____, 2026.

APPROVED:

Mayor

ATTEST:

Clerk-Treasurer

SUPPORTING DOCUMENT

Position Paper – Meeting Procedures, Public Comments, and Monthly Reporting Ordinance

Mayor and fellow Council Members,

The ordinance before you today is not intended to reduce transparency or public participation. Rather, its purpose is to increase transparency, improve public access to information, create a better written record, and make our meetings more efficient and productive.

One of the most significant changes is the replacement of routine verbal departmental reports with written monthly reports distributed by email and included in the public council packet.

As part of developing this proposal, I personally spoke with department heads regarding this concept. The feedback I received was overwhelmingly positive. Department heads generally expressed support for being able to provide written reports rather than standing before the Council each month to read information that can be more effectively communicated in writing.

This change benefits not only department heads, but also the Council and the public.

Today, when questions arise during a verbal report, a department head is often expected to answer immediately, sometimes without having access to all of the information necessary to provide a complete response. Under this proposal, Council members may review reports in advance, submit questions, and department heads may research those questions and provide complete responses through email. Those questions and answers then become part of a written record available to all Council members rather than information heard only by those present at a particular meeting.

The ordinance also requires those reports to be included in the council packet and made available to the public in the same manner as other packet materials. This improves transparency and reduces the need for citizens to submit Freedom of Information requests simply to obtain routine departmental information.

The ordinance further reorganizes the order of business so that public comments occur before New Business is considered. If citizens are being asked to comment on agenda items, it makes sense that those comments occur before the Council debates and votes on those matters rather than after the agenda has already been completed.

The proposal also establishes reasonable procedures for public comments. It limits oral

comments to agenda items, establishes a three-minute speaking limit, provides a fifteen-minute total comment period unless extended by the Council, and creates a process for written comments concerning non-agenda matters. Importantly, the ordinance protects the right of citizens to criticize governmental policies and actions while also providing tools to address conduct that actually disrupts a meeting.

Another important feature is the agenda-management process. This ordinance requires supporting documentation and Council sponsorship for agenda items and agenda amendments. The result is that both the Council and the public receive advance notice of matters to be discussed and considered.

The ordinance also preserves Closing Comments for the Mayor and Council Members while limiting those comments to brief informational remarks. This allows elected officials to communicate important information without creating another round of debate after votes have been taken.

Most importantly, this proposal should not be viewed as a reduction in public participation. It is an expansion of written transparency. More information will be documented, more reports will be publicly available, more questions and answers will be preserved in writing, and more supporting documents will be available before meetings occur. The objective is not to limit citizen involvement; the objective is to provide citizens with better information, better records, and a more transparent decision-making process.

At its core, this ordinance is about transparency, preparation, documentation, and public notice. It moves information from verbal exchanges into written records, improves public access to reports, allows more informed questions and answers, and helps ensure that Council discussions focus on matters that have been properly noticed to the public.

For these reasons, I respectfully ask for your consideration and support of the ordinance.